

Measuring, Monitoring & Evaluating Socio-Economic Rights

(Updated Methodology paper)

How to make Sense of Progressive Realisation of Socio-Economic Rights and Evaluate Progress made over Time

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Introduction

The progressive realisation of social and economic rights is central to the transformation of our society. The persistence of systemic poverty and inequality in South Africa has shown that unless the realisation of socio-economic rights (SERs) promised in the Constitution is monitored and tracked over time, their inclusion on paper might not be felt in reality by millions of poor people.

The implementation of SERs, however, is subject to the internal limitation of “progressive realisation subject to available resources”, contained in the South African Constitution and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which government has announced will be ratified this year. Section 27(2) of the Constitution states that “The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.” The limitation clause is silent on timeframes, the percentage or coverage of people over time or even how the state should finance access to SERs. The challenge for policy makers and oversight bodies alike is how best we are able to evaluate government programmes and budget allocations against this binding obligation on the state. Nineteen years into our democracy, it is important to not only evaluate the extent to which the transformation envisioned by our Constitution has been achieved but ask how such transformation is to be measured - to what end, against what benchmarks, over what time span and by whom?

There is increasing interest both internationally and in South Africa in the development of new methodologies and tools for measuring, monitoring and evaluating the progressive realisation of SERs. This has included the development of quantitative tools.¹ The need for a comprehensive monitoring tool goes beyond holding government accountable - it is an attempt to advance evidence-based empirical debate on the implementation of SERs in South Africa and to integrate a human rights perspective into the consideration and monitoring of state actions and policies.

Studies in Poverty & Inequality Institute (SPII) is part of a small international community of experts who are developing diverse but harmonious tools for the monitoring and measurement of SERs. With endorsement from the SAHRC², SPII has developed a methodology based on a combination of policy and budget analysis and statistical indicators to monitor and evaluate the progressive realisation of SERs. The methodology developed by SPII builds on international best practice and combines various approaches to monitoring SERs and yet also pay particular attention to the country specific context and peculiarities of the South African context.

¹ Felner, E. 2009, Closing the “Escape Hatch”: A Toolkit to Monitor the Progressive Realization of Economic, Social and Cultural Rights, *Journal of Human Rights Practice* 1(3), p. 402-435; Anderson, E. 2008. Using Quantitative Methods to Monitor Government Obligations in terms of the Rights to Health and Education. Available at: <http://www.cesr.org/downloads/Quantitative%20Methods%20for%20Measuring%20ESCR.pdf>

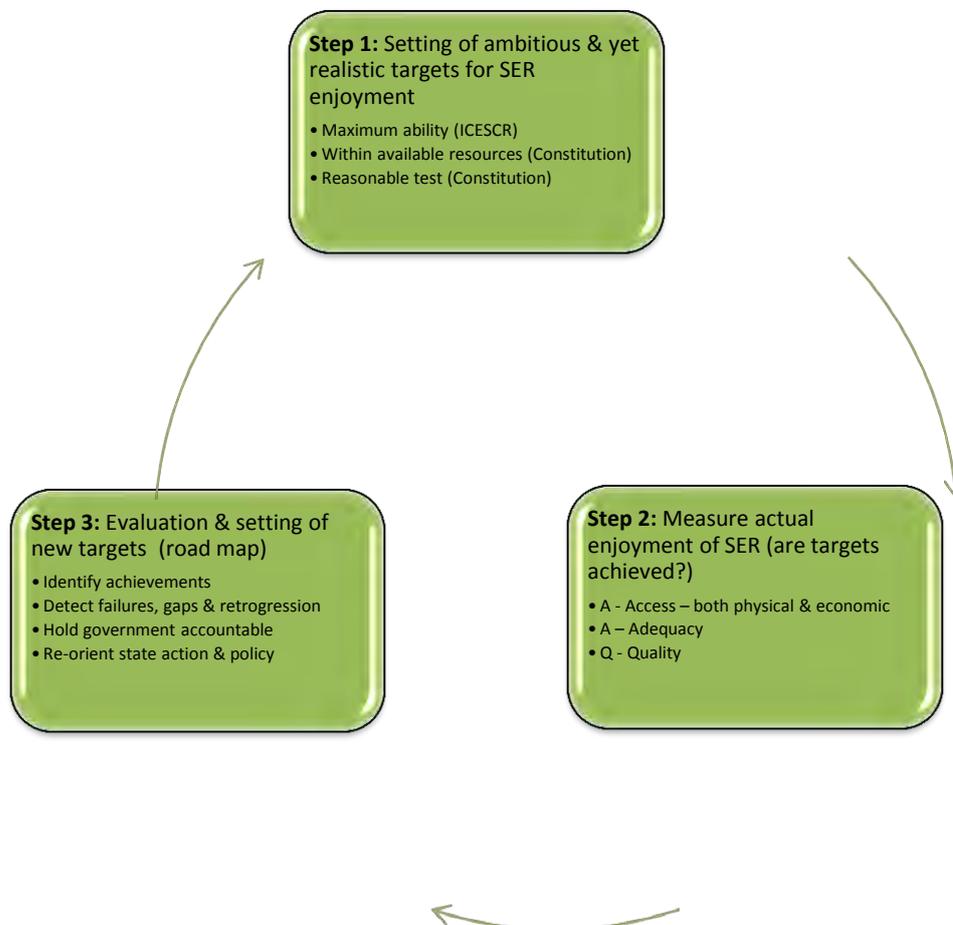
² Section 184 of the Constitution places on the SAHRC the obligation to monitor the realisation of the socio-economic rights in the Constitution and to require annual reporting by the executive of their progress in this regard.

Theory of Change – how socio-economic rights transform society

Given the caveat contained in the Constitution that socio-economic rights are to be realised progressively and within the resources available to government, how should this be best conceptualised for both policy makers and for those that wish to hold the executive to account? Figure 1 below outlines the cycle through which the realisation of socio-economic rights can transform society over time.

This is a dynamic cycle, and the goal posts for access to socio-economic rights should shift over time as a country gets richer (or poorer). Set minimum standards of rights enjoyment deemed adequate at a certain point in time and resource availability, should shift once the country gets richer and the targets for rights enjoyment get more ambitious. In other words, the standards for rights enjoyment set in 2013 should not be the same as those set in 2020, if GDP grows and the resources available to the state expand. As a country gets richer its targets for rights enjoyment should get more ambitious in line with the increased available resources.

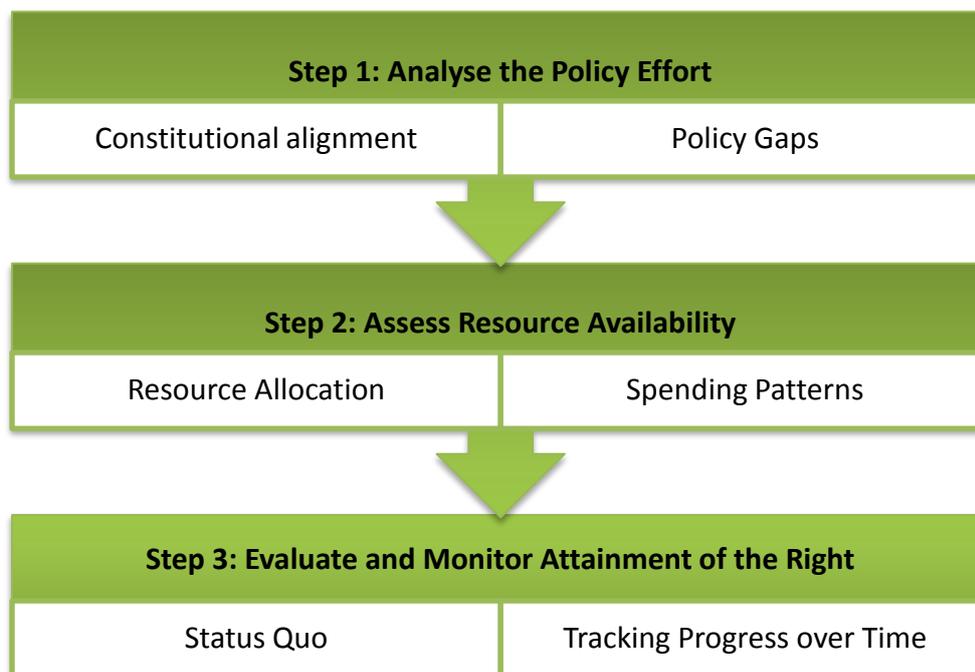
Figure 1: Transforming Society through the Progressive Realisation of Socio-economic Rights



How to evaluate and monitor the progressive realisation of SERs over time

SPII has developed a methodology for monitoring and evaluating the progressive realisation of socio-economic rights in South Africa based on three distinct steps including policy and budget analysis and statistical indicators (see figure 2 below).

Figure 2: How to evaluate and monitor SERs



Step 1: Analysing the policy effort³

The first step of the analysis takes a closer look at the underlying policies and legislation guiding the realisation of SERs. This step firstly, assesses whether the actual content of social and economic policies adequately reflect the Constitution and international treaty obligations. Secondly, this step examines what policy gaps exist in the existing legislation (in both principle & practice) in terms of access, adequacy and quality, non-discrimination, progressive realisation and the 'reasonableness test.'

³ SPII has conducted a review of social security, education, housing and health care policies and legislation. The findings of these reviews are available at www.spji.org.za.

Step 2: Assess Resource Availability⁴

The second step focuses on analysing budget and expenditure allocations at both national and provincial level to assess the reasonableness of amounts for specific SERs and relevant government departments and population groups. Things that ought to be born in mind are: Is spending pro-poor? Is the relevant government line department tasked with the delivery provided with adequate funds? Where does under-spending occur? Are resource allocations increasing or decreasing overtime and why? SPII conducted an analysis of national departmental budgets including basic education, health, and social development and provincial budgets in order to investigate some of these problems.

The project has made a commitment to integrate budget analysis into all components of this work and to do more detailed budget analysis at a provincial, programme and project level for specific rights. SPII is pleased to announce that we have joined the steering committee for the Budget Expenditure and Monitoring Forum (BEMF) which brings together various civil society actors involved in budget work from a human rights perspective.

Step 3: Evaluate and Monitor Attainment of SERs

The third step focuses on evaluating and monitoring the attainment of SERs across the three dimensions of *access* (physical and economic), *adequacy* and *quality over time*.⁵ This provides a clearer and more specific illustration of SERs enjoyment on the ground. This requires quantifiable and replicable indicators (proxies for the different dimensions of SERs) to be developed along with agreed benchmarks and targets. The indicators need to be aligned to data available in annual surveys, and be capable of being decomposed by region, race, gender and age – wherever possible and useful. This allows disparities between different population groups to be identified and an

⁴ SPII conducted an analysis of National Departments Budgets (Viz. Basic education, Health and Social Security) and Provincial budgets in order to investigate some of these problems. The finding of this analysis is available at www.spii.org.za.

⁵ There are a number of indicator frameworks used to capture the multiple dimensions of SERs and various versions of the AAAQ framework which have been applied to SERs. This framework looks at Availability (i.e. sufficient quality), Accessibility (i.e. accessible to everyone without discrimination), Acceptability (i.e. respectful of ethics, culturally appropriate & gender sensitive) and Quality criteria for the realisation of SERs. This project has not adopted the AAAQ framework entirely but decided to measure progressive realisation of SERs along three dimensions: Access, Adequacy and Quality. The *Access* indicators access both physical and economic access to rights. Accessing physical access includes availability – i.e. is there sufficient facilities, goods and services available. Access indicators also measure economic access or affordability which includes the upfront and on-going costs incurred in accessing rights. *Adequacy* indicators measure the quality and acceptability of the facilities, services and goods. These indicators also evaluate if basic norms and standards (as a minimum) have been met and acceptability standards - if facilities, goods and services are ethically sensitive, culturally appropriate and gender sensitive. *Quality* indicators, although similar to adequacy, focuses on outcome or impact indicators which measure wellbeing and how much the quality of life of an individual or household has changed by gaining access to the right.

assessment of the extent to which progress has been made over time. This data also enables international comparative analysis. An example of this is the Social and Economic Rights Fulfilment Index (SERF Index) which provides a rigorous comparative measurement of governments' compliance with their obligations to fulfil SER.⁶

SPII has to date developed a set of indicators for social security and health (see Tables 1 and 2 below) which have been populated with data from 2010 and 2011.⁷ This analysis begins to build up the information at a national level to evaluate and monitor the progressive realisation of social security and health care in South Africa. Over the next two years, indicators will also be developed for housing, education, food, water and sanitation, and the environment. A more quantitative approach is well suited to mapping trends and patterns over time but remains largely absent in the monitoring process of SERs in South Africa. However, a quantitative approach comes with its own challenges and limitations. It is therefore essential to verify the quantitative assessment with qualitative research on the ground.

The purpose of monitoring goes beyond constitutional compliance and aims to achieve specific objectives. These include, firstly, ensuring government does not use progressive realisation as an excuse for failing to realise these rights. Instead, this monitoring tool aims to aid clarity on the content of these rights to ensure access to and enjoyment of SERs is continuously broadened. Secondly, to determine the extent to which organs of the state have respected, protected, promoted and fulfilled their obligations. This involves identifying achievements; detecting failures, gaps and regression and identifying discriminatory laws, policies, programmes and practices. Thirdly, to make recommendations that will ensure the protection, development and universal enjoyment of SERs. The tool is ultimately not about being a watch-dog, but about guiding policy around SERs and moving all actors towards developing roadmaps and time frames for how and by when to achieve universal access for all citizens, as envisioned in the Constitution.

⁶ Fukuda-Parr, S. & Greenstein, J. 2012. Monitoring state performance. South Africa's scores on the Social and Economic Rights Fulfilment Index. ESR Review, Vol. 13. No.2.

⁷ See Policy briefs by H.Dawson, (2013), Monitoring the right to social security in South Africa. An analysis of the policy gaps, resource allocation and enjoyment of the right; K. Lomahoza, (2013), Monitoring the right to health care in South Africa. An analysis of the policy gaps, resource allocation and health outcomes.

Table 1: Social security indicators

ACCESS ⁸	ADEQUACY ⁹	QUALITY ¹⁰
<ul style="list-style-type: none"> • % of households receiving grant income (IES, GHS) • % of grant recipients by gender (SASSA) • % increase in no. of foster care grants (FCG) (until the orphan crisis abides) (SASSA) 	<ul style="list-style-type: none"> • % of HH below poverty line before and after social grants (IES, QLFS, StatsSA) • SASSA budget as percentage of GDP (Budget Review) • % increase of grant value relative to inflation.¹¹ (Budget Review) • % increase of income threshold relative to inflation (Budget Review, SASSA) 	<ul style="list-style-type: none"> • % of grants processed in the target turnaround time set by SASSA (21 days) (SASSA) • SASSA administrative costs as % of cost of social assistance - (Budget Review) • Number of litigation cases (SASSA) • SASSA irregular expenditure¹² (SASSA financial)

⁸ The 'wish list' for measuring access includes the following indicators amongst others: % of child headed HH's receiving CSG/FCG, number of/ % of migrants (non-South Africans) receiving grants and, % of eligible people receiving a grants.

⁹ The 'wish list' for measuring adequacy includes amongst others % of HH income grant contributes and what grant money is spent on.

¹⁰ The project had previously included the % of appeals adjudicated within the target period of 90 days and % of identified fraud cases referred to law enforcement agencies as quality indicators. This data is not reliably reported in SASSA annual reports but we have enquired about accessing the Social Pensions (SOCPEN) database maintained by SASSA.

¹¹ It would be important to measure the increase in grant value against the costing of a basic basket of goods to be able to really evaluate the adequacy of such amounts. SPII is currently working on constructing what a basket of basic goods and services should contain and secondly costs for the average household.

¹² National Treasury defines irregular spending as "expenditure, other than unauthorized expenditure, incurred in contravention that is not in accordance with a requirement of any legislation applicable to public sector procurement.

Table 2: Health care indicators

ACCESS ¹³	ADEQUACY ¹⁴	QUALITY
<ul style="list-style-type: none"> • Average time it takes to get to the nearest public health care facility (GHS) • Average number of visits per person per year to primary health care facility (PHC) facility (DHIS) • % of population not on medical aid (GHS) 	<ul style="list-style-type: none"> • Number of public health facilities¹⁵ (DHIS) • Number of useable beds per 1 000 population (DHIS) • % of medical practitioners per 100 000 population (PERSAL) • % of professional nurses per 100 000 population (PERSAL) • % of dental practitioners per 100 000 population (PERSAL) • % of psychologists (as opposed to psychiatrists) per 100 000 population (PERSAL) • % of users that do not use the nearest health facility due to lack of adequate medication (GHS) • % of Professional Nurse posts vacant (PERSAL) • % of Medical Practitioner posts vacant (PERSAL) 	<ul style="list-style-type: none"> • % of stillbirths per 1000 of births (DHIS) • % of neonatal mortality per 1000 births (DHIS) • % of perinatal mortality per 1000 births (DHIS) • % of maternal mortality per 100 000 live births (maternal mortality ratio) (DHIS) • Crude death rate (deaths per 1000 population) (StatsSA) • Infant mortality rate (deaths under 1 year per 1 000 live births) (StatsSA) • % of population (age 15-49) estimated to be HIV positive (StatsSA) • % of total deaths attributed to AIDS related causes (StatsSA, ASSA) • % of users of public health services highly satisfied with the service received (GHS) • Life expectancy (StatsSA) • Under 5 mortality rate (deaths under 5 years per 1000 live birth) (StatsSA)

¹³ The 'wish list' for measuring access includes the following indicators amongst others: average waiting time it takes to see nurse/doctor, likelihood of seeing a GP at a PHC facility and response rate of emergency ambulatory services (average time it takes an ambulance to get to emergency scene). The following three indicators will be included in the StatsSA CPS survey from 2015 which will then be included: cost of medication, km (distance) it takes to get to the nearest health facility, and cost to get to nearest health facility (transport).

¹⁴ The project had previously included nurse and doctor clinical work load as indicators for measuring adequacy. The data from the DHIS has not been available since 2009 and hence, the indicators have been removed from the list. Additional indicators which we currently lack reliable data for include amongst others: % of babies between 0-12 years that receive free immunisation and medicines from essential list which are available.

¹⁵ The number of public health facilities is broken down into the following sub-categories: District hospitals, national central hospitals, provincial tertiary hospitals, public clinics, regional hospitals, specialised hospitals and community health centres.

Conclusion

This paper has summarised the monitoring tool SPII has developed which integrates budget analysis, policy analysis and statistical indicators to monitor SERs. This approach bears many similarities with the OPERA methodology developed by the Centre for Social and Economic Rights (CESR) in New York which analyses Outcomes, Policy Efforts, Resources and Assessment. This may allow for possible international comparative studies in the future.

It is envisioned the tool will be used by a range of actors including the SAHRC, civil society and government departments to strengthen monitoring and advocacy efforts to ensure effective implementation and enforcement of SERs. This requires well-evidenced arguments about the government's compliance with its obligation to fulfil SERs to be built up. It is important to note that this project remains a work in progress with much scope for increased participation and input from both government and civil society. The monitoring tool will also serve as a planning tool to assist policy makers in the evaluation and the development of future programmes and policies to ensure alignment with obligations under the Constitution and give demands for transformation renewed force.



*Building up knowledge
to break down Poverty*

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