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WORKING PAPERS

Assessment Tool for Special Procedures' Impact Evaluation – Developing an Initial Framework

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1. INTRODUCTION

Work of the different mandates of Special Procedures on developing assessment tools has highlighted scope for improvement of measurement tools and indicators. Assessing the impact of activities is vital to determining the efficacy of a mandate's work and to assist future planning of actions for engagement and resource allocation. For example, impact assessment can facilitate the preparation of future activities by OHCHR country teams, or with respect to other UN agencies such as UNDP's programmatic activity on justice reform, or educational projects under UNESCO.

Ever since the 1980s private-sector businesses have viewed timely data as a source of competitive advantage. This trend will only intensify as technology permeates every facet of our lives. However, in government and the public sector institutions have been exceptionally slow to reform and adopt data analysis to inform operations and improve performance. Often, the figures that are tracked come with significant lags of either weeks or months and are frequently revised. Crucially, it must be appreciated from the outset that developing the capacity to accurately determine impact assessment is a long-term aspiration.

Furthermore, the development of the impact assessment framework can also provide additional benefits by way of facilitation of the follow-up of recommendations made, and with regard to assisting the transfer of knowledge and ensuring the continuance of activities in progress during transitions to new mandate holders.

2. CONCEPT

Monitoring and impact assessment involves the regular and systematic assessment of performance, which provides an understanding of the progress of a mandate's programme in relation to planned results from activities. It also enables the identification of issues that may require decisions, actions and interventions to either accelerate progress on existing objectives or respond to new challenges. In addition,

monitoring also allows for real-time learning and sharing of new knowledge that can feed into longer term evaluative exercise, and can improve the responsiveness of the mandate to changing conditions in a timely manner.

Evaluation of the mandate should provide a systematic and impartial assessment of the programme, strategies, actions, and interventions to objectively determine their effectiveness, impact, relevance, efficiency, and sustainability. The purpose of the evaluation exercise is to support decision-making and provide guidance for future undertakings, and resource allocation. Furthermore, assessment also assists programme accountability and developing learning capacities, which may also be shared across mandates. It is anticipated that this research shall also identify, where relevant, the impact of a specific mandate's efforts on the work of the human rights bodies, and also with respect to other country or thematic mandates under Special Procedures.

Drawing from a solid development of theories of change and results frameworks, monitoring activities necessarily draw upon existing developments in theories of change and measurement frameworks for calibrating results: these form the foundation for viable reporting of the outcomes in the final evaluation stage.

3. BASIS FOR RESEARCH STUDY

In the past, methods of collecting and processing data for the purposes of evaluation and monitoring were invariably relatively resource intensive. However, more recently the means to conduct analysis has evolved, as has observational capability in terms of efficiency. Similarly, while the means to accurately map and measure interactions have been an ongoing objective, until recently efforts have yielded relatively little insight in this domain, in part due to the resource intensity of potential monitoring activities.

Studies relating to evaluation and the analysis of the impact of activities on the respective elements of human rights protection and

promotion highlight the persistence of fundamental gaps in our understanding. As such, basic questions relating to the efficacy and efficiency of certain types of intervention relative to each other remain as yet unresolved. Moreover, scholars have also highlighted shortcomings as regards how we can measure impact and render more dependable and accurate gauges of the value of different activities across jurisdictions that often vary considerably in terms of their geographical size, population, and level of development. These lacunae therefore have wider implications for our understanding of the influence that specific measures and undertakings might have on shaping outcomes. These concerns therefore highlight the importance of research in this area.

Furthermore, from the outset we also need to take into consideration the how the growing number of different mandates can also lead to more complex interactions, which may in turn also influence how the respective activities of different actors intersect. As such, the process of designing and implementing a suitably robust methodology that provides parameters for assessment and delineates distinct effects becomes ever more important. That these issues require further attention supports the assertion that further assessment of impact is required.

4. DEFINED FRAMEWORK FOR THE RESEARCH

The study therefore aimed to address the extant gap in respect of assessing impact and applying a coherent methodology to measurement of the results of the various types of interventions; it further aimed to provide a cogent framework for evaluation that can be leveraged across different mandates, and provide useful, scalable approaches and tools for both qualitative and quantitative analysis. The overarching objective of this research has thus been to evaluate the selected mandates for their impact, based on the initial criteria elaborated for their appraisal, and in doing so develop a structured process for possible application to other mandates.

This research study also considered the following related issues that inform its analysis:

- What is the current 'state of the art'? as regards the assessment of impact by Special Procedures mandates?
- Do any additional concerns demand initial examination prior to developing the methodology e.g., in respect of measurement vis-à-vis data collection and quality?
- What constraints have to date inhibited or restricted development of evaluative measures? Will such restrictions present further challenges for advancing a more nuanced or complex approach to the assessment of impact?
- Given the challenges of developing mechanisms for collecting data to appraise different aspects of the impact of a specific mandate's activities, how can knowledge and the instruments developed by the research best be adopted and implemented by others?

5. FINAL PROJECT SCOPE: RESULTS

The analysis conducted was aimed to answer several initial questions pertaining to efficacy and impact and in which contexts do activities have either positive or detrimental effects on achieving the prior determined objectives. A major difficulty in aiming to carry out this research was invariably the fact that most studies of this nature have to date been premised on the assumption that engagement with activities, including communications, and subsequent the behaviours exhibited are correlational. As it is almost impossible to simulate such interactions in a laboratory-like, controlled environment, to conduct this type of research one is forced to rely on purely observational data that typically only provides evidence, rather than causative, correlational.

This reality is critical where in how consider whether the assessment of impact is achievable

and, moreover, whether this approach to evaluation can be scaled. Ideally, we would therefore wish to pursue a dual-pronged approaches that allows for the collection and synthesis of a broad data set that allows for examination of associations against different variables against a control, to effectively determine effect against a baseline. We might then conduct a more rigorous and in-depth analysis of a small subset of these determined relationships that appear to report causal evidence. Applying this two-step approach can permit us then to focus on causal effects, whilst concurrently affording scope to review and take into account the full spectrum of correlational evidence.

6. APPLICATION OF METHODOLOGY: CONSTRAINTS

The objective of the research has been to advance the understanding and practice of impact assessment as it concerns the measurement of operational activities, and indeed for this analysis to foster a broader and in-depth debate as to the relationship of different mandates' engagement activities in their respective impacts on protecting and promoting human rights. Furthermore, the evaluation also seeks to develop the initial foundation for providing an evidence-based perspective of intersecting attributes that shape this complex constellation. To this end, the initial analysis of the primary literature review set out to comprehensively appraise and synthesise currently available knowledge as to the relationship between activities and the various contrasting variables that can influence factors such as effective communication, engagement, participation, and final outcomes.

¹ Kahan, Dan M., Ideology, Motivated Reasoning, and Cognitive Reflection: An Experimental Study (November 29, 2012). Judgment and Decision Making, 8, 407-24 (2013), Cultural Cognition Lab Working Paper No. 107, Yale Law School, Public Law Research Paper No. 272, Available at

7. HEURISTICS AND BIASES: APPRAISING THEIR IMPACT ON THE RELIABILITY OF ASSESSMENTS

Analysis of the type being considered here in relation to the efficacy of activities in achieving specific, anticipated results must consider the potential effect of cognitive biases in shaping both the methodology implemented, and to the interpretation of results.¹ In this particular context confirmation bias is an especially important factor to review. This heuristic relates to our underlying tendency to focus upon and give greater credence to evidence that one's research uncovers that fits with an existing beliefs. This tendency therefore risks reaffirming unverified assumptions and propositions, absent meaningful, objective validation. As such, confirmation bias in the assessment of impact can potentially prove an expeditious, though flawed, cognitive shortcut to fast-track the gathering and interpreting of information that appears to readily confirm our conjecture.

To be sure, developing the means to conduct a rational, coherent and objective evaluation of evidence requires time and resources, and thus it is hardly surprising that we might seek to determine a shortcut in conducting the assessment of impact that more easily provides the results we seek to collate, with noticeably less efforts; thereby providing for a relatively efficient research method. However, this strategy to seek evidence that best supports our hypotheses runs a real risk of undermining the integrity of the research. Of course, the most readily available hypotheses we might look to substantiate are those that best reflect highly favourably on the positive efforts of a mandate's activities to effect change: based on our underlying objectives, these are most often the goals we identify with and can easily articulate. The bias may also lead to poor research as it distorts the reality

SSRN: <https://ssrn.com/abstract=2182588> or <http://dx.doi.org/10.2139/ssrn.2182588>

from which we draw evidence. As such, to a certain degree, shaping the assessment of impact in this vein also reflects a very natural tendency whereby confirmation bias protects self-esteem.

Particularly in the sphere of human rights, deeply held views often are integral to our personal identities; as such, evidence that might disprove the efficacy of our activities can make for very painful self-reflection. Often, this introspection proves exceptionally challenging. In essence, however painful, the research must identify and reflect upon the influence of deeply entrenched preconceptions that can inhibit our consideration of results in our appraisal that might support alternate viewpoints. Thus, a real risk in developing credible models for this assessment is the supposed 'risk' that information that disproves rather than supports our existing supposition and beliefs is unearthed by our evaluative exercises. Assessing impact must necessarily then err on the side of supporting an analysis that allows for even-handed consideration of alternative points of view, rather than simply promote perspectives that reflect confirmatory thought and rationalise a particular frame of reference and exclude sufficiently exploratory reasoning and deliberation. Moreover, the conduct of assessing impact of specific activities that is based on a one-sided, confirmatory approach, can also lead to wider 'groupthink' with an organisational context, leading to a more pervasive desire for conformity that eventually result in dysfunctional decision-making processes developing.² Given the aforementioned observations, and the inherent risks that these oversights can present to the credibility and veracity of the research, the tendency to actively seek information and assign greater value to evidence confirming existing beliefs, rather than entertaining alternate explanations, must be avoided at all costs. This consideration in averting bias must be contemplated at each step in the collection of data to develop an evidence-based examination of impact.

² See further: Dolan, Simon L. and García Sánchez, Salvador and Diegoli, Samantha and Auerbach, Alan Jackson, Organisational Values as 'Attractors of Chaos': An Emerging Cultural Change to Manage Organisational Complexity

8. CHALLENGES OF THE AVAILABILITY HEURISTIC TO REPRESENTATIVE DATA

The availability heuristic, the tendency to make use of information that is most easily at our disposal and accessible, is also pertinent here to our discussion of the conduct of the assessment of impact. The implications of this particular heuristic on evaluation are such that we may need to revisit foundational assumptions upon which we develop the initial premises of our assessment if we are to improve the quality and relevance of the research.

The availability heuristic applies in this context in particular where data collection may rely upon readily available sources that are more straightforwardly tapped than those which require greater effort or resources to exploit. This risk is especially relevant in respect of either difficulties encountered with assigning resources to intensive efforts to conduct research, or where the process by which to measure and assess impact are relatively opaque are complex to discern: more available means are thereby more inviting, with their uptake risking the impartiality of the research. Awareness of this intrinsic bias is therefore essential if we are to safeguard against misinformed reasoning and unintentional discrimination in the evaluation.

9. FRAGMENTATION, SILOS AND INFORMATION GAPS

The process of developing a sufficiently rigorous methodology to conduct the assessment of impact must inherently appreciate the further limitations placed upon the exercise by existing gaps in information that, in many instances, render a comprehensive evaluation problematic.

(June 2000). UPF Economics Working Paper No. 485, Available at SSRN: <https://ssrn.com/abstract=237630> or <http://dx.doi.org/10.2139/ssrn.237630>

In this respect, the notion of ‘social silences’ has to date been overlooked within the context of appraising impact of activities in the human rights sphere. ‘Social silence’, a phrase first used by Bourdieu, refers to the tendency of those engaged in reflection to ignore functions of a mechanism or process that appear immediately irrelevant, or attract less interest from those engaged in research.³ This phenomenon is of particular relevance to human rights, where study of the development of indicators and measurement remains little explored, and more in-depth research and analysis is necessary to discern which areas of policy and practice still lack exploration and examination. A further concern is also the development of cognitive and structural silos, or fragmentation, while developing an evaluative mechanism for the assessment of impact, given that it can be intrinsically difficult for those involved with a very specialised knowledge to take up the holistic vision that is necessary to examine the interdependencies of different rights and the resultant effect on interpreting observations as they relate to the impact of activities.

The net result of these silos, in reducing the capacity to think more broadly, is that the evaluative review may prove deficient in its capability to “join up the dots”, and to discern how different factors influence and shape the complex scenarios that are being subject to study. The process of assessing impact therefore must embrace more holistic modes of thought. A strange paradox of increasingly specialised, compartmentalised approaches to research in the humanitarian sphere is that, whilst our world becomes ever more interconnected in many respects, the level of mental and structural fragmentation nonetheless remains particularly

profound.

10. MEASURING ENGAGEMENT AND IMPACT: THE ROLE OF SOCIAL MEDIA PLATFORMS

The advent of online platforms media platforms such as Twitter and Facebook present new opportunities for the analysis of different sources of data, which can potentially furnish insights into the efficacy and efficiency of activities; in particular, in relation to specific efforts to engage with civil society through these channels. Many mandates already have a significant social media presence on multiple platforms. However, realistically an appraisal of the viability of this method of assessing impact remains hampered by the disjointed and conflicting approaches of the businesses running these conduits for communication, especially given the lack of transparency in how they function (considering the role algorithms play in promoting engagement).⁴

In essence, the collection of data from disparate digital media sources for the purposes of developing evaluations of activities remains a double-edged sword. To a certain degree, it has the potential to provide the means to conduct highly innovative analyses based on data insights elaborated from many different spheres of a mandates forward facing communications activity. However, conversely, challenges exist with regard to developing existing capabilities to conduct this examination as publicly available data from digital media platforms is still limited in its scope.

³ Tett, Gillian. “Silos and silences. Why so few people spotted the problems in complex credit and what that implies for the future.” *Financial Stability Review* 14 (2010): 121-129. As Bourdieu wrote: “The most successful ideological effects are those which have no need of words, but ask no more than a complicitous silence.” Bourdieu (P.) (1972):«Esquisse d’une théorie de la pratique », Droz.

⁴ Dutton, William H. and Reisdorf, Bianca and Dubois, Elizabeth and Blank, Grant, Search and Politics: The Uses and Impacts of Search in Britain, France, Germany, Italy, Poland, Spain, and the United States (May 1, 2017). Quello

Center Working Paper No. 5-1-17, Available at SSRN: <https://ssrn.com/abstract=2960697> or <http://dx.doi.org/10.2139/ssrn.2960697>. See also: Dutton, William H. and Reisdorf, Bianca and Dubois, Elizabeth and Blank, Grant, Social Shaping of the Politics of Internet Search and Networking: Moving Beyond Filter Bubbles, Echo Chambers, and Fake News (March 31, 2017). Quello Center Working Paper No. 2944191, Available at SSRN: <https://ssrn.com/abstract=2944191> or <http://dx.doi.org/10.2139/ssrn.2944191>

11. THE LIMITATIONS OF APPRAISING ASSESSMENT OF IMPACT

Currently, a clear limitation in the development of a methodology to effectively gauge impact is the lack of appropriate baseline measures by which to validate the interpretation of results. Additionally, also absent in many instances are the means of quantification of certain observations that relate to how progress made in objectives to realise human rights is achieved: this deficiency clearly limits the scope for assessment. This problem is particularly pronounced for factors relating to rights that prove complex to elucidate in tangible terms, such as freedom of expression and the right to privacy.

Moreover, measuring these phenomena at scale is convoluted, even where data sources exist (for example, by analysing effects on social networks' usage and structures); far, far less is understood in this context with respect to the human dynamics in offline fora. As such, many attempts to measure change are therefore lacking a credible baseline from which measurement can be achieved. Therefore, it is difficult to interpret and articulate whether observations that suggest causal effects are genuinely attributable.

12. CONCLUSIONS

Fostering the emancipatory and illuminating potential of data analysis to illustrate the benefits of the different activities in which mandates engage is an increasingly important endeavour. In light of the importance of the work being conducted by the mandates, a better understanding of the effects of activities in different contexts is clearly needed. To achieve

this objective, greater methodological innovation is required. Achieving this aim will clearly require additional resources and should include, for example, more research to better understand causal inference methodologies, as well as study that examines and interprets the interaction of interdependent rights and the complementarity of actions by different actors, whose purposes are clearly often aligned. Further research and better designs for subsequent studies shall, however, also be dependent upon access to data collected by different platforms and sources.

Assessing the impact of activities using data sources such as those that may be provided by social media platforms presents opportunities, but also unique challenges. In essence, independent research requires unhampered access to relevant data; with such data, digital media can potentially provide a rich source of information for analysis. That said, both transparency and access remain key concerns. This is even more troubling as businesses in the social media sphere may continue to implement changes in their architecture that, even if seemingly small-scale, nonetheless can scale up to have widespread effects that require re-appraisal of determinations of causality.

Over time, regulation of these platforms may be necessary to facilitate wider access to data, and to ensure study of their broader impact in society can be discerned. The sheer size of the global audience of these platforms, and their role in shaping public opinion, in addition to their power to control access and exposure to content, is already shaping a structural transformation of the public sphere. Data visualisations and infographics can constitute an incredibly rich resource to advance understanding of progress being made in protecting and promoting human rights. Successful visual representations constitute a powerful tool.⁵ However, further capacity building activity is evidently necessary to develop institutions' capabilities, understand what data to use, in addition to how and when to

Pandey, Anshul Vikram and Manivannan, Anjali and Nov, Oded and Satterthwaite, Margaret L. and Bertini, Enrico, The Persuasive Power of Data Visualization (July 31, 2014). IEEE Transactions on Visualization and Computer Graphics,

Forthcoming, NYU School of Law, Public Law Research Paper No. 14-37, Available at SSRN: <https://ssrn.com/abstract=2474695>

use it most effectively for the purposes of dissemination and communication. As more data is created and collated, this task risks becoming even more overwhelming and daunting an assignment.

It is also crucial to recognise that efforts to assess impact must be conducted contextually: such research must, of necessity, appreciate the wider environment and understand how context itself shifts over time. Furthermore, any evaluative exercise must also value incidental information exchange, the process by which individuals and groups interact and share insights and perspectives: this sharing of information helps those involved in the discourse widen their vision and value when novel, emerging sources of data can contribute to more nuanced measurement. This capacity also assists in challenging preconceptions and allowing scope for sense making and linear, rational thought models to be subject to scrutiny and redefinition.

RECOMMENDATIONS

1. In the medium to long term, Special Procedures will need to consider how its operations will best be able to exploit advances in ICT capabilities to facilitate reporting and dissemination of its activities. The current reliance on SharePoint as a web-based collaborative platform presents clear challenges to efforts to scale information sharing. While efforts to utilise machine learning and artificial intelligence to develop insights and better discern trends across the different mechanisms and reporting structures are to be commended, there exist key constraints to their eventual efficacy, based on the key role of a platform that cannot effectively support these developments. Thought must be given to advancing a long-term strategy that allows for the effective development of the reporting capacity to match the growing expectations of stakeholders.

2. Analysis of the different ‘databases’ currently in use highlights many deficiencies with respect to how data is collected. Going forward, thought must be given to how data is collected and inputted. At present, data is often captured in a way that does not currently allow for its effective exploitation. For example, start and finish dates for an activity such as a country visit are often inputted in the same field, which does not allow for measurements for cross-comparative purposes to be made as to its time duration. ‘Databases’ are, as such, better described as repositories. Given the limitations of repositories for conducting complex data analysis, further appraisal of future needs could consider how relational databases could be designed and implemented to facilitate operations, resource planning and reporting. As a priority, examination of data collection practices could feasibly discern opportunities to develop practices that provide for less resource-intensive efforts to conduct analyses and report on trends.

3. Any review of ICT requirements should consider the changing expectations in relation to the transparency of activities performed by the mandates, and how the development of capabilities can further enhance reporting and dissemination. The limitations of existing systems should be acknowledged, given that there are clearly drawbacks to continued development of functionalities that are limited in their utility.

4. An audit of the different tools, platforms and utilities currently used outside of OHCHR (e.g. external websites, social media accounts, messaging platforms for communication) should be anticipated. This process should help discern how different mandates are adapting the evolving capabilities of digital technologies to their work, and help in establishing best practices, synergies and areas for closer collaboration and resource sharing. It can also serve as a stocktaking exercise, and a means to discern any data security threats that the use of these disparate products and services might possibly present.

5. Review data protection, particularly as regards the public accessible personal data of employees and other individuals associated with OHCHR from the organisation’s website and through the SharePoint platform. Implement the data minimisation principle in redacting personal from documentation where this presents a risk to the right to privacy and data protection.

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ANNEX 1: SURVEY QUESTIONNAIRE

QUESTIONNAIRE

This questionnaire forms part of the research being undertaken by the Geneva Academy of International Humanitarian Law and Human Rights with Special Procedures with a view to measuring the impact of their work to promote and protection of human rights – in a given country or in relation to a specific right – along with the effectiveness of their interventions and activities.

Background

The work of the different mandates of Special Procedures on developing assessment tools has highlighted scope for developing a framework for evaluation, utilising measurement tools and indicators, to highlight successes and ameliorate the visibility of improvements in human rights stemming from activities. Assessing the impact of activities can assist in illustrating the efficacy of different types of intervention and, in addition, also facilitate future planning of actions for engagement and resource allocation by mandates.

Monitoring and impact assessment involves the regular and systematic assessment of performance, which provides an understanding of the progress of a mandate's programme in relation to planned results from activities. Evaluation of the mandate should provide a systematic and impartial assessment of the programme, strategies, actions, and interventions to objectively determine their effectiveness, impact, relevance, efficiency, and sustainability.

QUESTIONNAIRE

1. To date, has the mandate undertaken any activities to date to evaluate and assess the impact of activities conducted? If 'yes', please can you describe the scope of any such undertakings (e.g., surveys of stakeholders such as NHRIs, NGOs and civil society organizations, focus groups, online questionnaires, etc.).

2. In the future, do you plan to conduct any activities that consider the impact of the activities of the mandate? If yes, please can you provide details. If no, please could you provide guidance on

possible challenges (e.g., limitations of resources, COVID-19 pandemic-related factors, time constraints, etc)?

3. Do you foresee any particular challenges to the mandate engaging in evaluation and impact assessment (e.g., concerns regarding the feasibility, issues pertaining to the effective measurement of a particular intervention, or concerns with respect to confidentiality?)

4. Are the use of online tools, such as social media platforms, considered important by the mandate? If 'yes', has any evaluation taken place as to their utility and impact for the mandate?

5. Has the mandate conducted any other activities to date linked to the measurement of the improvement of human rights in connection with its work (e.g., use of human rights indicators, application of the SDGs in gauging progress attributable to activities)?

6. At this point in time, has the mandate scheduled any country visits for which the development of a framework for the assessment of impact of the consultations in-country could provide insights? If 'yes', please could you provide details of the planned visits.

7. Please provide any further comments or feedback that you wish to make in connection to this research on the evaluation and assessment of impact of the Special Procedures. In particular, please detail how you think the study might best be able to document the achievements of the mandate and provide a measurement of successes and accomplishments.

The Geneva Academy of International Humanitarian Law and Human Rights

The Geneva Academy provides post-graduate education, conducts academic legal research and policy studies, and organizes training courses and expert meetings. We concentrate on branches of international law that relate to situations of armed conflict, protracted violence, and protection of human rights.

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