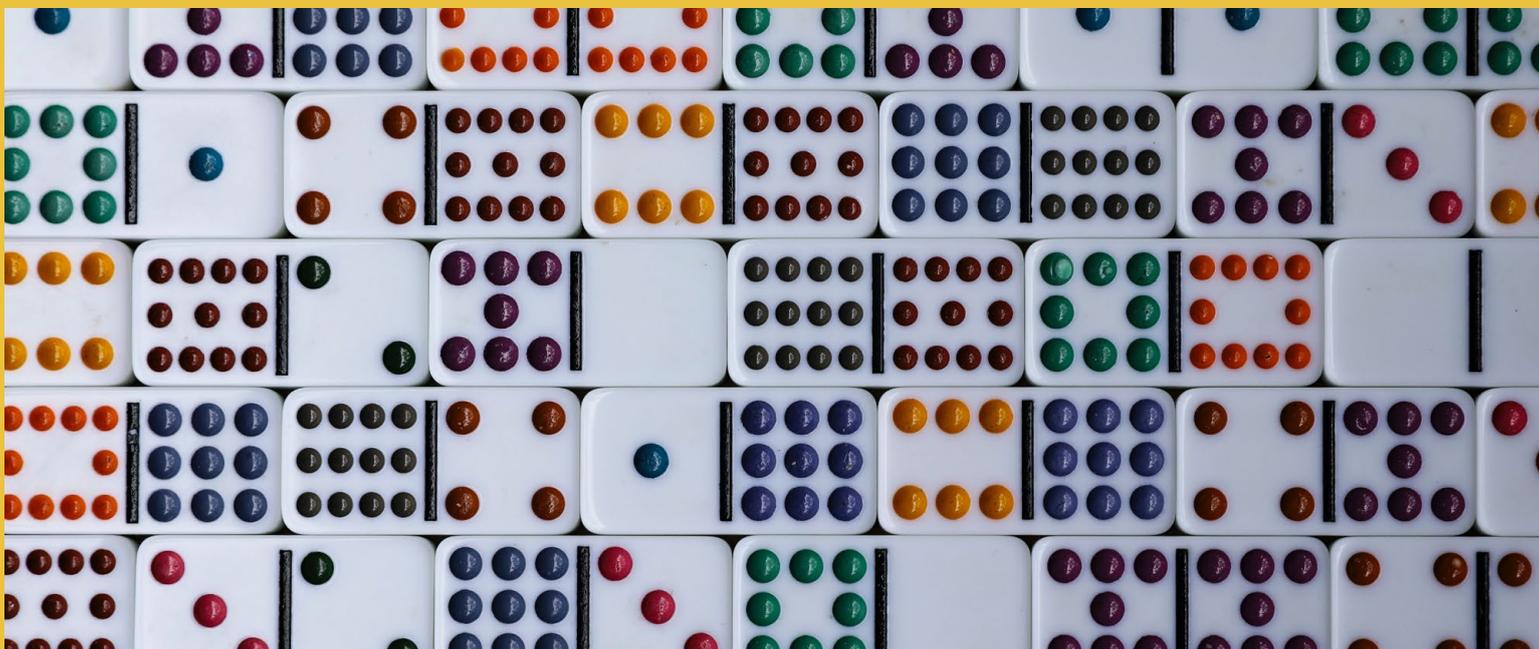


ILLUMINATE 05 EVALUATING CONTEXTUAL FACTORS AND MAKING CONCLUSIONS



In this fifth and final note of the *Decoding Injustice* Illuminate module, we discuss how to weave our different findings into reports that interpret data correctly and point to relevant solutions. Here, activists and changemakers will learn how to assess the information they've gathered, and present it in compelling ways to start inspiring change.

Key Questions

Why is it important to contextualize data?

What tools and approaches can help analyze contextual factors that affect people's ability to enjoy their rights?

What tools and approaches can help analyze contextual factors that affect the State's ability to fulfil its obligations?

ILLUMINATE 05

EVALUATING CONTEXTUAL FACTORS AND MAKING CONCLUSIONS

Introduction

“Not everything that counts can be counted, and not everything that can be counted counts.” This quote is often attributed (some argue misattributed) to Albert Einstein. It gets at the heart of why we need to complement the data analysis (and visualization) we’ve undertaken so far with more contextual analysis. Data helps in answering questions such as “how much”, “how many”, “to what extent”, “where” or “when”. But there’s often still more to dig into in order to better illuminate *why* an injustice is the way it is. Doing so is crucial in deciding what conclusions to draw from your research.

Contextual analysis is particularly important for the fourth dimension of the [OPERA Framework, Assessment](#). It enables us to get a more complete, “big picture” analysis of the broader factors that affect people’s ability to enjoy their rights and the State’s ability to fulfill its obligations. This is critical for helping to understand the interconnections among the first three dimensions of OPERA: **Outcomes, Policy Efforts** and **Resources**.

This note outlines some tools and approaches for doing so. It also discusses how to draw together and present those findings in a way that can inspire action, including well-evidenced arguments about responsibility for the harms that people are facing. It highlights the need to make specific, actionable and measurable recommendations on the basis of those findings. These recommendations are the ones we hope will inspire action to demand accountability.

The ‘A’ Of Opera: Analyzing Contextual Factors And Limitations

Before making any overall conclusions about a country’s compliance with its human rights obligations, the fourth dimension of OPERA calls for contextual analysis. Many of these issues will already have been signposted by the data collected in relation to the other dimensions of OPERA, but they are addressed more comprehensively here. This kind of analysis attempts to uncover the broader context in which the government operates and figure out *why* government efforts have not been more successful. In this way, OPERA seeks to distinguish between harms that might genuinely be beyond the control of the State, and those for which the State should be held accountable.

WHAT FACTORS MIGHT AFFECT RIGHTS HOLDERS?

Identifying other factors that inhibit people’s ability to enjoy the specific right(s) being researched can help identify responses that can be reasonably expected. There are often many factors that influence human rights enjoyment. One right is often a prerequisite for the enjoyment of another. For example, poor and socially excluded groups are less likely to be able to access information, organize, participate in policy debates and obtain redress. In the health sector, these underlying factors are described as *social determinants*. This refers to the economic and social conditions under which people live, which affect their health and have an impact on health inequalities.

This document is organized according to an innovative method for collecting, analyzing and presenting evidence around three steps:



INTERROGATE

Map the problem in depth using OPERA to identify indicators and benchmarks.



ILLUMINATE

Spotlight the underlying issues by collecting, analyzing and visualizing data.



INSPIRE

Take action to build power and hold decision-makers accountable.

In this respect, understanding power relations within a community through a **gender perspective** is particularly important. Socio-cultural norms often disempower women. Within the home, custom may dictate that women should be subordinate to their fathers, their husbands and members of their husbands’ families. Within schools and workplaces, sexual harassment by teachers, employers or fellow workers is not unusual. Within the community, cultural and religious practices can reinforce the subordination of women or may violate women’s rights more explicitly. All of these issues have a bearing on women’s ability to enjoy their economic, social and cultural rights, although the connection may not always be immediately apparent.

WHAT FACTORS MIGHT AFFECT THE STATE?

It’s also important to consider the capacity of the State. This involves identifying how domestic or international factors might influence or constrain the State’s capacity to meet its obligations to the groups we’re focusing on. Constraints will vary significantly between countries, but they broadly relate to the conduct of third parties and structural dysfunctions.

	Domestic	International
Conduct of third parties	Corruption by officials, corporate misconduct, elite capture, etc.	Corporate misconduct, influence by donors or international financial institutions, conditions in trade agreements, etc.
Structural dysfunctions	Decentralization, electoral processes, parliamentary procedures, environmental volatility, etc.	International tax systems, general investment climate, macroeconomic situation, etc.

For example, there may be weaknesses in:

- **Institutional arrangements**, such as lack of coordination, unclear roles and responsibilities.
- **Leadership**, including nepotism and corruption.
- **Knowledge** of human rights obligations, or expertise in developing policies in line with these obligations.
- **Accountability**, such as the absence of feedback mechanisms and audit systems.



CASE STUDY: UNDERSTANDING WHAT INFLUENCES EGYPT’S REGRESSIVE TAX MIX

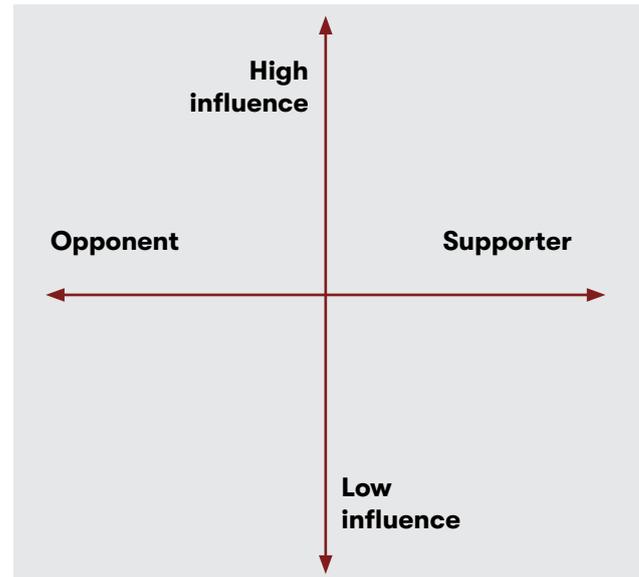
Analysis by CESR and its partners highlighted a range of ways both structural dysfunctions and the actions of third parties influenced the ability of the state to meet its obligations to dedicate maximum available resources to the realization of economic and social rights. Between 2011-2016, Egypt underwent a period of transition after the Arab Spring revolution. This period saw a huge rise in demands for economic and social justice. But these were ultimately overshadowed by an economic crisis, triggered by a combination of structural dysfunctions including corruption, mismanagement and embezzlement of public funds and lack of accountability for economic malpractices, which had started before the transition and continued after. The legislature had responded to some popular demands for economic justice, passing a capital gains tax (CGT), for example. But, after pressure from high profile business tycoons, the government put the CGT law on hold for 10 years. At the same time, the government resorted to introducing a regressive value-added tax (VAT) to raise revenue, as advised by the IMF. This resulted in a highly regressive tax mix; the majority of the tax revenues came from indirect taxes, putting the burden of raising revenue on poorer citizens, which is both unfair and ineffective. The deterioration of democracy in the country was another factor leading to this; regressive tax reforms (particularly those connected to a wildly unpopular IMF loan) faced substantial opposition at the early years of transition; they were only passed after the military regime took over in 2016 and criminalised protests.

ANALYZING THESE FACTORS

In diagnosing how these factors might limit the realization of rights, it is important to go beyond general claims about poor governance, or the lack of political will. The key is to pinpoint precisely where the barriers, bottlenecks or other dysfunctions arise. In some cases, there may already be **secondary literature** that can assist your research. **Community consultation** is a key method for understanding the factors affecting rights holders. **Key informant interviews** are an important methodology for understanding factors related to the State. In other cases, the following analytical tools may also be useful.

Power mapping is a visual tool that can help identify who influences a particular issue, what kind of (positive or negative) influence they have, how they influence and who they are influenced by. Power mapping can also help visualize the flow of resources, influence and decision-making by creating an image of the networks of relationships related to a particular issue. Because of its visual nature, power mapping can be used to structure a participatory discussion with communities or other stakeholders. It can enable the rapid collection of qualitative and relative information about the various actors, and thus does not require detailed quantitative data to be effective.

However, it is important to note that power mapping is ultimately a brainstorming exercise. It is not always sufficient to rely on the expertise (or assumptions) of those creating the map to establish that particular actors have a relationship or the nature of such a relationship. Gathering the evidence to confirm the nature of the relationship, especially a financial relationship, might require other tools, such as reviewing agreements or contracts, auditing or financial reports, or consulting relevant stakeholders.



Capacity gap analysis works on the assumption that rights are not realized because rights holders lack the capacity to claim their rights and/or duty bearers lack the capacity to meet their duties. The analysis starts by pinpointing what capacity is needed and then compares this with what capacity currently exists. The capacity gap is the difference between the required capacity and actual capacity.

Capacity is defined here in a broad sense, and incorporates five components:

Responsibility, motivation, commitment and leadership	The personal knowledge, beliefs and motivations of individual duty bearers. For example, does the duty bearer acknowledge that they should do something about a specific problem? Have they accepted and internalized their duty in legal or moral terms? If not, what could convince them to do so?
Authority	Does the duty bearer have the permission to take the action that is needed? Does the rights holder have standing to challenge official actions? Laws, formal and informal norms and rules, tradition and culture largely determine what is and is not permissible.
Access and control of resources	Does the rights holder and/or duty bearer have the resources to act? The resources available to individuals, households, organizations and society as a whole may generally be classified into human resources, economic resources and organizational resources.
Rational decision-making and learning	Is the duty bearer able to act on the basis of logical, informed, evidence-based decisions?
Communication capability	Does the rights holder and/or duty bearer have the capability to communicate and to access information and communication systems? Communication is also important in connecting various key actors in the social fabric into functional networks able to address critical development issues.

A simple capacity gap analysis template lists the rights holders and relevant duty bearers, what action they should be taking and the gaps that prevent them from doing so. When using capacity gap analysis as a tool for assessing broader contextual factors, it is important to bear in mind that:

- Gap analyses often do not adequately recognize or value existing capacity, nor factor this into recommendations for change.
- A statement of the “ideal situation” can sometimes be far too ambitious to be helpful in setting realistic goals and objectives for future action (see our [note on benchmarks in the Interrogate Module](#) to learn more about this).
- Effective gap analyses identify more than simply “hard”

capacities (resources) and pay attention to “softer”, less tangible capacities (such as influence, goodwill and personal connections).

Political economy analysis looks at the interaction of political and economic processes in a society. It is a tool that examines the distribution of power and wealth among different groups and individuals, and the processes that create, sustain and transform these relationships over time. In this respect, it is more comprehensive than power mapping and capacity gap analysis.

Although there are a number of different approaches to conducting political economy analyses (including interviews and community consultations), there are some common concepts they seek to address.

Concept	Description
Structures	The fixed or systemic features that affect the political economy of a country, which tend to change only slowly over time and are beyond the direct control of stakeholders. Examples include economic situation, climate and geography, population dynamics, levels of poverty and equity/inequality.
Institutions	Related to the “rules of the game”, including formal and informal institutions. Examples include constitutional structure, electoral rules, political system, body of law, national financial institutions (such as central banks), structure of government and ministries, policy and budget processes, social norms and expectations, patronage networks and rent-seeking arrangements.
Actors, stakeholders and interest groups	The individuals and organized groups — within and beyond the State — who have influences, power relations and positions at local, national or international levels. Where individuals or organizations have similar aims and face similar incentives, they may be recognizable as a distinct interest group. Examples include political parties, government ministries, the military, business associations, NGOs, religious organizations, trade unions, farmers’ associations, external donors, foreign investors, other governments and international crime organizations.
Incentives	Incentives are the driving forces of individual and organized group behavior. They depend on a combination of: (i) the individual’s personal motivations (material gain, risk reduction, social advancement, spiritual goals) and (ii) the opportunities and constraints arising from the individual’s principal economic and political relationships. Perverse incentives are those that have unintended and undesirable results, and may lead a duty bearer to act contrary to his or her obligations.
Historical legacies	Historical legacies can profoundly shape current dynamics, events, processes and policies that have an impact on the issue being assessed, for example the impact of colonial and postcolonial eras on current-day education policy choices, or the influence of legacies of corruption or clientelism in processes of regime change.
Rents and rent-seeking	Income generated by privileged access to a resource or politically created monopoly, rather than productive activity in a competitive market. Some political systems revolve around the creation and allocation of such incomes, hence “rent-seeking”.
Patronage networks and clientelism	A political system in which the holders of power (patrons) seek to maintain their position by directing privileges to particular individuals or groups (clients) to strengthen political support and/or buy off political opponents. Patronage politics is a common explanation for governments choosing to direct resources towards narrow groups of beneficiaries, rather than the public good. In such a system, formal and informal institutions (strongly) diverge, and informal rules destabilize formal ones.

Political economy analysis may be carried out in a way that focuses on:

- **Macro-level country analysis:** to enhance sensitivity to the country context and the understanding of the broad political economy environment.
- **Sector-level analysis:** to identify specific barriers and opportunities within particular sectors, such as health, education or transport infrastructure.
- **Problem-driven analysis:** to help understand and resolve a particular problem or examine a specific policy issue, such as public financial management reform.

Triangulating Findings

The dimensions of OPERA each focus on particular human rights norms that need to be taken into consideration when judging a State’s fulfillment of economic, social and cultural rights. Each provides a piece of the puzzle. The real value of OPERA is the way that these different pieces of the puzzle all fit together.

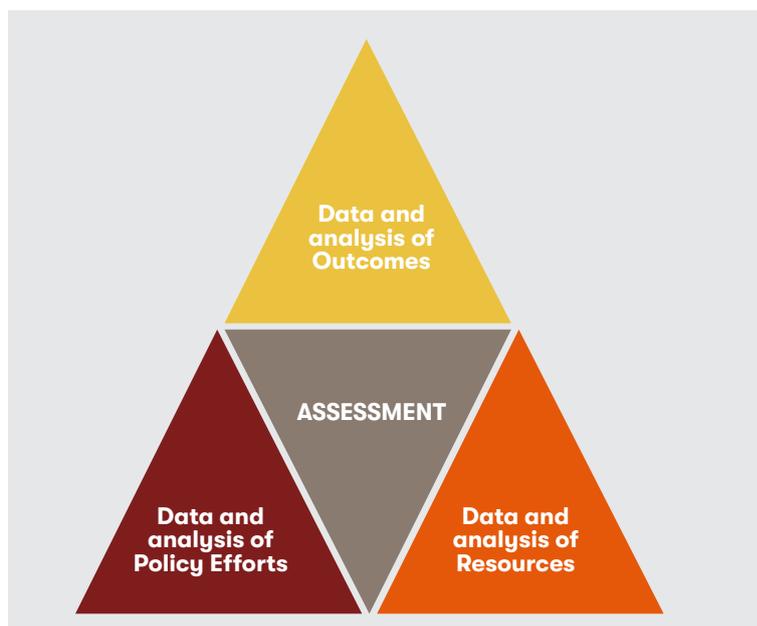
The **assessment** that forms the fourth dimension of OPERA combines and cross-references quantitative data and qualitative information in three key areas — **outcomes, policy efforts and resources** — with broader contextual factors. By investigating an issue from different dimensions, we can illustrate the often complex relationships among them. For example, let’s say we have data that shows that:

- Severe, acute malnutrition is prevalent among children in a country’s pastoralist and semi-nomadic indigenous groups, much more so than for any other group.
- The government’s food security initiatives are inaccessible to pastoralist and semi-nomadic indigenous groups.
- The social welfare ministry, itself underfunded, has not dedicated resources to scaling up its initiatives in this area because pastoralist and semi-nomadic indigenous groups are not a priority group, despite their economic marginalization.

If we were looking into each of these things individually or in isolation, the interconnectedness of these issues — as well as the way they lead to patterns of discrimination, exclusion and powerlessness — would be hard to explain.

However, by connecting — or “triangulating” — findings on outcomes, policy efforts and resources, a much fuller picture should emerge about the **reasonableness** of the government’s efforts to progressively realize ESCR and about the barriers that prevent the commitments made on paper translating into practical action that has a meaningful impact on the ground.

There is no magic mathematical formula that will tell us whether or not the State is complying with its human rights obligations. The final judgment must be a **considered evaluation** of all the evidence. Quantitative data makes an important contribution



to the analysis of each dimension of OPERA. However, the final judgment must be a qualitative one, contextualizing numbers with human knowledge and interpreting available evidence regarding the State’s obligations of conduct and result.

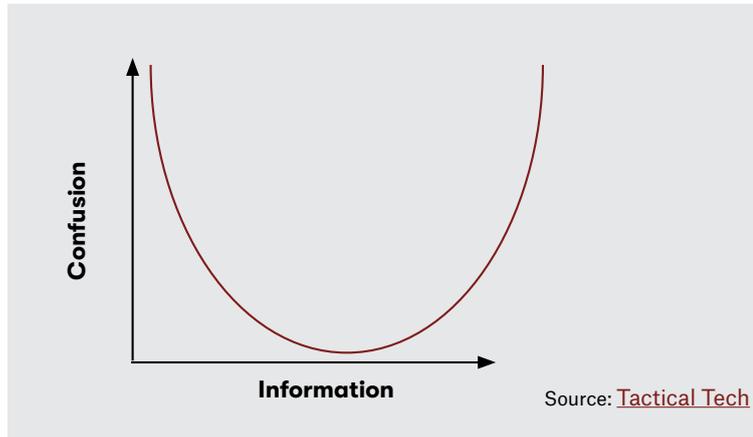
This final assessment is not merely a mechanical, formulaic exercise. The conclusions about human rights compliance that can be drawn from quantitative data alone **should not be overstated**. Just because there is a relationship between two pieces of data (e.g., an increase in pension rates and a decrease in poverty rates), this does not necessarily mean that one *caused* the other. This is especially true because of the time lag between the implementation of a particular policy and detectable effects on the ground.

For this reason, it may not be possible to conclude, with total confidence, that the particular chain of events or factors uncovered in your research has led to a particular outcome. The links between the situation of rights holders and the conduct of duty bearers can be indirect. Nevertheless, it may not always be necessary to be so definitive; the degree of certainty with which conclusions need to be made will vary depending on the objectives of your research. For example, reporting that the evidence *suggests* that maximum resources are not being utilized, or that a policy *appears* to have a discriminatory effect, may be enough to draw correlations and identify “red flags” where improvements are needed, opening space for debate and dialogue about alternative approaches.

Writing Up Findings

Broadly speaking, the purpose of writing up research findings should be to *inform* the audience about a problem and *persuade* them to take action to improve the situation. However, this is not always an easy task. After gathering a lot of valuable and interesting information, it can be tempting to include everything.

But doing so can often make it harder for your audience to understand your conclusions. If you try to cover too many points, you will lose the reader's attention. Concise findings generally have the most impact. It is also critical to focus on the main findings and develop solid arguments to support them. Below are some tips for how to do this.



THINK ABOUT YOUR NARRATIVE ARC

[Amnesty International recommends](#) asking yourself the following questions to help structure your findings in a compelling and effective way:

- What do you want your research to achieve?
- Who needs to read it – in other words, who can help make a difference?
- What are the main points about the problem that need to be highlighted?
- What action or actions should the responsible authorities take?
- How will principles such as accuracy and confidentiality be considered?
- What is the added value of the story that you're able to tell that would otherwise remain untold?

If you're writing up your findings in a report, a common structure is:

- 1. Introduction:** Briefly describe what the problem is and what needs to be done.
- 2. Explaining the problem:** The main body of the report should follow a logical narrative to show:
 - Who is affected by the problem and how it impacts their lives.
 - What actions by the authorities or others caused the problem or allowed it to worsen.
 - How the current situation is counter to the duty

bearers' human rights obligations under national laws, policies or international standards.

- 3. Conclusion:** Summarize, repeat and reinforce your main findings. No new information should appear in this section.
- 4. Recommendations:** Propose remedial action that should be taken.

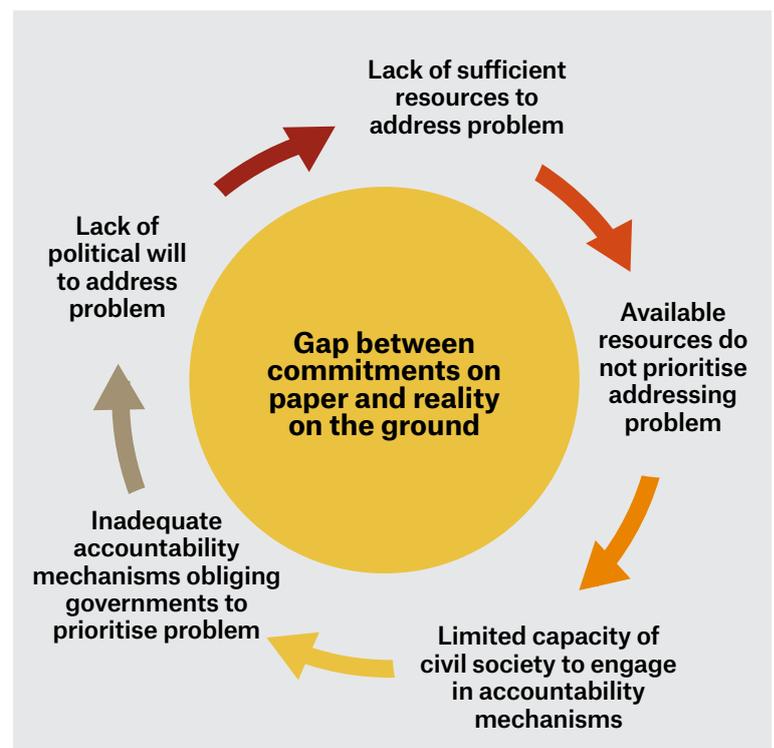
Using OPERA as a structure to explain the problem can provide a logical flow for your narrative. In other words, you could organize your findings to include a section on outcomes, a section on policy efforts, a section on resources and a section in which you assess contextual factors.

It is also important that you describe your research **methodology** in the introduction that clearly explains how you sourced the evidence that supports your findings and conclusions.

DECIDE ON A THEMATIC FOCUS

As discussed above, OPERA can be used like a diagnostic chart, helping to establish the causal links between conduct and result. It may show, for example, that a particular problem is attributable to inadequate or discriminatory use of resources, inadequate policy efforts, a lack of participatory processes, or other factors. As shown in the diagram, these factors are often interrelated and feed into one another. However, you might find that for the issue you are looking at, one or two factors need to be highlighted.

Furthermore, it may not be necessary to give equal weight to each of the four dimensions of OPERA in your findings. You might choose to focus on a particular theme; for example, on fiscal policy, or corporate influence, or decentralization, or weaknesses in accountability mechanisms, depending on what your needs and interests are.



INCLUDE CASE STUDIES AND STORIES

Including case studies and personal stories when presenting research findings can be tremendously powerful. These stories give effect to the principle of empowerment, recognizing that human rights research should be about people, first and foremost. They also help readers to understand the impact of a particular situation on individuals' lives and allow them to identify with their experiences. For this reason, finding ways to capture personal stories — in writing, pictures, audio or video — is critical.

That said, if confidential information is gathered from individuals or organizations, it should remain that way in your findings. Changing or omitting names may be necessary. In line with a rights-based approach, it is crucial to ensure you have the informed consent of any individuals whose stories you feature.

BE MINDFUL OF WRITING STYLE

There are some basic principles that should guide the writing process, to ensure that your findings can effectively communicate your key messages to your intended audiences for your intended purpose:

- Write in clear, concise language.
- Be measured and avoid exaggeration; rely on fact rather than rhetoric.
- Quote directly from the evidence, especially the evidence of affected individuals or communities.
- Ensure sources are properly referenced or footnoted.

Making Recommendations

To inspire action, we need to do more than *call out* what we don't want. We also need to *call for* what we do want. This involves identifying and campaigning for a particular course of action. Usually that action involves more than punishing individuals. It requires structural reform. Therefore, the recommendations we made should be concrete and policy-oriented.

As with the benchmarks we considered in the [Interrogate Module](#), recommendations should be "SMART", so that their implementation can be tracked. To develop SMART recommendations, it is useful to ask the following questions:

What is the change you want to see? Identifying your desired real-world outcomes keeps the focus on the people who are affected by the human rights violation. Examples might include reducing the illiteracy gap between girls and boys over the next five years, or increasing health insurance coverage to 80% of the population within the next seven years.

What is the action needed to make that change? Identifying the policy efforts and resources needed is an important step in fostering accountability among duty bearers by requiring them to explain and justify their failures to take the actions recommended.

Who is responsible for taking action? In most cases, there will be different recommendations for different branches of government. However, you may also have recommendations for companies, civil society organizations and other groups.

If you present recommendations in a quantified way, they can be used as benchmarks for ongoing monitoring. Consulting sector experts can be helpful in ensuring that such benchmarks are ambitious, as well as achievable and realistic.

SMART

S — Specific

M — Measurable

A — Ambitious

R — Realistic

T — Time-bound

CONCLUDING THOUGHTS

While data helps in answering questions such as “how much”, “how many”, “to what extent”, “where” or “when”, there’s often still more to dig into in order to better illuminate *why* an injustice is the way it is. This is why the fourth dimension of the OPERA Framework, Assessment, focuses on contextual analysis. It aims to pinpoint precisely where barriers, bottlenecks or other dysfunctions arise that sustain injustices in the economic system. There are several analytical tools you can draw on to do this, which can be complemented by secondary literature, community consultation and key informant interviews.

After the contextual factors that impact on rights holders and duty bearers has been better understood and taken into account, this information can then be reviewed and combined with the data on outcomes, policy efforts and resources to make a final assessment of the State’s compliance with its obligation to fulfill economic, social and cultural rights. Focus on the main findings of this assessment — and developing solid arguments to support them — will allow you to make clear, well-evidenced, compelling and persuasive calls that inspire change. The notes in the next module explore how to leverage this evidence creatively in both formal and informal accountability processes.