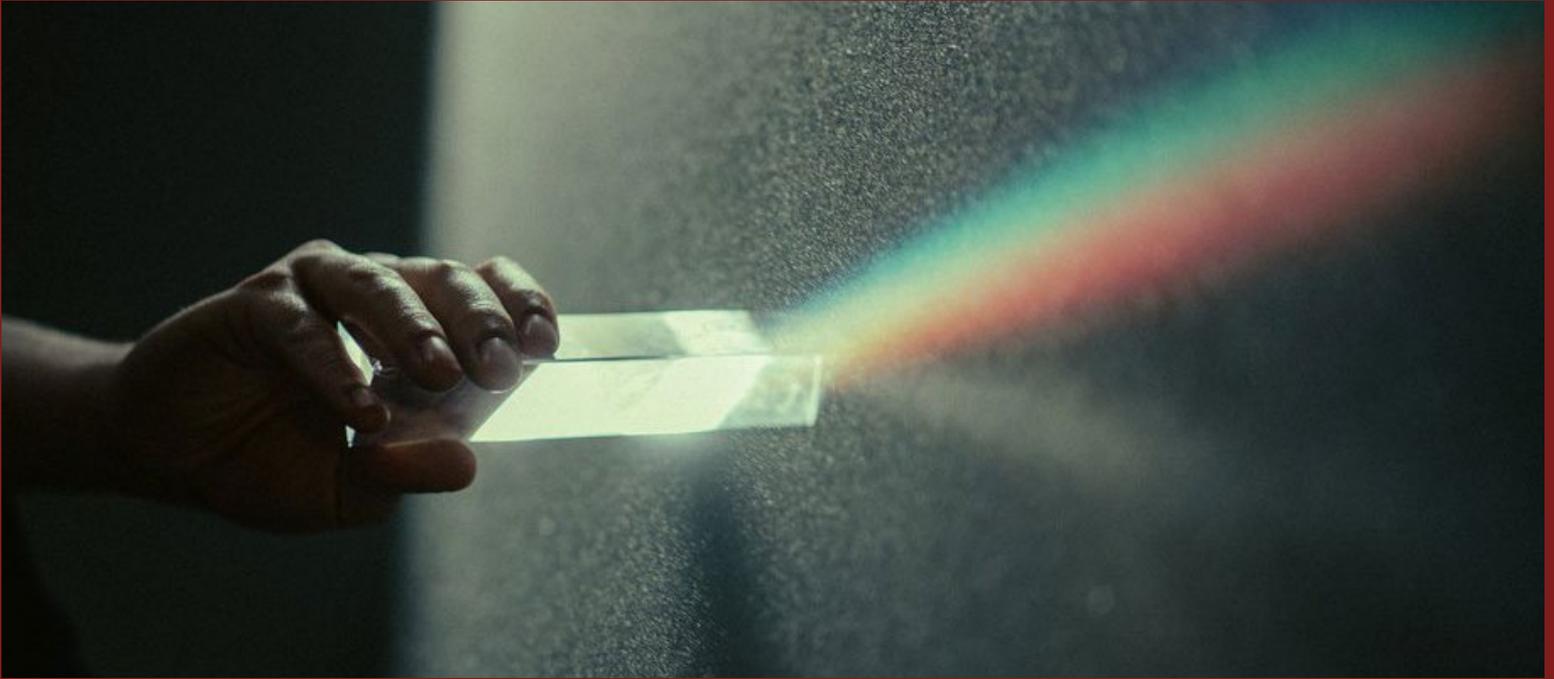


# INTERROGATE 03

## THE OPERA FRAMEWORK



In this third note of the *Decoding Injustice* Interrogate module, we explore a comprehensive framework to look at human rights violations from a systemic perspective, and why we need it. Here, activists and changemakers will learn how OPERA can help to establish causality between policies and injustice, and point to concrete policy reforms to create change.

### Key Questions

Why take a “systems thinking” approach to human rights research?

What is the OPERA Framework?

How can using OPERA help to interrogate human rights violations?

# INTERROGATE 03

## THE OPERA FRAMEWORK

### Introduction

Research can strengthen our demands for change by showing where a government is meeting its human rights obligations and where it is falling short. But the type of research we need to do depends on the type of issue we're trying to grapple with. Traditionally, human rights research has focused on specific events, and aims to identify the victim, the perpetrator and the remedy in each case.

But this approach isn't as well suited to uncovering the systemic injustice coded into our economies such as poverty and inequality. First, it can be difficult to establish causality. Rarely are these injustices the result of the malicious actions of an individual perpetrator. They result from legislative, budgetary or administrative measures that have been inadequate. Second, the criteria for analyzing the adequacy of such measures — which come from international standards and principles — are complex and multi-dimensional.

For this reason, we need to identify research questions that reflect relevant international norms, but in a way that also keeps us focused on the bigger picture. This module introduces [OPERA](#), a framework that we've used as a guiding lens in our work at the [Center for Economic and Social Rights](#), as well as

the basis of collaboration with our partners. OPERA groups relevant norms around four dimensions: Outcomes, Policy Efforts, Resources and Assessment. Over the years, it's been applied, drawn on and adapted for various projects. This ongoing process has really helped us to refine and enrich it. In this note, we will go back to basics, and look at the rationale for the OPERA Framework and its key elements.

### Why Should We Take A 'Systems Thinking' Approach To Human Rights Research?

The value of human rights in advancing social change is the potential to disrupt the unjust distribution of power in a society. Rights can arm those with less power with a set of demands for action by those *with* power. A classic formulation of this idea is to say: person "A" has a right to thing "B", against person "C", who has to take action "D". These four dimensions (A, B, C, D) are fairly clear for violations of a negative obligation — meaning an obligation not to do something. For example, say a school refuses to enroll a child from a particular ethnic background. The child ("A") is the rights holder. Her entitlement ("B") is to receive an education. The school ("C") is the duty bearer. The obligation ("D") is to not discriminate in the school's enrolment policy.

#### Where there is a right, there is a duty...

**A** = Rights holder      **B** = The entitlement  
**C** = Duty bearer      **D** = The obligation

Source: [OHCHR, HRBA Training Materials](#) (not dated)



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 cases like this, the goal of our research is usually to establish “who did what to whom”. We can do this by interviewing victims, witnesses and alleged perpetrators; by collecting physical evidence; or by conducting on-site inspections. The kind of information gathered through this fact-finding process is called “events-based” data. For example, in the case of a forced eviction, you could interview families that had been evicted to find out what happened before the eviction (e.g., were they consulted, given notice, able to appeal), during the eviction (e.g., what time of day did it occur, how many people were affected, was violence used) and after the eviction (e.g., where were they staying, what happened to their possessions, how were their lives affected).

But these four dimensions (A, B, C, D) are a lot less clear for positive obligations — the obligation to do something; either to do something at all or to do something differently. A large number of violations of economic, social and cultural rights (ESCR) fall into this second category. Even though they have clear human rights implications, issues such as poverty, homelessness and labor exploitation are complex. They result from **dysfunctions or shortcomings coded in the way laws and policies are developed and, often more importantly, in the way they are implemented.** In other words, they result from failures to *fulfill* ESCR.

In these cases, the link between the rights holder (“A”) and the duty bearer (“C”) is much more indirect. In fact, at first it may not even be clear exactly who “A” and “C” are, nor what “B” (the entitlement) and “D” (the corresponding duty) are. Take, for example, the issue of child malnutrition. It might not be possible to identify every single child affected by malnutrition. In addition, it can also be a challenge to identify what they are entitled to. Should they receive subsidized food? Cash transfers to their families? Meals in schools? The duty bearer will likely be a government ministry, which involves numerous decision-makers rather than a single individual. The obligation, as discussed further below, is multifaceted. The goal of our research is to answer these questions.

The distant causal connection means that what’s right and wrong is less black and white. That greyness means we’re looking at the “reasonableness” of action by governments or other actors. But the criteria we rely on for judging reasonableness,

which comes from international law, are numerous and multi-dimensional. As discussed in [Interrogate 2 - Economic, Social and Cultural Rights Standards](#), the obligation of result is defined more conditionally in relation to the fulfillment of ESCR (i.e., rights may be realized over time) and obligations of conduct are also more ambiguous (i.e., a State commits to take steps subject to its maximum available resources). For this reason, simply asking “who did what to whom” is not enough. We need to make an overall judgment about what’s causing a particular problem, using human rights norms as our criteria.

## What Is The Opera Framework?

The OPERA Framework provides a simple, coherent structure with which to evaluate human rights norms more systematically. At its most basic, OPERA is a way to “reframe” our understanding of what a human rights violation looks like. It looks at:

- 1. Outcomes** — From the perspective of rights holders, what is the problem?
- 2. Policy Efforts** — How have the government’s actions positively or negatively affected the problem?
- 3. Resources** — How has the use of resources affected the problem?
- 4. Assessment** — In light of the broader context, is the government responsible for the problem?

When combined, the four dimensions can help us to show the links between evidence about a State’s conduct – i.e., what it is or isn’t doing – and evidence about the outcomes that result from that conduct – i.e., what this means for people’s lives.

Each dimension provides a broad checklist of the main questions to be answered. Importantly, each question reflects a relevant human rights norm (e.g., policy content is assessed against the AAAAQ or 4A criteria of Availability, Accessibility, Acceptability and Adaptability, and Quality, while policy processes are assessed against the principles of participation, transparency and accountability). This approach allows us to organize the multidimensional norms of conduct and result into more manageable segments.

<b>Outcomes</b>	<b>Measure aggregate levels of rights enjoyment</b> <hr/> Minimum core obligations	<b>Measure disparities in rights enjoyment</b> <hr/> Non-discrimination	<b>Measures progress over time</b> <hr/> Progressive realization
<b>Policy Efforts</b>	<b>Identify legal and policy commitments</b> <hr/> Take steps	<b>Examine policy content and implementation</b> <hr/> AAAAQ criteria	<b>Analyze policy processes</b> <hr/> PANTHER principles, right to remedy
<b>Resources</b>	<b>Evaluate resources allocation</b> <hr/> Maximum resources	<b>Evaluate resource generation</b> <hr/> Availability of resources	<b>Analyze policy processes</b> <hr/> PANTHER principles
<b>Assessment</b>	<b>Identify other determinants</b> <hr/> Indivisibility and interdependence	<b>Understand state constraints</b> <hr/> Respect and protect, duty to cooperate	<b>Analyze policy processes</b> <hr/> Obligation to fulfill

Another significant feature of OPERA is that, as well as identifying **what questions need to be answered** to measure relevant norms, it also suggests **tools and techniques for how to answer them**, including:

- Statistics and data that are simple and descriptive rather than complex or overly technical
- Human rights indicators developed by international and regional human rights bodies
- Benchmarks set in relevant fields (e.g., public health)
- Budget analysis techniques that enable us to judge a government’s fiscal policy
- Traditional human rights reporting methods, including narrative testimony gathered through field visits to affected communities, thereby ensuring that the “numbers” are complemented with human stories.

OPERA draws on the strengths of quantitative tools and techniques, which are discussed in the next module. At the same time, it respects the need to **balance quantitative and qualitative analysis and personal testimonies**. Numbers-based initiatives are particularly useful when measuring specific dimensions of ESCR fulfillment, but if we want to present a compelling picture of whether or not a government is meeting its obligations, we need a holistic, mixed-methods approach.

## Outcomes

The perspective of the rights holder is at the center of the OPERA Framework. For this reason, our starting point is to get a better sense of the scope and scale of the challenges that the community or communities we’re working with are experiencing in their daily lives. Living conditions may be poor. Children may be dropping out of school. Maternal mortality may be high.

When we consider this dimension of OPERA, key questions include: What are the challenges to quality of life that

communities are facing? How widespread are these challenges? Are they worse for particular groups? Have they gotten better or worse over time? Has change been rapid or slow, consistent or sporadic?

In technical terms, we’re looking at the government’s **obligations of result**, and assessing the degree to which they’re being met. We can do this by identifying relevant indicators that help us measure wellbeing (e.g., mortality rates, literacy rates, employment rates) and assessing them against international standards. This can be done by:

### MEASURING AGGREGATE LEVELS OF RIGHTS ENJOYMENT

**Why?** Widespread deprivations across the country suggest that obligations of result (i.e., reaching “minimum essential levels” of a right) are not being met.

**How?** Socio-economic outcome indicators are compared to benchmarks or to similar countries (e.g., in the region or according to income level). Differences may tell us whether or not a country’s performance is reasonable.

### MEASURING DISPARITIES IN RIGHTS ENJOYMENT

**Why?** Differences in the enjoyment of a right can raise concerns about possible discrimination.

**How?** Socio-economic indicators are disaggregated by relevant social groups (e.g., ethnicity, religion, gender, residence, income level).

### MEASURING PROGRESS OVER TIME

**Why?** Identifying trends in the enjoyment of a right over time can show whether it is being progressively realized, or whether disparities are growing.

**How?** The same socio-economic indicators (aggregate and disaggregated) are compared over time.

Task	Human rights norm	Measurement techniques
Measure levels of enjoyment of the right	Minimum core obligations	Identify relevant outcome indicators that show the extent to which the right, including its minimum essential levels, is enjoyed in the country.
Measure disparities in rights enjoyment	Non-discrimination	Disaggregate data on those indicators by social groups to see whether there are disparities in the enjoyment of the right.
Measure progress over time	Progressive realization	Examine data on indicators over time to assess progress, retrogression and change in disparity levels.

## Policy Efforts

After we've mapped out the challenges that communities are experiencing on the ground (i.e., outcomes), we next look at what actions the government is — or isn't — taking that are influencing them. From a human rights perspective, a bad outcome is always a concern. But in order to find a way to remedy it, we need to know what's causing it. Take the example of a country with high dropout rates from formal education. This might be caused by a lack of qualified teachers, or school fees being too expensive for many families, or schools being too far away for students to get to.

When we look at this dimension of OPERA, our key questions will include: What legal and policy commitments have been made? Do the initiatives that the government has undertaken in line with these commitments ensure that people are able to access quality goods and services? Do such initiatives prioritize meeting the needs of marginalized groups? Do policy processes ensure participatory and accountable decision-making?

In technical terms, we're looking at a government's **obligations of conduct**. In order to determine what steps have been taken, our starting point is to identify the human rights commitments that the country has made. We then evaluate how well these commitments have been reflected in law and policy. Often, it is in the implementation of laws and policies that challenges arise. For this reason, we need to look at what happens on the ground with respect to goods and services. Analyzing administrative statistics, survey data and personal testimony can be useful tools when we do so.

## IDENTIFY LEGAL AND POLICY COMMITMENTS

**Why?** Shows whether the government is adequately "taking steps" towards the full realization of rights.

**How?** Indicators that demonstrate which commitments have been made are identified, and the provisions of relevant laws and policies are compared to international standards and guidelines.

## EXAMINE POLICY CONTENT AND IMPLEMENTATION

**Why?** To determine whether the goods and services needed to fulfill the right are increasingly available, accessible, acceptable and of adequate quality.

**How?** A range of techniques can be used to gather primary or secondary data on relevant process indicators. Cross-country comparisons, disaggregated data and international guidelines can all offer reference points when interpreting this data. Qualitative analysis and personal testimony can identify the capacity gaps that are hindering better service delivery.

## ANALYZE POLICY PROCESSES

**Why?** To determine whether the policy process enables rights holders to participate actively in the design, implementation and oversight of policies, and to hold the government to account when they are negatively affected by these policies.

**How?** Qualitative research (e.g., focus groups, interviews) can gather feedback from particular rights holders. Quantifiable national level studies (e.g., perception surveys and governance indicators) can provide a general overview of the country's situation.

Task	Human rights norm	Measurement techniques
Identify legal and policy commitments	Obligation to take steps	Identify the international commitments and national constitutional and legislative provisions that give effect to them. Identify specific laws and policies on the right and compare their provisions to international standards.
Examine policy content and implementation	AAAAQ criteria	Identify the goods and services needed to give effect to the right. Measure the availability, accessibility, acceptability, and quality of these goods and services (e.g., assessing quantitative and qualitative data, community scorecards).
Analyze policy processes	Participation, transparency, accountability, right to a remedy	Analyze relevant national laws and policies (e.g., on access to information, local participation, complaints mechanisms). Collect feedback on how these principles are applied in practice (e.g., through interviews or other qualitative methods and quantitative indicators, if available).

## EXAMPLE LACK OF REPRODUCTIVE HEALTH SERVICES AMONG ROMA WOMEN IN NORTH MACEDONIA



In 2016, CESR collaborated with the [Health Education and Research Association \(HERA\)](#) and its partners — women from Šuto Orizari, a municipality of the North Macedonian capital, Skopje, which has the world's largest concentration of Roma. Poor maternal health outcomes were a major challenge for women in the municipality. Using OPERA helped to identify gaps in the distribution of maternal health services in the country. In particular, data collected through community scorecards and other outreach activities revealed the shortcomings and dysfunctions in the delivery of sexual and reproductive healthcare services for Roma women. This research also revealed some of the reasons why there was not a single primary healthcare gynecologist in Šuto Orizari, which at the time was home to nearly 20,000 people. Following advocacy by HERA and its partners, the government made two new commitments aimed at addressing the shortage of gynecologists in Šuto Orizari: to increase state subsidies for gynecologists, and to reserve two scholarships for medical students who work in this municipality.

### Resources

Funding-related issues are frequently a factor in the poor implementation of laws and policies relating to ESCR. The common excuse from governments is that they “can’t afford” to invest more in policy implementation. To assess claims such as this, we need to take a look at resources at the macro, or big picture, level. This involves looking at government budgets to evaluate how money is being generated, allocated and spent.

When we focus on this dimension of OPERA, key questions include: Do budgetary allocations prioritize essential services? Who has benefited from spending? How has spending evolved over time? How has the State’s budget changed over time? What are the State’s main sources of revenue? Are the policies governing the raising of revenue fair and efficient? What is the share of tax paid by different groups and actors? What is preventing the State from raising additional revenue?

In technical terms, we’re looking at whether the government is meeting its obligation to dedicate **maximum available resources** to ESCR. To do this, we can use budget analysis techniques at a macro level. Identifying larger fiscal policy trends enables us to determine whether the maximum available resources are being mobilized and used to prioritize minimum core obligations, reduce inequalities and progressively realize the right or rights we are looking at. We also want to examine the budget cycle process from the perspective of the human rights principles of participation, non-discrimination, transparency and accountability.

This dimension has three parts to it. It evaluates the:

- **Expenditure** side of the budget (how funds are allocated).
- **Revenue** side of the budget (how these funds are

generated), as well as the broader economic policy context within which budget decisions are made.

- **Execution** of the budget (how funds are actually spent).

### ANALYZE RESOURCE ALLOCATION AND EXPENDITURE

**Why?** To reveal whether expenditures (planned and actual) in relevant sectors represent the equitable and effective use of available resources.

**How?** Allocation ratios, judged against relevant reference points, can be used to show how much funding is being earmarked for key sectors. Various governance tools can uncover weaknesses, leakages or discrimination in the disbursement of funds.

### ANALYZE RESOURCE GENERATION

**Why?** To assess whether sufficient revenue is being mobilized from different sources and whether tax policy is equitable in design and effect.

**How?** Data on relevant fiscal, monetary and macro-economic policies are evaluated against human rights principles.

### ANALYZE BUDGET PROCESSES

**Why?** The principles of accountability, transparency and participation demand that the budget process be open and accessible to citizens.

**How?** Qualitative techniques can gather feedback from particular rights holders. Quantitative perception surveys and indicators (such as the [Open Budget Index](#)) can provide a general overview of the country’s situation.

Task	Human rights norm	Measurement techniques
Evaluate planned and actual resource expenditures	<p>Core obligations</p> <p>Non-discrimination</p> <p>Progressive realization according to maximum available resources</p> <p>Transparency and accountability</p>	<p>Calculate the percentage of the State's budget allocated to social spending relevant to the specific right, and compare it to relevant benchmarks.</p> <p>Identify which population groups are benefiting from spending; compare spending disparities with disparities in human rights outcomes.</p> <p>Compare allocations to previous budgets to see how spending has evolved over time, taking into account economic growth over the period.</p> <p>Track public expenditure (e.g., using public expenditure tracking surveys or social audits).</p>
Evaluate resource generation	<p>Progressive realization according to maximum available resources</p> <p>Non-discrimination</p>	<p>Calculate the government's budget as a percentage of the overall economy and compare it to similar countries.</p> <p>Identify and assess the adequacy and fairness of the government's main revenue sources (e.g., taxation, borrowing, international assistance).</p> <p>Evaluate the government's fiscal and/or monetary policies governing the raising of revenue (e.g., identify tax base as a percentage of GDP and track its evolution over time, taking into account economic growth over the period).</p>
Analyze relevant policy processes	<p>Participation, accountability, transparency, right to a remedy</p>	<p>Collect feedback on public participation in the design, implementation and evaluation of fiscal and monetary policies (e.g., through interviews or other qualitative methods and quantitative data, if available).</p> <p>Analyze indicators related to the transparency of economic policy process.</p>

## EXAMPLE: UNDERFUNDING OF MENTAL HEALTHCARE IN KENYA



In 2011, CESR partnered with the [Kenya National Commission on Human Rights](#) (KNCHR) to audit the state of Kenya's mental healthcare service. The audit team estimated that at least 8.5 million people were failing to receive the care they needed, and found huge disparities in terms of access to mental health services. To understand why this was the case, the audit team evaluated the government budget allocated to mental health, and the extent to which civil society and the public were allowed to participate in budgetary and fiscal policies. Their analysis showed that Kenya had not allocated sufficient funds to support the right to mental health, and there were concerns with how the money was spent. As a percentage of the total public health budget, spending on mental health was a meager 0.1%. By contrast, the regional average was 0.6%. When it was indexed to inflation, spending in Kenya had actually decreased between 2006/07 and 2010/11. Stakeholders also expressed concerns about how effectively the allocated resources were being used. When money was spent, it did not translate into tangible improvements. In the country's only psychiatric hospital, for example, a small number of private units were created with the stated aim of generating income for the rest of the center, but stakeholders failed to see any improvement in care.

## Assessment

Here, we draw together the findings we’ve gathered so far to make an overall conclusion about whether the government is meeting its obligations to realize ESCR. But before doing that, we also need to consider some of the broader factors that affect both rights holders and duty bearers. Basically, we want to know: Why haven’t efforts to solve this problem been more successful?

When we focus on this dimension of OPERA, key questions include: What other social, economic, political or cultural factors inhibit people’s ability to exercise their rights? Why has reform been slow? Why aren’t more resources available? Is the lack of progress because of genuine limitations on governments? Interference from corporations or other powerful actors? A lack of political will?

Generally speaking, the tools we use to answer these questions are more qualitative than for the other dimensions of OPERA. They fall broadly under the category of **political economy analysis**, which is a formal way of describing the techniques used to find out what is “really going on” in a situation.

### IDENTIFY OTHER DETERMINANTS

**Why?** To determine whether other socio-economic, political or cultural factors inhibit people’s ability to enjoy their rights, or

seek redress if they are violated, and to identify the responses expected of the State.

**How?** Although these barriers can be uncovered through sophisticated quantitative methods such as econometrics, using qualitative approaches such as capacity gaps analysis can also help to facilitate rights holders’ participation.

### UNDERSTAND STATE CONSTRAINTS

**Why?** The capacity of the State (influenced by third parties and structural limitations) is relevant in order to explain why its efforts have not been more successful.

**How?** Again, we can find out more about these constraints through qualitative approaches or through quantitative methods from various fields.

### DETERMINE STATE COMPLIANCE

**Why?** To make a considered conclusion about the State’s performance in relation to its obligation to fulfill ESCR.

**How?** By “triangulating” our findings on Outcomes, Policy Efforts and Resources, it should be possible for us to make a judgment about the State’s efforts to progressively realize ESCR, and the results of those efforts on the ground.

Task	Human rights norm	Measurement techniques
Identify contextual factors that limit enjoyment of the right	Indivisibility and interdependence of rights Right to a remedy	Identify the social, economic, political or cultural conditions that prevent people from enjoying the right or seeking redress for violations of the right (e.g., through capacity gap assessment).
Understand the State’s constraints	Obligation to respect and protect rights against abuse by third parties Extraterritorial obligations of other States to respect, protect and fulfill ESCR	Identify how the acts or omissions of third parties, and structural dysfunctions, can impact on the State’s ability to fulfill the right.
Determine State compliance	Obligation to fulfill	Draw together findings on Outcomes, Policy Efforts and Resources, in light of the findings from the above steps.

# CONCLUDING THOUGHTS

**As outlined in Interrogate 2 - Economic, Social and Cultural Rights Standards, the human rights standards and principles relevant to the obligation to fulfill ESCR are complex and multidimensional.**

OPERA helps to organize them into a more usable tool for interrogating the economic system. It does this by grouping them around four key dimensions.

**However, it's important to stress that OPERA is not a one-size-fits-all model.** Instead, it seeks to be a flexible, overarching framework to guide ESCR research. The OPERA framework can be adapted according to the **user, purpose and audience**. Which dimensions need more attention, and which methods are most appropriate for illuminating them, will depend on the **local context and local constraints**.

A well-evidenced argument that links poor outcomes with dysfunctions in the ways policies are designed and implemented — and decodes how the distribution of resources and power in the economic system leads to those dysfunctions — can be a **powerful tool for inspiring action**. This evidence can be established by using a combination of different types of data and a range of data-collection tools, and the notes in the **Illuminate Module** explore this in more detail. However, it is necessary to have an **overarching framework** that can integrate the data and build a strong case for change.

This is where the OPERA Framework comes in. Each dimension provides a checklist of questions and suggests different methods for answering them. In the next note ([Interrogate 4 - Indicators and Benchmarks](#)) we explore how to use indicators and benchmarks as a way to frame questions in a more measurable way, as well as some of the benefits and challenges of doing so.