

HUMAN RIGHTS INDICATORS

A Guide to Measurement
and Implementation



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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HR/PUB/12/5

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NEW YORK AND GENEVA, 2012



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The Office of the United Nations High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. It is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining United Nations human rights work. In addition to its mandated responsibilities, it leads efforts to integrate a human rights approach within all work carried out by the United Nations system.



FOREWORD

The human rights journey from standard-setting to effective implementation depends, in large measure, on the availability of appropriate tools for policy formulation and evaluation. Indicators, both quantitative and qualitative, are one such essential tool.

While the importance of indicators for the realization of human rights is widely recognized, and even enshrined in human rights treaties, as in article 31 of the Convention on the Rights of Persons with Disabilities, their use has not yet become systematic. The present *Guide* will help in filling this gap.

In recent years, the critical need for such tools has become increasingly evident. On the eve of the Arab Spring, there were still reports about the remarkable economic and social progress and general improvements in governance and the rule of law that some countries in the region were achieving. At the same time, United Nations human rights mechanisms and voices from civil society were painting a different picture, and reporting on exclusion, the marginalization of communities, discrimination, absence of participation, censorship, political repression or lack of an independent judiciary and denial of basic economic and social rights.

Popular uprisings and demonstrations in other parts of the world, including in relatively well-off countries, remind us of the necessity to place the human being at the centre of our development policy and to adjust our analytical lens accordingly. They compel us to review existing analytical, methodological and legal frameworks to ensure that they integrate real attention to freedom from fear and want, and to discrimination; assess the extent of public participation in development and in the fair distribution of its benefits; strengthen

accountability and embrace methods empowering people, especially the most vulnerable and the most marginalized.

Policy management, human rights and statistical systems are closely interrelated and thus need to be in tune with each other for promoting the well-being of people. Devising a policy or statistical indicator is not a norm or value-neutral exercise. Yet, integrating human rights in these processes is not only a normative imperative, it also makes good practical sense. Failing to do so can have real consequences.

I believe that this *Guide* will represent an important reference and resource from this perspective. There is a long way to go in improving our capacities for human rights implementation. There are numerous challenges in the collection and dissemination of information on human rights. What to monitor, how to collect information and interpret it from a human rights perspective, and the inherent danger of misusing data, are but some of the concerns addressed in this publication. The *Guide* also reminds us of the limitations that are intrinsic to any indicator. In particular, it cannot and should not be seen as a substitute for more in-depth, qualitative and judicial assessments which will continue to be the cornerstones of human rights monitoring. Instead, the indicators and methods described in this *Guide* are primarily meant to inform more comprehensive assessments and are neither designed nor suitable for ranking the human rights performance of States. The primary objective here is to highlight the human rights norms and principles, spell out the essential attributes of the rights enshrined in international instruments and translate this narrative into contextually relevant indicators and benchmarks for implementing and measuring human rights at country level.



I commend the women and men, the countries, State agencies, regional and national human rights institutions, statistical offices, civil society organizations and United Nations entities that were engaged in and have contributed to making this pioneering work on human rights indicators a reality. As illustrated by several national and regional initiatives, this work, which is still in progress and in connection with which my Office continues to receive a growing number of requests for support and assistance, provides useful tools in strengthening national capacity for human rights implementation.

I trust that the continued engagement, dialogue and cooperation among all stakeholders, including the human rights and development communities, will truly help foster human rights-based and people-centred development at country level. Indicators are in this sense a potential bridge between the human rights and the development policy discourses.

I hope this *Guide* will be widely disseminated, within and beyond traditional human rights forums, and invite all users and other stakeholders to share their knowledge and experiences and send feedback to my Office.

Most importantly, we should never forget that behind every piece of statistical data are human beings who were born free and equal in dignity and rights. We must strive to make their human rights stories, especially those of the powerless, visible through robust indicators and to use them in constantly improving our human rights policies and implementation systems to bring positive change to people's lives.

Navi Pillay

*United Nations High Commissioner
for Human Rights*

ACKNOWLEDGEMENTS

The preparation of this publication would not have been possible without the contributions and support of a large number of individuals and organizations. It benefited from the guidance of the human rights treaty bodies and a series of consultations and workshops organized by OHCHR between 2005 and 2012 in different countries and regions. OHCHR is particularly grateful to Rajeev Malhotra for initiating and conceptualizing the work on indicators for human rights at OHCHR and for his leading role in the development of the *Guide* with Nicolas Fasel and Grace Sanico Steffan. OHCHR wishes to thank Martin Scheinin for his substantive leadership and the following other members (or former members) of human rights treaty bodies, special rapporteurs and experts for their invaluable guidance and support: Francisco Alba, Jana Asher, José Francisco Calí Tzay, Audrey R. Chapman, Eitan Felner, Maria Virginia Bras Gomes, Paul Hunt, Moushira Khattab, Miloon Kothari, Lothar Krappmann, Todd Landman, Manfred Nowak, Michael O’Flaherty, Mark Orkin, Victoria Popescu, Eibe Riedel, Hans-Otto Sano, the late Hanna Beate Schoepp-Schilling, Mehmet Sevim and Christopher Stone. OHCHR also wishes to thank the United Nations Economic Commission for Europe (Statistical Division), the United Nations Human Settlements Programme, the United Nations Children’s Fund, the United Nations Office on Drugs and Crime, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the European Union Agency for Fundamental Rights and the Organisation for Economic Co-operation and Development (PARIS21/Metagora) for the essential expertise they provided to this work.



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ABBREVIATIONS AND ACRONYMS

CSO	civil society organization
FAO	Food and Agriculture Organization of the United Nations
ILO	International Labour Organization
IPU	Inter-Parliamentary Union
MDGs	Millennium Development Goals
NGO	non-governmental organization
NHRI	national human rights institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSD	United Nations Statistics Division
UPR	universal periodic review
WHO	World Health Organization

INTRODUCTION

“

The subject of your work here, “Statistics, Development and Human Rights”, is nothing less than a quest for a science of human dignity. This is a vital endeavour. When the target is human suffering, and the cause human rights, mere rhetoric is not adequate to the task at hand. What are needed are solid methodologies, careful techniques, and effective mechanisms to get the job done.

Mary Robinson¹

In recent years, there has been a growing demand from various stakeholders, including national and international human rights activists and policy-makers, for indicators for use in human rights assessments and in furthering the implementation and realization of human rights. This publication attempts to meet some of this demand by developing a reference resource with operational tools, including an approach to identifying quantitative and qualitative indicators, and the corresponding methodology, to promote objective and comprehensive human rights assessments.

On a general level, the idea of measuring human rights is inspired by the thinking, once well summed up by the eminent development thinker and practitioner J.K. Galbraith, that *“if it is not counted, it tends not to be noticed.”* On another level and in a different context, one could go further and suggest *“what gets measured gets done.”*² At the heart of this thinking is the recognition that to manage a process of change directed at meeting certain socially desirable objectives, there is a need to articulate targets consistent with those objectives, mobilize the required means, as well as identify policy instruments and mechanisms that translate those means into desired outcomes. In other words, there is a

need for suitable information, for example in the form of statistics, indicators or even indices, in order to undertake a situational analysis, inform public policy, monitor progress, and measure performance and overall outcomes.

The use of indicators can help us make our communications more concrete and effective. Compiling indicators helps to record information efficiently and this, in turn, makes it easier to monitor and follow up issues and outcomes. Well-articulated indicators can improve public understanding of the constraints and policy trade-offs, and help in creating broader consensus on social priorities. More importantly, when used properly, information and statistics can be powerful tools for creating a culture of accountability and transparency in the pursuit of socially valued progress.

In all these applications, it is necessary to configure and adapt the indicators to the requirements of the specific objectives that they are expected to serve so as to exploit their inherent promise. To get the most out of an indicator, it must be conceptually sound and empirically validated, based on sound methodology for collecting and processing information, and be relevant to the context where it is being used.

1. United Nations High Commissioner for Human Rights (1997–2002) in her address at the Conference of the International Association for Official Statistics on “Statistics, Development and Human Rights”, Montreux, Switzerland, September 2000.
2. Douglas Daft, Chief Executive Officer of Coca-Cola, as reported in United Nations Development Programme, *Human Development Report 2000: Human Rights and Human Development* (Oxford and New York, Oxford University Press, 2000), p. 126.

WHY INDICATORS FOR HUMAN RIGHTS?

The demand for and the use of indicators in human rights are part of a broader process of systematic work to implement, monitor and realize rights. Together with national human rights action plans, baseline studies and rights-based approaches to development and good governance, the oversight work of United Nations human rights mechanisms, and regional and national human rights institutions, indicators provide concrete, practical tools for enforcing human rights and measuring their implementation. There is a recognition that one has to move away from using general statistics and instead progress towards identifying specific indicators for use in human rights. The general statistics are often indirect and lack clarity in their application, whereas specific indicators are embedded in the relevant human rights normative framework and can be more readily applied and interpreted by their potential users.

The idea of using indicators in human rights is not new or unknown to international human rights and some treaties explicitly refer to statistical information (chap. I, sect. E). Indicators are seen as useful for articulating and advancing claims on duty-bearers and for formulating public policies and programmes that facilitate the realization of human rights. In the work of the United Nations human rights treaty bodies, for example, the use of appropriate indicators is a way to help States parties make precise and relevant information available to the treaty bodies, and to help them assess progress in the implementation of State obligations under the treaties. At the country level, national human rights institutions (chap. V) and even courts (box 1) have been calling for the use of indicators in human rights assessments. Above all,

the use of appropriate indicators is a way to help States assess their own progress in ensuring the enjoyment of human rights by their people.

Human rights standards and principles as a value-based, prescriptive narration, essentially anchored in the legalistic language of the treaties, are not always directly amenable to policymaking and implementation. They have to be transformed into a message that is more tangible and operational. Indeed, there is a need for human rights advocates to be equipped with an approach, methodology and specific tools that ensure a better communication with a broader set of stakeholders, who may or may not have had a formal introduction to human rights. At the same time, it is important to ensure that the message so created withstands rigorous scrutiny by the human rights community, as well as by those on the other side of the debate, who may have a greater role or be more directly involved in the implementation of human rights (e.g., policymakers). It is this gap between theory and practice that is expected to be bridged, in part, by identifying appropriate indicators for human rights.

Moreover, the exercise of identifying and using suitable indicators—quantitative as well as qualitative—also helps in clarifying the content of human rights standards and norms. While the interpretation of human rights standards (such as by the treaty bodies or by courts) is a separate step in the monitoring process, the use of indicators helps to ensure that the interpretive phase is well informed. This could, in turn, facilitate the implementation and attainment of the objectives associated with the realization of human rights.

Box 1 Use of statistical indicators by courts

Statistical data have been used by national and international tribunals and courts in assessing potential violations of international and national human rights norms. The analysis of “systemic discrimination” put forward by the Supreme Court of Canada emphasized the role of statistics in establishing proof of discrimination. In *Action Travail des Femmes v. Canadian National Railway Co.* in 1987, the Supreme Court used national employment statistics on the participation of women in the labour market (percentage of managerial and other positions held by women) in assessing possible discriminatory practices at the National Railway Company.

In 2004 the Constitutional Court of Colombia instructed the Government to provide detailed information on the rights of internally displaced persons (IDPs) and the policies affecting them. The Court ascertained that the Government had failed to provide sufficient resources and to create the required institutional capacity to uphold their rights. It requested quantifiable and comparable indicators to be identified and used to ensure a culture of accountability. In particular, indicators would help to:

- Assess the effectiveness of Government policies, specifically the impact of its remedial measures;
- Measure the enjoyment of rights in every phase of displacement, specifically by children, women, persons with disabilities and indigenous peoples; and
- Focus on and provide only the most essential information, in view of the resource implications.

As a result, the Government of Colombia put in place an evaluation mechanism with indicators to measure progress in the implementation of the rights of IDPs, including their rights to food, health, education, and liberty and security.

Sources: M. Potvin, “The role of statistics on ethnic origin and ‘race’ in Canadian antidiscrimination policy”, *International Social Science Journal*, vol. 57, No. 183 (March 2005), pp. 27–42; J. Rothring and M. Romero, “Measuring the enjoyment of rights in Colombia”, *Forced Migration Review*, No. 30 (April 2008), pp. 64–65; and M.J. Cepeda-Espinosa, “How far may Colombia’s Constitutional Court go to protect IDP rights?”, *Forced Migration Review*, special edition (December 2006), pp. 21–23.

There are several good reasons for using quantitative and qualitative indicators to assist human rights monitoring, but it is important to keep in mind that an

indicator is only a tool. When properly constructed and populated with high-quality data, it is useful to the extent that it adds value to human rights

assessments. It could make the exercise more objective and transparent and provide a concrete follow-up methodology.

While it is a tool to support qualitative or narrative-based, judicial or quasi-judicial and other comprehensive assessments, it is not a substitute for them and users need to be clear about its limitations. “Many agree with Lord Kelvin, the 19th-century physicist after whom the unit of absolute temperature is named: he reckoned that measuring something provides additional knowledge. And so it does, in the physical sciences. But where humans are involved, more data sometimes yield less truth”.³ This may be especially so regarding human rights, where the users and producers of data need to be well aware of the dangers and potential misuses of

statistics. There are numerous examples of data on different population groups being used to support acts of genocide and other human rights violations (chap. III, box 9).

Given these risks, should human rights stakeholders stay away from statistics and data collection? This *Guide* argues, on the contrary, that such risks call for a stronger involvement of human rights stakeholders in human rights measurement and documentation. Besides, statistical information is already being used in human rights reporting and monitoring systems, internationally, regionally and nationally. This *Guide* addresses the link between human rights and statistics, and proposes a set of tools to improve national statistical systems and ensure a more systematic implementation and monitoring of human rights.

TARGETED USERS OF THE GUIDE

The objective of this *Guide* is to bring together materials covering the conceptual, the methodological and the empirical aspects of the approach underlying the identification of context-sensitive indicators to promote and monitor the implementation of human rights. The *Guide* provides elements of a framework for building the capacity of human rights monitoring systems and facilitating the use of appropriate tools in policy-making, its implementation and monitoring (fig. I).

The *Guide* aims to reach all those who share a commitment to the promotion of human rights and those who are mandated, directly or indirectly, to address human rights issues in the course of their day-to-day work.

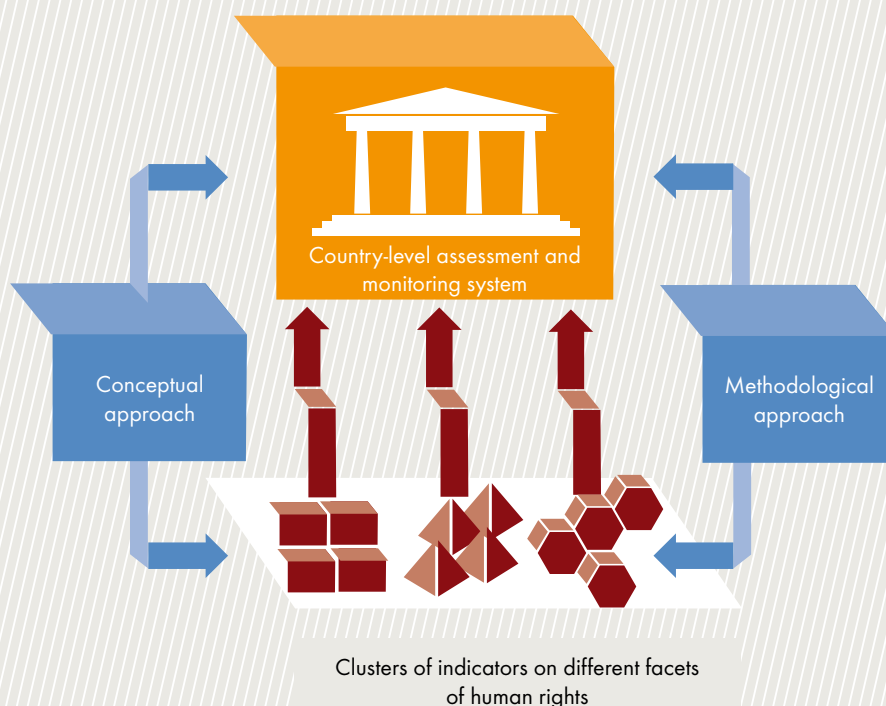
The publication focuses on the stakeholders engaged in identifying, collecting and using indicators to promote and monitor the implementation of human rights

nationally. It is directed at national human rights institutions, the United Nations human rights system in general and the treaty bodies in particular, the State agencies responsible for reporting on the implementation of human rights treaty obligations, as well as those responsible for policymaking across different ministries, public agencies at different levels of governance, statistical agencies, development practitioners, civil society organizations and international agencies with a mandate to further the realization of human rights.

As a result, without compromising the distinct aspects of human rights, the publication presents the material in a non-technical, self-contained manner to reach all those potential users who are not familiar with human rights and its various national and international mechanisms.

3. “International rankings: Wrong numbers – Global league tables are interesting, but not always reliable”, *Economist*, 6 January 2011.

Fig. 1 Practical tools for measuring and implementing human rights



BACKGROUND TO THE WORK

The work on indicators at the Office of the United Nations High Commissioner for Human Rights (OHCHR) was initiated in response to a request from the inter-committee meeting of the treaty bodies. It sought assistance in analysing and making use of the statistical information in the State parties' reports so as to assess their compliance with the human rights

treaties they had ratified. In pursuing this request, OHCHR undertook an extensive survey of the literature and the prevalent practice among civil society and international organizations regarding the use of quantitative information to monitor human rights.⁴ This was followed by the development of a conceptual and methodological framework for identifying

4. R. Malhotra and N. Fasel, "Quantitative human rights indicators: A survey of major initiatives", paper presented at the Nordic Network Seminar in Human Rights Research, Åbo, Finland, 10–13 March 2005. Available from www.abo.fi/institut/imr/research/seminars/indicators/index.htm (accessed 30 March 2012). Although qualitative and quantitative indicators are both relevant to the work of the treaty bodies, the focus has been on quantitative indicators and statistics in view of the specific request of the inter-committee meeting of human rights treaty bodies.

operationally feasible human rights indicators, in consultation with a panel of experts. This framework was presented to the inter-committee meeting in June 2006 and revised in June 2008, when the inter-committee meeting called for the development of resource materials and tools to help disseminate and operationalize it and to engage further on this work with national human rights stakeholders.⁵

Lists of illustrative indicators were developed for a number of human rights—both civil and political rights as well as economic, social and cultural rights. These indicators were then subjected to a process of validation that involved, at first, discussions with an international panel of experts, including experts from treaty bodies, special rapporteurs of the Human Rights Council, academics, and experts from civil society and international organizations. Subsequently, discussions were held with national stakeholders, including human rights institutions, policymakers and agencies responsible for reporting on the implementation of the human rights treaties, statistical agencies and representatives from civil society. These discussions, which generated feedback on the work, took the form of regional

and national workshops in several countries in Asia, Africa and Latin America. Consultations also took place in Europe and North America.⁶ The feedback helped in fine-tuning the approach and making it more practical and relevant to the human rights work at the country level. The consultations also provided a platform for making stakeholders more aware of the potential use of available statistical information in human rights assessments (chap. II, box 8). As a follow-up to these activities, several organizations and countries in different regions and at different levels of social, political and economic attainment initiated work on the development and use of indicators in human rights assessments, drawing on the approach adopted by OHCHR. Some of these initiatives are highlighted in the *Guide*.

The Committee on Economic, Social and Cultural Rights and the Human Rights Committee, which both revised their guidelines for State party reporting, require State parties to identify disaggregated statistics and indicators for the rights of the two Covenants taking into account the framework and list of illustrative indicators set out in this *Guide*.⁷

STRUCTURE OF THE GUIDE

The publication contains five chapters. Chapter I defines the notion of indicators in human rights or “human rights indicators”. It presents the various uses of the term “indicator” and its different categories generally found in the literature on human rights assessments. Chapter II outlines the conceptual approach adopted to identify indicators for different human rights standards and cross-cutting norms. While highlighting the salient features of

the approach, the chapter demonstrates its flexibility to identify contextually meaningful indicators for universal human rights standards. The methodological framework for generating the information on identified indicators is presented in chapter III. The chapter describes the merits and drawbacks of various data-generating mechanisms and shows how an eclectic but objective approach could be used to build a system of indicators on the status of

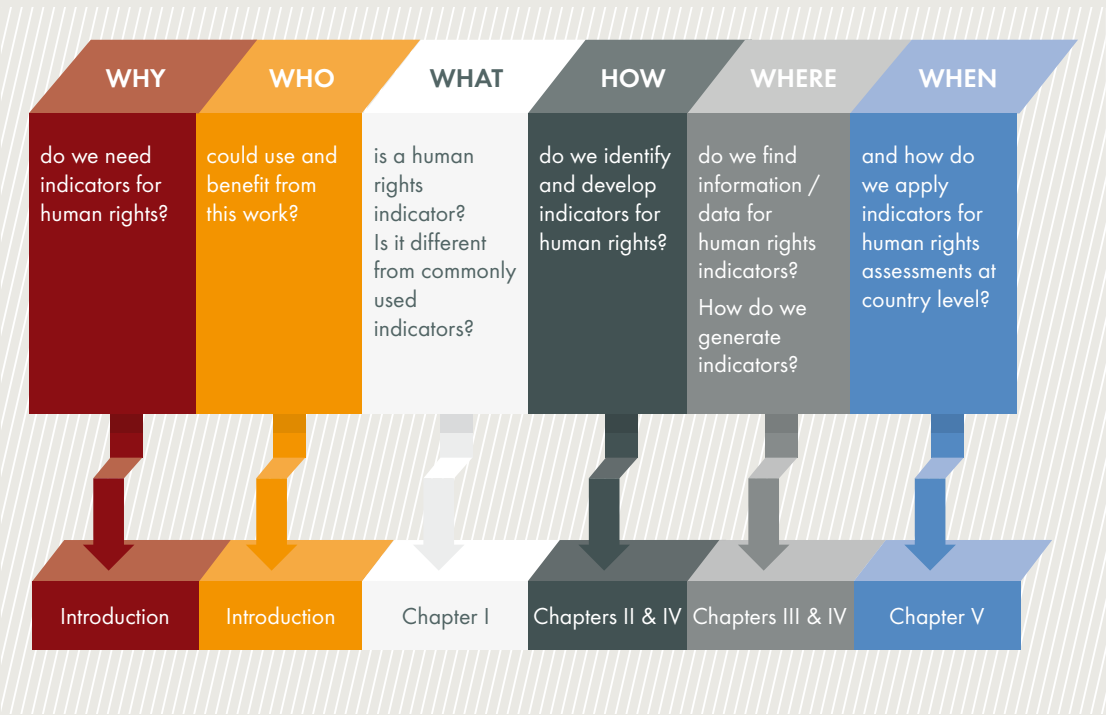
5. At its meeting in June 2006, the inter-committee meeting appreciated the background paper outlining an approach to the use of statistical information in the work of the treaty bodies and requested the Secretariat to undertake a two-year validation, including through piloting by the relevant committees, of the indicators and develop further lists of indicators, where appropriate in collaboration with United Nations entities. HRI/MC/2006/7 and HRI/MC/2008/3 form the backdrop to this *Guide*.
6. More details on this process are provided in HRI/MC/2008/3. The Council of Europe’s Commissioner for Human Rights also stressed the relevance of the framework in “Serious implementation of human rights standards requires that benchmarking indicators are defined”, 17 August 2009. Available from www.coe.int/t/commissioner/Viewpoints/090817_en.asp.
7. See E/C.12/2008/2 and CCPR/C/2009/1.

human rights implementation and their enjoyment nationwide.

Making use of this approach, chapter IV presents the analysis that went into the selection of specific indicators and the preparation of tables of illustrative indicators for different human rights. Annex I, which presents the metadata on selected illustrative indicators, is an integral part of this chapter. The metadata help to clarify methodological (and some conceptual) concerns in the application of the indicators to national human rights assessments. The final chapter outlines elements of a possible approach to setting

up a national human rights monitoring system. It discusses the potential use of the approach and the identified indicators, for example, in following up treaty bodies’ concluding observations and strengthening critical development processes like budgeting and performance monitoring of programmes from a human rights perspective. The chapter also discusses a process for identifying various stakeholders and engaging them in building a local alliance for pursuing the implementation of human rights. A glossary is also included in the *Guide*. Figure II summarizes the structure of the *Guide*.

Fig. II Structure of the Guide



USING THE GUIDE

The basic structure of the *Guide* is geared towards supporting a systematic and comprehensive translation of universal human rights standards into indicators that are contextually relevant. This approach favours using objective information which is easily available, or can be collected, for monitoring the national implementation of human rights. This requires the reader to:

➤ Understand the conceptual approach so as to identify indicators, after developing a preliminary understanding of the human rights normative framework;

➤ Explore the alternative data-generating methods to populate the selected indicators; and

➤ Apply and interpret the numbers that go with an indicator so as to build an assessment on the state of human rights.

Each of these steps has been dealt with in separate chapters or sections, which are sequenced in a manner that allows a gradual build-up of concepts and methods for use in executing the said steps (fig. II). Although interrelated, the chapters are sufficiently self-contained that they can be read in a different sequence. A quick reading of chapter II is nonetheless helpful before looking at the other material in the *Guide*.

For those who are familiar with human rights and are aware of commonly used statistics and indicators in development and governance assessments, it may be useful to start with the tables of illustrative indicators presented in chapter IV. The tables cover selected civil, cultural, economic, political and social rights that are frequently referred to in various human rights treaties. While relating concepts to application, these tables present indicators that can be assessed for their relevance to a given country. The information presented in the metadata of illustrative indicators (annex I), on the operational issues in using the identified indicators, is an integral part of the overall toolkit and facilitates the interpretation of those indicators.

For those who wish to use the adopted framework to identify indicators on certain themes of relevance to human rights, an example has been provided in the form of a table of illustrative indicators on violence against women. With the help of this table, the *Guide* shows how the approach could be applied to addressing cross-cutting and thematic issues from a human rights perspective.

Although the publication presents a number of potential indicators for human rights, it is not meant to be static. It is an integral part of an online site maintained by OHCHR with tables, metadata sheets and other relevant documents that are periodically reviewed and updated.⁸

8. www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx (accessed 30 March 2012).

HUMAN RIGHTS AND INDICATORS: RATIONALE AND SOME CONCERNS

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Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

Eleanor Roosevelt¹

Human rights are the language of basic human wants, in keeping with the notion of dignity and equality of the human person. They help in articulating wants and the response of those who have to address those wants. They are a universal lan-

guage of humanity to which a creative use of tools like indicators, both qualitative and quantitative, can contribute by strengthening its understanding and implementation. In developing this facet of human rights, the chapter addresses the following:

LEARNING OBJECTIVES

1

What are human rights, their characteristic features, obligations and the international normative framework?

2

What are the United Nations human rights mechanisms?

3

What are human rights indicators: quantitative/qualitative, fact- and judgement- based; performance and compliance indicators, and benchmarks?

4

Common concerns and some misconceptions on using indicators

5

Use of indicators in the international legal framework

1. Chair of the committee created by the United Nations Commission on Human Rights to draft the Universal Declaration of Human Rights, at the presentation of *IN YOUR HANDS: A Guide for Community Action for the Tenth Anniversary of the Universal Declaration of Human Rights*, United Nations, New York, 27 March 1958.

A. What are human rights?

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity.² Human rights are inherent in all human beings and are founded on respect for the dignity and worth of each person. They stem from cherished human values that are common to all cultures and civilizations. Human rights have been enshrined in the Universal Declaration of Human Rights and codified in a series of international human rights treaties ratified by States and other instruments adopted after the Second World War. There are also regional human rights instruments, and most States have adopted constitutions and other laws that formally protect basic human rights and freedoms. While international treaties and customary law, together with interpretive practice by treaty organs, form the backbone of international human rights law, other non-binding instruments such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development.

1 Human rights characteristics

Human rights are *universal, inalienable, interrelated, interdependent and indivisible*. Taken together, these characteristics, briefly outlined in figure III, ensure that all human rights are to be realized, whether they are civil and political rights (e.g., the right to participate in public affairs, freedom from torture and arbitrary detention), economic, social and cultural rights (e.g., the rights to food, social security and education) or collective rights (e.g., the right to development, the rights of indigenous peoples), for

all people and at all times, except in specific situations of derogation and according to due process. The level of enjoyment of one right is dependent on the realization of other rights. For instance, the rights to vote and participate in public affairs may be of little importance to someone who has nothing to eat. Furthermore, their meaningful enjoyment is dependent, for instance, on the realization of the right to education. Similarly, improvement in the enjoyment of any human right cannot be at the expense of the enjoyment of any other right. Thus, the realization of civil rights is as important as the realization of economic rights.

2 Human rights obligations

The underlying feature of human rights is the identification of rights holders, who, by virtue of being human, have a claim to certain entitlements, and duty bearers, who are legally bound to *respect, protect* and *fulfil*³ the entitlements associated with those claims (box 2). In invoking rights, it is important not only to identify the elements that are considered to be entitlements, but also to specify the agents that have the duty to bring about the enjoyment of those entitlements.⁴ Thus, there are rights of individuals and group(s) and there are correlated obligations, primarily for States—individually and collectively. Human rights law obliges the State and other duty bearers not to infringe on or compromise the fundamental freedoms and rights of people, and to take action to realize them.

A distinction is made in international human rights law between a State's *immediate* obligations and those

2. *Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation* (United Nations publication, Sales No. E.06.XIV.10), p. 1.
3. In the human rights literature, these are referred to in the Maastricht Guidelines, which define the scope of State obligations in relation to economic, social and cultural rights, but are equally relevant to civil and political rights. See Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (Maastricht, Netherlands, 22–26 January 1997).
4. Amartya Sen, *Development as Freedom* (Oxford, Oxford University Press, 1999), pp. 227–248.

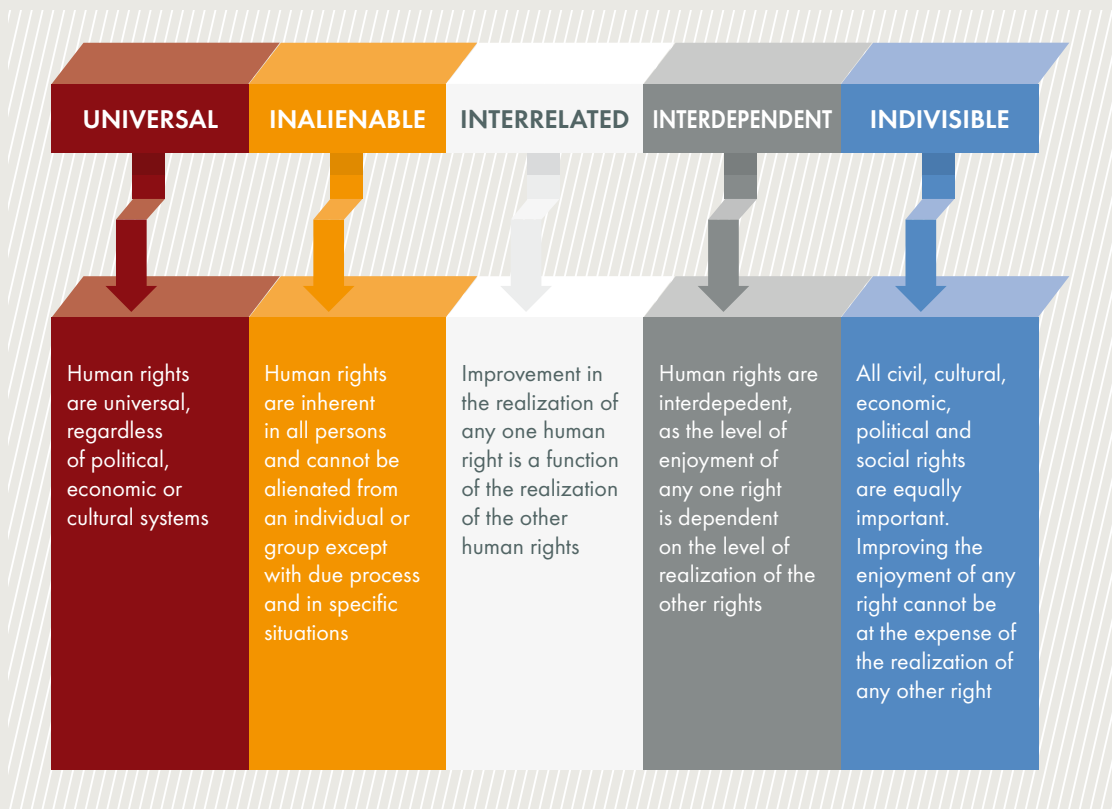
I. >> Human Rights and Indicators: Rationale and Some Concerns

>> What are human rights?

that may be discharged *progressively* if resources are lacking. For instance, the obligation not to discriminate between different population groups in the realization of human rights, whether civil, political, economic, social or cultural rights, is an immediate obligation. Similarly, the legal obligations of the State to *respect* (e.g., the freedom of expression by not using unnecessary or disproportionate force against demonstrators) and *protect* (e.g., the right to work or to just and favourable conditions of work by

ensuring that private employers comply with basic labour standards) are seen essentially as immediate obligations. In most instances, civil, cultural, economic, political and social rights entail immediate obligations as well as aspects of progressive realization. Immediate obligations, especially in relation to civil and political rights, have traditionally been better known and enforced, principally through judicial processes.

Fig. III Human rights characteristics



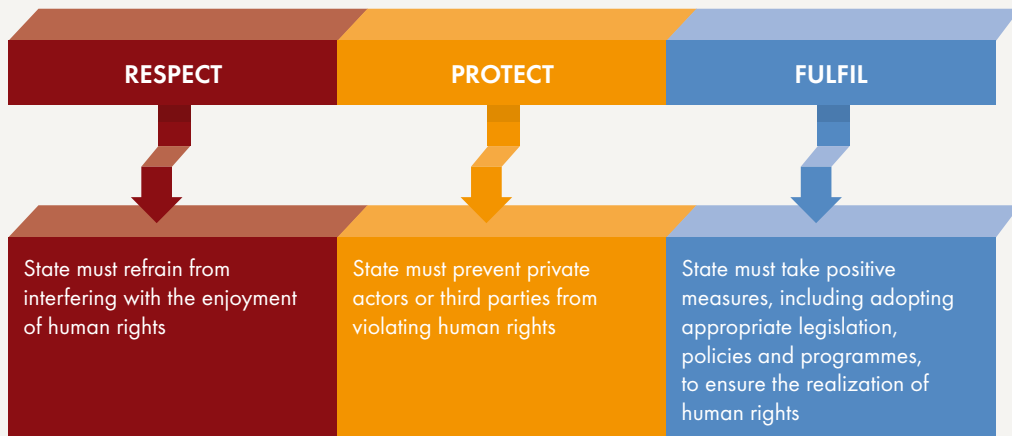
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There are also legal obligations of a more positive nature that States must meet, like the adoption of legislative, judicial and administrative measures critical for the realization of civil, cultural, economic, political and social rights. It relates to the obligation to *fulfil* human rights, which includes the obligations to promote (e.g., by creating an institutional and policy framework to support the enjoyment of rights) and to provide (e.g., allocating appropriate public resources). Here the right holder's claims relate to the implementation of the duty bearer's commitments to pursuing certain policies for achieving a set of desired results that can be related to the realization of human rights. While such obligations are often seen as less easily justiciable, recent developments show that they can also be subjected to judicial review. Moreover, the obligation to fulfil relates to economic, social and cultural rights as well as to civil and political rights (e.g., legal aid for indigent defendants).

Even when the full realization of rights, such as the rights to food, housing, education and health, is likely to be achieved only progressively, States have an immediate obligation to satisfy a "minimum essential level" of those rights and to take deliberate, concrete and targeted steps towards their full realization. In addition, States have the duty to demonstrate that all their available resources, including through requests for international assistance, as needed, are being called upon to fulfil economic, social and cultural rights.⁵ Furthermore, any deliberate retrogressive measures also require the most careful consideration and need to be fully justified by reference to the totality of the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights and in the context of the full use of the maximum available resources.

Box 2 Scope of State human rights obligations



5. Human Rights Committee general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant and Committee on Economic, Social and Cultural Rights general comment No. 3 (1990) on the nature of States parties obligations (art. 2, para. 1).

The obligations to respect, protect and fulfil also contain elements of *the obligation of conduct* and *the obligation of result*. The obligation of conduct requires action reasonably calculated to realize the enjoyment of a particular right. For the right to health, for example, it could involve the adoption and implementation of a plan of action to reduce maternal mortality. The obligation of result requires States to achieve specific targets to satisfy a substantive standard, such as an actual reduction in maternal mortality, which can be measured by a statistical indicator like the maternal mortality ratio.⁶ Another type of obligation that also calls for the development of indicators is the obligation to monitor and report on the progress made towards the realization of the human rights set out in the core international human rights treaties, an immediate obligation particularly emphasized in relation to economic, social and cultural rights and in the context of the rights of persons with disabilities.

3 **Cross-cutting human rights norms or principles**

The international human rights normative framework, including the international human rights treaties and the general comments and recommendations adopted by the bodies monitoring their implementation (sect. B below), embodies cross-cutting human rights norms or principles, *such as non-discrimination and equality, participation, access to remedy, access to information, accountability, the rule of law and good governance*. These cross-cutting norms are expected to guide the State and other duty bearers in their implementation of human rights. For instance, securing the

right to health requires non-discriminatory practices by providers of health services, access to information on the main health problems, access to remedy and due process in the event of malpractice or ill-treatment by health-care personnel, and participation in political decisions relating to the right to health at both the community and the national levels.⁷ Accountability and rule of law are closely related to the notion of access to remedy, which is a critical element in the human rights framework. In the event of a violation or denial of rights, the human rights approach emphasizes the need to have available appropriate means to seek and support redress, including by invoking the right to remedy and to due process, and the right to information.

Non-discrimination is at the heart of all work on human rights. It is a cross-cutting human rights norm that is invoked in all the international human rights treaties and provides the central theme of several international human rights conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women or the Convention on the Rights of Persons with Disabilities. The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁸ The principle of non-discrimination is complemented by the principle of equality, which, as stated in article 1 of the Universal Declaration on Human Rights, lays down that *all human beings are born free and equal in dignity and rights*.

6. General comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights and the Maastricht Guidelines.
7. Equality and non-discrimination, participation, accountability and rule of law are also listed in "The human rights based approach to development cooperation: Towards a common understanding among UN agencies" of the United Nations Development Group (2003) (for details, see *Frequently Asked Questions*, annex II).
8. Several prohibited grounds of discrimination have been identified in the international human rights instruments and case law by their monitoring bodies. See, for example, the International Covenant on Civil and Political Rights, articles 2.1, 3 and 26, and the International Covenant on Economic, Social and Cultural Rights, articles 2.2 and 3, Committee on Economic, Social and Cultural Rights general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, and the cases of *Ibrahima Gueye et al. v. France* (nationality) and *Nicolas Toonen v. Australia* (sexual orientation) by the Human Rights Committee.

4 **International human rights normative framework**

The international human rights normative framework has evolved since the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on 10 December 1948.⁹ Drafted as “a common standard of achievement for all peoples and nations”, it spelled out basic civil, political, economic, social and cultural rights that all human beings should enjoy. It has been widely accepted as an instrument containing the fundamental norms of human rights that should be respected, protected and realized. The Declaration together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights form the International Bill of Human Rights. The other conventions adopted by the United Nations to address the situation of specific populations or issues in the promotion and protection of human rights are:

- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention on the Rights of the Child;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- The Convention on the Rights of Persons with Disabilities; and
- The International Convention for the Protection of All Persons from Enforced Disappearance.

These nine conventions and their optional protocols constitute the core international human rights instruments of the United Nations. Their provisions form the

essence of the normative human rights framework of the United Nations. The treaty bodies (sect. B below) that review their implementation have developed the normative basis of the standards reflected in the treaties and the obligations of the duty bearers that follow from those standards through treaty-specific general comments and recommendations. Other human rights mechanisms, such as the special procedures of the Human Rights Council, have also contributed to the normative understanding of human rights standards.

While covenants, statutes, protocols and conventions are legally binding on those States that ratify or accede to them, there are many other universal human rights instruments with a different legal status. Declarations, principles, guidelines, standard rules and recommendations have no binding legal effect, but have an undeniable moral force and provide practical guidance to States in their conduct.¹⁰

As the human rights standards have become codified in international as well as regional and national legal systems, they provide a set of performance measures to hold duty bearers—primarily States—to account.

The normative standards on rights, as well as their correlated legal obligations discussed above should be translated into policies and measures that define and facilitate the implementation of human rights. However, policymakers, development and sometimes even human rights practitioners find it difficult to link these concepts with implementation practices. This makes it difficult to directly use such standards in policymaking and in pursuing the realization of human rights. It is this gap that the work on indicators for human rights is trying to address.¹¹

9. Since 1948, the Declaration has been translated into more than 370 languages (see www.ohchr.org/EN/UDHR/Pages/Introduction.aspx (accessed 25 April 2012)).

10. For example, the United Nations Declaration on the Rights of Indigenous Peoples elaborates on existing international human rights as they apply to indigenous peoples.

11. See also United Nations Non-Governmental Liaison Service, *The United Nations Human Rights System: How To Make It Work For You* (2008).

B. United Nations human rights mechanisms

The *Human Rights Council* is an intergovernmental body consisting of 47 Member States elected by the United Nations General Assembly for a period of three years. The Council was created in 2006 by the General Assembly and replaced the Commission on Human Rights. The Council's functions are, inter alia, to promote the full implementation of human rights obligations undertaken by States, to contribute to the prevention of human rights violations and to respond promptly to human rights emergencies.¹²

The *universal periodic review* (UPR) is a key mechanism of the Human Rights Council to review the human rights situation of all United Nations Member States in a four and a half year cycle. The review of each country is based on three reports. One is a national report prepared by the Government, while the other two are a compilation of United Nations information and a summary of stakeholders' information, both produced by OHCHR. United Nations agencies and programmes, civil society organizations and others participate in the process by submitting information, which is then included in the reports prepared by OHCHR and discussed during the review. The review is a cooperative mechanism based on an interactive dialogue between the State reviewed and the Human Rights Council. It provides an opportunity for each State to declare what actions it has taken to improve the human rights situation and to fulfil its human rights obligations.

Special procedures is the general name given to the mechanisms of the Human Rights Council to examine, monitor, advise and publicly report on human rights situations in specific countries or territories (country mandates) or on major phenomena of human rights

violations worldwide (thematic mandates). Special procedures are either individuals (special rapporteurs or independent experts) or working groups. All are prominent independent experts working on a voluntary basis and are appointed by the Human Rights Council. At the time of writing, there are 35 thematic mandates and 10 country mandates. Special procedures mandate holders report to the Human Rights Council on their findings and recommendations, including on their country visits and the communications they receive on alleged human rights violations.

There are currently nine human rights committees, commonly called *treaty bodies*, for each of the nine international human rights treaties in force.¹³ These bodies are composed of independent experts mandated to review State parties' compliance with their treaty obligations. They are created in accordance with the provisions of the treaty that they monitor. State parties are obliged to report regularly to these treaty bodies. Some treaty bodies are also empowered to examine individual complaints.

Created in 1993, OHCHR is mandated to promote and protect the enjoyment and full realization of all human rights by all people. The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining United Nations human rights work.¹⁴ OHCHR is the secretariat of the Human Rights Council, the special procedures mandate holders, the treaty bodies and the universal periodic review.

12. The Human Rights Council Advisory Committee and a confidential complaint procedure are two additional mechanisms of the Human Rights Council.

13. There is also a Subcommittee on Prevention of Torture under the Optional Protocol to the Convention against Torture.

14. The United Nations human rights programme started in the 1940s as a small division at United Nations Headquarters. The division later moved to Geneva and was upgraded to the Centre for Human Rights in the 1980s. At the World Conference on Human Rights in Vienna in 1993, the international community decided to establish a more robust human rights mandate with stronger institutional support. Consequently, Member States of the United Nations created OHCHR by General Assembly resolution 48/141.

Although not part of the United Nations, *regional and national human rights systems* are key instruments for the protection and promotion of human rights at country level. There are several regional intergovernmental organizations that have set human rights standards and established monitoring mechanisms. National human rights institutions (NHRIs) are national bodies established for the

protection and promotion of human rights. There are many types of NHRIs. The United Nations adopted the so-called Paris Principles to guide their work. The Paris Principles also form the basis for their accreditation by the International Coordinating Committee of National Institutions,¹⁵ for which OHCHR also serves as the secretariat.

C. Human rights indicators - notion and rationale

In the context of this work, a human rights indicator is *specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights*. Defined in this manner, some indicators could be unique to human rights because they owe their existence to specific human rights norms or standards and are generally not used in other contexts. This could be the case, for instance, with an indicator like the number of extrajudicial, summary or arbitrary executions, or the reported number of victims of torture by the police and the paramilitary forces, or the number of children who do not have access to primary education because of discrimination by the authorities. At the same time, there could be a large number of other indicators, such as commonly used socioeconomic statistics (e.g., human development indicators used in the *Human Development Reports* of the United Nations Development Programme (UNDP)), that could meet (at least implicitly) all the definitional requirements of a human rights indicator as laid out here. In all these

cases it is helpful to consider them as human rights indicators, to the extent that they relate to human rights standards and principles and could be used for human rights assessments.¹⁶

Such a broad understanding of the term indicator allows it to assume various forms, of a qualitative or a quantitative nature. This, in turn, may lead to plurality in the understanding of the concept and methodologies to identify and develop indicators, which can sometimes be a source of confusion. It becomes necessary, therefore, to have a minimum common understanding of the types of indicators that are the focus of this *Guide*.

1 Quantitative and qualitative indicators

Indicators can be *quantitative* or *qualitative*. The former are narrowly viewed as equivalent to “statistics”, while the latter cover any information articulated as a narrative or in a “categorical” form. Unless otherwise specified, the term “quantitative indicator” is used in this publication to designate

15. Further information on the Paris Principles is provided in annex I (indicator 5) and <http://nhri.ohchr.org>.

16. The conceptual, methodological and operational criteria relevant to the identification and use of indicators for human rights implementation and assessment are outlined in the different chapters of this *Guide*. These criteria contribute to clarifying further the distinction between common indicators or statistics and “human rights indicators”.

any kind of indicator that is expressed primarily in quantitative form, such as numbers, percentages or indices.¹⁷ Thus, indicators related to enrolment rates for school-age children, indicators on the number of ratifications of treaties, the time frame for implementation and coverage of policies relevant to human rights, the proportion of seats in the national parliament held by women, and the incidence of enforced or involuntary disappearance are all examples of quantitative indicators. At the same time, “checklists” or sets of questions, narrative and categorical data that seek to complement or elaborate on information—numerical or otherwise—related to the realization of human rights are also widely used. These checklists are seen as useful indicators of the situation being monitored or analysed. In such cases, the use of the word “indicator” refers to information beyond statistics that is qualitative in nature. Experts in many agencies in the United Nations system and within the human rights community have often favoured such an interpretation of the word indicator, implicitly emphasizing the qualitative aspect.

These two main uses of the word “indicator” in the human rights community do not reflect two opposed approaches. Given the complexity of assessing compliance with human rights standards, all relevant qualitative and quantitative information is potentially useful. Quantitative indicators can facilitate qualitative evaluations by measuring the magnitude of certain events. Similarly, qualitative information can complement the interpretation of quantitative indicators. Similar complementarities can be highlighted between subjective and objective indicators.

2 ***Fact-based and judgement-based indicators***

Human rights indicators could also be categorized as fact-based and judgement-based indicators, which corresponds to the category of objective and subjective indicators in the literature on statistics and development indicators. This distinction is not necessarily based on the consideration of using, or not using, reliable or replicable methods of data collection for defining the indicators. Instead, it is ideally seen in terms of the information content of the indicators concerned. Thus, objects, facts or events that can, in principle, be directly observed or verified (for example, weight of children, number of violent deaths, nationality of a victim) are categorized as objective indicators. Indicators based on perceptions, opinions, assessment or judgements expressed by individuals are categorized as subjective indicators. In practice and in the context of certain human rights, this distinction between objective and subjective information is often difficult to make. Elements of subjectivity in the identified category of objective indicators cannot be fully excluded or isolated. The characterization of the nature of the information captured can in itself be seen as a subjective exercise. Nevertheless, the use of transparent, specific and universally recognized definitions for particular events, facts and objects contributes, in a general sense, to greater objectivity when identifying and designing any type of indicator, be it a quantitative, a qualitative, a subjective or an objective one. Moreover, fact-based or objective indicators, in contrast with judgement-based or subjective indicators, are verifiable and can be easier to interpret when comparing the human rights situation in a country over time and across populations.

17. The three expressions, namely quantitative, statistical or numerical indicators, are often used interchangeably.

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 >> Human rights indicators - notion and rationale

Fig. IV Categories of indicators used for human rights



Consider figure IV, which presents a cross-tabulation of the four categories of indicators: quantitative, qualitative, fact-based and judgement-based. It illustrates the opportunities for using different categories of indicators in undertaking human rights assessments. Each category has its potential use (see also discussion in chap. III on data-generating mechanisms), yet ideally if there is a choice the preference would be for indicators from quadrant A over C, and B over D, or AC over BD, and A over the rest. In other words, when each of the four quadrants has something to offer by way of relevant information and indicators on the subject being assessed, the said order of preference is likely to make the assessment more objective and acceptable to the parties involved. However, in general, in the context of this *Guide* there is a tendency to use information from quadrant A, C and to some extent B. Regarding the indicators in quadrant B, the focus is on the category of subjective indicators that can be more easily obtained through statistically representative surveys like the “percentage of individuals who feel safe walking alone at night” (example 1).¹⁸ Moreover, information and indicators that are fact-based and quantitative in nature (quadrant A) can provide a sense of magnitude and overcome certain bias in information generation and its interpretation that other non-quantitative and judgement-based information and indicators may not. This makes it worthwhile to use further fact-based and quantitative information and indicators, to the extent that their use adds value to the human rights assessments.

3 **Performance and compliance indicators**

In recent years, having accepted the objective of mainstreaming human rights in their mandated activities, including development cooperation activities, the United Nations system’s agencies and programmes have been seeking tools and monitoring methodologies that could help them in assessing their performance on the said objective. A need for such tools and related indicators has also been expressed by donors who want to use human rights standards to guide their assistance programmes in the recipient countries. The approach, in such cases, has been to bring in human rights cross-cutting norms of non-discrimination and equality, participation and accountability in supporting the implementation of the ongoing activities. There have also been some attempts at modifying the mandates or stated programming objectives by referring to specific human rights standards.

As a result, indicators have been identified and toolkits developed that use what are essentially *performance indicators*. The primary objective of performance indicators is to allow the verification of changes produced by development intervention relative to what was planned. They are based on programming principles and terminologies (such as *input-output-outcome-impact* categorization of indicators, see also chap. V, sect. A 2) and anchored essentially in the respective programme activities. Such indicators can be used to monitor the performance of programme activities and to assess their conformity to some of the cross-cutting human rights norms.¹⁹ However, performance indicators, though helpful in furthering an approach based on human rights in development programming, capture only some aspects of the cross-cutting human rights

18. The importance and meaning of surveys based on representative population samples and statistically sound methodology are highlighted further in chapter III.

19. UNDP, “Indicators for human rights based approaches to development in UNDP programming: a users’ guide”, March 2006. Available from <http://web.undp.org/oslocentre/docs06/HRBA%20indicators%20guide.pdf>.

norms. Their coverage of the human rights standards as laid out in various instruments remains limited and often only incidental.²⁰ Therefore, the use of performance indicators, as articulated in the literature and applied in current practice, does not in itself provide an adequate way forward for developing and encouraging the use of indicators in the implementation of human rights.

Unlike performance indicators, *compliance indicators* in the human rights context are explicitly anchored in human rights standards. Such indicators are meant to capture the extent to which the obligations flowing from those standards are being met and are yielding outcomes that can be associated with improved enjoyment of human rights. The work undertaken in this *Guide* relates to the identification of indicators that can be used to promote and monitor the compliance of duty bearers with their human rights obligations (see chap. II for more details). However, in specific contexts, where programmes have been tailored to furthering the realization of human rights, or are contributing to the implementation of specific human rights obligations such as extending free primary education, programme-specific performance indicators will also help in assessing the programme's compliance with human rights standards.

4 Indicators and benchmarks

Benchmarks are predetermined values for indicators that can be based on normative or empirical considerations. For instance, an indicator for measuring nutrition adequacy can be normatively based on sociocultural factors like tastes and religious restrictions, or empirically estimated taking into account people's work profile, and the energy and nutrient

requirements of the body. Often, normative considerations are based on international or national standards (e.g., treatment of prisoners of war) or on people's political and social aspirations. The empirical considerations are primarily related to issues of feasibility and resources. Consider, for example, the indicator "proportion of one-year-olds immunized against vaccine-preventable diseases". Using a benchmark may require setting a specific value for the indicator, say, raising it to 90 per cent, or improving the existing coverage by 10 percentage points, so that the efforts of the implementing agency can be focused on attaining that value in the reference period. In the first case, a 90 per cent benchmark for measles inoculation could be based on a normative consideration or on an empirical observation that, at a 90 per cent vaccination rate, the probability of an epidemic drops significantly. Similarly, a 10 percentage point increase in coverage could be based on considerations of resource availability and local capacity.

In the context of assessing the compliance of State parties, the use of a benchmark for an indicator strengthens their accountability by making them commit to a certain performance standard on the issue under assessment. The Committee on Economic, Social and Cultural Rights, in particular, has called for the setting of benchmarks to accelerate human rights implementation.²¹ However, the first step in arriving at a meaningful benchmark is to have a general consensus on the choice of an indicator to be used for human rights assessment. Only then can the task of setting performance benchmarks for the selected indicators be fruitful (see also chap. V, sect. A).

20. Part of the reason for this lies in the unequal time horizons: a few years in respect of development programmes and much longer for promoting and protecting human rights. Moreover, programmes by definition have to be sharply focused on one or a few objectives at a time and are unlikely to address the various facets, complexities and the large expanse of human rights standards.

21. In its general comment No. 1 (1989) on reporting by States parties, the Committee called for the setting of benchmarks with respect to quantitative indicators, such as the extent of vaccination of children and the intake of calories per person. See also its general comment No. 14 (2000) on the right to the highest attainable standard of health, paras. 57–58.

D. Some concerns and misconceptions

1 Quantification of qualitative information

A frequently voiced concern is that it is not feasible to quantify and measure human rights compliance. Moreover, human rights relate to qualitative aspects of life, which may not be amenable to being captured by statistical information. For example, in administering justice, the competence of judges may be more relevant than their number. In addition, it is often said that quantitative human rights data may not exist or may be unreliable.

Such a concern may be the result of a misunderstanding of what is sought to be measured. In using indicators for human rights, the primary interest is in measuring a few relevant features that could be related to an improvement in the realization and the enjoyment of human rights, or in assessing the efforts being made by the duty bearer in meeting its human rights obligations. The focus is not on identifying an extensive list of indicators, based on statistical surveys, on all human rights standards or treaty provisions. Indeed, that would be unnecessary. Indicators are tools that add value to assessments with a strong qualitative dimension; they do not replace them. At the same time, by making appropriate use of commonly available statistical information, for example on access to legal aid by different population groups or school enrolment of children from specific social groups, indicators could help to assess some qualitative aspects of human rights enjoyment more objectively and comprehensively. Once this distinction in the use of indicators is clear, it is much easier to identify indicators for human rights assessments.²²

2 Data availability and disaggregation

The use of indicators as a human rights assessment tool depends critically on the availability of relevant and reliable data. While there will always be some constraints in finding such data, it is the objective of this publication to demonstrate how diverse information, from different types of sources, could be successfully combined to develop indicators for human rights assessments (see chap. III for details). More importantly, in many instances commonly available statistical information and administrative records could be reconfigured into suitable indicators to highlight the human rights aspects of a situation.

A related concern is the lack of appropriate statistics at the required level of disaggregation to support analysis of non-discrimination and equality—a principal focus in any human rights assessment. It is, therefore, argued that unless there are adequate data to capture the enjoyment or violation of human rights across context-relevant population groups, it is meaningless to rely on indicators in such assessments.

Although the lack of disaggregated statistics is indeed a limiting factor, it does not undermine the potential usefulness of suitable indicators in facilitating objective assessments. At best, it will merely delay their use until the relevant data become available. Moreover, beyond the use of commonly available socioeconomic statistics at a disaggregated level, such as those used in monitoring human development,²³ it is equally important to

22. As discussed in section C, the distinction between qualitative and quantitative indicators is not necessarily straightforward. Typical *quantitative* indicators like the proportion of fully qualified and trained primary schoolteachers, dropout rates or literacy rates are also relevant for assessing the *quality* of the education system or, in other words, the qualitative aspects of the realization of the right to education.

23. The UNDP *Human Development Reports*. Available from <http://hdr.undp.org>.

identify and develop specific human rights indicators, both qualitative and quantitative, that reflect the unique aspects of human rights standards and cross-cutting norms.²⁴ That process also contributes to clarifying the content of the right and making it more concrete.

While disaggregated data are essential for addressing human rights concerns, it may not be practical or feasible always to disaggregate data at the desired level. Disaggregation by sex, age, region or administrative unit, for example, may be easier than by ethnicity, as identifying ethnic groups often involves objective (e.g., language) and subjective criteria (e.g., self-identification) that may evolve over time. Although many population groups call for more visibility (for themselves) in statistics to inform on prevalent discrimination or disparities and to support targeted policy measures, being identified as a distinct group may be a politically sensitive issue, which may discourage disaggregation of data (chap. III, box 9). The production of any statistical data also has implications for the right to privacy, data protection and confidentiality, and may, therefore, require consideration of appropriate legal and institutional standards (see chap. III for further details).

3 Statistical averages vis-à-vis information on individual cases

The use of statistical averages in human rights assessments or data relating to the enjoyment of human rights by specific population groups, such as the most vulnerable or marginalized groups in a society, may seem paradoxical. Moving from national averages towards data that capture the enjoyment of rights by every single individual would appear more in line with a human rights approach.

It would enable an assessment of the extent of discrimination and inequality in the enjoyment of human rights for every individual in a society. Besides the fact that this is not generally feasible, focusing on a subset of the population by using averages is not in conflict with the notion of universality and inalienability of human rights. Indeed, both kinds of data may be useful in undertaking human rights assessments. For example, data reflecting the efforts made by a State to provide legal aid or public health and sanitation free of charge to people could easily and meaningfully be captured at an aggregate level of a community or an administrative unit of a province. While data on torture would have to be primarily captured through information on individual cases, statistical surveys representative of the affected populations (e.g., prison population) can be a complementary source of information to measure the incidence of torture and other ill-treatment in the country.

4 Universal vis-à-vis contextually relevant indicators

Indicators can be more meaningful and are more likely to be used when they are contextually relevant. It may not be crucial to collect information on mortality rates for malaria in a Scandinavian country, where malaria is rare. However, in South Asia or parts of Africa, the incidence of malaria may be a good indicator for assessing the State's public health efforts in addressing critical right-to-health concerns. At the same time, a case of torture or forced eviction or information on the homeless is likely to be relevant in most parts of the world. While human rights are universal and every individual, regardless of location, has the right to enjoy them equally, there will be instances where indicators

24. In its general comment No. 3 (1990), the Committee on Economic, Social and Cultural Rights recognized that "in many instances legislation is highly desirable and in some cases may even be indispensable. For example, it may be difficult to combat discrimination effectively in the absence of a sound legislative foundation for the necessary measures".

may have to be tailored to the contextual needs of a country. In general, both globally applicable as well as context-specific indicators will be useful in human rights assessments so long as they are anchored in the universally applicable human rights standards. As highlighted in chapter V, the development of relevant indicators will also depend on the type of process, in particular participatory processes involving human rights actors, that the country adopts to define, collect and disseminate them.

5 Relevance of indicators for both civil and political rights and economic, social and cultural rights

A major concern with the use of indicators for human rights assessments stems from the fact that there is no significant body of work in the literature, or in practice, that uses a consistent and coherent framework to identify and develop those indicators. For historical reasons and, perhaps, for the sake of analytical convenience, two distinct approaches have been used to monitor the realization of civil and political rights on the one hand and economic, social and cultural rights on the other. This has contributed to an artificial dichotomy that is neither desirable nor tenable in the face of the indivisibility and interdependence of all human rights. The resulting ambiguity and complexity of the approaches may have contributed to a certain scepticism about the use of quantitative indicators for human rights assessments, perhaps even holding back progress in this area of work.

Traditionally, a *violation approach* has been used for civil and political rights. It is based on the consideration that the normative content of these rights is explicit, the claims and duties are well

known, and the rights can be enjoyed as soon as they are guaranteed by the State (see sect. A 2). Thus, any outcome that violates the treaty provisions related to a human right can be used as an indicator to monitor the implementation of that right. For instance, the incidence of disappearance or arbitrary detention can be seen as a lack of enjoyment or, more precisely, a violation of a certain aspect of the right to liberty and security of the person and, therefore, be used to monitor the implementation of that right. The focus is essentially on monitoring the absence of negative outcomes. As a result, such rights are often categorized as “negative” human rights.

For economic, social and cultural rights, the general practice has been to monitor outcomes related to the *progressive realization* of these rights in accordance with article 2 (1) of the International Covenant on Economic, Social and Cultural Rights.²⁵ Such rights are perceived as resource-intensive and therefore difficult to guarantee, particularly in developing countries. Therefore, it is logical to monitor such outcomes that can be related to the progressive realization of these rights over time. Since the relevant outcomes in this case are desirable, positive and require proactive measures by States, these rights have been often associated with “positive” human rights obligations.

The use of distinct approaches and corresponding methodologies to monitor the two sets of rights has led to the presentation of human rights as positive or negative rights. However, in practice all human rights have positive and negative obligations and their implementation could be associated with both positive and negative outcomes. For instance, the proportion of specific positions (e.g., seats in parliament or senior official positions) held by women can

25. “Each State Party to the [International Covenant on Economic, Social and Cultural Rights] undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”

help assess the realization of the right to participate in public affairs (International Covenant on Civil and Political Rights, art. 25). Similarly, a decline in the incidence of forced evictions can contribute to the realization of the right to adequate housing. Moreover, focusing solely on outcomes, whether positive or negative, undermines the importance of monitoring the *obligation of conduct*, accepted by States by ratifying the relevant human rights treaties. It is therefore necessary to focus not only on the realization of outcomes consistent with the implementation of human rights standards, but also

on the process of realizing such outcomes.

These concerns have not been adequately addressed and progress in the acceptance and use of indicators in human rights assessments has consequently been slow. Recognizing that it is important to address them provides the rationale for adopting a common, practical approach to identifying indicators and developing tools that can be used for assessing both civil and political rights and economic, social and cultural rights.

E. Indicators in the international legal framework

The use of indicators and statistics is neither alien nor new to the United Nations human rights system. The human rights monitoring mechanisms, such as the treaty bodies, special procedures mandate holders and UPR, refer to and make use of a wide range of indicators, including statistical indicators (box 3). The demand for specific indicators is reflected in the human rights normative framework. While some quantitative indicators are explicitly mentioned in the human rights treaties, their type and role are further specified in general comments and recommendations adopted by the treaty bodies.²⁶

Regarding the treaties, article 10 of the Con-

vention on the Elimination of All Forms of Discrimination against Women, on the right to education, provides for the reduction of “female student dropout rates”. In the International Covenant on Economic, Social and Cultural Rights, article 12 states that to achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the steps to be taken by the States parties shall include those necessary for the provision for the reduction of the stillbirth rate and of infant mortality.²⁷ Article 24 (2) of the International Covenant on Civil and Political Rights states that “every child shall be registered immediately after birth and

26. Reports prepared by the special procedures mandate holders of the Human Rights Council (and its predecessor, the Commission on Human Rights) have also referred to and made use of specific indicators. See, for instance, the reports of Paul Hunt, Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health (A/58/427), and Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/14/24).

27. The Vienna Declaration and Programme of Action, adopted in 1993, stated that “to strengthen the enjoyment of economic, social and cultural rights, additional approaches should be examined, such as a system of indicators to measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights” (para. 98). In 2009, the Outcome Document of the Durban Review Conference recommended that States should “develop a system of data collection, including equal-opportunity and non-discrimination indicators, that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, and to consider, where appropriate, seeking the assistance of the Office of the United Nations High Commissioner for Human Rights” (para. 104).

shall have a name". A similar provision is contained in the Convention on the Rights of the Child (art. 7 (1)).²⁸ The Convention on the Rights of Persons with Disabilities has an article specifically devoted to statistical information.²⁹ Article 16 of the International Covenant on Economic, Social and Cultural Rights and article 40 of the International Covenant on Civil and Political Rights refer to the obligation for their State parties to report on the progress made in the enjoyment of human rights. Such references to quantitative indicators in treaties help to clarify the content of the right and to reinforce its operational aspects.

Concerning the general comments and recommendations adopted by treaty bodies, the Committee on Economic, Social and Cultural Rights recommends that State parties should set specific benchmarks or goals with respect to the reduction of infant mortality, the extent of vaccination of children, the intake of calories per person, the number of persons per health-care provider, etc.³⁰ Given the importance of the "progressive realization" of the rights concerned, it underlines the importance of qualitative as well as quantitative data to assess adequately the progress over time.

According to the Committee on the Elimination of Discrimination against Women, "statistical information is absolutely necessary in order to understand the real situation of women in each of the States parties to the Convention".³¹ It recommends that social

and economic surveys should formulate their questionnaire in such a way that data can be disaggregated according to gender; that State parties should encourage the compilation of statistics on domestic violence; and that State parties should provide quantitative data showing the percentage of women enjoying their rights in relation to political and public life.³² Similarly, the Committee on the Rights of the Child emphasizes the importance of detailed disaggregated data.³³ In its general comment on the prohibition of torture and other cruel treatment or punishment, the Human Rights Committee states that reports of State parties should provide statistics relating to the administration of justice: on the number of complaints and how those complaints have been addressed.³⁴ The Committee on the Elimination of Racial Discrimination recommended that Bolivia should "develop reliable, appropriate statistical tools to ensure self-identification in the 2012 census and to ensure the full and effective participation of indigenous original campesino peoples and Bolivians of African descent in all stages of the census process and the inclusion of peoples in geographically remote locations".³⁵ It also requested Cambodia to "include in its next periodic report disaggregated data on ethnic minorities, including indigenous minorities, and on their socioeconomic status."³⁶

Finally, it is important to underline that the use of indicators, whether quantitative or qualitative and/or fact-based or judgement-based, in human rights assessments provides options that are, in

28. While recording births is of direct importance to delivering a birth certificate, which is often a condition for the enjoyment of other rights, the registration of all children represents an acknowledgment by the State of the importance attached to every individual and of their status under the law. The same is perhaps true for most other official statistics (e.g., causes of death, measures of income inequality and unemployment rates).

29. Its article 31 stipulates that "States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention".

30. The Committee points out that global benchmarks are of limited use, whereas national or other more specific benchmarks can provide an extremely valuable indication of progress (general comment No. 1 (1989)).

31. General recommendation No. 9 (1989) on statistical data concerning the situation of women.

32. General recommendations No. 9 (1989), No. 19 (1992) on violence against women and No. 23 (1997) on article 7 (political and public life).

33. General comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 5 (2003) on general measures of implementation of the Convention.

34. General comment No. 20 (1992).

35. CERD/C/BOL/CO/17-20, para. 12.

36. CERD/C/KHM/CO/8-13, para. 12.

most instances, complementary and mutually supportive. Indeed, no single indicator or category of indicator can provide a complete assessment of a given situation. They are and will always remain tools for approximating the reality, with the level of precision improving only with better information and methodologies for collecting and compiling that information. While qualitative and quasi-judicial assessments by independent human rights experts will continue to be the cornerstone of human rights assessment and monitoring, particularly for com-

plex human rights issues, there is merit in furthering the use of fact-based and quantitative indicators so as to better inform such assessments. Treaty interpretation will remain primarily a legal exercise; its quality can however be improved by securing the best possible factual basis for it. Moreover, quantitative indicators can potentially contribute to bridging the human rights discourse and the development policy discourse.

Box 3 Indicators used by human rights monitoring mechanisms

Indicators have frequently been used in State party reports to the international human rights monitoring mechanisms such as the United Nations treaty bodies, human rights special procedures (special rapporteurs) and the universal periodic review (UPR) of the United Nations Human Rights Council, and in the recommendations of these bodies to the State parties. Reference to statistical and other indicators concerns economic, social and cultural rights, as well as civil and political rights. For instance, the Committee against Torture recommended that Honduras should develop disaggregated indicators to monitor and document incidents of inter-prisoner violence with a view to revealing root causes and designing appropriate prevention strategies (CAT/C/HND/CO/1, para. 17). The Committee on the Elimination of Discrimination against Women commended the Lao People's Democratic Republic for increasing considerably the proportion of women in its National Assembly, from 9.4 per cent in the third legislature (1992–1997) to 22.9 per cent in the fifth (2002–2007) (A/60/38, para. 85). The Committee on Economic, Social and Cultural Rights urged the United Kingdom to fulfil its commitment to reduce health inequalities by 10 per cent by 2010, measured by infant mortality and life expectancy at birth (E/C.12/GBR/CO/5, para. 32). The Human Rights Committee recommended that the Czech Republic should adopt indicators and benchmarks to determine whether anti-discrimination goals have been reached (CCPR/C/CZE/CO/2, para. 16).

Similarly, the use of indicators in the context of UPR is apparent in its documentation on the human rights situation in Member States. For instance, Brazil has committed to creating a national system of human rights indicators under the UPR (A/HRC/8/27, para. 85). In its national report, Brazil assessed racial inequalities between white and Afro-descendent people using disaggregated socioeconomic statistics and pointed out the high rate of homicide in the country, particularly among children (A/HRC/WG.6/1/BRA/1, paras. 26 and 81). The compilation of United Nations information referred to the Special Rapporteur on extrajudicial, summary or arbitrary executions, who had noted that homicide was the leading cause of death for persons aged 15 to 44 (A/HRC/WG.6/1/BRA/2, para. 10), and in the summary of stakeholders' information Amnesty International noted that figures released by the prison system showed that inmate deaths as a result of homicide were six times higher than the rate observed among the general population in Brazil (A/HRC/WG.6/1/BRA/3, para. 28).

CONCEPTUALIZING INDICATORS FOR HUMAN RIGHTS

“

Human rights can never be fully measured in statistics; the qualitative aspects are too essential. The conclusion, however, is not that the human rights community should avoid using quantitative facts, but rather learn how to use them. The challenge is to develop a know-how on how to plan such fact-finding, to assemble the data, to organize them meaningfully and to present and disseminate them properly—in order that high standards of relevance and reliability be met.

Thomas Hammarberg¹

Human rights are articulated as provisions in various human rights instruments. Their normative content is constantly elaborated and interpreted by authoritative human rights mechanisms, such as the international human rights system and its jurisprudence.² Moreover, while treaty bodies monitor the realization of the multiple human rights set out in their treaties, the other human rights mechanisms, such as

special procedures, may focus just on the promotion and protection of specific human rights. This complex and evolving nature of human rights standards makes it necessary to have a well-structured, yet sufficiently flexible framework to identify indicators that would assist in measuring and implementing human rights. In building this framework, this chapter addresses the following:

LEARNING OBJECTIVES

1

What are the main issues to be addressed in human rights measurement?

2

What is the conceptual framework for identifying indicators: the notion of attributes, and structural, process and outcome indicators, indicators for cross-cutting human rights norms?

3

Some specific issues in conceptualizing indicators—interdependence and indivisibility of rights; measuring the obligation to respect, protect and fulfil

4

Importance of context-specific indicators

1. Council of Europe Commissioner for Human Rights (2006–2012) in his address at the Montreux Conference on “Statistics, Development and Human Rights”, September 2000.
2. It includes the general comments and recommendations of the various treaty-monitoring committees and the work of the special procedures of the Human Rights Council (see chap. I).

A. Issues to address in human rights measurement

There are several issues to consider in order to identify indicators for use in human rights assessments:

- What do we need to measure?
- How do we go about selecting potential indicators of what we want to measure?
- How many indicators are required to assess the implementation of a human right?

Will the identified indicators be used to rank countries according to their human rights performance?

The approach to conceptualizing the indicators depends on how these issues are addressed and on the assumptions that are made.

WHAT DO WE NEED TO MEASURE?

The primary purpose is to measure the enjoyment of rights by rights holders; in other words, capturing a few outcomes that could be related to the state of realization of human rights. At the same time, it is also to assess the progress made by the duty bearer in meeting its human rights obligations. The aim is not to identify a fully comprehensive list of indicators for all human rights standards or all treaty provisions. That may, in fact, be next to impossible, given the nature and the scope of human rights standards and the treaty provisions, and the diversity of contexts to which they could potentially be applied. Human rights assessment will always have a strong qualitative character, which could benefit

from the application of a few selected quantitative indicators.

Furthermore, since the building blocks of all human rights treaties are standards on specific rights and cross-cutting human rights norms, it would appear logical to start by identifying and developing indicators for a specific human right and the cross-cutting norms that apply to it. Once these indicators have been identified, the next step of bringing them together in conformity with the various provisions of a treaty, for the purpose of monitoring its implementation, is easy.

HOW DO WE GO ABOUT SELECTING POTENTIAL INDICATORS OF WHAT WE WANT TO MEASURE?

There has to be a structured approach with a set of well-defined criteria that can be consistently applied to identify and develop indicators for different human rights. Such an approach has to be conceptually coherent, capable of supporting the identification of contextually relevant and methodologically feasible indicators (for the methodological aspects of the framework, see chap. III).

It is important to have a solid conceptual basis for the indicators and not to reduce the exercise to a random listing of options. More specifically, an adequate conceptual framework is expected to reveal the link between the means and policy instruments

on the one hand, and the desired outcomes on the other. Some knowledge of this relationship between outcomes and their determinants is particularly important to identify indicators that will help in furthering the implementation of human rights, versus the limited objective of identifying indicators merely to quantify their state of realization. For instance, specific information on the number of arbitrary detentions in a particular country, while reflecting the incidence or the magnitude of the human rights violation, does not reveal anything about why the right to liberty is not being respected, protected or promoted. That requires indicators that quantify information on these other aspects of the issue.

HOW MANY INDICATORS ARE REQUIRED TO ASSESS THE IMPLEMENTATION OF A HUMAN RIGHT?

The natural inclination may be to limit the number of indicators to monitor the implementation of a specific right. However, their number will depend on the context and on the objective of the exercise. For instance, in a national or subnational context of monitoring entitlements to civil, cultural, economic, political and social rights, it may be necessary to monitor an extended set of indicators to comprehensively capture all aspects of those rights and the progress in the corresponding obligations. This could be the case for monitoring the right to information in the many countries where it is guaranteed, or the right to education and the right to work in India, where recent legislation provides for circumscribed legal guarantees for

these rights. This could also be the case when a special procedure mechanism at the international level or at the national level (e.g., Brazil) has the mandate to monitor a specific right or a human rights issue. At the same time, depending on the human rights concerns in a country, a State party or treaty body may wish to focus on only a few or a subset of indicators identified for a human rights standard. Nevertheless, it is important to have a comprehensive set of indicators on human rights standards, with the actual choice of indicators made by the users in the light of their objective and their national context.

WILL THE IDENTIFIED INDICATORS BE USED TO RANK COUNTRIES ACCORDING TO THEIR HUMAN RIGHTS PERFORMANCE?

There is no intention of using this work to support an index to rank countries according to their human rights performance. Owing to the complexity of human rights, such a tool is neither easy to conceptualize, nor necessarily desirable from the point of promoting and monitoring the realization of human rights. Given that many human rights standards are multifaceted, interrelated and interdependent, it is methodologically difficult to segregate them into meaningful indices for constructing universally acceptable composite measurements for use in cross-country comparisons. More importantly, human rights are absolute standards that all societies have to strive towards; this aim cannot be diluted by creating relative performance benchmarks based on cross-country comparisons.

The identified indicators, while facilitating human rights implementation and monitoring, are meant to support primarily comparisons over time in the realization and enjoyment of human rights standards within the unique context of each country and its population groups (e.g., ethnic groups). This, however, does not rule out that identified indicators can be used to undertake some comparison across countries, but such use is bound to be confined to comparing performance on a few specific human rights standards at a time, such as the right to education or the right to life or aspects of these rights (e.g., literacy rates, reported disappearances), and not the entire gamut of human rights.

B. The conceptual framework

The adopted framework, while addressing the common misconceptions and concerns about the use of indicators in human rights assessments (highlighted in chap. I), builds a common approach to identifying and developing indicators for promoting and monitoring civil, cultural, economic, political and social rights. To ensure that it is workable, the framework focuses on using information and data sets, qualitative as well as quantitative, that are commonly available and based on standardized data-generating mechanisms, which most State parties would find acceptable and administratively feasible to compile and

follow (see chap. III for details). The framework involves a two-part approach that includes identifying the attributes of a human right, followed by a cluster of indicators that unpack specific aspects of implementing the standard associated with that right.

1 **Anchoring indicators in human rights standards – importance of attributes**

The enumeration of human right standards in treaties and their further elaboration by the treaty-

monitoring bodies and other human rights mechanisms and instruments may remain quite general and many human rights appear to overlap. So human rights treaty provisions are not particularly helpful in the identification of appropriate indicator(s). As a starting point, it is therefore important that the narrative on the legal standard of a human right is transcribed into a limited number of characteristics or attributes of that right. By identifying the attributes of a right, the process of selecting and developing suitable indicators or clusters of indicators is facilitated as one arrives at a categorization that is clear, concrete and, perhaps, more “tangible”. Indeed, the notion of attributes of a right helps in making the content of a right concrete and makes explicit the link between identified indicators of a right on the one hand and the normative standards of that right on the other.

There are three considerations that guide the identification of the attributes of a human right. These are:

- To the extent feasible, the attributes should be based on an exhaustive reading of the standard, starting with the provisions in the core international human rights treaties, so that no part of the standard is overlooked either in the choice of the attributes of a particular human right or in identifying the indicators for that right;
- To the extent feasible, the attributes of the human right should collectively reflect the essence of its normative content, be few in number and their articulation should help the subsequent identification of the relevant indicators; and
- To the extent feasible, the attributes’ scope should not overlap. In other words, the selected attributes should be mutually exclusive.

For those human rights for which illustrative indicators have been identified (see chap. IV), on average

about four attributes are able to capture reasonably the essence of their normative content. Thus, for the right to life, taking into account primarily article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights and general comment No. 6 (1982) on the right to life of the Human Rights Committee, four attributes, namely “arbitrary deprivation of life”, “disappearances of individuals”, “health and nutrition” and “death penalty”, were identified. In addition, articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights, articles 5 (b) and 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, articles 1 to 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 6 of the Convention on the Rights of the Child, article 9 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and article 10 of the Convention on the Rights of Persons with Disabilities also informed the selection of these attributes. Similarly, for the right to health, five attributes, namely “sexual and reproductive health”, “child mortality and health care”, “natural and occupational environment”, “prevention, treatment and control of diseases”, and “accessibility to health facilities and essential medicines”, were identified. They were based primarily on a reading of article 25 of the Universal Declaration, article 12 of the International Covenant on Economic, Social and Cultural Rights and general comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights, general recommendation No. 24 (1999) of the Committee on the Elimination of Discrimination against Women, and general

comments Nos. 3 (2003) and 4 (2003) of the Committee on the Rights of the Child. Article 6 (1) of the International Covenant on Civil and Political Rights, article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, articles 12 and 14 (2) (b) of the Convention on the Elimination of All Forms of Discrimination against Women, article 24 of the Convention on the Rights of the Child, articles 28 and 43 (1) (e) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and article 25 of the Convention on the Rights of Persons with Disabilities were also useful in identifying these attributes.

The use of such attributes in the identification of indicators demonstrates the mutually supportive role of interpretive practices and the application of indicators. Treaty body practice, and in particular general comments/recommendations, has been instrumental in the selection of attributes. Identifying indicators for each attribute will, then, assist the treaty body in assessing compliance with and further developing the interpretation of the treaty provision.

It is sometimes suggested, for instance in the case of most economic, social and cultural rights, that a generic approach should be adopted to the identification of attributes or indicators based on the notions of *adequacy*, *accessibility*, *availability*, *adaptability*, *acceptability* and *quality* that are defined in the

general comments adopted by the Committee on Economic, Social and Cultural Rights.³ These are the principles that are expected to guide the duty bearer in facilitating and providing relevant “goods and services” to the rights holders, in the course of meeting its human rights obligations. They do not in themselves replace the relevant treaty provisions. They also have to be interpreted specifically for each human right. For instance, “accessibility” (i.e., physical accessibility, affordability and non-discrimination) will generally be more pertinent than merely the “availability” of goods and services in measuring the realization of economic, social and cultural rights.⁴ Similarly, the definition of “adequacy” for the right to adequate food or the right to adequate housing has to be based on the respective standards. Just as it is not easy or appropriate to follow this generic approach consistently across economic, social and cultural rights, it is not feasible for the identification of attributes of most civil and political rights either. These principles, however, have a role to play in the selection of the indicators for different attributes of a right (see chap. IV, sect. C).

Having identified the attributes, the next step is to have a consistent approach to selecting and developing indicators for the normative standards and the obligations related to those attributes. This step requires considering different types of indicators to help capture the different facets of human rights implementation.

3. See, for instance, its general comments on the rights to food, housing, health and education.
4. It will usually be more important to know if targeted persons or rights holders have effective access to food than if the food is available nationwide. Likewise, knowing the proportion of people who have regular access to a medical doctor will be more relevant than knowing the total number of doctors in a country. Nevertheless, data on indicators reflecting availability are often more easily compiled and may be of critical importance in assessing the realization of certain rights, such as the right to food and in particular issues of national food security and self-sufficiency.

Box 4 **Salient features of the conceptual framework**

The conceptual framework adopted to identify indicators for promoting and monitoring the implementation of human rights:

- Anchors indicators identified for a human right in the normative content of that right, as described primarily in the relevant articles of the treaties and general comments of the committees;
- Focuses on measuring the commitments of duty bearers, primarily the State, to their human rights obligations and the efforts they undertake to meet those obligations. The framework also measures the results of the duty bearer's efforts in ensuring the realization and enjoyment of human rights by rights holders. As a result, the framework uses a cluster of indicators to measure the different facets of the duty bearer's obligations, including the obligations of conduct and result, that underpin the implementation of human rights standards;
- Places all human rights on an equal footing, thereby emphasizing the interdependence and indivisibility of civil, cultural, economic, political and social rights;
- Reflects duty bearers' obligations to respect, protect and fulfil human rights, by focusing on indicators that capture human entitlements, acts of commission or omission, and mechanisms of accountability and redress—legal as well as administrative;
- Recognizes and reflects the cross-cutting human rights norms, such as non-discrimination, equality, participation, accountability, the rule of law, due process, good governance and remedy (at the national and international levels), in the choice of indicators and in the assessments; and
- Facilitates, for the universal human rights standards, the identification of contextually meaningful indicators. As a result, the framework neither seeks to prepare a common list of indicators to be applied across all countries irrespective of their social, political and economic development, nor to make a case for building a global measure for cross-country comparisons of the realization of human rights.

2 ***Measuring human rights commitments-efforts-results***

The realization of human rights requires continuous efforts on the part of the duty bearer, primarily the State, to respect, protect and fulfil them, and for rights holders to stake their claims. In monitoring the

implementation of human rights it is important, therefore, to assess, at a given point in time, the identified outcomes that correspond to their realization. It is equally important to assess whether the processes underpinning those outcomes conform, over time, to the relevant human rights standards. This necessity to monitor outcomes as well as underlying processes is, perhaps, not always equally recognized for

II. >> Conceptualizing Indicators for Human Rights

>> The conceptual framework

civil and political rights and economic, social and cultural rights.

For economic, social and cultural rights, it is easier to accept. In many instances, particularly in developing countries, these rights can be realized only progressively because of resource constraints. In such cases, it is logical to monitor this progress. However, even civil and political rights, once ratified and guaranteed by the State, can in principle be immediately enjoyed and have to be protected. It has been accepted that the realization of civil and political rights requires both resources and time, for instance to set up the requisite judicial and executive institutions and to develop policy, regulatory and enforcement frameworks to protect these rights. In other words, in monitoring the realization of civil and political rights, it is equally important to assess the conduct of the process that supports their protection. Thus, any approach to developing indicators as useful tools for furthering human rights implementation will have to address the importance of quantifying human rights outcomes, as well as the processes underlying those outcomes.

Furthermore, the case is often made for measuring the acceptance and the commitment of State parties to human rights treaties to meeting

their human rights obligations. Thus, with a view to measuring that acceptance, intent or commitment, the efforts required to make that commitment a reality, and the results of those efforts in terms of the increased enjoyment of human rights over time, the framework uses a configuration of indicators that have been categorized as *structural*, *process* and *outcome* indicators. Each category, through its information sets, brings to the fore an assessment of the steps taken by the State parties to meet their obligations, be it that of respecting, protecting or fulfilling a human right. The said configuration of indicators not only simplifies the process of selecting and developing indicators for human rights, but also encourages the use of contextually relevant, available and potentially quantifiable information for populating the chosen indicators.

Structural indicators

Once a State has ratified a human rights treaty, there is a need to assess its commitment to implementing the standards it has accepted. Structural indicators help in such an assessment. They reflect the ratification and adoption of legal instruments and the existence as well as the creation of basic institutional mechanisms deemed necessary for the promotion and protection of human rights.

Box 5 Structural indicators

Structural indicators help in capturing the acceptance, intent and commitment of the State to undertake measures in keeping with its human rights obligations. Some common structural indicators are:

- International human rights treaties, relevant to the right to adequate housing, ratified by the State;
- Time frame and coverage of national policy on vocational and technical education; and
- Date of entry into force and coverage of formal procedure governing the inspection of police cells, detention centres and prisons by independent inspection entities.

Structural indicators have to focus first and foremost on the nature of domestic law in relation to a specific right—i.e., whether it incorporates the required international standards—and the institutional mechanisms that promote and protect those standards. Structural indicators also need to look at the State’s policy framework and strategies as applicable to that right. These are particularly important for furthering the implementation of human rights. A national policy statement on a subject is expected to outline the Government’s objectives, policy framework, strategy and/or concrete plan of action to address issues under that subject. While providing an indication of the commitment of the Government to addressing the subject, it could also provide relevant benchmarks for holding the Government accountable for its acts of commission or omission concerning that subject. Moreover, a policy statement is a means of translating the human rights obligations of a State party into an implementable programme of action that helps in the realization of human rights. It is therefore important that, in identifying structural indicators for different rights, an attempt is made to highlight the need to have specific policy statements on issues of direct relevance to the implementation of those human rights.

Some structural indicators may be common to most human rights while others are relevant to specific human rights or only to a particular attribute of a human right. Thus, structural indicators like “the proportion of international human rights instruments ratified by the State (from a list of selected human rights treaties, protocols, conventions of the International Labour Organization (ILO), etc.)”, “existence of a domestic bill of rights in the constitution or other forms of superior law”, “type of accreditation of national human rights institution (NHRI) according to the rules of procedure of the International

Coordinating Committee of National Institutions”,⁵ and “number of non-governmental organizations and personnel (employees and volunteers) formally involved in the protection of human rights at domestic level” are relevant for monitoring the implementation of all human rights and, hence, could be reflected in the tables of illustrative indicators for those rights or in the preamble to those tables. On the other hand, indicators like “time frame and coverage of national policy for persons with disabilities” or “date of entry into force of code of conduct for law enforcement officials, including rules of conduct for the interrogation of arrested, detained and imprisoned persons” are specific to a particular human right or to some attributes of a right (see chap. IV, tables 1 to 14).

Several structural indicators are explicitly reflected in the treaty provisions, as they clearly spell out the normative commitment. This is true, for instance, of the indicator “time frame and coverage of the plan of action adopted by the State party to implement the principle of compulsory primary education free of charge for all” (International Covenant on Economic, Social and Cultural Rights, art. 14) or the various structural indicators relating to norms on access to due process of law. The recommendations adopted by human rights mechanisms, including the treaty bodies, special procedures mandate holders and in the context of the universal periodic review, also contain explicit references to structural indicators (e.g., the adoption of specific laws, provisions or programmes and the establishment of national institutions and mechanisms), as well as to outcome and process indicators.

5. The accreditation procedure is more specifically conducted by the Sub-Committee on Accreditation (see also indicator 5 and its metadata in annex I).

Process indicators

Process indicators measure duty bearers' ongoing efforts to transform their human rights commitments into the desired results. Unlike with structural indicators, this involves indicators that continuously assess the policies and specific measures taken by the duty bearer to implement its commitments on the ground.

State policy measures refer to all such steps, including public programmes for development and governance, budget allocations and specific regulatory or redress interventions, that a State is willing to take to give effect to its intent or commitments to attain outcomes associated with the realization of a given human right. Thus, a process indicator links

State policy measures with milestones that over time could consolidate and result in the desired human rights outcomes. By defining the process indicators in terms of an implicit "cause and effect relationship" and as a "monitorable intermediate" between commitment and results, the accountability of the State for its human rights obligations can be better assessed. At the same time, these indicators help in directly monitoring the progressive fulfilment of a right or the process of protecting a right, as the case may be. Process indicators are more sensitive to changes than outcome indicators; hence, they are better at capturing the progressive realization of a right or at reflecting the ongoing efforts of the State parties in protecting it.

Box 6 Process indicators

Process indicators help in assessing a State's efforts, through its implementation of policy measures and programmes of action, to transform its human rights commitments into the desired results. Some common process indicators are:

- Indicators based on budget allocations;
- Coverage of targeted population groups under public programmes;
- Human rights complaints received and the proportion redressed;
- Incentive and awareness measures extended by the duty bearer to address specific human rights issues; and
- Indicators reflecting functioning of specific institutions (e.g., NHRI, legal system).

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There are two considerations that are important in the selection and formulation of process indicators. The *first* is to ensure that a process indicator links, preferably through a conceptual or an empirical relationship, a structural indicator to its corresponding outcome indicator. Thus, for instance, a process indicator of the right to health—"proportion of school-children educated on health and nutrition issues"—is chosen so that it can be related to the corresponding structural indicator, namely "time frame and coverage of national policy on child health and nutrition", as well as to the outcome indicator—"proportion of underweight children under five years of age". Similarly, for the right not to be subjected to torture, the indicator "proportion of custodial staff formally investigated for physical and non-physical abuse or crime on detained or imprisoned persons" relates the structural indicator "date of entry into force of code of conduct for law enforcement officials, including rules of conduct for the interrogation of arrested, detained and imprisoned persons" with the outcome indicator "reported cases of torture or cruel, inhuman or degrading treatment".⁶

The *second* consideration in giving shape to a process indicator is to bring out explicitly some measure of the effort being made by the duty bearer in meeting its obligation. Thus, indicators like "proportion of law enforcement officials and custodial staff formally investigated for physical and non-physical abuse or crime" or "proportion and frequency of enterprises inspected for conformity with labour standards" combined with "proportion of those investigations resulting in administrative action or prosecution", or

"proportion of victims of sexual and other violence with access to appropriate medical, psychosocial and legal services", "proportion of targeted population covered under public nutrition supplement programmes", or "proportion of population that received access to improved sanitation in the reporting period" are included in the category of process indicators. At times, this means reformulating a commonly available indicator (in the last example an MDG indicator), or requiring some additional estimation on the basic information of the indicator.

Outcome indicators

Outcome indicators capture individual and collective attainments that reflect the state of enjoyment of human rights in a given context. An outcome indicator consolidates over time the impact of various underlying processes (that can be captured by one or more process indicators); it is often a slow moving indicator, less sensitive to capturing momentary changes than a process indicator.⁷ For example, life expectancy or mortality indicators could be a function of immunization of the population, public health awareness of the population, accessibility to adequate nutrition or a reduction in physical violence and crime. Similarly, outcomes related to reported cases of torture or cruel, inhuman or degrading treatment can ordinarily be related to processes that seek to train law enforcement officials in undertaking investigations, measures for improved accountability of their conduct and the conditions of detention.

6. Also, it is desirable for the process indicator to be measured in terms of the physical and other tangible improvement that it generates rather than in terms of the resources that go into the process concerned. This is because experience across countries and across regions within the same country reveals that there is no monotonic relationship between public expenditure and the physical outcome that such expenditure generates. The physical outcome is a function of resources and other institutional and non-institutional factors that vary from place to place and thereby make it difficult to interpret indicators on public expenditure. For instance, it is possible that a lower per capita public expenditure produces better outcomes in one region than in another region in the same country.
7. There is some similarity in process and outcome indicators which comes from the fact that any process can be measured either in terms of the inputs going into a process or in terms of the immediate outputs that the process generates. Thus, a process indicator on the coverage of immunization among children can be measured in terms of the public resources or expenditure going into the immunization programme (which is the input variant) or in terms of the proportion of children covered under the programme (which is an output variant). In terms of the definition outlined in this note, both these indicators are process indicators. They contribute to lowering child mortality, which is an outcome indicator as it captures the consolidated impact of the immunization programme over a period of time and it can be more directly related to the enjoyment of the right-to-health attribute on "child mortality and health care".

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It is sometimes helpful to view the process and outcome indicators as flow and stock variables, respectively. A “flow” indicator allows monitoring of changes over a period of time, for instance, the production, import or export of food grains, or the number of reported entries in and releases from arbitrary deprivation of liberty during a reference period.

A “stock” indicator measures the consolidated result of changes at one point in time, for instance, per capita availability of food grains, anthropometric measures for schoolchildren or the number of persons reported to be arbitrarily deprived of their liberty at the end of the reference period.

Box 7 Outcome indicators

Outcome indicators help in assessing the results of State efforts in furthering the enjoyment of human rights. Some common examples are:

- Proportion of labour force participating in social security scheme(s);
- Reported cases of miscarriage of justice and proportion of victims who received compensation within a reasonable time; and
- Educational attainments (e.g., youth and adult literacy rates) by targeted population group.

It is important to note that process and outcome indicators are not always mutually exclusive. A process indicator for one human right can be an outcome indicator in the context of another.⁸ The guiding consideration is to ensure that for each attribute of a right at least one outcome indicator that can be closely related to the enjoyment of that right or attribute is identified. The process indicators are identified so that they reflect the effort of the duty bearers in meeting or making progress in attaining the identified outcome. Ultimately, a consistent approach helps in differentiating process indicators from outcome indicators, so

that the implementation of human rights can be adequately captured in all its different facets.

3 Indicators for cross-cutting human rights norms or principles

The indicators that capture the cross-cutting human rights norms or principles cannot be associated exclusively with the realization of a specific human right, but are meant to capture the extent to which the process of implementing and realizing human rights respects, protects and promotes, for instance, non-

8. For instance, the proportion of people covered by health insurance can be categorized as a process indicator for the right to health and as an outcome indicator for the right to social security (see chap. IV).

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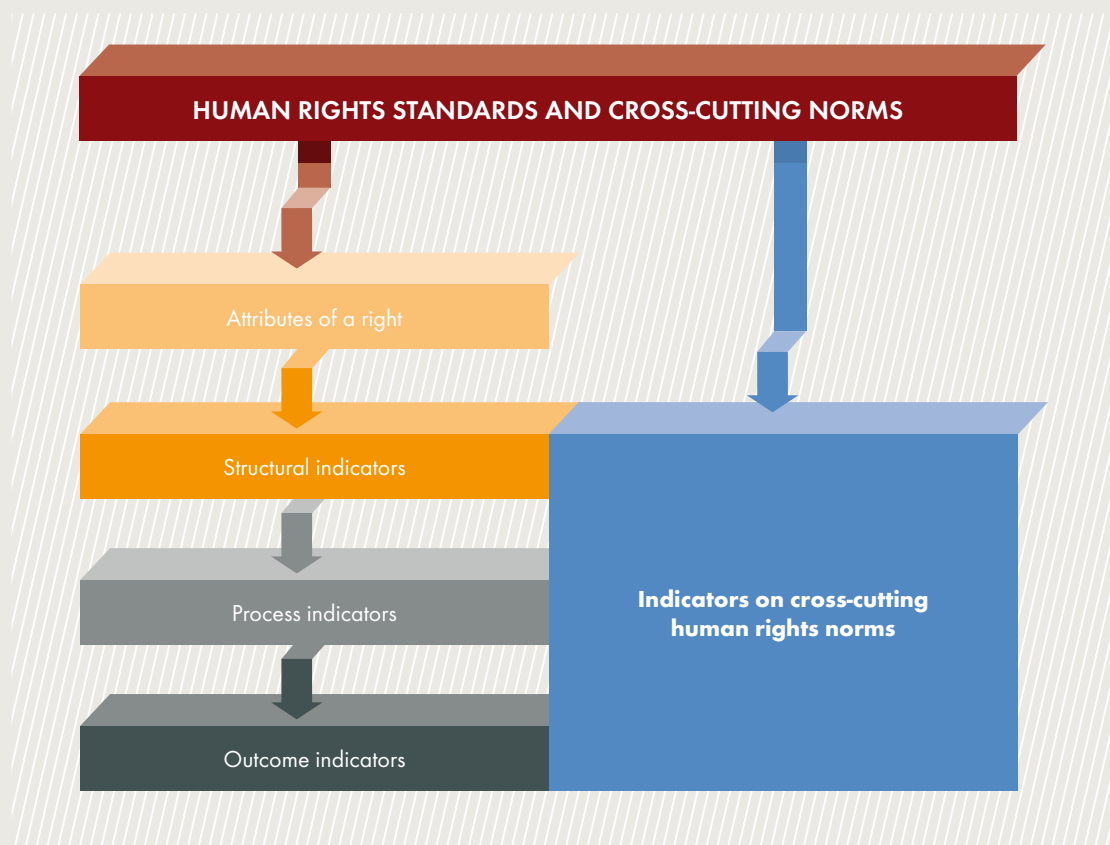
>> The conceptual framework

discrimination and equality, participation, access to remedy and accountability.⁹ There is neither an easy nor a single way of reflecting these transversal norms and principles explicitly in the selection of indicators.

To capture the norm of *non-discrimination and equality* in the selection of structural, process and outcome indicators, a starting point is to seek disaggregated data by prohibited grounds of

discrimination, such as sex, disability, ethnicity, religion, language, social or regional affiliation. For instance, primary education should be available free of charge for all. If the indicator on the proportion of children enrolled in primary schools is broken down by ethnic group or minority for a country, it may reveal disparities between the different population groups and perhaps also discrimination faced by some groups or minorities

Fig. V The conceptual framework



9. The list of cross-cutting norms is neither sacrosanct nor complete. See chap. I, sect. A, for details.

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in accessing education and enjoying their right to education in that country. The situation could then be subjected to a further qualitative analysis to arrive at a more definite assessment of discrimination. In certain instances, indicators like “proportion of employees (e.g., migrant workers) who report discrimination and abuse at work” or especially “proportion of employers choosing the candidate of the majority ethnic group between two applicants with exactly the same profile and qualification except for their ethnic background” allow a more direct assessment of discrimination faced by certain population groups in a society.¹⁰ Also, in reflecting the cross-cutting norm of non-discrimination and equality the emphasis has to be on indicators that capture the “accessibility” to, and not just the “availability” of, such goods and services that allow an individual to enjoy her/his rights.

A cross-cutting norm may also be addressed as a “procedural right” that has a bearing on the realization of a specific “substantive right”; hence, it is defined in reference to that right.¹¹ Thus, compliance with the norm of “access to remedy” in the context of freedom from torture or cruel, inhuman or degrading treatment or punishment could be captured using an indicator like the “proportion of victims of sexual or other violence with access to appropriate medical, psychosocial and legal services”. Similarly, compliance with the norm of non-discrimination in the context of the right to education, as a substantive right, could be captured using an indicator like the proportion of school-age girls actually enrolled in school to the proportion of boys in the same age group enrolled in school.

For the human rights principle of *participation*, the aim is to reflect whether segments of the population in a country have been participating in the adoption of measures that the duty bearer is implementing and that concern its obligations (e.g., proportion of targeted populations reporting satisfaction with how involved they feel in decision-making affecting their enjoyment of the right to adequate housing, or access of targeted populations to channel(s) of participation in decision-making or implementation of programmes by the State in fulfilling its human rights obligations), or the extent to which they have been consulted in the selection of indicators included in the country’s reporting procedure (see chap. V). At a more aggregate level, changes in the magnitude of indicators, like the Gini coefficient,¹² that reflect the distribution of household consumption expenditure or income to assess whether the development process in a country is encouraging participation, inclusion and equality in the distribution of returns, could be used as *proxy indicators*.¹³ Indicators on work participation and educational attainment of the population, in general, and of specific groups, in particular (for instance, women and minorities), could also be useful in this context (see further discussion in chaps. IV and V on specific examples of indicators to capture cross-cutting norms as well as the right to participate in public affairs).

Finally, the first steps in the implementation of the principle of *accountability* are already being taken as one translates the normative content of a right into relevant and reliable quantitative and qualitative indicators. Indeed, the availability of information sensitive to human rights, and its collection and dissemination through independent mechanisms using transparent

10. See chap. IV, table 13 on non-discrimination and equality and box 23.

11. Substantive rights have a relatively clear content and may also have a “level/progressive” component in their realization, such as the right to education or the right to participate in public affairs. The procedural rights like the right not to be discriminated against or the right to remedy are critical to the process of realizing substantive rights and may be easier to define in the specific context of substantive rights.

12. See glossary of statistical terms.

13. Ibid.

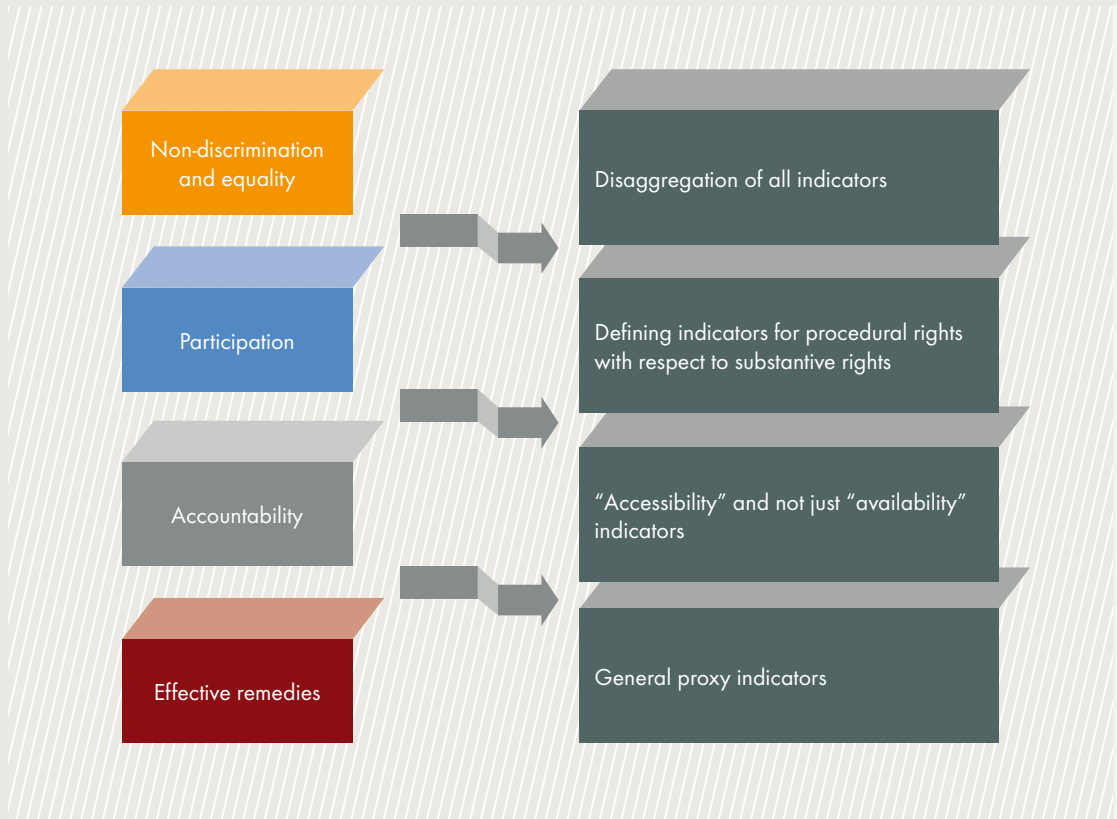
II. >> Conceptualizing Indicators for Human Rights

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procedures, reinforces accountability. Moreover, the suggested process indicators, by definition, seek to promote accountability of the duty bearers in discharging their human rights obligations. In addition, specific indicators on the functioning of accountability mechanisms at the

national (NHRI) and the international levels (e.g., special procedures of the Human Rights Council) for monitoring the implementation of human rights obligations by the duty bearer are also included in the framework.

Fig. VI Indicators on cross-cutting human rights norms



C. Some considerations in conceptualizing the indicators

1 ***Strengthening the interdependence and indivisibility of human rights***

By emphasizing the need to measure commitments-efforts-results and the use of uniform categories of indicator clusters for both sets of human rights, civil and political rights, as well as economic, social and cultural rights, the adopted framework bridges the artificial divide between them and reinforces the importance of their interdependence and indivisibility (see chap. I, sect. D 5).

2 ***Measuring obligations to respect, protect and fulfil***

By using the configuration of structural-process-outcome indicators in undertaking human rights assessments, the framework supports the selection and development of indicators that reflect the obligations to respect, protect and fulfil. While there is no automatic correspondence between the three obligations and the structural, process and outcome indicators, the different kinds of obligations can be covered by the three categories of indicators.

It has been suggested that instead of identifying and developing structural-process-outcome indicators for each human rights attribute, it may be desirable to identify indicators under the three State obligations to respect, protect and fulfil for each human rights attribute. There are at least two reasons for choosing the former in the framework. *First*, this categorization builds on tools and classifications that are already widely used in the development policy context and are likely to be more familiar to policymakers

and implementers, human rights and development practitioners, who are part of the target audiences for this work. In fact, the use of structural, process and outcome indicators in promoting and monitoring the implementation of human rights helps in operationalizing, and perhaps also demystifying, the notion of human rights among those who are not familiar with the human rights discourse but are expected to mainstream rights in their work. The proposed configuration helps in extending the reach of the human rights discourse beyond the confines of legal and justice sector discussions.

Second, it may not always be possible to identify an indicator that reflects uniquely one of the three types of obligations. Often, an indicator based on the commonly available administrative and statistical data may end up reflecting more than one kind of obligation, which may not be very desirable if the intention is to build a structured, common and consistent approach to developing indicators across all human rights.¹⁴ Having said this, in the selection of indicators for a human right, an attempt should be made to include structural, process and outcome indicators, particularly process indicators, that make it easier to assess the implementation of the said obligations. In certain instances, it is possible that certain attributes of a right are mostly related to one or the other type of obligation. For instance, the attributes “use of force by law enforcement officials outside detention”, “conditions of detention”, and “community and domestic violence” for the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment are respectively linked mainly to the obligations to respect, fulfil and protect.

14. Without further investigations, it will be difficult to assign a high mortality rate or a lack of access to effective remedies to a single obligation to respect, protect or fulfil rights.

Box 8 Validation of the conceptual framework

In the course of the work undertaken to identify human rights indicators and prepare the resource material presented in this *Guide*, OHCHR made use of a standard module to raise the awareness of different stakeholders and validate the work at national and regional levels. The stakeholders included human rights institutions, policymakers and agencies responsible for reporting on the implementation of human rights treaties, statistical agencies with a mandate to collect data and representatives from civil society. The module contained exercises to sequentially build the conceptual and methodological blocks of the framework. It also sought to validate the framework and illustrated lists of indicators identified for selected human rights by demonstrating that:

- Using appropriate indicators helps in making communication concrete and effective; facilitates monitoring, follow-up and recording information;
- Human rights indicators are not entirely unknown or new indicators. Most of the commonly known indicators or administrative data could be reconfigured and linked to the relevant standards and the obligations that flow from those standards to make their human rights content explicit;
- Human rights standards and the corresponding obligations are not alien concepts, they reflect local values and, in most instances, local concerns as well and relate easily to development and good governance;
- Stakeholders can easily identify several key attributes or aspects of standards on specific human rights and several corresponding indicators for monitoring them without any formal knowledge of human rights instruments; and
- Human rights indicators are instrumental in meeting local development and good governance goals and also reinforce human rights advocacy by emphasizing the intrinsic importance of human rights in human well-being.

The participatory methodology adopted for the workshop sessions helped overcome the initial scepticism that was expressed by many participants at the start of the workshop on the apparent complexity of the human rights framework, its legalistic language, or even on its relevance to addressing development and good governance. Participants appreciated the working sessions during which they were requested, based on their work experience and knowledge of their countries, to identify first the main content or characteristic attributes of the rights considered, followed by some relevant indicators on the attributes of the rights, to capture human rights commitments and efforts of State parties, as well as outcomes flowing from those efforts.

The result of this exercise was a striking consistency between the attributes and indicators identified by the participants and the tables prepared by OHCHR. This helped validate the OHCHR framework and the list of illustrative indicators. It also helped build a certain sense of familiarity with and ownership of indicators for potential use in promoting and monitoring human rights at country level. National and regional workshops took place with participants from Asia, Africa and Latin America.

Source: OHCHR reports on national and regional workshops. Available from <http://www2.ohchr.org/english/issues/indicators/index.htm> (accessed 30 May 2012).

D. Importance of context-specific indicators

For indicators to be useful in monitoring the implementation of human rights, they should be explicitly and precisely defined, based on an acceptable methodology of data collection and presentation and available on a regular basis. Otherwise, it may not be feasible or even acceptable to the State parties to use quantitative indicators in their reporting obligations to the treaty bodies, which would find it difficult to demonstrate the relevance and encourage the use of indicators in the reporting and follow-up process.

The contextual relevance of indicators is a key consideration in the acceptability and use of indicators among potential users engaged in monitoring the implementation of human rights. Countries and regions within countries have different social, economic and political attainments. They differ in the level of realization of human rights. These differences are invariably reflected in their specific development priorities. Therefore, it may not be possible to always have a universal set of indicators to assess the realization of human rights. For example, depending on the social, cultural or religious profile of a population in two different countries, the disaggregation of information by prohibited grounds of discrimination may have to be customized. Nevertheless, it is also true that certain human rights indicators, for example

those capturing the realization of some civil and political rights, may well be relevant across all countries and their regions. Others that capture the realization of economic or social rights, such as the right to education or housing, may have to be customized to be of relevance in different countries. Even so, it would be relevant to monitor the core content of the rights universally. Thus, in designing a set of human rights indicators, like any other set of indicators, there is a need to strike a balance between universally relevant indicators and contextually specific indicators, as both are needed. The adopted framework permits such a balance between a core set of human rights indicators that may be universally relevant and, at the same time, it encourages a more detailed and focused assessment of certain attributes of the relevant human right, depending on the requirements of a particular situation.

Ultimately, the objective of using the conceptual framework is to encourage a practical, transparent and structured approach for a comprehensive translation of the human rights standards into concrete, well-defined, contextually meaningful indicators that help in the promotion and implementation of human rights.



METHODOLOGICAL APPROACHES TO HUMAN RIGHTS INDICATORS



In order to promote and to protect human rights we need to make statistics the science of truth, not of lies. Quoting Goethe: “It has been said that figures rule the world. Maybe. But I’m sure figures show us whether it is being ruled well or badly”.

Emad Omar¹

A conceptual framework that helps in identifying indicators for use in human rights assessments has to be backed by an effective methodological approach so as to populate those indicators with the required data. Indicators are not likely to be meaningful in promoting the implementation and monitoring of human rights, unless they are explicitly and precisely defined, based on an acceptable

standardized methodology of data collection, processing and dissemination, and are available on a regular basis. Prudent choices in respect of at least three aspects of the methodological approach to developing indicators for use in human rights assessments can help in addressing these concerns. These choices are the subject matter of this chapter.

LEARNING OBJECTIVES

1

What are the ethical, statistical and human rights considerations in the selection of indicators?

2

What are the principal data-generating mechanisms and sources for human rights indicators?

3

What is the feasibility of the disaggregation of indicators for use in human rights assessments?

1. Senior Adviser to the Search for Common Ground, Middle East Program, Jordan, in his address at the Montreux Conference on “Statistics, Development and Human Rights”, September 2000.

A. Ethical, statistical and human rights considerations in indicator selection

There are several methodological considerations that should guide the process of selecting indicators for use in human rights assessments. The collection, processing and dissemination of any statistical information have implications for the right to information, the right to privacy, data protection and confidential-

ity, and require conforming to legal and institutional standards related to ethics, statistics and human rights. The three main human rights principles in relation to data-collection processes are *self-identification*, *participation* and *data protection* (see boxes 9 to 11).

Box 9 Misuse of data—the dark side of numbers

Looking back, it is possible to rake over mistakes, motivated actions as well as omissions by the State. An investigation by Seltzer and Anderson into the misuse of prevalent population data systems in perpetuating human rights abuses in the history of modern nations is quite revealing.

During the Second World War, several European countries, including France, Germany, the Netherlands, Norway, Poland and Romania, abused population registration systems to aid Nazi persecution of Jews, Gypsies and other population groups. The Jewish population suffered a death rate of 73 per cent in the Netherlands. In the United States of America, misuse of population data on Native Americans and Japanese Americans in the Second World War is well documented. In the Soviet Union, micro data (including specific names and addresses) were used to target minority populations for forced migration and other human rights abuses. In Rwanda, categories of Hutu and Tutsi tribes introduced in the registration system by the Belgian colonial administration in the 1930s were used to plan and assist mass killings in 1994.

Seltzer and Anderson identify ideology, racism, patriotism, obedience due to fear, bureaucratic opportunism or professional zeal as possible factors that encourage the misuse of data. They suggest several methodological, legal and ethical safeguards to mitigate future abuse of data by raising its financial or political cost. Some of these measures are:

- To the extent possible, use of sample surveys should be encouraged instead of full-count (census) data-gathering. Moreover, responses should be grouped and person-specific identifiers should be stripped to protect the identity of the respondents;
- Population data should be decentralized and the creation of a bridge file (e.g., where data are stored in another country outside the jurisdiction of local courts) encouraged, particularly in countries where the requisite institutions are weak and easy to influence;
- There should be a legal provision for data confidentiality, which is a standard feature of a modern statistical system; and
- Ethical safeguards such as the Fundamental Principles of Official Statistics or the Declaration on Professional Ethics of the International Statistical Institute (ISI) should be adopted and enforced with a view to creating an institutional framework that helps in preventing future misuse of data.

Source: W. Seltzer and M. Anderson, "The dark side of numbers: the role of population data systems in human rights abuses", *Social Research*, vol. 68, No. 2 (summer 2001).

Box 10 National statistical systems and the right to information

Access to information is a human right in itself and empowers people to exercise other human rights. The right to information is enshrined in the international human rights treaties, especially in the International Covenant on Civil and Political Rights and its article 19 on freedom of expression, which includes the right to seek, receive and impart information. In 1946, the United Nations General Assembly adopted resolution 59 (I), stating that “[f]reedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated”.

If official information (excluding exemptions that must be clearly defined by law) is made available, accessible and understandable, it could serve as a catalyst for participation in decision-making and the realization of other human rights. The right to information applies to the production and dissemination of official statistics, whether produced with commonly available administrative records or more sophisticated statistical tools. Official statisticians are therefore key actors for the realization of the right to information and for human rights in general. In this regard, the Fundamental Principles of Official Statistics adopted by the United Nations Statistical Commission in 1994 stress the duty of official statistical systems to “honour citizens’ entitlement to public information” (Principle 1). The preamble to the Principles states that the essential trust of the public in official statistical information depends to a large extent on respect for the fundamental values and principles which are the basis of any society that seeks to understand itself and to respect the rights of its members.

By 2010, about 90 countries had adopted right-to-information legislation. Among the main characteristics of these laws is the *principle of disclosing maximum information*:

- Public bodies have a duty to release information and members of the public have a concomitant right to request that information;
- Not only are public bodies expected to release information if specifically requested to do so, they are also expected to publish and disseminate information of significant public interest (e.g., details on budget spending, administration of justice);
- The right to access information can be claimed by any resident in the country;
- The State should not require any person requesting information to demonstrate a need for or interest in the information. If a public body does not want to release the information requested, it is for the public body to justify that refusal, not for the individual to justify his or her interest.

While the dissemination of administrative data has to fulfil the “right to know” of the population, it also has to protect its human right to privacy and confidentiality (Principle 6). Official statisticians also have to facilitate a correct interpretation of the data and present information according to scientific standards on sources, methods and procedures (Principle 3). This means, inter alia, understandable information for users, including non-statisticians, and dissemination of metadata on compiled indicators (see examples in chap. IV). Finally, statistical agencies are entitled to comment on the erroneous interpretation and misuse of statistics (Principle 4), which is fundamental for the realization of the right to information.

Sources: Fundamental Principles of Official Statistics, adopted by the United Nations Statistical Commission, available from <http://unstats.un.org/unsd/dnss/gp/fundprinciples.aspx>; Declaration on Professional Ethics, adopted by the International Statistical Institute, available from <http://isi-web.org/about/ethics-intro>; and United Nations Development Programme, *Practical Guidance Note on the Right to Information* (2004).

The principle of *self-identification* requires that people should have the option of self-identifying when confronted with a question seeking sensitive personal information related to them. General recommendation No. 8 (1990) on identification with a particular racial or ethnic group of the Committee on the Elimination of Racial Discrimination clearly states that, if no justification appears to the contrary, such identification shall be based upon self-identification of the individual concerned. Thus, if the practice of a public agency were to indicate the ethnic background of children in their birth certificates, basing this on the earlier ethnic classification of one or both of the parents, it would not respect the principle of self-identification. Also, owing to the sensitive nature of census or survey questions on population characteristics, such as ethnicity, special care is required by enumerators to demonstrate to respondents that appropriate data protection and disclosure control measures are in place (box 9).² Furthermore, given the subjective nature of the term, information on ethnicity should be acquired through self-declaration of the respondent, who should also have the option of indicating multiple or no ethnic affiliations.³

Involving the surveyed population groups (e.g., Afro-descendants and indigenous peoples) in the data definition and data-collection processes can help ensure the relevance and accuracy of the data collected.⁴ This relates to the human rights principle of participation, which encourages all sections of the population, including vulnerable and marginalized groups, as well as human rights and other relevant institutions, to actively join in decision-making.

In other words, the nature of the data to be collected should be based on public participation and understanding of the implications of how such data could potentially be used.

In accordance with the right to privacy set out in the International Covenant on Civil and Political Rights (art. 17), the principle of data protection requires that all data-collection activities must respect robust guarantees to prevent abuse of sensitive data. The Human Rights Committee's general comment No. 16 (1988) on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation stipulates inter alia that "the gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data [are] stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination."

2. See also Patrick Simon, "'Ethnic' statistics and data protection in the Council of Europe countries", Study Report, European Commission against Racism and Intolerance, Council of Europe, 2007.
3. General comment No. 23 (1994) on the rights of minorities of the Human Rights Committee suggests that article 27 of the International Covenant on Civil and Political Rights imposes related obligations on State parties towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole.
4. For instance, using local indigenous languages, employing local people (as interpreters) and training and building the capacity of local indigenous peoples in data-collection processes can also facilitate the collection and dissemination of this information. Non-indigenous professionals and technicians should also be informed of the culture and practices of indigenous peoples. For further details, see *Principles and Recommendations for Population and Housing Censuses*, Revision 2 (United Nations publication, Sales No. E.07.XVII.8).

Box 11 Human rights of statisticians

While there is the obligation to protect subjects of statistical surveys and other enquiries against misuse of data, including the violation of their right to privacy as reflected in international human rights instruments (see above), protecting statisticians who generate and collect data and related information is equally important. Unfortunately, cases of violation of the most basic human rights of some official statisticians also confirm the need for complementary safeguards to protect their work.

Graciela Mellibovsky Saidler was a 29-year-old Argentine Government economist. In 1976 she produced a statistical study on conditions in the slums of Buenos Aires which was so deeply embarrassing to the military dictatorship that it was publicly singled out by the Junta leader, General Jorge Videla, as an example of the infiltration of subversives into the Government. Shortly afterwards, on 25 September 1976, she "disappeared".

[In 1976,] Carlos Noriega, who was then director of the Argentine national statistical office, [...] left his post. Informal reports from colleagues indicated that he had been forced out because he refused requests from the newly established military government to tamper with official data series. [...] Early in February 1977, while on vacation in Mar del Plata with his wife and children, Noriega was detained by persons believed to be agents of the government or members of paramilitary groups. The government never acknowledged that he was in custody. Presumably, he was executed, one of the thousands of victims of Argentina's "dirty war."^a

Although these stories may be extreme cases, they help illustrate the tensions that may prevail between statistics and politics. The history of the collection of population statistics has been affected by such violations as well as numerous other abuses, often more insidious, dealing with censorship and manipulation in data collection and dissemination for purposes of political propaganda. In the former Soviet Union, Joseph Stalin himself used falsified population figures to hide great loss of human life owing to famine, war and repression. Manipulated life expectancy and infant mortality indicators were also used by the Soviet leaders Nikita Krushchev and Leonid Brezhnev to hide the reality.^b

In all such instances, specific standards are necessary to protect the integrity and work of statisticians against abusive and unethical interferences from politicians or sponsors of the data collection. Ensuring the independence, objectivity and transparency of statistical work is a fundamental prerequisite for the production and dissemination of accurate information for a more effective promotion, monitoring and implementation of human rights.

- a. Jana Asher, David Banks and Fritz J. Scheuren, eds., *Statistical Methods for Human Rights* (Springer, 2008), p. v and chap. 9; Thomas B. Jabine and Douglas A. Samuelson, "Human rights of statisticians and statistics of human rights: early history of the American Statistical Association's Committee on Scientific Freedom and Human Rights".
- b. Mark Tolts, "The failure of demographic statistics: a Soviet response to population troubles", paper presented at the IUSSP XXIV General Population Conference, Salvador de Bahia, Brazil, 18–24 August 2001.

Box 12 **RIGHTS criteria for indicator selection**

In selecting human rights indicators, the RIGHTS criteria, which take into account the desired statistical and methodological properties in an indicator as well as the principles and human rights concerns, could be useful.

R	R elevant and R eliable
I	I ndependent in its data-collection methods from the subjects monitored
G	G lobal and universally meaningful but also amenable to contextualization and disaggregation by prohibited grounds of discrimination
H	H uman rights standards-centric; anchored in the normative framework of rights
T	T ransparent in its methods, T imely and T ime-bound
S	S imple and S pecific

An important statistical consideration in identifying and developing human rights indicators, or any set of indicators for that matter, is to ensure their relevance and effectiveness in measuring what they are supposed to measure. This relates to the notion of indicator validity. It refers to the truthfulness of information provided by the estimate or the value of an indicator in capturing the state or condition of an object, event, activity or an outcome for which

it is an indicator. Most other statistical and methodological considerations follow from this requirement. While there are several desirable statistical considerations in the selection of indicators,⁵ in general indicators for use in human rights assessment ought to be:

- Simple, timely and few in number;
- Reliable;
- Based on transparent and verifiable methodology;

5. In the context of organizational management, undertaking impact assessments or managing change, the role of quantitative and qualitative indicators or targets is well recognized. Several templates of indicator characteristics that can be useful in this regard have been developed. Two of the more commonly known are SMART (specific, measurable, attainable, relevant, time-bound) and SPICED (subjective, participatory, interpreted, cross-checked, empowering, diverse), see Chris Roche, *Impact Assessment for Development Agencies: Learning to Value Change* (Oxford, Oxfam Publishing, 1999), pp. 41–52.

- In conformity with human rights and international statistical standards; and
- Amenable to disaggregation by prohibited grounds of discrimination and by vulnerable or marginalized population group at country level.

An indicator has to be simple (to understand and apply), and easily available in a timely manner to be a meaningful tool in undertaking human rights analysis and assessment. Otherwise, the opportunity cost of collecting and compiling relevant information on the indicator could become a deterrent. These factors should be taken into account in considering whether an indicator should be used in periodic reports to the treaty bodies or in the universal periodic review, or for follow-up to treaty body recommendations.

The reliability of an indicator refers to its consistency in the estimate or the value of an indicator if the data-generating mechanism employed for devising it is repeated. For instance, if a question is asked for

a second time to the same person and it produces an identical response, everything else being equal, then the question/response could be considered as a reliable indicator. Often, this is not the case if the question is formulated in an ambiguous manner. Moreover, the reliability of an indicator is affected by biases in data-generating mechanisms, which, inter alia, could be the result of misspecification of questions or definitions, apprehensions of the respondents, or non-representativeness of the sample.⁶

For an indicator to be accepted and applied as a tool in human rights analysis, it has to be based on transparent and verifiable methodology. Indicators based on haphazard information and subjective approaches to data generation are less likely to be effective or credible. Indicators are more credible when they are reliable, relevant and based on ethical and scientific principles of data collection, processing, storage and presentation (see box 12).

B. Sources and data-generating mechanisms

Based on a survey⁷ and assessment of some major attempts at and approaches to developing quantitative human rights and related indicators, one can identify at least four broad categories of data-generating mechanisms that could potentially be useful in developing indicators for use in human rights assessments. These are highlighted with representative examples and analysed for the elements that each category of data types could bring to the human rights assessment process and methodology. There are two considerations that

stand out in this context. *First*, the sources and identified data-generating mechanisms should be suitable for assessing the compliance of State parties with international human rights treaties. As a result, the focus should be on indicators that are fact-based or use objective methods of data collection and presentation. *Second*, there is a need to combine different sources and data-generating mechanisms to encourage a more comprehensive and credible assessment of any human rights situation.

6. See "Bias" in the glossary of the *Guide* as well as in Asher, Banks and Scheuren, eds., *Statistical Methods*.

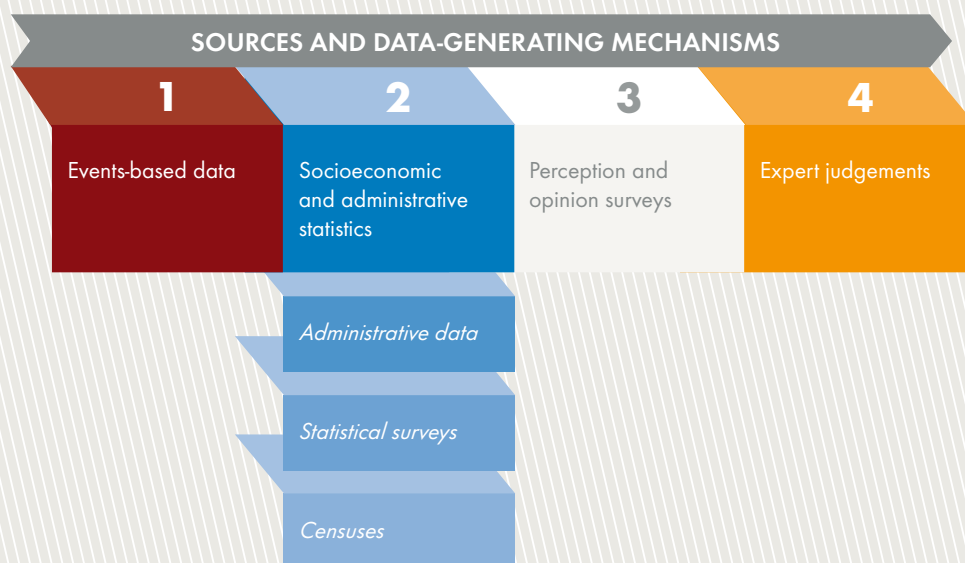
7. See Malhotra and Fasel, "Quantitative human rights indicators". This survey is by no means exhaustive. It draws from some attempts at mapping and surveys of human rights and related indicators and some earlier studies, in particular M. Cain, R. Claude and Th. Jabine, "A guide to human rights data sources", in *Human Rights and Statistics: Getting the Record Straight*; T. Landman and J. Häusermann, "Map-making and analysis of the main international initiatives on developing indicators on democracy and good governance" (2003); UNDP, *Governance Indicators: A Users' Guide*, 2nd ed. (2007); and C. Naval, S. Walter and R. Suarez de Miguel, "Measuring human rights and democratic governance: experiences and lessons from Metagora", *OECD Journal on Development*, vol. 9, No. 2 (2008).

1 **Events-based data on human rights violations**

Events-based data on human rights violations (events-based data for short) refer to qualitative or quantitative data that can be linked to events characterized by the occurrence of human rights violations. The collected information primarily describes acts of human rights violations and identifies victims and perpetrators. The information is recorded in standardized fashion, using common definitions and classifications based on the human rights normative framework (see chap. I) that permit the compilation and consolidation of the relevant data. Thus, there could be quantitative data related

to the number of victims, their age and weight, or qualitative data that describe category types such as sex and nationality of the victim and the category of human rights violations (e.g., arbitrary killing, arbitrary detention, torture or forced evictions).⁸ The data sources in this case include testimonies of victims or witnesses; information provided by the media and reports of States, civil society organizations, national human rights institutions and international human rights monitoring mechanisms, such as the special procedures of the United Nations (see, for example, box 13 on the recording of complaints statistics by the Special Rapporteur on extrajudicial, summary or arbitrary executions).

Fig. VII Sources and data-generating mechanisms for indicators



8. Sometimes, the qualitative data described here are labelled as "categorical". Categorical data can take a finite set of non-ordered values (like a binary *yes/no* variable or some demographic characteristics like sex) or ordered values (such as scales of the seriousness of violations of law: murders, homicides, assaults, burglaries, robberies, etc.).

Box 13 Recording complaints and assessing human rights

It is difficult, though not impossible, to infer the extent of human rights violations in a country using only statistics on complaints processed by national or international human rights monitoring mechanisms. Indeed, an increase in reporting of complaints does not necessarily imply an increase in violations and abuse. Awareness campaigns, improved access to and filing of complaints with alternative redress mechanisms, improvement in the credibility of institutions handling complaints and the possibility of obtaining compensation for the victims, all influence the reporting of human rights violations.

Information on the functioning of complaint mechanisms is particularly important for monitoring the implementation of the right to an effective remedy (Universal Declaration, art. 8) at the national level. Nevertheless, complaint statistics have to be interpreted cautiously and information collected pooled with other statistical analyses that draw on multiple data sources (e.g., victimization surveys, media reports and administrative information) to get a fuller sense of the state of human rights. At the same time, improvements in the recording and interpretation of complaint statistics could make them more meaningful for human rights assessments. Thus, in considering an act violating the human rights of an individual or a group, it is important to identify, through appropriate indicators, the main rights violated, the relevant characteristics of the victims (e.g., sex, ethnicity, disabilities) and perpetrators (e.g., State agents, private companies or individuals), place and time of violations, and outcome of the redress process (e.g., conviction, sentence, compensation). Analyses of such information and reports on similar past events may enable the monitoring body to obtain insights into the possible incidence of such acts in a region.

It is also essential to classify complaints and reported cases of alleged violations systematically to support follow-up and allow for cross-sectional comparisons or comparisons over time of associated acts, when required. For instance, a useful categorization of communications on complaints was developed by Philip Alston as the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions. He classified replies received from States to his communications following complaints into five categories:

- (a) *Largely satisfactory response*: a reply that is responsive to the allegations and that substantially clarifies the facts. It does not, however, imply that the action taken necessarily complies with international human rights law;
- (b) *Cooperative but incomplete response*: a reply that provides some clarification of the allegations but that contains limited factual substantiation or that fails to address some issues;
- (c) *Allegations rejected but without adequate substantiation*: a reply denying the allegations but which is not supported by documentation or analysis that can be considered satisfactory under the circumstances;
- (d) *Receipt acknowledged*: a reply acknowledging that the communication was received but without providing any substantive information;
- (e) *No response*.

This classification helped assess the responsiveness of States to communications handled by the Special Rapporteur and assisted the Human Rights Council in its task of evaluating the effectiveness of the mandate.

Source : A/HRC/14/24 and Add.1.

Quantitative indicators derived from events-based data usually present the incidence of recorded human rights violations in terms of the number of victims. For instance, an indicator based on events-based data could be the “reported number of persons arbitrarily executed”. It would capture the number of persons killed by an agent of the State or any other person acting under Government authority or with its complicity, tolerance or acquiescence, but without due judicial process. Similarly, there could be an indicator on the number of people who died of hunger and hunger-related diseases owing to displacement or the systematic destruction of food crops, livestock and agricultural implements. These violations are identified and determined by applying human rights standards as codified in the various treaties.

Historically, the use of events-based data has been confined to monitoring civil and political rights violations, such as those related to the right to life, the right not to be subjected to torture and the right to liberty and security of the person. However, information on violations of economic, social and cultural rights has also been increasingly collected using a similar methodology (e.g., forced evictions,⁹ deliberate use of starvation as a weapon, denying primary education to specific groups, failure to provide available essential medicines).¹⁰

Events-based data initiatives have been developed primarily by non-governmental organizations that collect information with the intention of preventing and denouncing human rights violations and of providing assistance to victims.¹¹ Quantitative analyses, carried out in the framework of official “truth and reconciliation” commissions, have also contributed to the development of standardized documentation tools to support the collection of information using this method.¹² Among the initiatives in this category, HURIDOCs presents perhaps the most comprehensive set of standardized tools (including computerized systems) for recording events-based information on human rights violations.¹³

Compared to other categories of data-generating mechanisms, the human rights dimension of indicators derived from events-based data is, a priori, far more concrete as it is explicitly linked to specific incidents that demonstrate compliance or non-compliance with human rights standards. The use of events-based data in uncovering gross and systematic violations of human rights, as done for instance by truth and reconciliation commissions, has demonstrated the usefulness of the methodology not only for human rights monitoring but also for gathering hard evidence in support of the administration of justice.

9. A number of NGOs are maintaining data on evictions, see www.hic-net.org, www.cohre.org, www.hlrn.org, www.internal-displacement.org.

10. An extended list of potential violations is provided in the *Thesaurus of Economic, Social and Cultural Rights* developed by the Science and Human Rights Program of the American Association for the Advancement of Science (AAAS) and the Human Rights Information and Documentation Systems, International (HURIDOCs), available from <http://shr.aaas.org/thesaurus/> (accessed 10 May 2012).

11. In collecting this information, structured household surveys have also been used in addition to information reported in the media or to the redress mechanism, particularly when the events happened a long time ago. For example, the work of the Centre on Housing Rights and Evictions (COHRE) on forced evictions also included a global survey (2007–08), see www.cohre.org.

12. See, for instance, P. Ball, H. Spierer and L. Spierer, eds., *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis* (AAAS, 2000) available from <http://shr.aaas.org/mtc/> (accessed 10 May 2012) and “Witness to truth; report of the Sierra Leone Truth and Reconciliation Commission”.

13. For further details, see www.huridocs.org.

Box 14 Statistical tools for recording human rights abuse - Sri Lanka Metagora project

Civil society has been an essential alternative source of credible information on human rights abuse and violations. However, the reporting of human rights abuses is not always systematic and credible, among other reasons because there is not enough awareness of the methodology for standardizing the information collected and there are insufficient resources to build records over time and space. There is a need to build the capacities of civil society to use statistical methods to strengthen their analytical and advocacy efforts. To sustain local civil society human rights monitoring, the Metagora project provided technical support to the Asia Foundation's "Mapping Political and Ethnic Violence in Sri Lanka" project.

The Human Rights Accountability Coalition, a group of civil society organizations which had been collecting and analysing data on human rights violations, received statistical and other technical training. Using national expertise, harmonized forms and vocabularies were devised to standardize the coding of narrative reports of human rights events and the outcomes associated with those events into measurable data. This helped put different data sets into one framework and ensured consistent recording of human rights abuse. Data cleaning and other quality control exercises were also introduced to support proper evidence-based analysis of human rights violations by civil society. The exercise demonstrated how such organizations can benefit from the introduction of statistical and other quantitative tools and be further empowered through improvements in their reporting and research advocacy and human rights monitoring functions.

Source: Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance*.

The Chilean Human Rights Commission (created in 1978) used events-based data to compile quantitative indicators on the magnitude of human rights violations during the repressive military regime. It published monthly reports indicating the number of known victims for a few categories of human rights violations, such as "intimidation/harassment", "arbitrary political detention", "torture/mistreatment", "disappearance" and "killing".¹⁴ In Nepal, the Informal Sector Service Center has been producing a *Human Rights Yearbook* since

1992,¹⁵ recording information on events related to different kinds of human rights violations. Similarly, the work undertaken under the aegis of AAAS to provide technical assistance to official truth commissions (Haiti, South Africa, Guatemala, Peru, Sierra Leone and Timor-Leste) and the International Criminal Tribunal for the former Yugoslavia on assessing and quantifying the incidence of human rights violations has brought to the forefront the efficacy of this method in monitoring human rights violations.¹⁶

14. The example of Chile is quoted in R. Reiter, M. Zunzunegui and J. Quiroga, "Guidelines for field reporting of basic human rights violations", in *Human Rights and Statistics*.

15. For details see www.insec.org.np.

16. See also the work of the social enterprise Benetech on human rights (www.benetech.org/human_rights/).

However, indicators derived from events-based data suffer from some obvious shortcomings. Given the inclination of some States to hide information on their failure to fulfil their human rights obligations, such indicators may underestimate the incidence of human rights violations. They may prevent valid comparisons over time or across regions. Moreover, unless the events-based data are collected through statistically representative surveys of the populations concerned, it may not always be possible to infer and assess the population's overall human rights situation using only such data, since sample surveys may be inadequate because of reporting and recording constraints.¹⁷

Moreover, the use of standard formats for recording data, harmonized definitions and appropriate classifications of human rights violations is critical for improving the reliability of the collected information and for monitoring human rights with this method. At the same time, a structured (unbiased) approach to collecting information is essential for enabling the aggregation and decomposition of data and for comparisons of indicators over time or cross-sectional comparisons (see box 14).

The information that is compiled through the use of this method often complements information captured through other means. For example, information presented through relevant socioeconomic indicators compiled by government agencies could reflect the steps being taken to implement human rights obligations in a society, whereas information collected through the use of events-based data could complement the former by focusing on the

incidence of alleged or proved violation or denial of human rights within the same society or population group. It can help point to important deficiencies in the human rights protection system even when information about the general situation is not worrying. In certain instances, particularly when there is systematic and widespread denial or deprivation of human rights in a conflict or post-conflict situation, events-based data may be the main source of reliable information.¹⁸

2 **Socioeconomic and administrative statistics**

Socioeconomic and other administrative statistics (hereinafter referred to as socioeconomic statistics) refer to aggregate data sets and indicators based on objective quantitative or qualitative information related to the standard of living and other facets of life. Such information is compiled and disseminated by the State, through its administrative records and surveys, usually in collaboration with national statistical agencies and under the guidelines of international organizations.¹⁹ It addresses the State's information requirements for policy formulation and implementation. In the context of State parties' fulfilment of their human rights obligations, including for the realization of the right to information (see box 10), this category of data is of prime importance. It captures a large amount of data at the point of administrative action, in other words, potentially at the point of implementing human rights obligations, and is therefore crucial for holding the State to account. There are numerous references in

17. Problems of overestimation are also possible. In general, estimates and other figures should be accompanied with relevant information on applied data collection methods and sources. When applicable, error margins or confidence intervals (see glossary) should also be provided.

18. Recently, new mediums, such as text messaging and video-sharing (social networking sites, etc.), have been used more widely to report on events-based data and denounce human rights abuses. See, for instance, the events reported on the so-called Arab spring across North Africa and the Middle East and crowdsourcing initiatives (e.g., www.usahidi.com/).

19. The status and role of these agencies may differ, but they all compile, interpret and disseminate official statistics. See *Handbook of Statistical Organization: The Operation and Organization of a Statistical Agency* (United Nations publication, Sales No. E.03.XVII.7).

the treaties, in the general comments of their treaty bodies and in the reporting guidelines for State parties to the use of such data in furthering the implementation of their human rights obligations.²⁰

The *Handbook on Social Indicators*, in outlining the scope of statistics on living conditions and related social and economic conditions, provides a comprehensive list of fields.²¹ The list includes: population composition and change; human settlements, housing and geographical distribution of population; health and health services, impairment and disability, nutrition; learning and educational services; economic activity and population not economically active; socioeconomic groups and social mobility; income, consumption and wealth; social security and welfare services; leisure, culture and communications; time use; public order and safety; natural environment; and political activities.

At the national level, socioeconomic statistics are often compiled in pursuance of legislation outlining development or administrative needs. At the international level, United Nations and other international conferences and summits have played an important role in the development of socioeconomic statistics; for example, gender statistics received impetus from the World Conferences on Women. Similarly, substantive work on environmental statistics has followed the global summits on the issue. The statistics are usually compiled by the various organizations within specific conceptual frameworks that are essentially geared to addressing their mandates. Among the United Nations agencies and programmes, besides the United Nations Statistical Division, there are long-standing initiatives on

statistical indicators, particularly within the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Office on Drugs and Crime (UNODC). The Inter-Parliamentary Union (IPU) also collects information on the functioning of parliaments. In all these intergovernmental organizations, work on quantitative data and indicators for monitoring progress related to their mandates can be linked to the various commitments of State parties to international human rights instruments and are thus useful for human rights assessments. A more complete list of organizations and their databases is provided in annex II.

There are also instances of NGOs using socioeconomic statistics for monitoring human rights, for example, the annual reports of Social Watch or the fact sheets developed by the Center for Economic and Social Rights. The assessments undertaken by both initiatives, although different, draw primarily from information available from the United Nations specialized agencies and programmes and the World Bank.²²

The sources commonly associated with the formulation and compilation of socioeconomic statistics are:

- Administrative data
- Statistical surveys
- Censuses.

20. There are some direct references to the use of commonly used socioeconomic and administrative statistics in the human rights normative framework in chap. I, sect. E.

21. United Nations publication, Sales No. E.89.XVII.6, pp. 15–17.

22. See www.socialwatch.org and www.cesr.org.

Administrative data

Administrative data refer to information generated and collected by line ministries and the regulatory authorities of the Government. They refer to civil registration systems, national population registers and other administrative records systems used, for instance, in compiling vital statistics (death and birth rates) and preparing electoral rolls. Administrative data cover subjects of relevance to public development programmes, administrative and regulatory frameworks, such as coverage of child immunization programmes. Administrative statistics inform on issues related not only to economic, social and cultural rights, but also to civil and political rights, such as on the administration of justice and the rule of law (e.g., executions carried out, prison population, policing or incidence of hate crimes). It is also a key source of information for political rights, looking, for instance, at the percentage of persons entitled to vote, voter participation by age and by sex, segments of the population exercising their right to vote and to be elected (e.g., women) and data on infrastructure related to the organization of elections. Moreover, the category of administrative data encompasses all the treaties, laws and legislative documents maintained by different national and international administrative systems. Likewise, information on policies, plans of action and programmes adopted by Governments or other bodies is also part of the administrative data and

is equally critical for implementing human rights. It thus constitutes an important source of information to complement events-based data.

The use of standardized methodology to collect information from civil registration and administrative systems, and usually with reasonable reliability and validity, makes administrative statistics vital for bringing about greater transparency, credibility and accountability in human rights assessments (box 15).²³ However, in the context of human rights assessment, in general, and monitoring undertaken by treaty bodies, in particular, it is in most instances essential to make use of information collected by NGOs and alternative sources (such as victimization surveys) to supplement administrative statistics.²⁴

Administrative statistics cannot in themselves provide a complete assessment of a human rights situation in any given context. They may not cover all issues relevant to the realization and enjoyment of human rights. Their coverage may also be incomplete (being limited to the population segment using public services) and there may be bias in reporting, including deliberate misreporting.²⁵ Yet, because of their relevance to human rights, including the right to information, as well as their simplicity, speed, frequency of updating and cost-effectiveness, administrative statistics constitute a critical element in undertaking human rights assessments.

23. Most available indicators from administrative data are usually of administrative and policy interest to Governments and not necessarily on issues that are relevant from a human rights perspective, such as the administration of justice or (discrimination in) access to public services and employment. Therefore, there is a need to extend and standardize the administrative data collection mechanisms in these other areas of importance to human rights.
24. Administrative data have also been used in monitoring racial profiling in policing and hate crimes. In the United States of America for instance, various administrative data, including stops made by officers, police arrest, driver's licence, motor vehicle traffic accident, moving violations, hit rates (contraband found) from searches, have been used in assessing racial profiling in policing. The Hate Crime Statistics Act of 1990 led to the development and implementation of the National Hate Crime Data Collection Program. While the use of administrative data has facilitated the assessment of racism/intolerance in these two instances, its limitations have also been highlighted by several researches, calling for the use of auxiliary data sources, such as surveys, direct observations and events-based data, and the continued refinement of data collection and methodologies for assessment. See G. Ridgeway and J. MacDonald, "Methods for assessing racially biased policing", in *Race, Ethnicity, and Policing: New and Essential Readings*, S. Rice and M. White, eds. (New York University Press, 2010) and S. Bennett, J. Nolan and N. Conti, "Defining and measuring hate crime: a potpourri of issues", in *Hate Crimes*, B. Perry et al., eds. (Greenwood, 2009).
25. For further information on administrative data, see for instance Asian Development Bank, *Administrative Data Sources for Compiling Millennium Development Goals and Related Indicators: A Reference Handbook on Using Data from Education, Health, and Vital Registration Systems Featuring Practices and Experiences from Selected Countries* (Mandaluyong City, Philippines, 2010). Available from www.adb.org.

Box 15 Importance of administrative data in human rights assessments

A quantitative approach to assessing human rights in general and to monitoring the implementation of a State's human rights obligations in particular inevitably has to be informed by the use of meaningful, standardized and cost-effective administrative data. There are several reasons why it is necessary to seek administrative data on the State's developmental and governance initiatives that can be related to the promotion and protection of human rights.

- Firstly, administrative data are generated at the interface between an agency and the public or the beneficiaries of its actions. In other words, they reflect the efficacy of a State or its agency's administrative action in fulfilling obligations flowing from its developmental and governance objectives or its human rights obligations. Such information is critical for holding States accountable.
- Secondly, administrative data meet the information requirement for policy and programme formulation and show the progress in their implementation.
- Thirdly, since the State is the primary human rights duty bearer and the assessment focuses on its action or inaction, a data set that is generated by its own machinery is likely to be more acceptable to it than information from non-governmental and other sources.

As administrative data are collected by various ministries and public agencies at grass-roots level, the third consideration entails that the generation of administrative data should be based on rigorous guidelines and standardized methodology for recording and compiling the relevant information. While these guidelines could come from national statistical agencies and specialized international organizations, there is invariably a need for a periodic independent review to establish the credibility of administrative data sets.

Statistical surveys

Statistical surveys are used to collect direct quantitative and qualitative information on population subsets. In contrast to a census (see below), where all members of the population have to be surveyed, a statistical or sample survey collects data from a fraction of the population under study, with the objective of drawing inferences on the entire population. In this respect, sample surveys are

cost-effective means of collecting information in situations where complete enumeration is impracticable or data from administrative sources are not available. Many indicators for the Millennium Development Goals (MDGs) are compiled using statistical survey data owing to the lack of accurate administrative records. They constitute an important data-generating mechanism for use in human rights assessments for both public agencies (in generating and validating administrative data) and non-

governmental institutions (e.g., independent surveys commissioned by civil society organizations) to evaluate the impact of public programmes, or for donors to assess aid effectiveness (box 16). However, the implementation of well-structured statistical samples, including samples that enable the production of disaggregated statistics (e.g., by ethnic group), can be resource-intensive (in contrast to administrative or events-based data). Such a data-generating mechanism may therefore not be

very common among civil society. Small surveys or those covering only the most relevant or targeted population groups may be more feasible and common. The methodical approach developed for the residents of a social housing complex in north Belfast (box 17) is a particularly interesting example of a civil society organization compiling socio-economic statistics that in most instances would be collected by administrative agencies.

Box 16 Statistical surveys: a vital source of data for human rights

A direct survey of individuals or households is often essential to assess their enjoyment of human rights—social, economic and cultural rights, and civil and political rights. Significant amounts of data concerning the MDGs are being successfully collected through household surveys. The same data-generating methodology can be used to address human rights and related issues, such as crime, security of life and property, persistent and systematic violence against women and specific population groups, corruption, administration of justice, freedom of speech and participation in public affairs. At modest cost, such questions could either be included in the periodic socioeconomic surveys conducted by the statistical agencies in many countries or, if there are adequate resources, independent surveys could be commissioned to assess a set of human rights issues. For the sake of administrative convenience and keeping costs down, it may be desirable to combine the two approaches. Periodic socioeconomic surveys could be used to follow up one or two issues from the more detailed but less frequent human rights surveys.

Surveys are also important sources of information to check the credibility of administrative data. For instance, victimization surveys (or victim surveys or crime victim surveys) help in assessing the extent of

crimes (or even human rights violations, for instance in post-conflict contexts) and the accuracy of police or justice records.²⁶

26. See UNODC and United Nations Economic Commission for Europe, *Manual on Victimization Surveys* (ECE/CES/4) (Geneva, 2010). Available from www.unece.org.

Box 17 Using survey indicators to claim rights – civil society initiative of Seven Towers residents, north Belfast, United Kingdom

The story of the residents of the Seven Towers in North Belfast shows how rights holders can use indicators to claim their rights. With the assistance of a civil society organization, Participation and the Practice of Rights Project (PPR), the residents of the Seven Towers, which is a high-rise social housing complex in Northern Ireland, linked their recurrent and serious housing problems to a set of core indicators related to international human rights standards. Six indicators and their corresponding benchmarks were used to monitor the performance of government institutions in delivering residents' housing entitlements over several time periods. The six "right to adequate housing" indicators on which the residents collected information, using a representative door-to-door survey, were:

- Percentage of landings cleaned of pigeon waste;
- Number of families with children living in the Seven Towers;
- Percentage of residents reporting drainage and sewage problems;
- Percentage of residents reporting dampness and mould in their flats;
- Percentage of residents happy with the response they received from the housing executive to their reported problems (perception and opinion survey); and
- Percentage of residents dissatisfied with how involved they felt in decisions by the housing executive (perception and opinion survey).

The first indicator refers to general comment No. 4 (1991) on the right to adequate housing of the Committee on Economic, Social and Cultural Rights: "adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors" (para. 8 (d)). The second indicator refers to article 27 of the Convention on the Rights of the Child: "States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." Though the "parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development", there are aspects that are mainly in the domain of the community or the local authorities and have to be addressed at that level.

A monitoring body set up by the residents tracked progress and also submitted progress reports on benchmarks to the relevant government institutions. The monitoring process using indicators and benchmarks, coupled with media attention and information obtained through the Freedom of Information Act, helped the residents achieve small, yet important improvements in their housing conditions. The government institutions also acknowledged that the residents' active participation assisted them in administrating resources efficiently.

Sources: D. Donnelly, F. McMillan and N. Browne, "Active, free and meaningful: resident participation and realising the right to adequate housing in north Belfast", 2009. Available from www.york.ac.uk/chp/hsa/papers/spring09/Donnelly.pdf (accessed 23 May 2012). Participation and the Practice of Rights Project (www.pprproject.org).

While there are many examples of national, periodic socioeconomic surveys for collecting information that is directly relevant to assessing the realization and enjoyment of economic, social and cultural rights, few surveys focus exclusively on human rights, particularly civil and political rights. The Metagora project carried out a household

survey on indigenous peoples' rights in the Philippines (box 18) and collected information on abuses and ill-treatment by the police in Mexico (box 19). In both instances, the participatory and multi-stakeholder approach helped the design of the surveys and to build ownership of the tools and the results.

Box 18

Survey of indigenous peoples' rights in the Philippines

A pilot study on the diagnosis of indigenous peoples' rights to ancestral land in the Philippines was conducted by the Commission on Human Rights in close collaboration with the National Statistical Coordination Board, the National Statistics Office, the Statistical Research and Training Center and the National Commission on Indigenous Peoples. Using a survey-based study, the goal of the project was to measure the implementation of the Indigenous Peoples Rights Act in three northern regions of the Philippines and targeting three indigenous peoples, namely the Bago, the Bugkalot/Ilongot and the Kankanaey. The study included consultations with various leaders of the indigenous communities to identify issues that could improve the quality and usefulness of the pilot survey. This exercise showed that actors from otherwise disparate fields can inform and strengthen the work on measuring human rights. The survey revealed significant differences in the experience of violations of land rights (encroachment, pollution, illegal entry, displacement/relocation and others), ranging from 21 per cent among the Bago, to 36 per cent among the Kankanaey and 57 per cent among the Bugkalot/Ilongot. As a direct consequence of the project, the National Statistical Coordination Board reviewed the design of its national census and included questions on the demographic and social profile of indigenous peoples.

Sources : Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance* and common household questionnaire of the 2010 census of population and housing of the Philippines National Statistics Office.

Censuses

A census is a complete enumeration of all members of the population of a country or any other territory, unlike statistical surveys, where only selected members of the population are surveyed.²⁷ Countries usually conduct censuses of population, housing,²⁸ agriculture and industrial establishments. A population census is usually conducted at 10-year intervals because of the complexity and cost of the

operation. It provides basic baseline data on the structure and key characteristics of the population and on variables that do not change rapidly. The complete enumeration of the population allows variables of interest to be available at the lowest geographical level (including in principle for homeless and nomadic groups). It is a key resource for building disaggregated socioeconomic statistics as well as for generating samples for statistical surveys.²⁹

Box 19 Survey of abuse and ill-treatment by police forces in Mexico City

Fundar, Centre for Analysis and Research, conducted a pilot survey to determine the extent of abuse and ill-treatment of the public by police forces in Mexico City between November 2003 and October 2004. The project used a qualitative approach to conduct in-depth narrative interviews of members of the police forces, victims of different forms of abuse, and prisoners and persons in detention centres to understand the dynamics among rights holders, the authorities and the abusers. This qualitative information provided the basis for the design of the questionnaire. Consultations on the questionnaire took place with various stakeholders and it was pretested rigorously among a number of households. The results of the pilot survey showed low levels of confidence in the police and a high incidence of abuse, particularly bribery. The survey also revealed that 94 per cent of abuse went unreported.

Sources : Metagora questionnaire, 2004; Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance*.

27. See glossary of statistical terms.

28. A housing census is commonly conducted along with a population census and can provide information relevant to the rights to adequate housing, water and sanitation.

29. See *Principles and Recommendations for Population and Housing Censuses*.

III. >> Methodological Approaches to Human Rights Indicators

>> Sources and data-generating mechanisms

Box 20 Characteristics of sources of socioeconomic and administrative statistics

	Administrative data	Statistical survey	Census
Inclusion criterion	All events concerned by the policy or regulatory framework are registered	Restricted to population sampled	Complete enumeration of the population
Cost	Low	Medium	High
Frequency	Ongoing	3–5 years	10 years
Bias	Bias if incomplete or inaccurate recording (intentionally or not)	Significant risk of bias, but can be minimized if survey is well designed	Theoretically there is no bias, but lack of proper coverage may create one
Potential for monitoring and policymaking	Very good	Good	Good, but not for the short term

Source: Adapted from United Nations Development Group, *Indicators for Policy Management: A practical guide for enhancing the statistical capacity of policy-makers for effective monitoring of the MDGs at the country level* (New York, 2005), pp. 83 ff.

3 **Perception and opinion surveys**

Perception and opinion surveys aim at polling a representative sample of individuals for their personal views on a given issue. The nature of the information collected is predominantly subjective and not directly quantifiable. To aggregate data, as well as transform these perceptions and opinions into indicators, predetermined or closed formats for the responses along with ordinal or cardinal scales are often used.³⁰ Depending on the circumstances and the theme of the survey, respondents may be consulted through face-to-face interviews, self-administration of the questionnaire or telephone interviews.

Perception and opinion surveys are potentially relevant to monitoring all economic, civil, cultural, political and social rights. They constitute a platform and an opportunity for capturing directly people's views on the functioning and policies of governmental bodies and institutions. Consequently, they can contribute to improving State accountability towards its citizens, in particular when their results are disseminated in the media. As with any survey, the reliability and validity of the results depend critically on the design of the questionnaires, the formulation of the questions (and their testing) and the competence of the interviewers.

Several initiatives regularly use household perception and opinion surveys to gather information relevant to human rights. One of the more prominent ones is the Gallup International Association,³¹ an international network of research institutes that undertakes public opinion surveys in about 60 countries. The Afrobarometer,³² coordinated by different African institutes, is an international measure of public opinion or perception on democracy, governance, livelihoods, participation,

conflict and crime. Other similar initiatives are the Latinobarometer (covering South America), the East Asia Barometer and the Eurobarometer. Since the early 1970s, the European Commission has been conducting Eurobarometer surveys in all member States of the European Union. Regular standard surveys are carried out to poll people on various issues of international concern (e.g., globalization, sustainable development, immigration), on their cultural, political, socioeconomic characteristics and habits, and on their expectations.³³ There are also opinion surveys which are confined to a specific population group so as to generate a comparative assessment of various issues, such as corruption, lobbying, property rights and business environment. One example is the Business Environment and Enterprise Performance Survey, developed jointly by the World Bank Group and the European Bank for Reconstruction and Development. It conducts face-to-face interviews with managers and owners of specific firms on governance issues in business.³⁴

Information from household perception and opinion surveys brings out the individual perspective or the "voice of the people" in the assessment of human rights. However, the method, with its focus on subjective information, could potentially fall short of producing reliable and valid indicators for monitoring human rights consistently. It may also not be adequately representative owing to coverage limitations and may yield measures that cannot support or allow cross-sectional comparisons. Nevertheless, in some instances this method can yield information that supplements other kinds of indicators in human rights assessments. It could also be used to seek the first cut information, which, depending on its usefulness, can be pursued through other data-generating methods.

30. For instance, a question that was used in assessing violence against women was "In your opinion, does a man have a good reason to hit his wife if she disobeys him?" and the possible answers were: (1) yes; (2) no; (3) do not know (WHO multi-country study of women's health and life events, questionnaire version 9.9 (2005)).

31. See www.gallup-international.com/.

32. See www.afrobarometer.org.

33. See http://ec.europa.eu/public_opinion/index_en.htm (accessed 23 May 2012).

34. See www.ebrd.com/pages/research/analysis/surveys/beeps.shtml (accessed 23 May 2012).

Box 21 **Are statistical surveys better than expert judgements?**
DIAL household survey on corruption

Research by Development, Institutions and Long Term Analysis (DIAL), a research organization based in Paris, used household surveys which revealed the weaknesses of expert opinion surveys on corruption. It also showed the limitations of using some global databases based on expert opinions/judgements for cross-sectional comparisons and comparisons over time. Using simultaneously household and expert opinion surveys on corruption in eight sub-Saharan African countries, the research revealed that experts systematically overestimated the extent of corruption compared to household perceptions. It also showed that perceptions on corruption or governance as a whole between vulnerable groups or victims and the influential group, which includes the experts, can vary significantly.

Sources: M. Razafindrakoto and F. Roubaud, "Are international databases on corruption reliable? A comparison of expert opinion surveys and household surveys in sub-Saharan Africa" (DIAL, 2006). See also Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance*, box 6.5, p. 117.

4 Data based on expert judgements

Data based on expert judgements covers data generated through combined assessments of a human rights situation with the help of a limited number (or sample) of "informed experts".³⁵ The information generated is essentially judgement-based or subjective and needs to be translated into quantitative form through coding,³⁶ as with the household perception and opinion surveys. Unlike the latter, it usually involves a more systematic use of diverse sources of information, including the media, government reports and reports from NGOs, by a limited num-

ber of experts (e.g., advocacy groups, academic researchers, social scientists, managers) who are asked to evaluate and score the performance of States. Notwithstanding the obvious limitations of this method, data based on experts' judgements have been frequently used for cross-country ranking and comparisons over time.

Initiatives in this category have primarily focused on assessing civil and political rights, though the extent of references to the human rights normative framework varies significantly among them.³⁷ As with household perception and opinion surveys,

35. This category of data-generating mechanism is sometimes referred to as "standards-based data" in the human rights literature. The terminology chosen here seeks to avoid possible confusion around the notion of "standards", which is also referred to in other categories of initiatives, as in events-based data on human rights violations whose definitions are also based on international or national human rights standards.

36. Coding refers to a procedure for converting verbal or textual information into numbers or other symbols which can be more easily counted and tabulated.

37. On this issue, see, for instance, K.A. Bollen, "Political rights and political liberties in nations: an evaluation of human rights measures, 1950 to 1984", in *Human Rights and Statistics*.

there is a predominant subjective component in the assessment of human rights under this method. The difference being that here it is the subjectivity of the experts which is reflected, as against the views of individuals in household surveys. Some of the well-known initiatives in this category have been criticized for their lack of validity and reliability, not being representative of the realities on the ground, based on personal judgements of a limited number of observers³⁸ and not on directly quantifiable empirical data. Moreover, their acceptability is often compromised as they are seen as providing summary answers to complex issues without providing a systematic basis or examples justifying the assessments. They are also seen as lacking transparency in the selection, collection and evaluation of the information by the experts.

Among the initiatives using expert judgements to assess and rank countries according to their degree of political and civil freedom, is Freedom House³⁹ and its global survey "Freedom in the world", which is well known and widely used. This survey has been conducted annually since 1972 and focuses on civil and political rights. The United Nations Development Programme has also experimented with this data-generating method for monitoring aspects of human rights. In its *Human Development Report 1991*, it introduced a "human freedom index" based on 40 criteria and data from *World Human Rights Guide* developed by Charles Humana. Its *Human Development Report 1992* presented a "political freedom index", which focused on five freedoms. However, in the face of strong criticism and opposition, neither index was continued. Its *Report 2010* again presented a new set of indicators on different

aspects of civil and political rights, including events-based data (number of journalists imprisoned as recorded by the Committee to Protect Journalists), perception and opinion-survey indicators (e.g., percentage of people who voiced opinion to public officials during the past month and percentage of people who faced a bribe situation in the past year; Gallup World Poll database) and data based on expert judgement (e.g., press freedom index produced by Reporters without Borders).⁴⁰

Some other well-known initiatives are Minorities at Risk,⁴¹ a research project based at the University of Maryland's Center for International Development and Conflict Management, which follows the status and conflicts of politically active groups, using various sources of information such as the media, government reports, non-governmental reports and expert opinion.⁴² Transparency International compiles a "corruption perceptions index", which is a composite index of various polls and surveys collecting data on corruption.⁴³

Regarding governance, Business Environment Risk Intelligence⁴⁴ is a private source of analysis of the business environment. It compiles various quantitative indices (for example, "political risk index" and "operation risk index") based on qualitative evaluations undertaken by diplomats and political scientists on prevalent business environment and country prospects. IHS Global Insight⁴⁵ is a private company providing similar data on country risk assessments to international investors. The World Economic Forum, in its *Global Competitiveness Report*, also uses expert judgements in presenting its country-level analysis of business competitiveness.

38. The lack of reliability here is reflected by the fact that different groups of experts will usually provide different values for the same indicators.

39. For further details, see www.freedomhouse.org.

40. See <http://hdr.undp.org> and www.rsf.org.

41. See www.cidcm.umd.edu/mar/ (accessed 23 May 2012).

42. See also *Human Development Report 2004*, Feature 2.1: "The Minorities at Risk data set – quantifying cultural exclusion", p. 32. More generally and in relation to indigenous groups, see the "Report of the Workshop on Data Collection and Disaggregation for Indigenous Peoples" (E/C.19/2004/2) held in January 2004 by the United Nations Permanent Forum on Indigenous Issues.

43. See www.transparency.org.

44. See www.beri.com.

45. See www.globalinsight.com/.

A major advantage of using information based on expert judgments is that it can be collected very quickly and can be effective in presenting a first assessment of the situation. Often, such assessments capture the overall situation quite well. Yet, they generally fall short of reliability and data comparability standards, which in turn may affect their

public acceptability. As a method of human rights assessment, particularly with regard to monitoring the compliance of State parties to international human rights instruments over time, such a method may serve only a limited purpose.⁴⁶

C. Disaggregation of human rights indicators

In the international human rights normative system, there is a strong demand for statistical information that goes beyond national averages, reveals the most deprived or vulnerable population groups and helps measure inequality and discrimination. For instance, while infant mortality (children under one year of age) has declined in most countries in recent decades, the incidence of infant mortality is significantly higher among the poorest households across all regions. Figures in the *Human Development Report 2010* show that infant mortality in the poorest households (bottom fifth of income distribution) is nearly double that of the richest (top fifth) in the Arab States, East Asia, the Pacific, Latin America and the Caribbean. Similarly, Afro-descendants and indigenous peoples often face structural disadvantages in key human rights areas.⁴⁷ For instance, the World Bank reported that while more than half of the total population were poor in Bolivia and Guatemala, almost three quarters of the

indigenous peoples were poor.⁴⁸ Assessing gender discrimination also requires the disaggregation of statistics by sex (see chap. IV, box 22 on statistics on gender and the human rights of women). In relation to the right to education, for instance, the ratio of female to male for the mean years of schooling shows that in all regions girls receive significantly less school education than boys.⁴⁹

While disaggregated statistics are essential for addressing human rights concerns, it is not always practical or feasible to disaggregate data at the desired level. Disaggregation by sex,⁵⁰ age, region (e.g., urban/rural) or administrative unit, economic wealth (e.g., quintile or decile of income or expenditure), socioeconomic status (e.g., employment status) or educational attainment, may, for instance, be easier than by ethnicity, as the identification of ethnic groups may involve objective (e.g., language) and subjective criteria (e.g., self-identification)

46. For additional examples and a review of data-generating mechanisms, see, for instance, T. Landman and E. Carvalho, *Measuring Human Rights* (Routledge, 2010).

47. For instance, a report commissioned by the Council of Australian Governments, using a set of indicators, revealed that perinatal and infant (within one year) mortality rates of indigenous peoples remained two to three times the non-indigenous rates and the unemployment rate was 15.6 per cent for indigenous people and 5.1 per cent for non-indigenous people (*Overcoming Indigenous Disadvantage: Key Indicators 2009* [Canberra, Steering Committee for the Review of Government Service Provision, 2009]. Available from www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (accessed 24 May 2012)).

48. Gillette Hall and Harry Anthony Patrinos, eds., *Indigenous Peoples, Poverty and Human Development in Latin America: 1994–2004* (Palgrave Macmillan, 2006).

49. See UNDP, *Human Development Report, 2010—The Real Wealth of Nations: Pathways to Human Development* (Palgrave Macmillan, 2010).

50. The Platform for Action of the Fourth World Conference on Women recommends the presentation of data disaggregated by sex and age to reflect problems, issues and questions related to women and men in society for use in policy and programme planning and implementation. See *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

that evolve over time. The collection of data for additional characteristics of the population will usually have cost implications. Producing disaggregated data that are collected through statistical surveys will tend to widen *confidence intervals* (see glossary) if the size of the samples of the targeted groups does not increase, which entails further data collection. The publication, analysis and exploitation of data at a lower level of aggregation will demand additional resources.⁵¹

Disaggregation of data by religion or ethnicity could also be politically and socially difficult when used wrongly. When fictitious numbers (either through inflating or deflating data) are produced to serve a political purpose, it could create divisions among people. On the other hand, disaggregated data could be used so that minorities and other population groups are made more visible so as to provide evidence for targeted policymaking and help their integration. Proponents of the inclusion of questions on ethnicity and religion in census and survey questionnaires have also observed that respondents have the option of replying to these questions or not. However, it may not always be enough to just include this option in the questionnaire. Interviewers may have to clearly explain and reiterate this option to the respondents.

There is no blanket human rights obligation for a country to disaggregate statistical information by ethnic characteristics or other potentially sensitive data. In relation to ethnicity, for instance, the *Principles and Recommendations for Population and Housing Censuses* stipulate that the decision to collect disaggregated data *is dependent upon a number of considerations and national circumstances, including, for example, the national needs for such data, and the suitability and sensi-*

tivity of asking ethnicity questions. The same source provides a broad definition of ethnicity: *ethnicity is based on a shared understanding of history and territorial origins (regional and national) of an ethnic group or community, as well as on particular cultural characteristics such as language and/or religion. Respondents' understanding or views about ethnicity, awareness of their family background, the number of generations they have spent in a country, and the length of time since immigration are all possible factors affecting the reporting of ethnicity in a census. Ethnicity is multidimensional and is more a process than a static concept, and so ethnic classification should be treated with movable boundaries.*

In relation to human rights and disaggregating data on the basis of disability, for instance, the Convention on the Rights of Persons with Disabilities is clearer on disaggregation and requires States: *to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. ... The information collected ... shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights* (art. 31).

Generally, international human rights bodies have encouraged the disaggregation of data on the basis of the prohibited grounds of discrimination. A non-exhaustive list of these grounds includes: sex, age, economic and social situation, race, colour, language, religion, political or other opinion, national or social origin, property, birth, disability, health status, nationality, marital and family status, sexual orientation and gender identity, place of residence, and other status.

51. Discussions between users of statistical data, including national human rights bodies, and data producers, as part of the work of OHCHR on human rights indicators with national statistical offices and other local organizations, have highlighted the underuse of already collected data.

While the practical relevance and feasibility of disaggregation need to be appropriately addressed, disaggregation of data helps design, adapt, implement and monitor measures to advance human rights, and contributes to the detection of related human rights problems, such as direct or indirect discrimination (chap. IV, boxes 23 and 24).⁵²

The decision concerning the disaggregation of census, administrative or survey data on the basis of characteristics such as ethnicity and religion

rests with the national authorities and will depend on national circumstances. This is also true for disaggregation by grounds of discrimination like sex, age, disabilities, economic wealth or socio-economic status, region or administrative unit,⁵³ although there seems to be much less leeway for decision makers to decide not to disaggregate those data. Nevertheless, there appears to be a general opinion in favour of disaggregation from a human rights perspective, insofar as it helps in addressing inequalities and discrimination on prohibited grounds.

52. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has used surveys and disaggregated indicators to highlight the marginalization of minorities in access to education, employment, health and housing in Japan (E/CN.4/2006/16/Add.2).

53. In some cases, disaggregation by region or administrative unit might provide proxy information on the situation of ethnic groups.



ILLUSTRATING THE FRAMEWORK INDICATORS FOR SOME RIGHTS

“

In today's world where we are continuously facing the challenge of investigating and analysing human rights abuses in complex contexts, statistics can help enormously towards an understanding of the scope and magnitude of these phenomena as well as, and this is very important, to prevent future atrocities. Without statistics, we will be condemned most probably to a partial vision and understanding of our reality.”

Fernando Castañón Alvarez¹

The chapter illustrates the application of the conceptual and the methodological framework, outlined in the earlier chapters of the *Guide*, to draw up tables of indicators for different human rights. It focuses on the common considerations that have shaped the different tables and provides examples of the

reasoning behind the selection of attributes of a human right and the corresponding cluster of indicators. Since the procedure followed is identical for all civil, cultural, economic, political and social rights, only few representative tables of illustrative indicators are discussed in some detail.

LEARNING OBJECTIVES

1

What are the considerations in preparing the tables of indicators?

2

What are the steps in identifying attributes of a right or a theme of human rights relevance?

3

What are the steps in selecting the relevant indicators for each attribute of a right?

4

What are the preliminary steps in contextualizing and building ownership of the indicators at country level?

1. Director, International Judicial Support, United Nations Interim Administration Mission in Kosovo, and Executive Secretary, Guatemalan Commission for Historical Clarification, in his address at the Montreux Conference on “Statistics, Development and Human Rights”, September 2000.

A. Considerations in preparing tables of indicators

1 Use of a standard format

Given the framework adopted for identifying indicators, the use of a standardized template is inevitable and also desirable. The indicators have been developed in a matrix format, where the normative standard as captured in the *attributes* of a right are placed on the horizontal axis and the different categories of indicators, namely the configuration of *structural*, *process* and *outcome* indicators (defined in chap. II, sect. B) on the vertical axis (under each attribute) to permit a more systematic coverage of the realization of the right.

For analytical convenience, in drawing up a table of indicators for a human right, the reference normative framework is the one directly related to that right. In other words, the attributes and indicators are anchored in the specific treaty provisions related to that right and the clarifications and elaboration of those provisions by the relevant treaty body and human rights mechanisms. For instance, for the right to life, indicators on the “health and nutrition” attribute (table 14) have been identified with reference to the normative content of the right to life and not in the light of the normative content of the right to health (table 3). Similarly, some aspects related to the entitlements of an individual to control one’s health and body and to be free from interference are developed as a part of the indicators on the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (table 4) and not in the context of the right to health. Some indicators appear in more than one table, because some human rights, such as the right to life, the right to health or the right to adequate food, share similar attributes. In each instance, the

selected indicators essentially capture the normative content of that right. Such an approach, which may be seen as conservative from a human rights perspective, apparently overlooking the notion of the indivisibility of rights, aims to avoid overlaps, repetition and reduce the number of indicators, generally a central concern in any initiative on indicators.

It could be argued that selecting structural, process and outcome indicators for the different attributes of a right may lead to a large number of indicators being identified. While this is potentially true, it can be overcome, firstly, by excluding indicators that do not rigorously meet the conceptual, methodological and empirical criteria outlined in chapters II and III, and, secondly, by applying some additional considerations in the final selection of indicators for each right. For instance, sometimes a single indicator may be adequate to cover more than one attribute of a right; in other cases several may be required to cover just one attribute. In such instances, to the extent that substantive conceptual requirements are met, indicators that capture more than one attribute of a right could be selected with a view to limiting their total number (e.g., the literacy rate will be relevant to more than one attribute of the right to education). Moreover, not all illustrative indicators developed for a right in this *Guide* need to be used. For example, the actual choice of indicators to monitor treaty compliance could be made by a State party in consultation with the treaty body concerned while taking into account the country’s context, its implementation priorities and statistical considerations on data availability.

IV. >> Illustrating the Framework - Indicators for Some Rights

>> Considerations in preparing tables of indicators

A generic formulation has been adopted for articulating indicators reflected in the tables. Where applicable, an alternative or a specific formulation relevant to a given context, such as the level of country development or for specific regions and demographic groups, has been indicated in the relevant metadata sheet for the indicator concerned (for details, see annex I). Similarly, a general terminology of “target group” has been adopted to refer to specific population groups, like women, children, ethnic or religious minorities or vulnerable and marginal segments of the population that the duty bearer may have to focus its attention on, in keeping with the country’s context, while implementing its human rights obligations.

Finally, the tabular format shows the range of indicators that are relevant to capturing the normative content and the corresponding obligations of human rights standards. At the same time, it enables stakeholders to select those indicators that they may like to monitor. In other words, the selection of a few indicators, at any given point in time, to monitor the implementation of human rights is more informed and likely to be more meaningful than would otherwise be the case.

2 ***Selection of human rights for developing indicators in this Guide***

The selection of human rights for which indicators have been developed and reflected in this publication was guided by a panel of experts drawn from the treaty bodies and human rights practitioners who assisted in this work. The principal consideration was to have a set of rights that between them could cover a large number of provisions for most of the core human rights instruments (see chap. I). The

provisions laid out in the Universal Declaration of Human Rights were a starting point in this choice. Care was also taken to select substantive, procedural (right to fair trial) and cross-cutting rights (right to non-discrimination and equality), as well as to include an equal number of rights from the two Covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Such an approach enables an informed choice to be made in putting together the set of indicators to monitor a human rights treaty, for instance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child or the International Covenant on Economic, Social and Cultural Rights or for that matter a human rights issue like violence against women. The indicators developed on different human rights can be brought together selectively, based on the provisions of a convention or the conceptualization of an issue, as well as country-specific considerations (sect. C below). While not all attributes of a right may find equal emphasis in the provisions of different conventions or in the conceptualization of a human rights issue, for those that are acknowledged, the relevant indicators can be selected from the tables to arrive at a basket of indicators. Furthermore, contextual considerations (sect. D below) also play an important role in the actual choice of indicators to monitor the issue at hand.

3 ***Relevance of common and background statistical information***

In the case of compliance monitoring by treaty bodies, the human rights indicators have to be

IV. >> Illustrating the Framework - Indicators for Some Rights

>> Considerations in preparing tables of indicators

seen against the background statistical information that each State party to the international treaties is expected to provide as a part of the general reporting guidelines.² Such information is also relevant to human rights assessments undertaken in any other context. The background information reflected through appropriate statistical indicators covers population and general demographic trends, the social, economic and political situation, and general information on the administration of justice and the rule of law. The indicators have to be interpreted against this information. At the same time, information on certain structural indicators like the proportion of international human rights instruments ratified by the State (from a list of selected human rights treaties, protocols, relevant articles, conventions of the International Labour Organization (ILO), etc.), the existence of a domestic bill of rights in the constitution or other forms of superior law, the type of accreditation of national human rights institutions by the rules of procedure of the International Coordinating Committee of National Institutions, the number of NGOs and personnel (employees and volunteers) formally involved in the protection of human rights at the domestic level, is relevant to monitoring the implementation of all human rights. Some of these indicators have been reflected in the tables and metadata sheets provided in the *Guide* to provide a comprehensive and self-standing reference list. However, they need to be considered for monitoring the implementation of all human rights and related issues.

4 Importance attached to disaggregation of information

In general, it is essential for most indicators to go beyond national averages and seek disaggregated

information related to the human rights situation of the relevant target groups vis-à-vis the rest of the population. All tables include a reference to the need for disaggregating all indicators by prohibited grounds of discrimination consistent with the recommendations of the treaty bodies and other international human rights monitoring mechanisms (see also box 22).³ Moreover, in several instances, alternative formulations of indicators at the disaggregated level of information have been included in the metadata sheet on those indicators (see examples provided in annex I). Guidance for using and analysing trends and gaps reflected by disaggregated indicators is provided in chapter V (sect. B).

5 Focus on the role of primary duty bearer and indicators on remedies

In developing the indicators for human rights, the focus has been on identifying measures that the duty bearer needs to take in implementing its obligations to *respect*, *protect* and *fulfil* human rights (chap. I, sect. A). This is reflected in the choice of both structural as well as process indicators. In this context, besides indicators that reflect the scope and recourse to judicial remedy such as those related to access to legal aid and due process of law, the framework identifies indicators on the role of quasi-judicial (e.g., some national human rights institutions) and non-judicial (executive / administrative) actors and their activities in implementing human rights. An important structural indicator that appears in most tables relates to State policy and strategy on specific human rights attributes. A policy statement of the State on a given issue outlines its position on it and, in a sense, binds the State to undertake the measures outlined in its policy document or policy framework. It is an instrument for translating the

2. See "Compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties" (HRI/GEN/2/Rev.6, paras. 12–15, 26 and appendix 3).
3. General comment No. 19 (2007) of the Committee on Economic, Social and Cultural Rights provides an illustrative listing of prohibited grounds of discrimination which may require the disaggregation of data. The Covenant prohibits any discrimination, whether in law or in fact, whether direct or indirect, on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, and civil, political or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of a human right.

IV. >> Illustrating the Framework - Indicators for Some Rights

>> Considerations in preparing tables of indicators

normative standards into an operational framework of public policies and programmes. It helps in making the State accountable and constitutes an important reference for the justiciability of economic, social and cultural rights. The tables also reflect the role of non-State actors, including corporations

and NGOs, international cooperation (e.g., official development assistance (ODA)) and human rights mechanisms (e.g., communications with special procedures mandate holders) in furthering the implementation of human rights through suitable structural and process indicators.

Box 22 Statistics on gender and human rights of women

Gender statistics go beyond statistics disaggregated by sex. Sex relates to biological and physiological characteristics that define men and women. Gender refers to the relationship between women and men based on socially or culturally constructed and defined identities, status, roles and responsibilities that are assigned to one or the other sex. Gender is not static or innate but acquires socially and culturally constructed meaning over time.^a Gender is “the social meaning given to biological sex differences. It is an ideological and cultural construct, but is also reproduced within the realm of material practices; in turn it influences the outcomes of such practices. It affects the distribution of resources, wealth, work, decision-making and political power, and enjoyment of rights and entitlements within the family as well as public life. Despite variations across cultures and over time, gender relations throughout the world entail asymmetry of power between men and women as a pervasive trait. Thus, gender is a social stratifier, and in this sense it is similar to other stratifiers such as race, class, ethnicity, sexuality and age. It helps us understand the social construction of gender identities and the unequal structure of power that underlies the relationship between the sexes”.^b

The human rights normative framework, including the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations adopted by its Committee, provides the legal basis and practical guidance for promoting and developing gender statistics. In addition to disaggregating commonly compiled statistics by sex (e.g., proportion of women in senior civil servants positions), making women more visible in statistics and monitoring gender equality require women-specific statistics (e.g., maternal morbidity and mortality statistics), expanding statistics in critical areas, such as poverty (e.g., the distribution of resources within households or the amount of unpaid work carried out by women), access to assets (e.g., ownership of land, housing), exposure to violence (e.g., domestic violence, early or forced marriage) and harmful traditional practices (e.g., female genital mutilation, honour killings), empowerment and decision-making (e.g., proportion of women elected to parliament), and on societal attitudes (e.g., perceived role and contribution of women vis-à-vis men to family and social life). It also calls for the compilation of information on men that was traditionally collected only for women (e.g., contraceptive use).

All the indicators identified in the tables below can potentially be disaggregated by sex and are relevant to monitoring gender equality and the human rights of women. In addition, there are tables (on non-discrimination and equality, violence against women), attributes of rights (e.g., sexual and reproductive health in the table on the right to health) and several indicators (e.g., access of women and girls to adequate food within households) that address gender concerns more specifically.

a. Office of the United Nations High Commissioner for Refugees, “Guidelines on international protection: Gender-Related Persecution within the context of article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees” (HCR/GIP/02/01), para. 3.

b. 1999 *World Survey on the Role of Women in Development: Globalization, Gender and Work* (United Nations publication, Sales No. E.99.IV.8), p. ix.

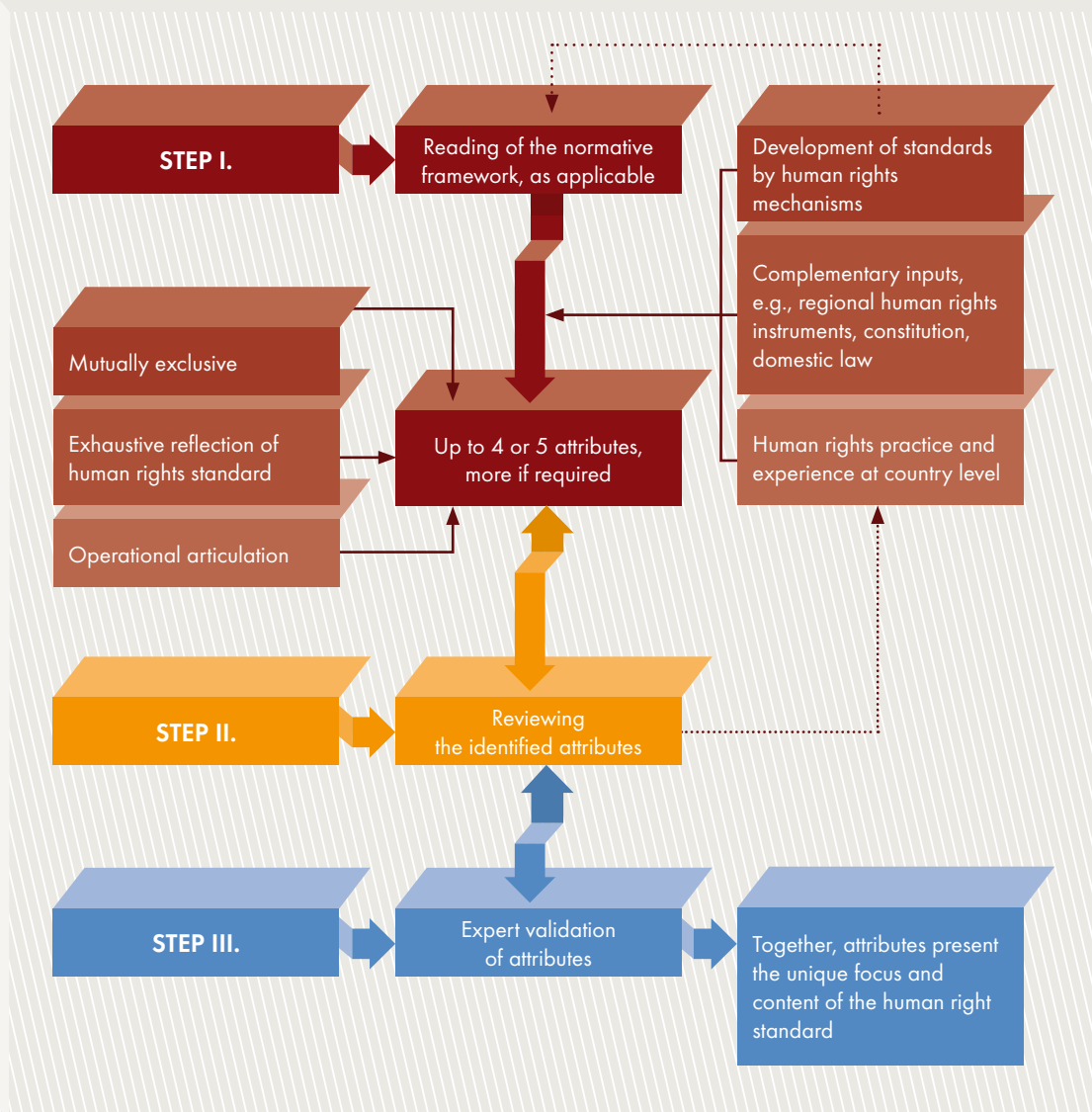
Sources: United Nations Economic Commission for Europe (UNECE) and World Bank Institute, *Developing Gender Statistics: A Practical Tool* (United Nations, 2010). Available from www.unece.org. Platform for Action of the Fourth World Conference on Women, *Report of the Fourth World Conference on Women*; and Committee on the Elimination of Discrimination against Women, general recommendations No. 9 (1989) on statistical data concerning the situation of women and No. 25 (2004) on temporary special measures.

B. Identifying the attributes

Attributes are identified for each human right with a view to making its normative content concrete, which then helps in identifying the relevant indicators for that right. Taken together the attributes are expected to present the essence of the standard fairly well. Thus, the selection of attributes is based on an exhaustive reading of the legal standard of the right. As described earlier in the *Guide* (chap. II, sect. B 1), since

attributes provide the link between the narrative of the legal standard on the one hand and indicators on the other, to the extent feasible, they have to be identified in a mutually exclusive (non-overlapping) manner. This ensures that the selected indicators are non-repetitive and limited in number. Ultimately, well-articulated attributes help towards the identification of relevant indicators.

Fig. VIII Identifying attributes



The development of attributes for human rights standards, such as the rights and themes included in this *Guide*, have been reviewed and validated by experts. Therefore, it may not be necessary to identify them afresh since, once identified, attributes of a right will be equally applicable to most contexts as the underlying human rights standards are universal. However, in those countries where domestic law improves on international human rights treaty provisions, it may be desirable to rework the attributes in conformity with the applicable national and inter-

national human rights standards. The contextualization of human rights standards should essentially be carried out in the selection of indicators for the attributes. The steps for identifying attributes are outlined in figure VIII. The steps are also relevant to identifying the attributes of a human rights issue, such as violence against women (see the next section for details). In that case, instead of the treaty provisions, the conceptualization of the issue along with the applicable human rights standards will guide the process of identifying the attributes.

C. Selecting the indicators

In selecting indicators, the conceptual link with human rights attributes or the human rights standards that these attributes reflect is of prime importance. At the same time, the available empirical evidence on the performance of the identified indicators is an equally important consideration in the selection. In the context of the *Guide*, the metadata sheet on an identified indicator helps in clarifying this selection. The metadata highlight key information on the indicator, including terminology and common formulation of the indicator, standard international or national definitions, data sources, availability, level of disaggregation, and information on other related and proxy indicators.

1 Steps in selecting structural, process and outcome indicators

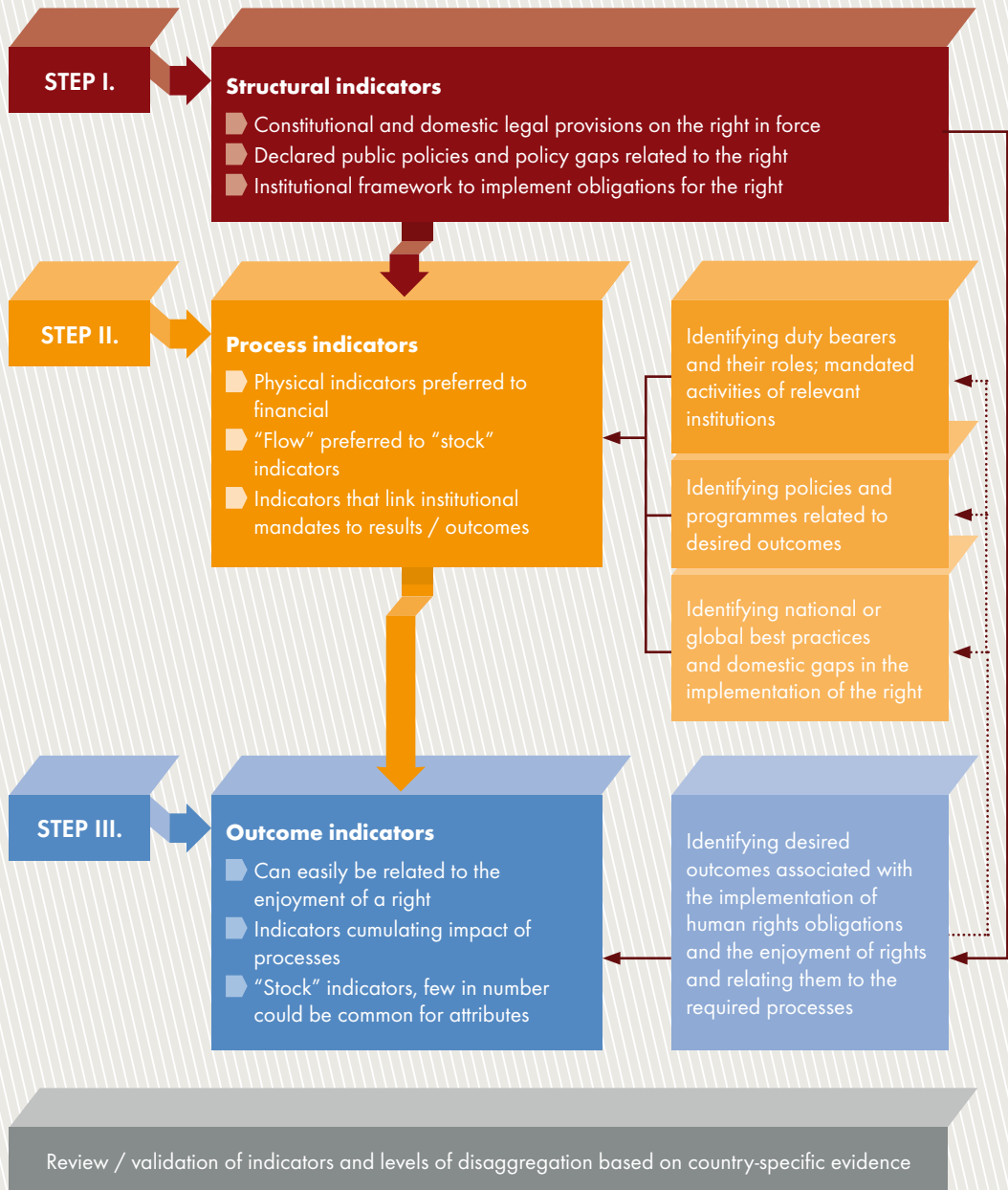
It is useful to keep the following considerations in mind when selecting indicators in each of the three categories (fig. IX). Given an attribute of a right, the *first step* is to identify a structural indicator. It is necessary

to study and compare the prevalent legal framework related to that right in the country with the corresponding international human rights standards. An indicator is then formulated to help monitor and in some cases even expedite the incorporation of relevant human rights provisions into the country's legal framework.⁴ Thus, an indicator like the "date of entry into force and coverage of the right to non-discrimination and equality, including the list of prohibited grounds of discrimination in the constitution or other forms of superior law" is useful in assessing a State party's commitment to meeting its obligations arising from having signed and ratified core international human rights treaties. The other important consideration in formulating a structural indicator is to seek information that shows how the State's commitment, as reflected in the enactment of domestic human rights law, is translated into an enforceable programme of action stemming from that standard. Such information is captured in structural indicators on public policy documentation, for instance, by the indicator "time frame and coverage of policy or programme against workplace harassment".

4. For States with *dualist* legal systems, international law is not directly applicable. It must be translated into national law and existing national law that contradicts international law must be modified or eliminated. However, for States that follow a *monist* legal system, ratification of international law immediately incorporates it into national law.

IV. >> Illustrating the Framework - Indicators for Some Rights
 >> Selecting the indicators

Fig. IX **Selecting indicators**



The *second step* relates to the selection of process indicators. It is vital as process indicators are a critical element of the framework for monitoring human rights. The basic objective here is to identify all the measures, by way of policies and programmes, to attain outcomes that can be related to the realization and enjoyment of rights. It helps therefore to keep such outcomes in mind, when identifying the duty bearers and their roles, the institutions and the activities that the State mandates them to carry out when accepting its human rights obligations, and the nature of ongoing public programmes (and their shortcomings), as well as gaps in public policy that if addressed could help in realizing human rights. Based on this analysis, a set of process indicators is identified. Ideally, good process indicators provide a link between the structural and outcome indicators, are “flow indicators” (see chap. II, sect. B 2) and relate to physical rather than financial variables (output from an activity or programme instead of the public resources spent on it, e.g., increase in immunization coverage instead of budgetary allocations to the immunization programme, or proportion of persons imprisoned in accommodation meeting legally stipulated requirements instead of the budget for prison upkeep). Detailed information on process indicators is provided in chapter II.

The *third step* involves the articulation of outcome indicators. It is important that the selected outcome indicators can be easily related to the enjoyment of the attribute of the right or the right in general and to the selected process indicators. Moreover, as outcome indicators are more like summary indicators (reflecting the cumulation of multiple processes, e.g., the overall or age-specific literacy rate is a summary measure of the process to improve school enrolment,

public incentives and support for attending schools for the target population groups), they could be few in number and common across several attributes of a right. Finally, the selection of indicators also involves a review and validation of the selected indicators and their levels of disaggregation based on country evidence.

2 Some further considerations in selecting indicators

The consideration of linkage or implicit causality between the structural-process-outcome categories of indicators is important in the selection of indicators. Once a structural indicator has been identified to capture a duty bearer’s human rights commitment, it is desirable to identify a process indicator that captures the efforts under way to meet that commitment and also an outcome indicator that consolidates the results of those efforts over time. Thus, for instance, a structural indicator on the right to education like “time frame and coverage of the plan of action adopted by the State to implement the principle of compulsory primary education free of charge for all” can be linked to a process indicator like “proportion of primary schoolteachers fully qualified and trained” and to an outcome indicator like “proportion of pupils starting grade 1 who reach grade 5” or “literacy rate”. Even a loose causality between the selected indicators, across the three categories, could make monitoring more effective and help in improving accountability of the duty bearer.

It is also possible that in certain instances there is no obvious link between different categories of indicators and yet they are included. This is true, for instance, for the right to health, where some

outcome indicators may not be directly dependent on efforts within the framework of State obligations. Thus, improved longevity or lower infant mortality is known to be correlated with lifestyle practices, eating habits, education and some environmental parameters. It is worthwhile including indicators that reflect such concerns because of their importance to the realization of that right and to facilitate priority-setting and effort-targeting by the duty bearer.

The articulation of indicators, where feasible, is influenced by the need to highlight the “accessibility” rather than merely the “availability” dimension. Thus, for instance, for the right to adequate food, a process indicator has been formulated as “proportion of targeted population that was brought above the poverty line” and not in terms of the “public resources allocated to poverty alleviation”. Similarly, a right-to-fair-trial indicator seeks information on “the proportion of juveniles in custody receiving education / vocational training by trained teachers for the same number of hours as students of that age at liberty”.

In selecting and formulating the indicators, it is necessary to keep the State’s obligations to respect, protect and fulfil human rights in mind.⁵ An appropriate combination of structural, process and outcome indicators, along with the use of multiple data sources, helps in assessing the implementation of these three obligations. So while an outcome indicator like “infant mortality rate” based on administrative data may reveal an overall failure of the State party to meet the three obligations, it may not be able to distinguish which of the three are indeed violated. However, for the process indicators it may be easier to have a formulation that helps in identifying the specific obligations

that may or may not have been met. Moreover, the use of events-based data on human rights violations, given their nature and the methodology for collecting relevant information, makes it relatively easy to derive indicators that relate specifically to the obligations to respect, protect or fulfil.

The indicators identified in the tables are primarily based on two types of data-generating mechanisms: (a) indicators that are or can be compiled by official statistical systems using censuses, statistical surveys and/or administrative records; and (b) indicators or standardized information more generally compiled by national human rights institutions and civil society sources focusing on alleged violations reported by victims, witnesses or NGOs. The intention has been to explore and exhaust the use of commonly available information, particularly from objective data sets that can be easily quantified for tracking human rights implementation. Some examples for formulating the tables are set out below.

3 Some illustrations

Table on the right to the highest attainable standard of physical and mental health

The attributes of the right to the highest attainable standard of physical and mental health are primarily based on a reading of the normative content of the right, as enshrined in article 25 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Economic, Social and Cultural Rights, and reflected in general comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights.⁶ The five attributes

5. The three obligations are defined in chap. I, sect. A.

6. See also general recommendation No. 24 (1999) of the Committee on the Elimination of Discrimination against Women, and general comments Nos. 3 (2003) and 4 (2003) of the Committee on the Rights of the Child. Article 6 (1) of the International Covenant on Civil and Political Rights, article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, articles 12 and 14 (2) (b) of the Convention on the Elimination of All Forms of Discrimination against Women,

are “sexual and reproductive health”, “child mortality and health care”, “natural and occupational environment”, “prevention, treatment and control of diseases”, and “accessibility to health facilities and essential medicines”. These attributes relate to provisions under article 12 (2) and the emphasis in general comment No. 14 (2000) on the need to address some topics of broad application. After ensuring that these attributes collectively reflect the normative content of the right, two types of structural indicators have been identified. These relate to the legal and the attendant institutional set-up and the relevant policy framework and policy statements for implementing the human rights obligations of the State. An indicator on civil society organizations has also been identified to reflect their important role in the implementation of the right to health. This is followed by the identification of process indicators principally covering the measures that could be taken by the State through its administrative agencies in fulfilling its obligations to implement the right to health. Thus, there are indicators related to the extension of medical services and essential medication, awareness-raising and providing public health services. There are also indicators identified on judicial and quasi-judicial remedies and the role of international cooperation in realizing the right. Finally, there are negative and positive outcome indicators that allow a summary assessment of the realization of the right to health, or its specific attributes. The normative as well as the empirical basis for including some of the indicators is developed in the corresponding meta-data sheet.

Table on the right to non-discrimination and equality

Non-discrimination and equality are cross-cutting human rights or principles which are invoked in all international human rights instruments, starting with articles 1, 2 and 7 of the Universal Declaration. There are difficulties in translating the normative narrative on the right to non-discrimination and equality into a set of mutually exclusive and exhaustive attributes and corresponding indicators. Discrimination or non-discrimination may often not be directly observable and may not be easily isolated from the realization of other human rights either. While different methods and sources can be used to measure discrimination (see box 23), common socioeconomic statistics that may reveal patterns of discrimination only indirectly are often relied upon. The realization of the right to non-discrimination may also be easier to define in the context of other human rights. For instance, appropriately disaggregated statistics on the labour markets (e.g., unemployment rates disaggregated by sex or ethnic origin and level of qualification) can provide useful information on possible discrimination in the realization of the right to work. Also, methods for directly measuring systemic discrimination, impairing population groups’ enjoyment of their right to work, have been developed and implemented in a number of countries (see box 24).

article 24 of the Convention on the Rights of the Child, articles 28 and 43 (1) (e) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 25 of the Convention on the Rights of Persons with Disabilities, and the work of the Special Rapporteur on the right to health, Paul Hunt, were also useful in identifying the attributes and the indicators on the right to health.

Box 23 **Measuring discrimination**

Measuring discrimination is not easy. A different treatment or outcome is not necessarily the result of clearly identified acts of discrimination, but the result of complex processes involving multiple and cumulative discrimination, or simply due to other factors. Moreover, victims are sometimes unable to identify the discrimination that they are subjected to. Certain social and cultural practices create high tolerance levels for discrimination among certain population groups, which results in the acts of discrimination being frequently overlooked. Also, they are often unaware of the available legal remedies or unable to use them. Thus, the number of convictions for discrimination in court is not a good indicator for assessing discrimination in a country. Given these limitations in using the events-based information in monitoring discrimination, statistical techniques, as well as direct surveys, are vital for assessing the prevalence of discriminatory practices in a country. Some useful statistical tools in this context are:

- Socioeconomic statistics disaggregated by prohibited grounds of discrimination (e.g., life expectancy, age-specific sex ratios and unemployment rates broken down by ethnic origin) measure disparities and differential outcomes that are often the result of multiple and accumulative discrimination;
- Econometric models based on multiple regression analysis help in estimating the portion of differences in outcomes attributable to discrimination as opposed to observable variables (e.g., percentage of the wage differential between women and men that cannot be explained by “observable” criteria, such as the number of working hours or socioprofessional characteristics, etc.);
- Population surveys measuring experiences, perceptions and attitudes regarding discrimination (e.g., percentage of members of ethnic minorities reporting racially motivated victimization and discrimination by public/private personnel);^a and
- Discrimination or situation-testing surveys to measure directly discrimination in specific instances, such as those related to access to work, housing, health care, private educational institutions or other public services (see box 24).

It may be desirable to use any of these procedures to assess periodically the extent of discrimination in a country, especially where multicultural, racial, religious and linguistic communities are seen to be competing for scarce resources and opportunities. Concrete evidence in support of discriminatory practices in different social spaces of human engagement, including the political space, could facilitate the strengthening of legal and administrative remedial measures in such instances.

a. See, for instance, European Union Agency for Fundamental Rights, EU-MIDIS: European Union Minorities and Discrimination Survey (2009). Available from www.fra.europa.eu/fraWebsite/minorities/minorities_en.htm.

IV. >> Illustrating the Framework - Indicators for Some Rights

>> Selecting the indicators

In selecting the attributes and indicators on this right, consideration has to be given to the form and manifestation of discrimination, the circumstances under which discrimination occurs, the consequences for the individual, and the availability and access to redress and compliance mechanisms. A starting point is the definition of discrimination. In general, the term “discrimination”, as used in various international human rights instruments, is understood to imply any distinction, exclusion, restriction or preference or other differential

treatment that is directly or indirectly⁷ based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all civil, cultural, economic, political and social human rights.⁸ In identifying attributes and selecting indicators on non-discrimination and equality, it is therefore essential to adequately capture the elements highlighted in this definition.

Box 24 Measuring discrimination in access to work

In 2006, a discrimination survey on access to employment on grounds of foreign origin was carried out in several French cities under ILO guidance. The survey measured the discriminatory treatment by employers of two applications submitted for low-/medium-skilled job vacancies in several economic sectors. The profiles of the two applicants were rigorously equivalent (i.e., same educational background and working experience, both born in France and French citizens, etc.), except for one criterion: their North African, sub-Saharan or “metropolitan French” origin, as revealed by their first and family names. The surveys tested each of the three principal ways in which applicants make contact with employers: by telephone, by posting or e-mailing a CV, or by going to the place of work in person and leaving their CV. In all, 2,400 tests were undertaken. The employers selected the “metropolitan French” applicant nearly four times out of five.

Source: E. Cediey and F. Foroni, “Discrimination in access to employment on grounds of foreign origin in France: A national survey of discrimination based on the testing methodology of the International Labour Office” (Geneva, International Labour Office, 2008). Available from www.ilo.org/public/english/protection/migrant/download/imp/imp85e.pdf (accessed 30 May 2012).

7. *Direct discrimination* occurs where one person is treated less favourably than another for a reason related to one of the prohibited grounds and with no reasonable and objective justification (e.g., an individual with equal or superior qualifications was not interviewed because of her/his ethnic origins). *Indirect discrimination* occurs when a priori neutral laws, procedures, policies or programmes treat certain population groups less favourably with no reasonable justification (e.g., a minimum height criterion for joining the police force that excludes more individuals from one population group than from another).
8. See, for instance, article 1 in the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, and general comments No. 18 (1989) of the Human Rights Committee and No. 20 (2009) of the Committee on Economic, Social and Cultural Rights.

Furthermore, in terms of circumstances under which discrimination normally occurs, one could formulate attributes that reflect an individual's access to an adequate standard of living, health and education and to livelihood opportunities. Equal access to public services, including access to justice, and to relevant services provided by private actors is vital for undoing the injustice of historical inequalities and discrimination that some segments of the population, such as women, ethnic groups, minorities, migrants and persons with disabilities, may have been subjected to. Violence, whether physical, sexual or psychological, targeting specific population groups is an extreme form of discrimination and also needs to be measured in this context.

Moreover, the right to non-discrimination and equality recognizes the need for temporary special measures (sometimes referred to as affirmative action or positive discrimination) as enforcing the right in itself is not always sufficient to guarantee true equality.⁹ Temporary special measures may be needed to accelerate de facto equality. In women's employment, for instance, a number of government agencies have adopted administrative instructions on the recruitment, promotion and placement of women, aiming at achieving a better gender distribution at all levels, and particularly at the higher echelons.

Accordingly, four attributes have been identified: "equality before the law and protection of the person", "direct or indirect discrimination by public and private actors nullifying or impairing access to education and health services", "direct or indirect discrimination by public and private actors nullifying or impairing equality of livelihood opportunities" and "special measures including for participation in decision-making".

The use of the cluster of structural-process-outcome indicators for each of the identified attributes helps in reflecting the de jure and de facto aspects of the realization of the right. In selecting the indicators it is important for the information implicit in the indicator to be able to establish the fact that the treatment meted out to the discriminated person is different from that of others in a similar position (e.g., prevalence/incidence of crimes, including hate crime and domestic violence by target population groups), puts the person concerned at a disadvantage (e.g., proportion of public buildings with facilities for persons with disabilities), can be related to one or more of the identified prohibited grounds of discrimination and there are no valid reasons for such a differential treatment in the first place (e.g., time frame and coverage of policy or programme for equal access to education or the proportion of employers rejecting job applicants only on the grounds of their colour or ethnic origins). Given the cross-cutting nature of discrimination in the realization of all human rights, it is important to read and use the table of illustrative indicators on the right to non-discrimination in conjunction with the tables of indicators on the other human rights, as well as the table on violence against women.

Table on violence against women

Violence against women or gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.¹⁰ Violence against women is a human rights issue cutting across civil, cultural, economic, political and social rights. Human rights mechanisms, including international¹¹ and regional ones,¹² have addressed it from a normative human rights perspective. Following the approach outlined in this *Guide*, a life cycle perspective is used to

9. The formulation "temporary special measures" is taken from article 4 (1) of the Convention on the Elimination of All Forms of Discrimination against Women and described in general recommendation No. 25 (2004) of its Committee.

10. See general recommendation No. 19 (1992) of the Committee on the Elimination of Discrimination against Women.

11. See, for instance, "In-depth study on all forms of violence against women: Report of the Secretary-General" (A/61/122/Add.1).

12. See, for instance, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

identify the attributes of violence against women. The predominant phases, events and situations in the life of a woman during which she is more likely to experience violations of her physical or mental integrity are considered so as to identify the following attributes: “sexual and reproductive health and harmful traditional practices”, “domestic violence”, “violence at work, forced labour and trafficking”,

“community violence and abuse by law enforcement officials” and “violence in (post-)conflict and emergency situations”. Once the attributes have been identified, the relevant normative standards from the human rights instruments can also be invoked and applied to help select and formulate the required indicators.¹³

D. Putting indicators into context and building country ownership

Statistics and indicators have to meet national or local needs if they are to be accepted and used as effective tools in human rights assessment and monitoring. Moreover, good statistics are difficult to get and they cannot be simply imported and thrust in an alien context. Their use in any assessment process is optimized when they are meaningful for the context to which they are applied and when countries have ownership of their application. These considerations require local capacity for the adaptation and articulation of indicators, the collection of the required information and interpreting that information. While capacity-building for the use of indicators in human rights assessments is taken up in chapter V, this section outlines briefly some of the steps that need to be considered to put indicators into context and build country ownership.

There are three steps to putting indicators into a

national context (see fig. X), corresponding to each of the three categories of indicators. However, the need for contextualizing structural and outcome indicators is limited given their nature. For the structural indicators, the focus has to be on identifying the gaps in the domestic human rights framework in comparison to international standards. In doing so, observations made by human rights monitoring mechanisms, such as the treaty bodies, the special procedures mandate holders and the universal periodic review of the Human Rights Council, should be used.¹⁴ In putting the table of indicators into national context, the recommendations from these human rights mechanisms constitute an authoritative reference and direct source of information for identifying the human rights challenges, the populations concerned as well as possible indicators. Most of the recommendations contain underlying references to, but also often explicit mentions of, information that relates to structural, process and outcome

13. The table of illustrative indicators on violence against women was developed using the work on statistical indicators carried out by UNECE (<http://live.unece.org/stats/gender/vaw/about.html> (accessed 30 May 2012)), the former United Nations Division for the Advancement of Women ([www.unwomen.org/focus-areas/?show=Violence against Women](http://www.unwomen.org/focus-areas/?show=Violence%20against%20Women) (accessed 30 May 2012)), the United Nations Statistics Division (<http://unstats.un.org/unsd/demographic/meetings/vaw/default.htm> (accessed 30 May 2012)) and the United Nations Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk (A/HRC/7/6).

14. The Universal Human Rights Index (www.universalhumanrightsindex.org/) is a database that has been developed by OHCHR to provide an easy access to all the recommendations from the United Nations human rights mechanisms. Following the inclusion of the recommendations from the treaty bodies and special procedures mandate holders, those from the universal periodic review are also being added.

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indicators.¹⁵ The focus also has to be on factoring in the customary practices and institutions unique to the country while formulating the structural indicators. Similarly, for the outcome indicators, the illustrative formulation may have to be customized to reflect the local focus on certain target population groups or overcome the capacity and data constraints. The main task of contextualization relates to the process indicators. For them, the country's level of socioeconomic development, its population groups identified as being vulnerable, marginalized or at risk of discrimination and, hence, targeted through public interventions, the nature of its public policies and programmes and its capacity constraints on data collection will determine the contextually appropriate formulation.

In using the framework of structural, process and outcome indicators, the objective has been to cover consistently and comprehensively indicators that can reflect the commitment-effort-result aspects of the

realization of human rights. In the final analysis, it may not matter if an indicator is identified as a process or outcome indicator so long as it captures relevant aspect(s) of an attribute of a right or the right in general. Working with such a configuration of indicators simplifies the selection of indicators, encourages the use of contextually relevant information, facilitates a more comprehensive coverage of the human rights standards, can help in organizing the collection of information among national stakeholders and minimize the overall number of indicators required to monitor the realization of a right in any context. Finally, the framework enables the potential users to make an informed choice on the type of indicator and level of disaggregation that best reflect the contextual requirements for implementing a human right or some attributes of a right, while recognizing the full scope of obligations on the relevant human right standards.

15. For instance, when the Human Rights Committee is concerned "about the low level of participation of women in public affairs, and that women continue to have a disproportionately low presence in the political and economic life of the State party, particularly in senior positions of public administration (arts. 2, 3 and 26)" and states that the "State party should take immediate steps to change public attitude towards the suitability of women for positions in public affairs and consider adopting a policy of positive action" and should take "appropriate measures to ensure the effective participation of women in political, public and other sectors of the State party" (CCPR/CO/82/ALB, para. 11), the use of some outcome indicators (e.g., proportion of relevant positions in the public and private sectors held by women), structural indicators (e.g., date of entry into force of special and temporary measures to ensure or accelerate equality in the enjoyment of rights by women) and process indicators (e.g., budget spent on an awareness campaign for promoting the participation of women in public affairs) becomes meaningful.

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Fig. X Contextualizing indicators

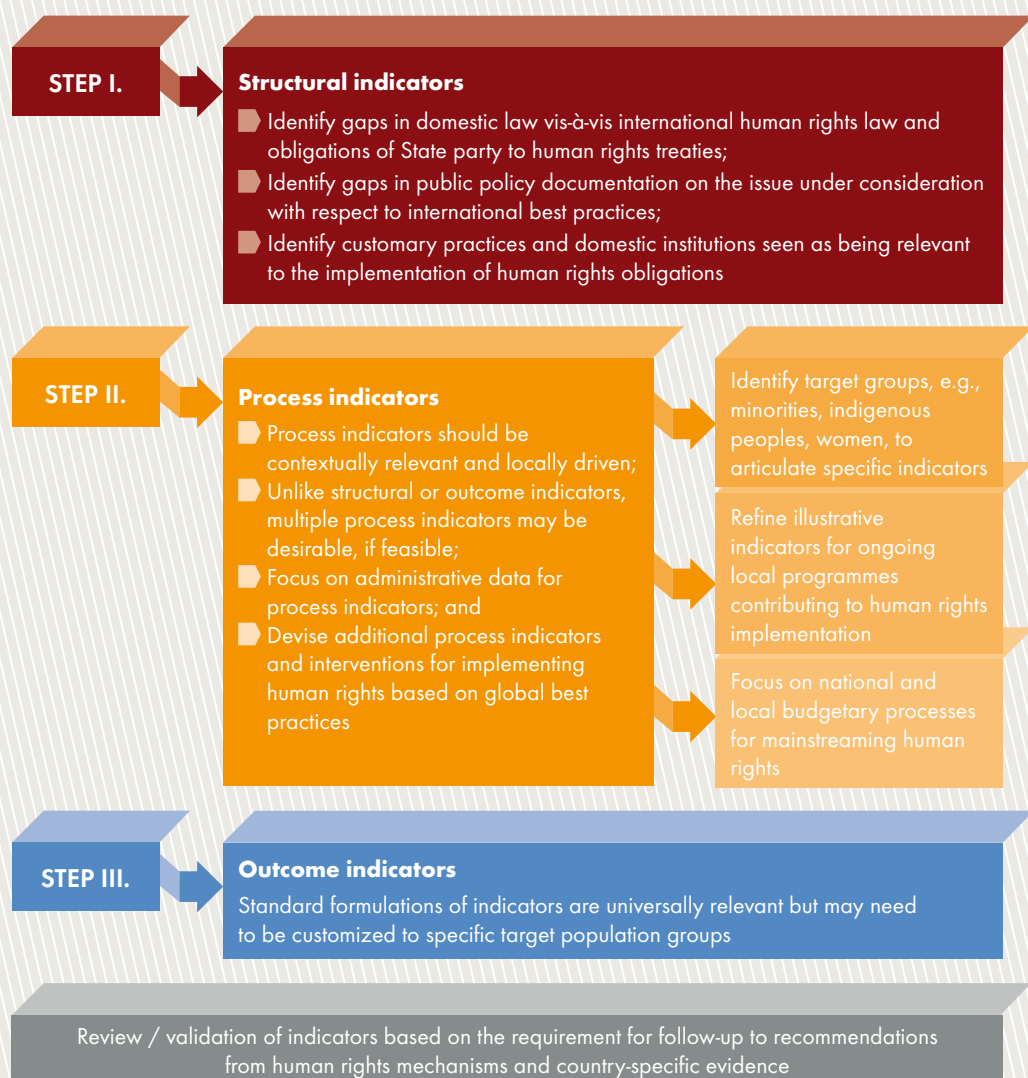


Table 1 Illustrative indicators on the right to liberty and security of person (Universal Declaration of Human Rights, art. 3)

	Arrest and detention based on criminal charges	Administrative deprivation of liberty	Effective review by court	Security from crime and abuse by law enforcement officials
Structural	- International human rights treaties relevant to the right to liberty and security of person ratified by the State - Date of entry into force and coverage of the right to liberty and security of person in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to liberty and security of person - Time frame and coverage of policy and administrative framework against any arbitrary deprivations of liberty, whether based on criminal charges, sentences or decisions by a court or administrative grounds (e.g., immigration, mental impairment, educational purposes, vagrancy) - Type of accreditation of national human rights institutions by the rules of procedure of the International Coordinating Committee of National Institutions	Legal time limits for an arrested or detained person before being informed of the reasons for the arrest or detention, before being brought to or having the case reviewed by an authority exercising judicial power, and for the trial duration of a person in detention	Time frame and coverage of policy and administrative framework on security, handling of criminality and abuse by law enforcement officials	Time frame and coverage of policy and administrative framework on security, handling of criminality and abuse by law enforcement officials
Process	- Number/proportion of arrests or entries into detention (pretrial and pending trial) on the basis of a court order or action taken directly by executive authorities in the reporting period - Number/proportion of defendants released from pretrial and trial detention in exchange for bail or owing to non-filing of charges in the reporting period	- Number/proportion of arrests or entries into detention under national administrative provisions (e.g., security, immigration control, mental impairment and other medical grounds, educational purposes, drug addiction, financial obligations) in the reporting period - Number/proportion of releases from administrative detention in the reporting period	- Proportion of cases where the time for arrested or detained persons before being informed of the reasons for the arrest, before receiving notice of the charge (in a legal sense) or before being informed of the reasons for the administrative detention exceeded the legally stipulated time limit - Number of habeas corpus and similar petitions filed in court in the reporting period - Proportion of bail applications accepted by the court in the reporting period - Proportion of arrested or detained persons given access to a lawyer or legal aid - Proportion of cases subject to review by a higher court or appellate body - Reported cases where pretrial and trial detentions exceeded the legally stipulated time limit in the reporting period	- Proportion of law enforcement officials formally investigated for physical and non-physical abuse or crime, including arbitrary arrest and detention (based on criminal or administrative grounds) - Proportion of formal investigations of law enforcement officials resulting in disciplinary action or prosecution in the reporting period - Proportion of uniformed police and other law enforcement officials with visible Government-provided identification (e.g., name or number) - Number of persons arrested, adjudicated, convicted or serving sentence for violent crime (including homicide, rape, assault) per 100,000 population in the reporting period - Proportion of law enforcement officials killed in line of duty in the reporting period - Firearm owners per 100,000 population / Number of firearm licences withdrawn in the reporting period - Proportion of violent crimes with the use of firearms - Proportion of violent crimes reported to the police (victimization survey) in the reporting period
Outcome	- Number of detentions, per 100,000 population, on the basis of a court order or action by executive authorities at the end of the reporting period - Reported cases of arbitrary, including posttrial, detention (e.g., as reported to the Working Group on Arbitrary Detention) in the reporting period	- Proportion of arrests and detentions declared unlawful by national courts - Proportion of victims released and compensated after arrest or detention declared unlawful by judicial authority	- Proportion of population feeling unsafe (e.g., walking alone after dark or being alone at home at night) - Incidence and prevalence of physical and non-physical abuse or crime, including by law enforcement officials on duty, per 100,000 population, in the reporting period	

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

Table 2

Illustrative indicators on the right to adequate food (Universal Declaration of Human Rights, art. 25)

	Nutrition	Food safety and consumer protection	Food availability	Food accessibility
Structural	- International human rights treaties relevant to the right to adequate food ratified by the State - Date of entry into force and coverage of the right to adequate food in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to adequate food - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to adequate food	- Time frame and coverage of national policy on food safety and consumer protection - Number of registered and/or active civil society organizations working on food safety and consumer protection	- Time frame and coverage of national policy on agricultural production and food availability - Time frame and coverage of national policy on drought, crop failure and disaster management	
Process	- Proportion of targeted population that was brought above the minimum level of dietary energy consumption * in the reporting period - Proportion of targeted population covered under public nutrition supplement programmes - Coverage of targeted population under public programmes on nutrition education and awareness - Proportion of targeted population that was extended access to an improved drinking water source * in the reporting period	- Disposal rate or average time to adjudicate a case registered in a consumer court - Share of public social sector budget spent on food safety and consumer protection advocacy, education, research and implementation of laws and regulations relevant to the right to adequate food - Proportion of food producing and distributing establishments inspected for food quality standards and frequency of inspections - Proportion of cases adjudicated under food safety and consumer protection law in the reporting period	- Proportion of female-headed households or targeted population with legal title to agricultural land - Arable irrigated land per person - Proportion of farmers using extension services - Share of public budget spent on strengthening domestic agricultural production (e.g., agricultural extension, irrigation, credit, marketing) - Proportion of per capita availability of major food items sourced through domestic production, import and food aid - Cereal import dependency ratio in the reporting period	- Share of household consumption of major food items for targeted population groups met through publicly assisted programmes - Unemployment rate or average wage rate of targeted segments of labour force - Proportion of targeted population that was brought above the poverty line in the reporting period - Work participation rates, by sex and target group - Estimated access of women and girls to adequate food within household - Coverage of programmes to secure access to productive resources for target groups
Outcome	- Prevalence of underweight and stunted children under five years of age* - Proportion of adults with body mass index (BMI) <18.5	Number of recorded deaths and incidence of food poisoning related to adulterated food	Per capita availability of major food items for local consumption	- Proportion of population below minimum level of dietary energy consumption * / proportion of undernourished population - Average household expenditure on food for the bottom three deciles of population or targeted population
* MDG-related indicators <i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i>				

Table 3 Illustrative indicators on the right to the enjoyment of the highest attainable standard of physical and mental health (Universal Declaration of Human Rights, art. 25)

	Sexual and reproductive health	Child mortality and health care	Natural and occupational environment	Prevention, treatment and control of diseases	Accessibility to health facilities and essential medicines
Structural	- International human rights treaties relevant to the right to the enjoyment of the highest attainable standard of physical and mental health (right to health) ratified by the State - Date of entry into force and coverage of the right to health in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to health, including a law prohibiting female genital mutilation - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to health - Estimated proportions of births, deaths and marriages recorded through vital registration systems	Time frame and coverage of national policy on child health and nutrition	- Time frame and coverage of national policy on physical and mental health - Time frame and coverage of national policy for persons with disabilities - Time frame and coverage of national policy on medicines, including list of essential medicines, measures for generic substitution		
	- Proportion of received complaints on the right to health investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government - Net official development assistance for the promotion of the health sector received or provided as a proportion of public expenditure on health or gross national income*	- Proportion of schoolchildren educated on health and nutrition issues - Proportion of children covered under programme for regular medical check-ups in the reporting period - Proportion of infants exclusively breastfed during the first 6 months - Proportion of children covered under public nutrition supplement programmes - Proportion of children immunized against vaccine-preventable diseases (e.g., measles*)	- Proportion of targeted population that was extended access to an improved drinking water source* - Proportion of targeted population that was extended access to improved sanitation* - CO₂ emissions per capita* - Number of cases of deterioration of water sources brought to justice - Proportion of population or households living or working in or near hazardous conditions rehabilitated - Number of prosecutions under domestic law on natural or workplace environment - Proportion of driving licences withdrawn for breaches of road rules	- Proportion of population covered under awareness-raising programmes on transmission of diseases (e.g., HIV/AIDS*) - Proportion of population (above age 1) immunized against vaccine-preventable diseases - Proportion of population applying effective preventive measures against diseases (e.g., HIV/AIDS, malaria*) - Proportion of disease cases detected and cured (e.g., tuberculosis*) - Proportion of population abusing substances, such as drugs, chemical and psychoactive substances, brought under specialized treatment - Proportion of mental health facilities inspected in the reporting period	- Per capita government expenditure on primary health care and medicines (Improvement in) Density of medical and paramedical personnel, hospital beds and other primary health-care facilities - Proportion of population that was extended access to affordable health care, including essential drugs*, on a sustainable basis - Average availability and median consumer price ratio of 30 selected essential medicines in public and private health facilities - Proportion of people covered by health insurance - Rate of refusal of medical consultations, by target group (discrimination testing surveys) - Proportion of persons with disabilities accessing assistive devices - Share of public expenditure on essential medicines met through international aid
Process	- Proportion of births attended by skilled health personnel* - Antenatal care coverage (at least one visit and at least four visits)* - Increase in proportion of women of reproductive age using, or whose partner is using, contraception (CPR)* - Unmet need for family planning* - Medical terminations of pregnancy as a proportion of live births - Proportion of reported cases of genital mutilation, rape and other violence restricting women's sexual and reproductive freedom responded to effectively by the Government				
Outcome	- Proportion of live births with low birthweight - Perinatal mortality rate - Maternal mortality ratio *	- Infant and under-five mortality rates* - Proportion of underweight children under five years of age*	Prevalence of deaths, injuries, diseases and disabilities caused by unsafe natural and occupational environment		- Death rate associated with and prevalence of communicable and non-communicable diseases (e.g., HIV/AIDS, malaria, tuberculosis*) - Proportion of persons abusing harmful substances - Life expectancy at birth or age 1 and health-adjusted life expectancy - Suicide rates
All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets					

* MDG-related indicators

Table 4

Illustrative indicators on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Universal Declaration of Human Rights, art. 5)

	Physical and mental integrity of detained or imprisoned persons	Conditions of detention	Use of force by law enforcement officials outside detention	Community and domestic violence
Structural	- International human rights treaties relevant to the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (right not to be tortured) ratified by the State - Date of entry into force and coverage of the right not to be tortured in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right not to be tortured, including code of conduct on medical trials and scientific experimentation on human beings - Type of accreditation of national human rights institution by the rules of procedure of the International Coordinating Committee of National Institutions	- Date of entry into force of code of conduct for law enforcement officials, including rules of conduct for interrogation - Arrested, detained and imprisoned persons - Date of entry into force and coverage of formal procedure governing inspection of police cells, detention centres and prisons by independent inspection institutions - Legal maxima for incommunicado detention - Time frame and coverage of health policy for detention centres and prisons	- Date of entry into force and coverage of specific legislation on community and domestic violence - Number of rehabilitation centres for victims of domestic violence, including women and children	
	- Proportion of received complaints on the right not to be tortured investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government - Proportion of communications sent by the Special Rapporteurs on torture and on violence against women responded to effectively by the Government in the reporting period - Proportion of law enforcement officials (including police, military, specialized investigation agencies and custodial staff) trained in rules of conduct concerning proportional use of force, arrest, detention, interrogation or punishment	- Actual prison occupancy as a proportion of prison capacity in accordance with relevant United Nations instruments on prison conditions - Proportion of detained and imprisoned persons in accommodation meeting legally stipulated requirements (e.g., drinking water, cubic content of air, minimum floor space, heating) - Number of custodial and other relevant staff per inmate - Proportion of detention centres and prisons with facilities to segregate persons in custody (by sex, age, accused, sentenced, criminal cases, mental health, immigration-related or other)	- Proportion of law enforcement officials formally investigated for physical and non-physical abuse or crime (including torture and disproportionate use of force) in the reporting period - Proportion of formal investigations of law enforcement officials resulting in disciplinary action or prosecution - Proportion of arrests and other acts of apprehending persons where a firearm was discharged by law enforcement officials	- Proportion of public social expenditure on public awareness campaigns on violence against women and children (e.g., violence by intimate partners, genital mutilation, rape) - Proportion of health-care and community welfare professionals trained in handling domestic violence issues - Proportion of teaching staff trained against the use of physical violence against children - Proportion of teaching staff subjected to disciplinary action, prosecuted for physical and non-physical abuse of children - Proportion of women reporting forms of violence (physical, sexual or psychological) against themselves or their children initiating legal action or seeking help from police or counselling centres - Number of persons arrested, adjudicated, convicted or serving sentence for violent crime (including homicide, rape, assault) per 100,000 population in the reporting period
	- Proportion of detained or imprisoned persons in facilities inspected by an independent body in the reporting period - Proportion of custodial staff formally investigated for physical and non-physical abuse or crime on detained or imprisoned persons (including torture and disproportionate use of force) in the reporting period - Proportion of formal investigations of custodial staff resulting in disciplinary action or prosecution	- Incidence and prevalence of death, physical injury and communicable and non-communicable diseases (e.g., HIV/AIDS, malaria and tuberculosis, * mental impairment) in custody - Proportion of detained or imprisoned persons held incommunicado or in prolonged solitary confinement - Reported cases of inhuman methods of execution and treatment of persons sentenced to death/incarcerated in the reporting period - Proportion of detained or imprisoned persons with BMI < 18.5	Incidence of death and physical injury resulting from arrests or other acts of apprehending persons by law enforcement officials in the reporting period	- Proportion of children or pupils per 1000 enrolled and patients who experienced corporal punishment in schools and medical institutions - Incidence and prevalence of deaths and crimes related to community and domestic violence (including homicide, rape, assault) in the reporting period
Outcome	- Reported cases of torture or cruel, inhuman or degrading treatment or punishment perpetrated by an agent of the State or any other person acting under its authority or with its complicity, tolerance or acquiescence, but without any or due judicial process (e.g., as reported to the Special Rapporteurs on torture/ violence against women), in the reporting period - Proportion of victims of torture or cruel, inhuman or degrading treatment or punishment who received compensation and rehabilitation, in the reporting period	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i>		

Table 5 Illustrative indicators on the right to participate in public affairs (Universal Declaration of Human Rights, art. 21)

	Exercise of legislative, executive and administrative powers	Universal and equal suffrage	Access to public service positions
Structural	- International human rights treaties relevant to the right to participate in public affairs ratified by the State - Date of entry into force and coverage of the right to participate in public affairs in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to participate in public affairs, including freedom of opinion, expression, information, media, association and assembly - Date of entry into force of universal suffrage, right to stand for election, legal provisions defining citizenship and limitations (including age limits) on permanent residents with respect to the right to participate in public affairs at national and local levels - Quota, time frame and coverage of temporary and special measures for targeted populations in legislative, executive, judicial and appointed bodies - Type of accreditation of national human rights institutions by the rules of procedure of the International Coordinating Committee of National Institutions - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to participate in public affairs	- Periodicity of executive and legislative elections at national and local level - Date of entry into force and coverage of laws establishing an independent national electoral body	- Date of entry into force and coverage of legal provisions guaranteeing access to public service positions without discrimination - Date of entry into force and coverage of administrative tribunals or dedicated judicial redress mechanism for public service matters
Process	- Number of national and local elections (election, referendum) held during the reporting period - Number of laws adopted by national and subnational legislatures during the reporting period - Proportion of elections and sessions of national and locally elected bodies held as per the schedule laid down by constitutional or statutory bodies - Proportion of election campaign expenditure at national and subnational levels met through public funding - Proportion of elected personnel whose term of service was interrupted, by type of interruption - Proportion of women and target groups included in the membership of national political parties or presented as candidate for election	- Proportion of the voting-age population registered to vote - Reported irregularities (intimidation, corruption or arbitrary interference) with registration, maintenance and review of electoral rolls - Number of complaints per elected position recorded and addressed in the election process by national and subnational electoral authorities - Share of public expenditure on national and subnational elections spent on voter education and registration campaigns - Number of political parties registered or recognized at national level - Proportion of voting-age population not affiliated to political parties	- Proportion of vacancies in (selected) public authorities at national and subnational levels filled through selection of women and candidates from target population groups - Proportion of cases filed in administrative tribunals and dedicated judicial redress mechanism for public service matters adjudicated during the reporting period - Proportion of positions in the public service reserved to nationals or citizens
Outcome	Proportion of seats in parliament,* elected and appointed bodies at subnational and local levels held by women and members of target groups	- Average voter turnout in national and local elections, by sex and target group - Proportion of invalid and blank votes in elections to national and subnational legislatures	- Reported cases of denial of access to public service or position on account of discrimination - Proportion of public service positions held by women and members of target groups

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

* MDG-related indicators

Table 6 Illustrative indicators on the right to education (Universal Declaration of Human Rights, art. 26)

	Universal primary education	Accessibility to secondary and higher education	Curricula and educational resources	Educational opportunity and freedom
Structural	- International human rights treaties relevant to the right to education ratified by the State - Date of entry into force and coverage of domestic laws for implementing the right to education, including prohibition of corporal punishment, discrimination in access to education, making educational institutions barrier-free and inclusive education (e.g., children with disabilities, children in detention, migrant children, indigenous children) - Date of entry into force and coverage of domestic law on the freedom of individuals and groups (including minorities) to establish and direct educational institutions - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to education	- Time frame and coverage of national policy on education for all, including provision for temporary and special measures for target groups (e.g., working and street children) - Time frame and coverage of national policy on vocational and technical education - Date of entry into force and coverage of regulatory framework including standardized curricula for education at all levels - Proportion of education institutions at all levels teaching human rights / number of hours in curricula on human rights education - Proportion of education institutions with mechanisms (student council) for students to participate in matters affecting them		
Process	- Proportion of received complaints on the right to education investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government - Public expenditure on primary, secondary and higher education as proportion of gross national income; net official development assistance for education received or provided as proportion of public expenditure on education* - Net primary enrolment ratio* by target group, including children with disabilities - Dropout rate for primary education by grade for target groups - Proportion of enrolled children in public primary schools - Proportion of pupils (by target group) covered under publicly supported programmes or incentives for primary education - Proportion of public schools with user charges for services other than tuition fees - Proportion of primary education teachers fully qualified and trained - Proportion of children getting education in their mother tongue - Proportion of pupils in grade 1 who attended preschool	- Transition rate to secondary education by target group - Gross enrolment ratio for secondary and higher education by target group - Dropout rate for secondary education by grade for target groups - Proportion of students enrolled in public secondary and higher education institutions - Share of annual household expenditure on education per child enrolled in public secondary school or higher education - Proportion of pupils (by target group) receiving public support or grant for secondary education - Proportion of secondary or higher education teachers fully qualified and trained - Proportion of students enrolled in vocational education programmes at secondary and post-secondary level - Ratio of girls to boys in secondary or higher education* by grade - Proportion of children completing secondary education (secondary completion rate) - Number of graduates (first-level university degree) per 1000 population	- Proportion of schools or institutions conforming to national requirements on academic and physical facilities - Periodicity of curricula revision at all levels - Number of educational institutions by level recognized or derecognized by regulatory body during the reporting period - Average salary of schoolteachers as percentage of regulated minimum wage - Proportion of teachers at all levels completing mandatory in-service training during reporting period - Ratio of pupils to teachers, in primary, secondary, public and private education	- Proportion of education institutions engaged in "active learning" - Proportion of adult population covered by basic education programmes - Proportion of students, by level, enrolled in distance and continuing education programmes - Number of institutions of ethnic, linguistic minority and religious population groups recognized or given public support - Proportion of labour force retaining or enhancing skills at public or subsidized institutions - Proportion of higher learning institutions enjoying managerial and academic autonomy - Personal computers in use per 100 population*
Outcome	- Ratio of girls to boys in primary education* by grade for target groups - Proportion of pupils starting grade 1 who reach grade 5 (primary completion rate)* - Proportion of school-age children not attending primary school	- Ratio of girls to boys in secondary or higher education* by grade - Proportion of children completing secondary education (secondary completion rate) - Number of graduates (first-level university degree) per 1000 population	(Improvement in) Density of primary, secondary and higher education facilities in the reporting period	Proportion of women and targeted population with professional or university qualification
<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i>				

* MDG-related indicators

Table 7 Illustrative indicators on the right to adequate housing (Universal Declaration of Human Rights, art. 25)

	Habitability	Accessibility to services	Housing affordability	Security of tenure
Structural	- International human rights treaties relevant to the right to adequate housing ratified by the State - Date of entry into force and coverage of the right to adequate housing in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to adequate housing - Type of accreditation of national human rights institutions by the rules of procedure of the International Coordinating Committee of National Institutions - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to adequate housing	- Time frame and coverage of national housing policy or strategy for the progressive implementation of measures, including special measures for target groups, for the right to adequate housing at different levels of government - Time frame and coverage of national policy on rehabilitation, resettlement and management of natural disasters	Date of entry into force and coverage of legislation on security of tenure, equal inheritance and protection against forced eviction	
Process	- Proportion of received complaints on the right to adequate housing investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded effectively to by the Government - Number of and total public expenditures on housing reconstruction and rehabilitation by evicted/displaced persons during the reporting period - Net official development assistance for housing (including land and basic services) received or provided as proportion of public expenditure on housing or gross national income* - Proportion of targeted residents reporting satisfaction with how involved they feel in decision-making affecting their enjoyment of the right to adequate housing	- Share of public expenditure on provision and maintenance of sanitation, water supply, electricity and other services of homes - Proportion of targeted population that was extended sustainable access to an improved water source,* improved sanitation,* electricity and waste disposal in the reporting period	- Proportion of households that receive public housing assistance, including those living in subsidized rental and subsidized owner-occupied housing - Proportion of targeted households living in squatter settlements rehabilitated in the reporting period - Proportion of homeless population that used public or community-based shelters in the reporting period	- Average time taken to settle disputes related to housing and land rights in courts and tribunals - Number/proportion of legal appeals aimed at preventing planned evictions or demolitions ordered by courts in the reporting period - Number/proportion of legal procedures seeking compensation following evictions in the reporting period, by result after adjudication - Number and proportion of displaced or evicted persons rehabilitated or resettled in the reporting period
Outcome	- Proportion of population with sufficient living space (persons per room or rooms per household) or average number of persons per room among target households - Proportion of households living in permanent structure in compliance with building codes and by-laws - Proportion of households living in or near hazardous conditions	- Proportion of urban population living in slums* - Proportion of population using an improved drinking water (public / private) source, sanitation facility, electricity and waste disposal - Proportion of household budget of target population groups spent on water supply, sanitation, electricity and waste disposal	- Proportion of households spending more than "X" per cent of their monthly income on expenditure on housing or average rent of bottom three income deciles as a proportion of the top three - Annual average of homeless persons per 100,000 population ("X" being defined normatively for the national context)	- Reported cases of "forced evictions" (e.g., as reported to the special procedures), in the reporting period - Proportion of households with legally enforceable, contractual, statutory or other protection providing security of tenure or proportion of households with access to secure tenure - Proportion of women with title to land or property

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All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

* MDG-related indicators

Table 8

Illustrative indicators on the right to work (Universal Declaration of Human Rights, art. 23)

	Access to decent and productive work	Just and safe working conditions	Training, skill upgrading and professional development	Protection from forced labour and unemployment
Structural	- International human rights and ILO treaties relevant to the right to work ratified by the State - Date of entry into force and coverage of the right to work in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to work, including regulations to ensure equal opportunities for all and eliminate employment-related discrimination as well as (temporary) special measures for target groups (e.g., women, children, indigenous persons, migrants) - Number of registered and/or active NGOs (per 100,000 persons), including trade unions, involved in the promotion and protection of the right to work	- Time frame and coverage of a national policy for full and productive employment - Date of entry into force and coverage of regulations and procedures to ensure safe and healthy working conditions, including an environment free of sexual harassment, and establishing an independent monitoring body - Maximum number of working hours per week stipulated by law - Minimum age for employment by occupation type - Duration of maternity, paternity and parental leave and leave entitlements on medical grounds and proportion of wages paid in covered period	- Time frame and coverage of national policy on vocational education and skill upgrading - Proportion of administrative regions with specialized public agencies to assist individuals in finding employment	- Time frame and coverage of awareness-raising programme on labour standards - Time frame and coverage of policy for the elimination of forced labour, including worst forms of child labour, domestic work and work of migrants and human trafficking
Process	- Proportion of received complaints on the right to work, including just and safe working conditions, investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms (e.g., ILO procedures, trade unions) and the proportion of these responded to effectively by the Government - Proportion of target population receiving effective support to (re)enter the labour market - Annual employment growth (job creation rates), by education level - Average time spent on unpaid domestic or family care work as well as on unpaid work in family business by women, men and children - Proportion of requests by parent or guardian for certified childcare arrangements (e.g., kindergarten) reviewed and met in the reporting period - Average number of job applications before being invited to an interview, by target group (e.g., ILO discrimination testing surveys)	- Proportion and frequency of enterprises inspected for conformity with labour standards and proportion of inspections resulting in administrative action or prosecution - Proportion of employees, including domestic workers, whose salary level is covered by legislation (e.g., minimum wage) and/or negotiation involving social partners (unions) - Proportion of workers who moved from precarious to stable contracts during the reporting period	- Proportion of employees with recent job training - Proportion of unemployed persons involved in skill upgrading and other training programmes, including publicly financed jobs - Improvement in secondary and tertiary enrolment ratios in the reporting period	- Proportion of informal sector workers shifted to formal sector employment in the reporting period - Proportion of children in productive activity - Estimated number of labour force in the informal sector receiving some public support - Proportion of targeted unemployed persons covered by unemployment / social security benefits
Outcome	- Employment-to-population ratios,* by sex, target group and education level - Proportion of voluntary part-time workers to total part-time employed population - Share of women in wage employment in the non-agricultural sector* - Proportion of workers in precarious employment (e.g., short-, fixed-term, casual, seasonal workers)	- Incidence of occupational accidents, including acts of violence, personal injury, disease or death - Ratio of women's to men's wages (or other target groups), by sector - Proportion of identified positions (e.g., senior officials, managerial positions in public/private service) held by women and members of other target groups	- Proportion of workers employed after skill upgrading and other training programmes, including publicly financed jobs - Long-term unemployment rates (1 year or more of unemployment), by sex, target group or region - Distribution of labour force by level of education	- Unemployment rates, by sex, target group and level of education (labour force survey (LFS)/registered) - Incidence of forced labour, including worst forms of child labour, domestic work and work of migrants and human trafficking - Reported cases of violation of the right to work, including forced labour, discrimination and unlawful termination of employment and proportion of victims who received adequate compensation
Gini indices and ratio of lowest/highest income quintiles or consumption expenditures (before and after taxes) <i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i>				

* MDG-related indicators

Table 9 Illustrative indicators on the right to social security (Universal Declaration of Human Rights, art. 22)

	Income security for workers	Affordable access to health care	Family, child and dependent-adult support	Targeted social assistance schemes
Structural	- International human rights and ILO treaties relevant to the right to social security ratified by the State - Date of entry into force and coverage of the right to social security in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to social security, including in the event of sickness, old age, unemployment, employment-related injury, maternity, paternity, disability or invalidity, survivors and orphans, health care (including reproductive health care), and family and child support - Time frame and coverage of policy for universal implementation of the right to social security	- Date of entry into force and coverage of regulation on mandatory health insurance - Time frame and coverage of national policy on health and access to health care, including for reproductive health and for persons with disabilities - Time frame and coverage of national policy on drugs, including on generic drugs	- Date of entry into force and coverage of public support for families, including single-parent families, children and dependent adults - Legally prescribed qualifying period, rate of contribution, duration and rate of allowances	- Time frame and coverage of social assistance programmes and non-contributory schemes for persons in specific situations of need (e.g., IDPs, refugees, war victims, long-term unemployed persons, homeless persons) - Time frame and coverage of national policy on unemployment
	- Date of entry into force and coverage of insurance or tax-based social security scheme - Legally prescribed qualifying period, rate of contribution, duration (e.g., length of maternity leave) and rate of benefits under different schemes - Date of entry into force and coverage of international agreements on export of social security benefits (including on double taxation) to country of origin for migrant workers and families	- Proportion of received complaints on the right to social security investigated and adjudicated by the national human rights institution, human rights ombudsperson or other relevant mechanisms and the proportion of these responded to effectively by the Government - Proportion of targeted population appropriately informed of its entitlements and benefits (in cash or in kind) under the applicable social security schemes - Net official development assistance for implementing this right, received or provided as a proportion of public expenditure on social security and gross national income	- Public expenditures for targeted social assistance schemes per beneficiary (Improvement in) Density of administrative offices and personnel providing targeted social assistance - Proportion of requests for social assistance (e.g., income transfer, subsidized housing, disaster relief) reviewed and met	Proportion of population in specific situations of need receiving social assistance for food, housing, health care, education, emergency or relief services
Process	- Number of workers newly registered as participant in the social security scheme in the reporting period - Proportion of requests for benefits (e.g., unemployment benefit, pension) reviewed and met in the reporting period - Proportion of cases or complaints concerning social security obligations of enterprises effectively responded to by Government or relevant social security agency - Proportion of enterprises covered under domestic social security regulations and proportion thereof subjected to administrative action or prosecution	- Per capita public expenditure on primary health facilities (including for reproductive health care) and essential medicines - Number of targeted individuals newly registered as participant in the health insurance system in the reporting period - Proportion of household expenditures on health goods and services covered by health insurance / public support - Proportion of births attended by skilled health personnel* - Proportion of target population within X hour(s) of medical and paramedical personnel and relevant health-care facilities	- Public expenditure on family, children and dependent-adult allowance or benefit schemes per beneficiary - Proportion of household expenditure (food, health, day care, education, housing) on children and dependent adults covered by public support (Improvement in) Density of nursery/childcare centres and nursing homes in the reporting period	Proportion of population in specific situations of need receiving social assistance for food, housing, health care, education, emergency or relief services
Outcome	- Proportion of labour force participating in social security scheme(s) - Proportion of workers covered under social security who requested and received social security benefits in the reporting period	- Proportion of population covered by health insurance (public or private) - Proportion of population that renounced health-care services during the past 12 months for economic reasons, by service (e.g., dental care, medical consultation, drugs, surgery)	Proportions of entitled families, children and dependent adults receiving public support	
Proportion of individuals in the formal or informal economy below national poverty line before and after social transfers*				
<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i>				
* MDG-related indicators				

Table 10

The right to freedom of opinion and expression (Universal Declaration of Human Rights, art. 19)

	Freedom of opinion and to impart information	Access to information	Special duties and responsibilities
	- International human rights treaties relevant to the right to freedom of opinion and expression (freedom of expression) ratified by the State - Date of entry into force and coverage of the right to freedom of expression in the constitution or other forms of superior law to restrict it - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to freedom of expression - Date of entry into force and coverage of code of conduct/ethics for journalists and other media persons	- Date of entry into force and coverage of legislation on access to information - Date of establishment of an independent monitoring mechanism (e.g., information commissioner) - Date of entry into force and coverage of statistical legislation to protect independence and quality of official statistics - Time frame and coverage of national policy to promote access to information technology	- Date of entry into force and coverage of domestic law prohibiting propaganda for war - Date of entry into force and coverage of domestic law(s) prohibiting advocacy of national, racial, religious or sexist hatred constituting incitement to discrimination, hostility or violence
Structural	- Date of entry into force and coverage of legislation for the protection of the freedom of the media, including decriminalization of libel, defamation and slander - Date of entry into force and coverage of domestic law for the protection and safety of journalists and any other media persons, including protection against disclosure of sources - Date of entry into force and coverage of domestic law for equal opportunity of access to radio concessions and TV broadcast frequencies - Time frame and coverage of national policy on education for all, including provisions for temporary special measures for target groups, human rights curricula and "active learning"	- Proportion of received complaints on the right to freedom of expression investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government - Proportion of communications from the special rapporteurs (e.g., Special Rapporteur on the promotion and protection of the right to freedom of expression) responded to effectively by the Government	
Process	- Number of newspapers, magazines, radio stations, TV broadcasts, Internet sites by ownership (public or private) and audience figures - Number of mergers or acquisitions by media companies investigated, adjudicated and refused by an independent competition commission in the reporting period - Number of newspapers, articles, Internet sites and other media broadcasts closed or censored by regulatory authorities - Proportion of complaints filed by journalists or any other media persons investigated, adjudicated and approved by courts or other competent mechanisms - Number of media institutions of ethnic, linguistic minority and religious population groups recognized or given public support - Proportion of requests for holding demonstrations accepted by administrative authorities - Proportion of schools engaged in "active learning", giving children the opportunity to express themselves freely	- Proportion of information requests by the media responded to effectively by the Government - Subscriptions and average daily sales of national and main regional newspapers - Proportion of population with access to TV and radio broadcasts - Number of personal computers in use with Internet access per 100 population* - Number of Internet domains registered per 1000 population	- Proportion of judicial actions on alleged libel, defamation and slander investigated and resulting in conviction - Proportion of judicial actions against propaganda for war investigated and resulting in conviction - Proportion of (quasi-)judicial actions against advocacy of national, racial, religious or sexist hatred investigated and resulting in conviction
Outcome	Number of journalists and any other media persons who reported sanctions, political or corporate pressure for the publication of information	- Reported cases of non-disclosure of documents, archives and administrative or corporate data of public interest (e.g., justice records, arms exports, environmental data, asylum seekers) - Proportion of different linguistic population groups having access to media broadcasts in their own language	Proportion of victims of libel, defamation or slander who received compensation and rehabilitation
	Reported cases of killing, disappearance, detention and torture against journalists, human rights defenders or any other persons who exercised their right to freedom of expression, perpetrated by an agent of the State or any other person acting under its authority or with its complicity, tolerance or acquiescence, but without any or due judicial process (e.g., reported to United Nations special procedures)		
	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i>		

* MDG-related indicators

Table 11

Illustrative indicators on the right to a fair trial (Universal Declaration of Human Rights, arts. 10-11)

	Access to and equality before courts and tribunals	Public hearing by competent and independent courts	Presumption of innocence and guarantees in the determination of criminal charges	Special protection for children	Review by a higher court
Structural	- International human rights treaties relevant to the right to a fair trial ratified by the State - Date of entry into force and coverage of the right to a fair trial in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to a fair trial, including on procedures for the appointment, remuneration, dismissal of persons exercising judicial functions - Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to a fair trial	- Time frame and coverage of national policy on judicial services, including on strengthening courts, against extortion, bribery or corruption - Date of entry into force and coverage of regulatory bodies for judicial and legal aid - Date of entry into force and periodicity of review of civil and criminal procedure codes	- Identified/prescribed time limits to guide pretrial and trial stages in the determination of charges against a person - Time frame and coverage of national policy on the provision of legal aid to specific population groups	- Date of entry into force and coverage of juvenile court - Date of entry into force and coverage of rehabilitation systems for children involved in crime - Legal age of criminal responsibility	Date of entry into force and coverage of the right to appeal to a higher court and full review of legal and material aspects of person's conviction and sentence
	- Proportion of received complaints concerning the right to a fair trial investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and proportion of these responded to effectively by the Government - Number of communications from the Special Rapporteur on the independence of judges and lawyers and proportion responded to effectively by the Government - Proportion of judges, prosecutors and lawyers trained on human rights and related standards for the administration of justice	- Proportion of persons with judicial functions (e.g., judges and prosecutors) formally investigated for breach of duty, irregularity, abuse (e.g., corruption) - Proportion of formal investigations of persons with judicial functions resulting in disciplinary action or prosecution - Number/proportion of civilians tried by military courts or special courts - Average number of cases assigned/completed by person with judicial functions at different levels of judiciary - Share of public expenditure on courts and prosecution system - Average salary of persons with judicial functions as percentage of regulated minimum wages	- Proportion of cases where the time for arrested persons before receiving notice of the charge (in a legal sense and in language they understand) exceeded statutory or mandated limit - Proportion of public attendees at court who rate services and court as highly accessible in their own language (court user survey) - Proportion of defendants with access to adequate facilities, a lawyer or legal aid for their defence - Proportion of pending cases and average duration of criminal trials - Proportion of cases where time between arrest and trial exceeded statutory or mandated limit - Reported cases of killing, assault, threat and arbitrary dismissal of persons with judicial functions	- Proportion of prosecutors and defence lawyers working on juvenile cases with specialized training in juvenile justice - Proportion of juvenile detainees provided with free legal assistance within 24 hours of the start of custody - Proportion of juveniles in custody receiving education/vocational training by trained teachers for same hours as students that age at liberty - Proportion of courts adapted to handling juvenile cases - Proportion of convicted juveniles sentenced to imprisonment - Proportion of juveniles accessing rehabilitation services after release	- Proportion of convictions for serious offences in which the person convicted received legal assistance to consider seeking review by higher court/tribunal - Proportion of cases appealed by defendants or by prosecutors - Proportion of cases where the right to appeal is excluded or restricted to specific issues of law
Process	- Proportion of population within X hour(s) of a fully functioning court or number of persons with judicial functions per 100,000 population - Proportion of requests for legal assistance and free interpreters being met (criminal and civil proceedings) annually - Number/proportion of cases referred to alternative dispute resolution - Proportion of crimes (e.g., rape, physical assaults, domestic violence) reported to the police (victimization survey) - Proportion of crime victims in cases sent to court by police who confirm charges or appear at proceedings with the court or prosecutors	- Proportion of total hearings opened to general public - Proportion of adjudicated cases for which at least one irregularity in the pretrial determination of charges was noted by the courts	- Proportion of convictions obtained in absentia (in whole or in part) - Reported cases of presumption of guilt and prejudgement by a court or public authorities (e.g., adverse public statements)	- Number of children arrested/detained per 100,000 child population - Recidivism rates of juveniles	Proportion of criminal convictions in which sentence was reduced or a criminal conviction vacated or returned for retrial or resentencing
Outcome	- Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyer of their own choice - Proportion of crimes (e.g., rape, physical assaults) brought before judicial authorities	- Conviction rates by type of adjudicated crime (e.g., rape, homicide, physical assaults) and characteristics of victims and perpetrators (e.g., sex, juvenile) - Reported cases of arbitrary detention in the reporting period - Reported cases of miscarriage of justice and proportion of victims who received compensation within a reasonable time			

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

Table 12 Illustrative indicators on violence against women (Universal Declaration of Human Rights, arts. 1-5 and 16)

	Sexual and reproductive health and harmful traditional practices	Domestic violence	Violence at work, forced labour and trafficking	Community violence and abuse by law enforcement officials	Violence and (post-)conflict and emergency situations
Structural	- International human rights treaties relevant to the elimination of discrimination against women, including all forms of violence against women, ratified by the State without reservations - Date of entry into force and coverage of the principle of non-discrimination between men and women and prohibition of all forms of violence against women in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws criminalizing violence against women, including rape, domestic violence, trafficking, traditional harmful practices, stalking and sexual abuse of children - Date of entry into force and coverage of legal act instituting an independent oversight body with specific mandate to protect women against violence (e.g., accredited NHRH) - Time frame and coverage of policy or action plan for the elimination of discrimination and all forms of violence against women and including data collection and dissemination programme - Number of registered or active NGOs and full-time equivalent employment (per 100,000 persons) involved in the protection of women against violence	- Date of entry into force and coverage of legislation criminalizing marital rape and incest - Date of entry into force and coverage of legislation protecting gender equality and women's ability to leave abusive relationships (e.g., equal inheritance, asset ownership, divorce)	- Time frame and coverage of policy or programme against sexual harassment in the workplace - Time frame and coverage of policy to combat trafficking, sexual exploitation and forced labour and provide protection and access to remedy for victims	- Date of entry into force and coverage of legislation defining rape in relation to a lack of consent rather than use of force - Time frame and coverage of policy to combat community violence and abuse by police forces	- Time frame and coverage of policy or programme to prevent or address sexual violence in conflict, post-conflict or emergency situations - Time frame and coverage of special measures for participation of women in peace processes
	- Proportion of received complaints on all forms of violence against women investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government - Proportion of public social sector expenditure on national awareness-raising campaign on all forms of violence against women (including harmful traditional practices) and on national prevention programme integrated into school curriculum - Number of perpetrators of violence against women (including harmful traditional practices, domestic violence, trafficking, sexual exploitation and forced labour) arrested, adjudicated, convicted and serving sentences (by type of sentence)	- Proportion of women reporting forms of domestic violence to law enforcement officials or initiating legal action - Number of available places in shelters and refuges per 1,000 population (urban and rural) - Number of adopted restraining orders - Proportion of men and women who think that abuse or violence against women is acceptable or tolerable	- Proportion of and frequency of business organizations inspected for conformity with labour standards - Proportion of migrants working in the sex industry - Proportion of informal sector workers (e.g., domestic workers) shifted to formal sector employment	- Proportion of new recruits to police, social work, psychology, health (doctors, nurses and others), education (teachers) completing a core curriculum on all forms of violence against women - Proportion of victims of rape who had access to emergency contraception or safe abortion, prophylaxis for sexually transmitted infections/HIV - Proportion of sexual crimes (e.g., rape) reported to the police (population survey) - Proportion of formal investigations of law enforcement officials for cases of violence against women resulting in disciplinary action or prosecution	- Proportion of health staff trained in medical management and support for victims of sexual and other violence - Proportion of victims of sexual and other violence accessing appropriate medical, psychosocial and legal services - Proportion of reported cases of sexual or other violence where victims (or related third parties) initiated legal action - Proportion of expenditure on relief and emergency assistance devoted to women and child welfare - Reported cases of death, rape (attempted or completed) and other incidents of violence against women that occurred in conflict, post-conflict or emergency situations
Process	- Proportion of women of reproductive age using or whose partner is using contraception and effective preventive measures against sexually transmitted diseases (e.g., HIV/AIDS)* - Unmet need for family planning* - Number of safe and unsafe abortions per 1,000 women of reproductive age - Proportion of women whose age at marriage is below 18 years** - Proportion of managerial and other leader positions (e.g., religious leader) occupied by women	- Proportion of women who have experienced physical and/or sexual violence by current or former partner in the past 12 months / during lifetime** - Proportion of women subjected to psychological and/or economic violence by their intimate partner***	- Reported cases of women/men victims of trafficking (within and across countries), sexual exploitation or forced labour - Proportion of working women who have been victims of sexual abuse/harassment in the workplace		
Outcome	- Proportion of women subjected to female genital mutilation** - Sex ratio at birth and age 5–9 years - Maternal mortality ratio* and proportion of deaths due to unsafe abortions	- Femicide rates (e.g., murder by intimate partner, sexual murder, killing of prostitutes, honour killing, female infanticide, dowry deaths) - Proportion of women who have experienced physical, sexual and psychological violence during the past year (lifetime), by severity of violence, relationship to the perpetrator and frequency** - Proportion of victim-survivors of physical, sexual or mental violence, included trafficking and forced labour, who received assistance, compensation and rehabilitation services - Suicide rates by sex			

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

** UNECE indicator

* MDG-related indicators

Table 13

Illustrative indicators on the right to non-discrimination and equality (Universal Declaration of Human Rights, arts. 1, 2 and 7)

	Equality before the law and protection of person	Direct or indirect discrimination by public and private actors nullifying or impairing access to an adequate standard of living, health and education	equality of livelihood opportunities	Special measures, including for participation in decision-making
	- International human rights treaties relevant to the right to non-discrimination and equality (right to non-discrimination) ratified by the State - Date of entry into force and coverage of the right to non-discrimination, including the list of prohibited grounds of discrimination, in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to non-discrimination, including on the prohibition of advocacy constituting incitement to discrimination and hatred - Date of entry into force and coverage of legal act constituting a body responsible for promoting and protecting the right to non-discrimination - Periodicity and coverage of the collection and dissemination of data relevant to assessing the implementation of the right to non-discrimination - Number of registered or active NGOs and full-time equivalent employment (per 100,000 persons) involved in the promotion and protection of the right to non-discrimination			
Structural	- Time frame and coverage of policy and programmes to ensure equal protection, security and handling of crimes (including hate crimes and abuse by law enforcement officials) - Date of entry into force and coverage of domestic laws ensuring equal access to justice and treatment including for married, unmarried couples, single parents and other target groups	- Time frame and coverage of policy or programme for equal access to education at all levels - Time frame and coverage of policy and programmes to provide protection from discriminatory practices interfering with access to food, health, social security and housing	- Time frame and coverage of policies for equal access to decent work - Time frame and coverage of policy for the elimination of forced labour and other abuse at work, including domestic work	- Time frame and coverage of policy to implement special and temporary measures to ensure or accelerate equality in the enjoyment of human rights - Date of entry into force and coverage of quotas or other special measures for targeted populations in legislative, executive, judicial and other appointed bodies
Process	- Proportion of received complaints on cases of <i>direct</i> and <i>indirect</i> discrimination investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms (e.g., equal opportunity commission) and the proportion responded to effectively by the Government - Proportion of targeted population (e.g., law enforcement officials) trained on implementing a code of conduct for the elimination of discriminatory practices - Proportion of victims of discrimination and bias-driven violence provided with legal aid - Number of persons (including law enforcement officials) arrested, adjudicated, convicted or serving sentence for discrimination and bias-driven violence per 100,000 population - Proportion of women reporting forms of violence against themselves or their children initiating legal action or seeking help from police or counselling centres - Proportion of requests for legal assistance and free interpreters being met (criminal and civil proceedings) - Proportion of lawsuits related to property where women appear in person or through counsel as plaintiff or respondent	- Ratio of targeted population (e.g., girls) in the relevant population group in primary and higher education* and by kind of school (e.g., public, private, special school)* - Proportion of health-care professionals (landlords) handling requests from potential patients (tenants) in a non-discriminatory manner (source: discrimination testing survey) - Proportion of public buildings with facilities for persons with physical disabilities - Proportion of targeted populations that was extended sustainable access to an improved water source, sanitation,* electricity and waste disposal	- Proportion of enterprises (e.g., government contractors) that conform with certified discrimination-free business and workplace practices (e.g., no HIV test requirements) - Proportion of job vacancy announcements stipulating that among equally qualified (or comparable) candidates a person from a targeted population group will be selected (e.g., women, minority) - Proportion of employers handling applications of candidates in a non-discriminatory manner (e.g., ILO discrimination testing survey) - Proportion of employees (e.g., migrant workers) reporting discrimination and abuse at work who initiated legal or administrative action - Proportion of time dedicated to unpaid domestic work and caregiving by women	- Proportion of targeted population groups accessing positive action or preferential treatment measures aiming to promote de facto equality (e.g., financial assistance, training) - Proportion of education institutions at all levels teaching human rights and promoting understanding among population groups (e.g., ethnic groups) - Proportion of members of trade unions and political parties who are women or from other targeted population groups and the proportion thereof presented as candidates for election
Outcome	- Prevalence/incidence of crimes, including hate crime and domestic violence, by target population group - Reported cases of arbitrary killing, detention, disappearance and torture from population groups ordinarily subject to risk of discriminatory treatment - Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyer of their own choice	- Education attainments (e.g., youth and adult literacy rates), by targeted population group - Birth, mortality and life expectancy rates disaggregated by targeted population group - Proportion of targeted populations below national poverty line (and Gini indices) before and after social transfers*	- Employment-to-population ratios* by targeted population group - Wage gap ratios for targeted population groups	- Proportion of relevant positions (e.g., managerial) in the public and private sectors held by targeted population groups - Proportion of seats in elected and appointed bodies at subnational and local level held by targeted population groups*
	Reported number of victims of <i>direct</i> and <i>indirect</i> discrimination and hate crimes and proportion of victims (or relatives) who received compensation and rehabilitation in the reporting period			

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

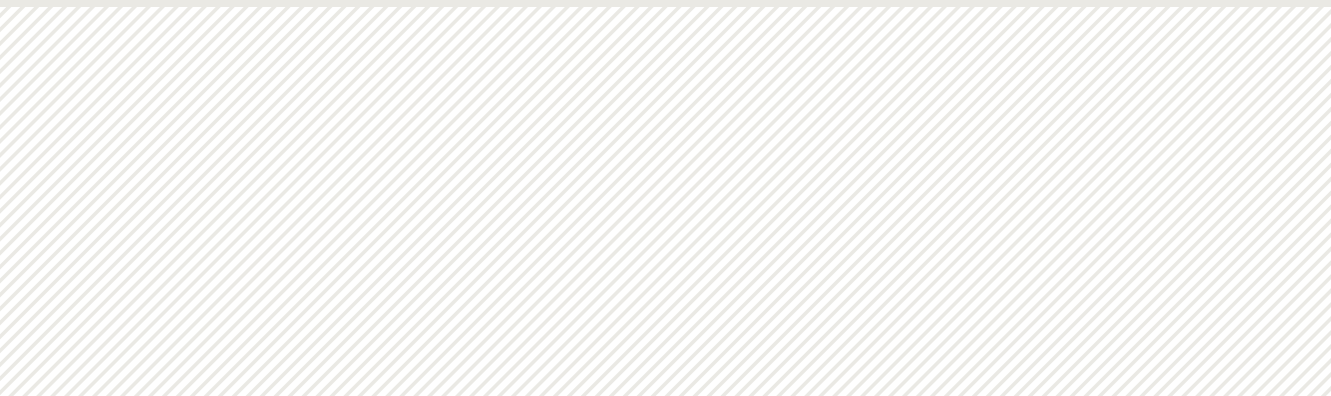
* MDG-related indicators

Table 14 Illustrative indicators on the right to life (Universal Declaration of Human Rights, art. 3)

	Arbitrary deprivation of life	Disappearances of individuals	Health and nutrition	Death penalty
Structural	- International human rights treaties relevant to the right to life ratified by the State - Date of entry into force and coverage of the right to life in the constitution or other forms of superior law - Date of entry into force and coverage of domestic laws for implementing the right to life - Type of accreditation of national human rights institutions by the rules of procedure of the International Coordinating Committee of National Institutions	Date of entry into force and coverage of habeas corpus provision in the constitution	Time frame and coverage of national policy on health and nutrition	- Number of subnational administrative entities that have abolished death penalty - Date of entry into force and coverage of safeguards for those facing death penalty (including minimum age, pregnancy, mother of young children, disabilities)
Process	- Proportion of received complaints on the right to life investigated and adjudicated by the national human rights institution, human rights ombudsman or other mechanisms and the proportion of these responded to effectively by the Government - Proportion of communications from the Special Rapporteur on extrajudicial, summary or arbitrary executions responded to effectively by the Government in the reporting period - Proportion of law enforcement officials and custodial staff trained in rules of conduct concerning proportional use of force, arrest, detention, investigation and treatment of persons in custody - Proportion of law enforcement officials formally investigated for physical or non-physical abuse or crime that caused death or threatened life in the reporting period - Proportion of formal investigations of law enforcement officials resulting in disciplinary action or prosecution in the reporting period - Ratio of persons brought into formal contact with law enforcement authorities (i.e., suspected, arrested or cautioned) for alleged arbitrary deprivation of life / homicides (intentional and non-intentional) to number of reported cases - Proportion of persons brought into formal contact with law enforcement authorities for alleged deprivation of life / homicides (intentional and non-intentional) who are convicted - Proportion of identified perpetrators of reported cases of arbitrary deprivation of life prosecuted, arrested, adjudicated, convicted or serving sentence in the reporting period	- Proportion of communications from the Working Group on Enforced or Involuntary Disappearances responded to effectively by the Government in the reporting period - Proportion of cases where pretrial detention exceeded the legally stipulated time limit - Number of habeas corpus and similar petitions filed in courts in the reporting period, per 1000 persons detained - Ratio of persons brought into formal contact with law enforcement authorities for alleged disappearance / abduction to number of reported cases - Proportion of persons brought into formal contact with law enforcement authorities for alleged disappearance / abduction who are convicted	- Proportion of population using an improved drinking water source* - Proportion of births attended by skilled health personnel* - Proportion of population below minimum level of dietary energy consumption* - Proportion of targeted population covered by public nutrition supplement programmes - Proportion of population using an improved sanitation facility* - Proportion of one-year-olds immunized against vaccine-preventable diseases (e.g., measles*) - Proportion of disease cases detected and cured (e.g., tuberculosis*)	- Number of convicted persons on death row in the reporting period, on a specified date, including by age, sex (pregnancy, motherhood status) and nationality - Average time spent by convicted persons on death row - Proportion of accused persons facing capital punishment provided with access to a lawyer or legal aid - Proportion of convicted persons facing capital punishment exercising the right to have their sentence reviewed by a higher court - Reported cases of expulsion or imminent expulsion of persons to a country where they may face the death penalty
Outcome	- Homicides (intentional and non-intentional) rate per 100,000 population - Number of deaths in custody per 1,000 detained or imprisoned persons, by cause of death (e.g., illness, suicide, homicide) - Reported cases of arbitrary deprivation of life and death threats (e.g., as reported to the Special Rapporteur on extrajudicial, summary or arbitrary executions)	- Reported cases of disappearance (e.g., as reported to the Working Group on Enforced or Involuntary Disappearances) - Proportion of cases of disappearance clarified, by status of person at the date of clarification (at liberty, in detention or dead)	- Infant and under-five mortality rates* - Maternal mortality ratio* - Life expectancy at birth or age 1 - Prevalence of and death rates associated with communicable and non-communicable diseases (e.g., HIV/AIDS, malaria and tuberculosis*)	- Proportion of death sentences commuted - Number of executions (under death penalty)

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

* MDG-related indicators





FRAMEWORK IN PRACTICE IMPLEMENTING AND MONITORING RIGHTS

“

We started to talk with institutions and persons we had never met until then: the [National Commission on Human Rights], the National Commission on Indigenous Peoples and several senior scholars working in the fields of human rights, democracy and governance. ... we discovered highly qualified potential partners and started to explore with them how to work together. While the discussions on the possibility of measuring human rights and democratic governance were not always easy—as each partner had his own specific conceptual background, method of work and particular agenda—we realised that our Institution had a lot to gain and a lot to provide in this process of dialogue and incipient collaboration.

Romulo A. Virola¹

There may be several challenges when applying the indicator framework outlined in this *Guide* at the country level. Some of these relate to a limited capacity to collect and compile information on appropriate indicators, their periodicity, analytical techniques, the institutional arrangements required for undertaking human rights assessments, lack of adequate resources and political indifference to human rights.

There are also questions on how and where to start to ensure the best results from using this framework for monitoring human rights. This chapter addresses some of these challenges. It highlights some country-level initiatives, illustrates the steps taken, including in applying the OHCHR indicator framework to institutionalize human rights monitoring and promoting their implementation in different contexts.

LEARNING OBJECTIVES

1

Where is the use of indicators for human rights most helpful?

2

How to apply and interpret commonly available and identified indicators for human rights assessments?

3

What are the steps in setting up systems for human rights monitoring and using indicators at country level?

1. Secretary-General, National Statistical Coordination Board of the Philippines, in *OECD Journal on Development*, vol. 9, No. 2 (2008), p. 79.

A. Using indicators for human rights

Using indicators to promote and monitor human rights is relevant and fast evolving in different areas and levels of public engagement. The use of indicators is becoming increasingly common at the international level, whether by the human rights treaty bodies, in the universal periodic review (UPR), in assessing the impact of aid flows or in implementing rights-based approaches in policy-making and budget processes at country level. For national human rights action plans, too, the use of appropriate indicators is helping to harmonize such plans with national development plans, thereby contributing to mainstreaming human rights. More importantly, the use of indicators makes human rights advocacy more effective and empowers rights holders and defenders. All these endeavours stand to gain from the work on indicators for human rights presented in this *Guide*.

In general, the importance of indicators, quantitative as well as qualitative, in these different applications rests on their usefulness in making situation analysis more concrete; identifying and pinpointing issues that need to be addressed and the gaps to be bridged; articulating or reviewing strategies and setting goals and targets; monitoring progress; and undertaking evaluation, assessing impact and articulating feedback (see fig. XV below). Ultimately, by adding value to all these steps, the use of appropriate indicators helps in improving public policy measures to promote and protect human rights. The examples in this chapter showcase how the use of indicators in one or more of these steps contributes to a better implementation of human rights.

1 Compliance monitoring

Reporting on and follow-up to recommendations of treaty-based bodies and special procedures

A structured and transparent approach to applying standardized information or indicators to national human rights assessments will facilitate the implementation of policy measures to secure the universal realization of rights. At the same time, it will help State parties meet their reporting obligations under the international human rights treaties (see box 25). Using appropriate quantitative indicators could help streamline reporting, make it more transparent and effective, reduce the reporting burden and, above all, improve follow-up to the recommendations and concluding observations of the treaty bodies and other human rights monitoring mechanisms, including the special procedures of the Human Rights Council, at the international, regional and national levels (see box 26).² In addition, it will enable national human rights institutions and civil society organizations to exercise more effective oversight of the promotion and protection of human rights.

When using indicators for such reporting and follow-up, it is instructive to consider the steps outlined in figure XI. These steps are also relevant to the selection of indicators for use in other compliance assessment mechanisms, such as UPR (see below). By definition, human rights compliance indicators are explicitly anchored in human rights standards (see also chap. I, sect. C 3 and box 3). The tables of illustrative indicators on different rights presented in this *Guide* therefore provide a starting

2. In 2011, the Inter-American Commission on Human Rights started the development of indicators for measuring progress of rights under the Protocol of San Salvador, drawing on the OHCHR framework. For more information, see <http://scm.oas.org/pdfs/2011/CP25807-I.pdf> and <http://scm.oas.org/pdfs/2011/CP25807-II.pdf> (in Spanish, accessed 25 June 2012).

point for assessing compliance with treaty reporting and follow-up. Furthermore, the steps in the selection of indicators and their contextualization outlined in chapter IV help to arrive at a meaningful set of indicators. Once relevant indicators have been

identified, it is useful to have benchmarks to be achieved for those indicators in a given period of time. Such benchmarks or targets compel States to commit and deliver, thereby improving accountability in implementing their human rights obligations.³

Box 25 Using indicators to improve reporting to treaty bodies - Guatemala

Guatemala is perhaps the first country which used the OHCHR framework and lists of illustrative indicators for its periodic report to the Committee on Economic, Social and Cultural Rights. Under the leadership of the Presidential Commission on Human Rights of Guatemala, an inter-institutional participatory process took place to draw up the report and analyse data on economic, social and cultural rights. In 2009, OHCHR-Guatemala had started providing assistance on indicators to the Presidential Commission as well as other national stakeholders, including the Human Rights Ombudsman (a national institution granted “A” status by the International Coordinating Committee of National Institutions), the National Secretariat for Planning, the National Council for People with Disabilities, the Coordination Office for Mainstreaming Gender and Indigenous Peoples Statistics, the UNDP Human Development Report Office and UNFPA.

Following an assessment of available statistical information, Guatemala decided to draw on the OHCHR framework in relation to the rights to health, food and education. The guidelines for State party reporting of the International Covenant on Economic, Social and Cultural Rights and the OHCHR indicator framework facilitated reporting. According to the third periodic report of Guatemala (E/C.12/GTM/3), using indicators is a mechanism that brings about transparency and makes national statistical systems aware of the opportunity of providing available human rights data to potential users in the academic, political and monitoring fields. For reporting on the right to health, a new survey on maternal and infant health was particularly useful in producing several process and outcome indicators relevant to the “sexual and reproductive health” and “child mortality and health care” attributes identified for this right.

Source: “Guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights” (E/C.12/2008/2).

There are different sources or methods for setting targets or benchmarks for indicators. The first

source is the normative human rights framework. For instance, article 14 on compulsory primary

3. One example of a violation of the human rights obligation to fulfil (i.e., failure of a State party to take the necessary steps to ensure the realization of a right) as highlighted by the Committee on Economic, Social and Cultural Rights is the failure to monitor the nationwide realization of a right, by identifying right-to-health indicators and benchmarks for example (general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 52).

V. >> Framework in Practice - Implementing and Monitoring Rights

>> Using indicators for human rights

education in the International Covenant on Economic, Social and Cultural Rights sets a benchmark of 100 per cent on net primary enrolment ratios.⁴ Past values of indicators (trend analysis) and comparisons between populations with different characteristics (e.g., sex, age, ethnicity and income) or from different regions (e.g., province, district, urban and rural) also provide benchmarks. Targets adopted by States, individually or collectively (e.g., MDG

targets), and standards promoted by other national or international stakeholders (e.g., World Health Organization's guidance on minimum numbers of medical personnel or United Nations Educational, Scientific and Cultural Organization's guidance on pupil-teacher ratio) also provide benchmarks. Benchmarks could also be set through a national participatory process, where different stakeholders, including CSOs, are consulted by the duty bearer before committing itself to specific targets.

Box 26

Recommendations of United Nations human rights mechanisms - a key reference in the process of identifying relevant structural, process and outcome indicators

STRUCTURAL INDICATOR

PROCESS INDICATOR

OUTCOME INDICATOR

*The Committee [on Economic, Social and Cultural Rights] urges the State party to ensure the implementation of **the law on sexual and reproductive health** in all provinces and guarantee **affordable access for everyone, especially adolescents, to comprehensive sexual and reproductive health education and services**, with a view to, inter alia, addressing **the high maternal mortality rate** (E/C.12/ARG/CO/3, para. 22).*

STRUCTURAL INDICATOR

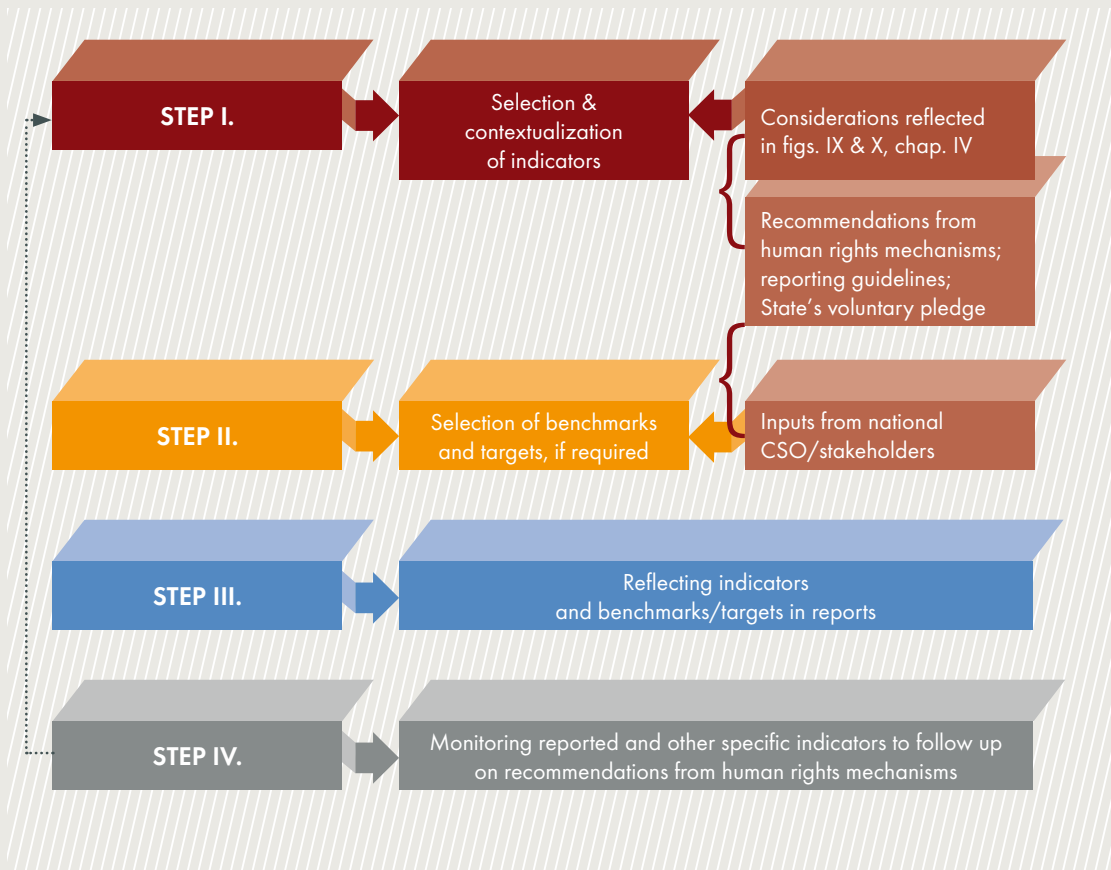
PROCESS INDICATOR

OUTCOME INDICATOR

*The Committee [on the Elimination of Discrimination against Women] urges the State party to do its utmost to ensure the equal participation of women in public affairs, (...) and to **establish concrete targets** to accelerate the increase of women's political representation, with the use of time frames or increased quotas. It also recommends that the State party continue to **undertake awareness-raising campaigns** about the importance of **women's participation in decision-making at all levels** (CEDAW/C/ARE/CO/1, para. 31).*

4. Gross enrolment ratio is the total enrolment in a given level of education, regardless of age, expressed as a percentage of the official school-age population for that level. Net enrolment ratio is the number of school-age children who are enrolled in a given level of education as a percentage of the total children of that age.

Fig. XI Indicator framework - steps in compliance monitoring



The benchmarks or targets could also be the subject of a joint consideration by the State party and the treaty body, in particular the Committee on Economic, Social and Cultural Rights. In its general comment No. 1 (1989), the Committee highlighted the need for benchmarks with respect to quantitative indicators to facilitate the monitoring of progress

and accountability of the duty bearer. It further drew attention in its general comment No. 14 (2000) to the need for a four-step procedure covering indicators, benchmarks, scoping and assessment (IBSA) for monitoring the implementation of human rights standards (see box 27). Having identified appropriate indicators, State Parties are encour-

aged to set specific national performance benchmarks in relation to the indicators to reinforce their commitment to implementing their obligations. Furthermore, during the periodic reporting procedure the Committee is expected to engage in a process of scoping with the State parties on the indicators and the benchmarks used in their reports to it. This process results in performance targets for the subsequent reporting cycle. These target indicators could then become benchmarks for that cycle. In this way, the use of indicators helps in the process of reporting and following up treaty recommendations (see chap. I, box 3).

Universal periodic review

The universal periodic review was set up by the United Nations General Assembly on 15 March 2006 through a resolution establishing the Human Rights Council.⁵ It is a unique process to review the human rights records of all United Nations Member States once every four and a half years. The review is a State-driven process under the Human Rights Council. It provides an opportunity for each State to showcase the measures it has taken to improve its human rights situation, to share best practices, to seek technical assistance, if required, and to improve its capacity to fulfil its human rights obligations. The ultimate aim of this new mechanism is to improve the realization of human rights in all countries and address violations wherever they occur.

The review of each country is based on three reports. The State or “national” report sets out the achievements and best practices, the challenges and constraints, as well as the key national priorities in addressing human rights shortcomings. The second report brings together information on the State’s human rights situation presented in various reports

of the treaty bodies, special procedures and other United Nations entities. The third report contains information from civil society organizations, national human rights institutions and other non-governmental stakeholders. The review involves an interactive and webcast discussion between the State under review and the Human Rights Council. The review may address the human rights obligations contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the human rights instruments that the State is a party to, voluntary pledges and commitments it has made and applicable international humanitarian law.

Given the review’s potential scope, the range of information considered and the nature of its recommendations, the case for using appropriate indicators is compelling. The framework outlined in this *Guide* and the steps identified in figure XI can help in selecting and presenting relevant indicators and other structured information for use in a State’s UPR. In addition, some background information and corresponding indicators that go beyond the identified illustrative indicators for human rights standards (see chap. IV, sect. A 3) and information related to the voluntary human rights pledges of the Member States need to be considered in the UPR context.

5. See www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx (accessed 8 June 2012).

Box 27 IBSA as a tool for human rights monitoring

IBSA stands for Indicators, Benchmarks, Scoping and Assessment. It refers to an initiative of the University of Mannheim, Germany, in collaboration with the NGO FoodFirst Information and Action Network (FIAN International), to set in motion and institutionalize a process to encourage the use of indicators and benchmarks for assessing the compliance of State parties with the International Covenant on Economic, Social and Cultural Rights.

The IBSA mechanism essentially contains four elements: (i) indicators representing the core content of the Covenant's rights; (ii) the use of benchmarks as target points for implementation of those rights; (iii) the process of scoping enabling a joint mechanism involving the Committee and the State party to identify and agree on the indicators and the corresponding benchmarks for monitoring during a given period of time; and (iv) a periodic assessment of the mechanism's results.

During 2004–09, the IBSA initiative first identified indicators for the right to adequate food, followed by a process of practical validation of these indicators at country level. The first phase resulted in 37 right-to-food indicators, which in the course of the second phase were reduced to 25. OHCHR worked closely with the IBSA process in the two phases and contributed to the identification and validation of the indicators. As a result, their two sets of indicators for the right to adequate food correspond closely.

Sources: Eibe Riedel, "The IBSA procedure as a tool of human rights monitoring" (University of Mannheim); FIAN International (www.fian.org).

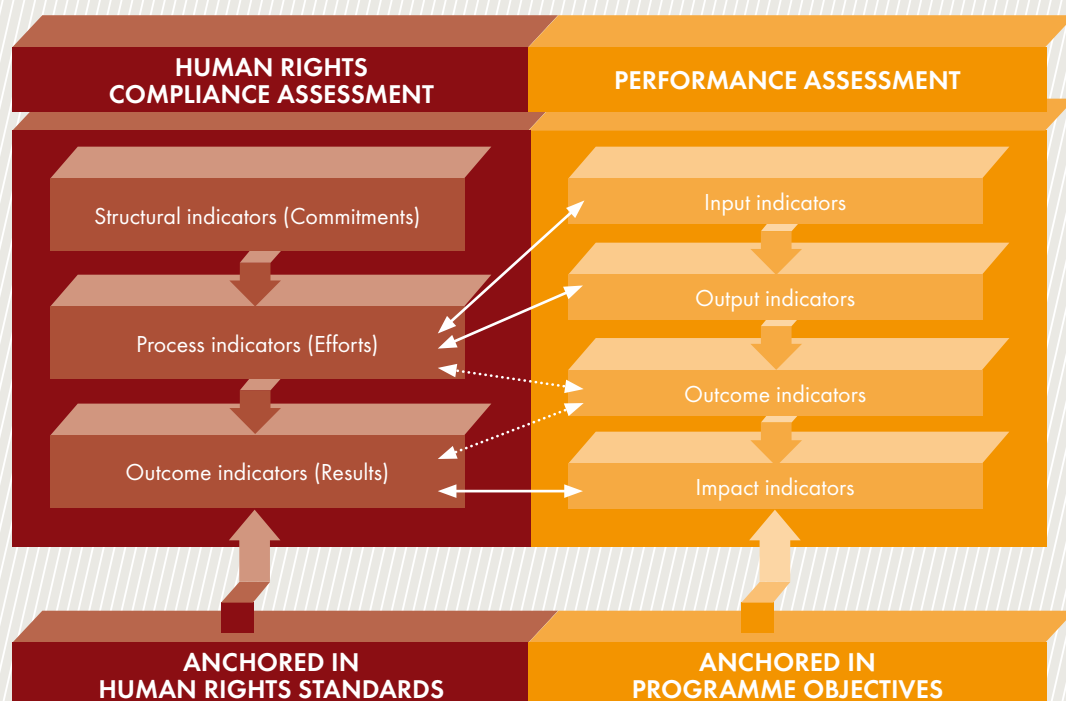
2 Performance monitoring

By translating human rights norms and principles and the corresponding obligations into concrete indicators, the conceptual and methodological framework presented in this *Guide* shows the possibilities of recognizing and applying human rights standards in specific development programmes and public interventions. This helps in putting rights-

based programming on a more explicit human rights footing.⁶ It could also put local programming initiatives in a larger human rights perspective. A comparison of the indicator framework for human rights compliance assessments and that for performance assessments of development programmes, presented in figure XII, clarifies these links.

6. See also "The human rights based approach to development cooperation: Towards a common understanding among UN agencies".

Fig. XII Indicator framework - compliance and performance assessments



Performance indicators or indicators generally used in development programming “[allow] the verification of changes in the development intervention or [show] results relative to what was planned”.⁷ In line with results-based management and project-cycle logic approaches, the main reference or source for identifying such indicators is the expected results of the development programme.⁸ In the performance assessment framework, the different categories of indicators generally identified and applied are

input, output, outcome and impact indicators. While input indicators relate to the financial, human, material, technological and information resources used for the development intervention, the output indicators are the products and services that result from the completion of activities⁹ within a development intervention. Similarly, while outcome indicators are the intended or achieved short-term and medium-term effects of an intervention’s outputs, usually requiring the collective efforts of partners

7. See Organisation for Economic Co-operation and Development, *Glossary of Key Terms in Evaluation and Results Based Management* (Paris, 2002).
8. See also *Indicators for Policy Management*.
9. Activity refers to actions taken or work performed through which inputs, such as funds, technical assistance and other types of resources, are mobilized to produce specific outputs (see *Glossary of Key Terms in Evaluation and Results Based Management*).

or stakeholders, impact indicators are positive or negative long-term effects on identifiable population groups produced by a development intervention, directly or indirectly, intended or unintended. These effects can be economic, sociocultural, institutional, environmental, technological or of other types. Outcomes represent changes in development conditions which occur between the completion of outputs and the achievement of impact.¹⁰

So for a development programme on education, one could identify indicators such as expenditure on primary education as part of the said programme (input); number of primary schoolteachers trained by the programme (output); proportion of pupils starting grade 1 who reach grade 5 (outcome); and literacy rates (impact) to assess the performance of the programme in meeting its stated objectives. These indicators could be compared with the indicators identified for the right to education (chap. IV, table 6).

The input indicator can be related to process indicators such as the “annual public expenditure per primary pupil as a percentage of GDP per capita”, a common socioeconomic statistic compiled by UNESCO, which is useful in assessing the (budgetary) efforts undertaken by a State to fulfil its obligations for implementing the right to primary education. The output indicator is similar to the process indicator “density/proportion of primary schoolteachers fully qualified and trained”, which also helps assess efforts made to implement the right. The “proportion of pupils starting grade 1 who reach grade 5” and “literacy rates”, both MDG indicators and respectively outcome and impact performance indicator, are also identified as outcome indicators in the table on the right to education. They reflect, to some extent, certain aspects of people’s enjoy-

ment of this right. So the performance indicators are consistent and sometimes identical with the indicators identified for use in human rights compliance assessments. As both indicator frameworks apply a logical chain and cause-and-effect approach, they potentially enrich each other.

However, the indicator framework for human rights compliance assessments builds on the performance assessment framework in several ways. *Firstly*, the indicators identified for human rights assessments are explicitly anchored in human rights standards. This is, generally, not the case with performance indicators, which are essentially related to and stem from programme objectives. *Secondly*, the structural indicators, which primarily capture the commitment of a State (government agencies and other duty bearers) to implement international human rights standards are an important part of the human rights compliance assessment framework, but are often left outside the framework for performance indicators. This is the case with a structural indicator like the “time frame and coverage of a plan of action adopted by the State to implement the principle of compulsory primary education free of charge for all” (chap. IV, table 6), which, though potentially useful for development programmes on education, may not even be considered in a performance assessment framework.¹¹ The use of this indicator in human rights compliance assessments will inform and reinforce the commitment of a State to fulfilling its human rights obligations and help in identifying benchmarks and holding the State accountable for implementing the right to universal primary education. Finally, by defining the process indicators in terms of the duty bearer’s efforts under way to promote or protect a right, the human rights compliance assessment framework incorporates the three distinct categories of input, output and out-

10. More generally, results include the output, outcome or impact (intended or unintended, positive and/or negative) of a development intervention, which may flow over or beyond the lifespan of an intervention (see *Glossary of Key Terms in Evaluation and Results Based Management*).
11. Article 14 of the International Covenant on Economic, Social and Cultural Rights emphasizes the need for State parties to adopt a “plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all”.

come performance indicators into one, thereby simplifying the assessment approach without any loss of information or precision. More importantly, the use of the three categories of indicators—structural, process and outcome—enables the transition from a local (project or programme) to a national or sub-national analysis and assessment of a situation.

3 Human rights advocacy and people empowerment

The indicator framework for human rights presented in this *Guide* strengthens the language of human rights advocacy in several ways. *Firstly*, it makes human rights more concrete and tangible in the eyes of policymakers. *Secondly*, it helps in identifying tools in keeping with the context, thereby encouraging national ownership of the advocacy strategy. *Thirdly*, it helps in tracing the entire range of measures, from the institutional requirement for respecting, protecting and fulfilling human rights to the processes that need to be implemented and monitored so that the desired results for realizing human rights can be articulated and pursued. This information permits human rights stakeholders to have a more focused advocacy, articulation of claims and effective engagement with the duty bearer. Consequently, in the event of gaps in the realization of human rights, for instance in accessing legal remedies or preventive and curative health care, the stakeholders can identify specific strategies and interventions to be undertaken by a duty bearer and the indicators to monitor those interventions.

Some of the experiences (see boxes 28 to 32) show how illustrative indicators for different human rights reflected in this *Guide* can be deployed to create a country-owned strategy for improving human rights advocacy and implementation.

In general, CSOs working on specific human rights or related issues (e.g., health, administration of justice or gender) and institutions like NHRIs, institutions for equal opportunity or minority affairs and statistical agencies could be brought together to be made aware and encouraged to put the tables developed in this *Guide* into context (see chap. II, box 8). Putting these tables into context helps in building ownership and improves their acceptability in different country-level human rights activities. Once a minimum capacity to work with human rights indicators is catalysed, particularly among CSOs, their use in multiple contexts can be self-sustaining. The work on indicators undertaken by residents of a social housing complex in Northern Ireland with the assistance of an NGO, Participation and the Practice of Rights Project, is particularly interesting in demonstrating how a set of indicators related to the right to adequate housing can be effectively developed and used by the rights holders themselves (chap. III, box 17).¹² At a more macro level, fact sheets produced by the Center for Economic and Social Rights, another CSO, provided useful insights in assessing the realization of rights and fulfilment of related obligations for a number of countries. Some of these fact sheets were part of the information received by the Committee on Economic, Social and Cultural Rights for its dialogues with State parties.¹³

12. Another example is the Right to Education Project, which developed a tool for measuring the right to education to inform policy and advocacy work (www.right-to-education.org).

13. www.cesr.org.

Box 28 Using indicators for human rights and national planning – Ecuador

The Government of Ecuador, through the Secretariat for National Planning and Development and the Ministry of Justice, Human Rights and Religious Affairs, is integrating human rights into its national development planning process and putting together a system of human rights indicators (SIDERECHOS) using the framework outlined in this *Guide*. These steps follow the adoption in 2008 of the new Constitution, which requires the State to plan the development of the country to ensure the realization of the rights and principles enshrined in it (art. 275).

These measures were acknowledged by the Human Rights Committee, which urged Ecuador to take appropriate steps to ensure the practical implementation of the constitutional provisions (CCPR/C/ECU/CO/5). Likewise, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families encouraged Ecuador to revise any secondary legislation that did not conform with the new Constitution and international human rights standards (CMW/C/ECU/CO/2).

This attempt at adopting a human rights-based approach to national planning processes and establishing a national system of human rights indicators is also in response to UPR recommendations. Planning officials in Ecuador were requested to use these recommendations and those from other United Nations human rights monitoring mechanisms in conducting sectoral diagnostics (e.g., health, education) and prioritizing State interventions. These recommendations are expected to become an integral part of the human rights indicator system and be translated into indicators to help in their follow-up. For instance, for the follow-up to the fourth UPR recommendation “to take appropriate measures to further improve the conditions of detainees in prisons, as recommended by the Committee against Torture” (A/HRC/8/20), indicators like the proportion of prison staff formally investigated for abusing prisoners (including torture and excessive use of force), the number of visits to detention centres by the national human rights institution, and actual prison occupation compared to capacity were identified through the SIDERECHOS project.

Information on the compliance of the State with its human rights obligations is seen as relevant to planning officials and to the design and implementation of public policies and programmes to advance the realization of human rights in Ecuador. OHCHR is providing technical assistance to national human rights stakeholders, through the Human Rights Adviser to the United Nations System in Ecuador, on the integration of the human rights-based approach to development planning and the indicator framework outlined in this *Guide*.

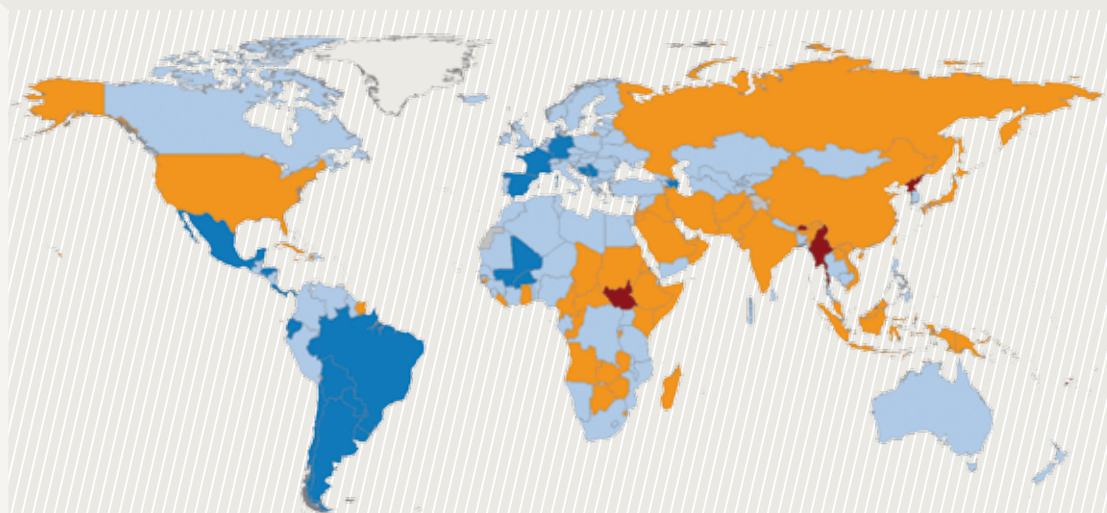
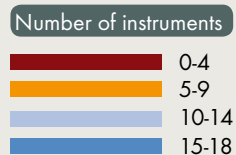
Fig. XIII Ratification of international human rights instruments,* July 2012

Definition and metadata: See annex I.

Source: Database of the United Nations Office of Legal Affairs (OLA), 31 July 2012
<http://untreaty.un.org/ola>.

Note: For the application of the treaty to overseas, non-self governing and other territories, see <http://untreaty.un.org/ola>.

*Eighteen international human rights treaties and optional protocols
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.



Note: The boundaries and the names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
 The dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties.

One of the most widely recognized and used human rights indicator is the status of ratification of international human rights treaties (fig. XIII). This information is often reflected in monitoring

frameworks seeking to highlight the human rights dimension. This structural indicator reflects a certain acceptance and commitment of the State to undertake steps that help in the realization of rights.

However, in itself, it may not say much on a country's human rights situation. It is possible that its "quality of ratification" is weak owing to several reservations that it may have on the treaty provisions. It also does not indicate whether the obligations flowing from ratification are being implemented. Nevertheless,

it is an indicator that, when presented graphically like this, advocacy groups and human rights stakeholders may find useful for providing an overview of the status of treaty ratification of their countries (see annex I for the metadata sheet on this indicator).

Box 29 Development of a human rights measurement framework in the United Kingdom

The Equality and Human Rights Commission (EHRC) in partnership with the Scottish Human Rights Commission (both accredited with "A" status by the Sub-Committee on Accreditation of the International Coordinating Committee) has worked on the development of a human rights measurement framework (HRMF) for England, Scotland and Wales. The framework aims to provide a set of indicators to measure human rights progress and help EHRC in fulfilling its monitoring and reporting mandate, including for Parliament.

The project is an offshoot of the equality measurement framework, which recommended a list of statistical indicators to monitor (in)equality across a range of domains relevant to human rights, including health, education, physical security and participation, and with special attention to prohibited grounds of discrimination, namely age, disability, ethnicity, gender, religion or belief, sexual orientation, transgender and social class. The consultations on this work highlighted a need to develop a more complete set of human rights indicators and recommended the use of the OHCHR framework on human rights indicators, particularly the *structural* and *process* indicators, which were outside the scope of the equality measurement framework owing to its focus on outcomes. Comments on this work also called for using not only official socioeconomic statistics but also alternative sources of data, such as events-based data collected and/or processed by human rights organizations and United Nations entities. Furthermore, disaggregation of statistics by other vulnerable or marginalized groups, such as Roma, travellers, homeless and prison population, was also recommended.

Against this background, the HRMF project worked on adapting the OHCHR framework and the list of illustrative indicators on civil, cultural, economic, political and social rights for use in the United Kingdom. The project included extensive consultations with a range of government agencies, human rights and civil society organizations, as well as a dedicated website for online consultation in 2010.

It covered both rights with a clear basis for enforcement in domestic law through the Human Rights Act and additional rights drawn from the international human rights instruments ratified by the United Kingdom. It included the right to life; the right to freedom from torture, inhuman or degrading treatment or punishment; the right to liberty and security of person; the right to a fair trial; the right to private and family life; the right to an adequate standard of living; the right to health; and the right to education. It brought together a broad range of information, including the statutory, regulatory and public policy framework for protecting human rights; case law; concerns highlighted by domestic and international human rights monitoring bodies; and allegations and concerns raised by civil society.

The project was implemented with a research team commissioned by EHRC comprising the Centres for Analysis of Social Exclusion and for the Study of Human Rights of the London School of Economics and Political Science, and the British Institute of Human Rights. OHCHR contributed to the Advisory Group for the project.

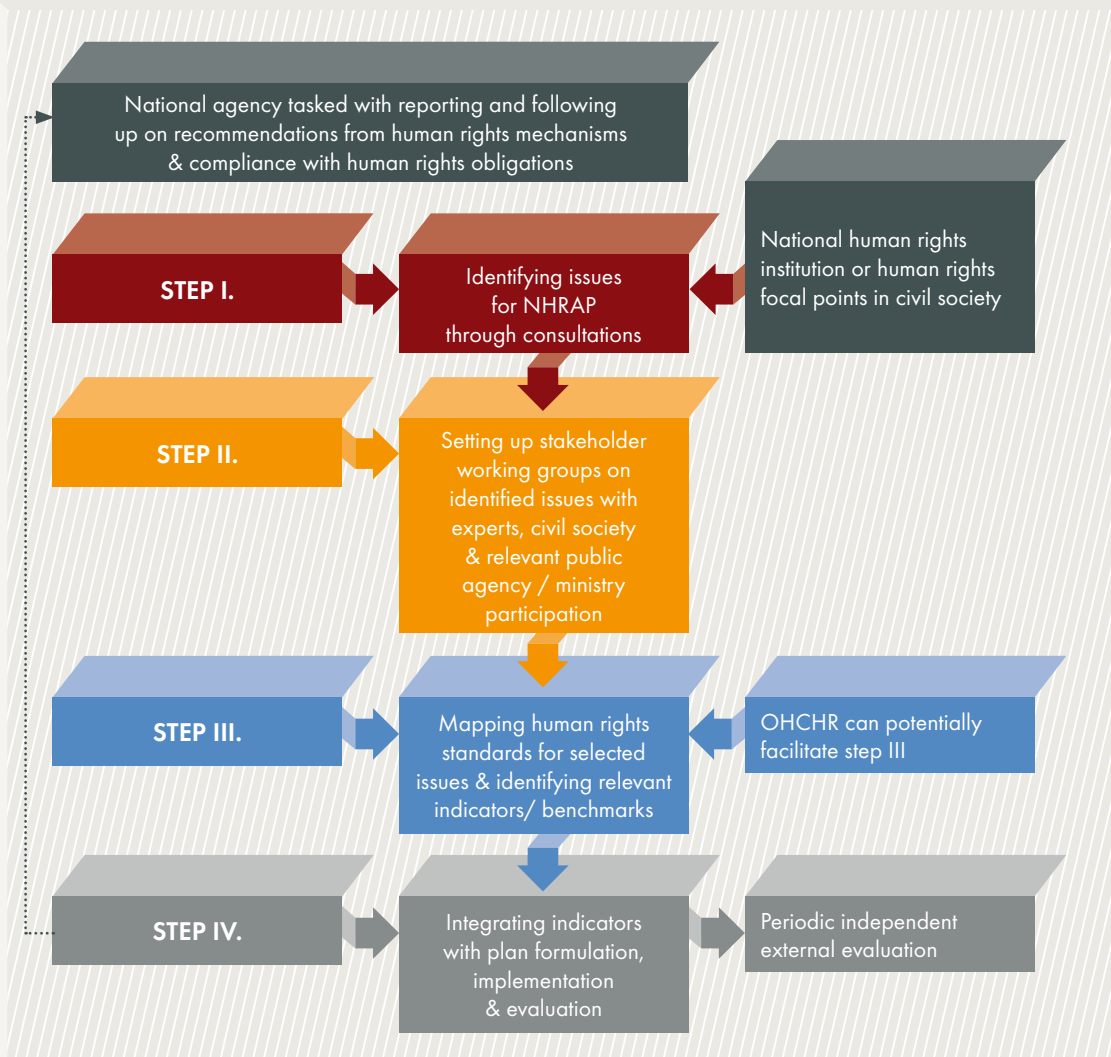
Source: EHRC, *Human Rights Measurement Framework: Prototype Panels, Indicator Set and Evidence Base*, research report 81 (2011), available from www.equalityhumanrights.com.

4 **National human rights action plans and development plans**

The tables of illustrative indicators on human rights and the approach to developing them outlined in this *Guide* are directly relevant to the preparation and implementation of national human rights action plans and development plans (NHRAPs). It is, however, particularly important to put the selected indicators on desired outcomes and the underlying strategies (process and structural indicators) in context and to revise them through country-owned processes. Moreover, unlike compliance monitoring

processes (which could technically be confined to a few stakeholders), the preparation of a NHRAP has to be ideally a broad-based participatory process, involving all stakeholders, including at the subnational level. It is imperative therefore to rely on a process that enables wide-ranging involvement of diverse expertise (see also sect. 5 below). A successful model for organizing such a process is presented in box 30 (Nepal) and summarized in figure XIV. Case studies from Ecuador (box 28), Mexico and Kenya (boxes 31 and 32) further illustrate this type of national process.

Fig. XIV Indicator framework and national human rights action plan



Box 30 Indicators and national human rights action plan - Nepal

Nepal was among the first to use and adapt the OHCHR framework for identifying indicators to monitor the implementation of human rights. Following a few awareness and capacity-building workshops spread over 2008 and 2009 for officials from the National Human Rights Commission, the Office of the Prime Minister and the Council of Ministers (OPMCM), several ministries and civil society, OHCHR-Nepal in collaboration with OPMCM developed a project with two parallel objectives.

The first was to support the work to identify indicators for use in the third National Human Rights Action Plan of Nepal (NHRAP). This work was coordinated by OPMCM, which worked closely with human rights focal points in different ministries.

The second was to support the work of five working groups constituted to identify and put into context indicators for promoting and monitoring the implementation of economic, social and cultural rights in Nepal. These working groups were constituted at the initiative of OHCHR-Nepal with a coordinator (either from civil society or the government agency best placed to take the lead) and five or six members, including some human rights activists who were working on a specific right or human rights issue relevant to the country. Working groups were constituted to work on indicators for the right to health, the right to education, the right to food, the right to work and the right to housing. One was led by a civil society organization, one by an official from the National Human Rights Commission, one by the Secretary of the National Women Commission and the remaining two by ministry officials.

The focus of the work of OPMCM was more on identifying human rights programming indicators (mostly process and structural indicators) for the different programmes identified in the draft NHRAP. In the course of selecting these indicators and in view of the overlap between some issues in the NHRAP and the country's Three-Year Interim Development Plan, the two plans and the underlying strategies were shown to be organically linked and meaningful for realizing their stated objectives. The focus of the working groups was to create a body of context-relevant work, based on the OHCHR tables of illustrative indicators, to help civil society and others like the National Human Rights Commission or the National Women Commission in their human rights advocacy and monitoring activities.

In 2011, this initiative produced a manual for national stakeholders, including a list of validated indicators, for strengthening the monitoring of the realization of economic and social rights as well as development planning processes in Nepal.

Sources: Indicators for Monitoring Economic, Social and Cultural Rights in Nepal: A User's Guide (Kathmandu, 2011). Available from <http://nepal.ohchr.org>.

Box 31 Using indicators for human rights – Mexico

In 2007, OHCHR-Mexico embarked on a project to develop indicators as part of its strategy to strengthen the State's capacity to monitor compliance with international human rights instruments. The project has also sought to evaluate the impact of public policies on the human rights situation in the country. The OHCHR framework on human rights indicators has been systematically disseminated at both federal and local levels. It has contributed to building capacities to develop indicators in collaboration with governmental agencies, NGOs, academics and the United Nations country team in Mexico. Technical assistance was provided to develop indicators for the National Human Rights Programme as well as the Mexico City Human Rights Programme. Training and working sessions on human rights indicators were offered to the Ministry of Interior, the Ministry of Defence, the National Social Security Institute, the National Council to Prevent and Eradicate Discrimination, the Federal Prosecutor's Office for Consumer Affairs, the Ministry of Environment and Natural Resources, the Superior Tribunal of Justice of Mexico City, the Under-Secretariat of Government, the Planning and Finance Directorates of Mexico City, and the local Human Rights Commission, among others.

OHCHR-Mexico's collaboration with the National Institute for Statistics and Geography and the National Commission for Human Rights has focused on the selection of indicators on the right to health, the right to education, the right to freedom of opinion and expression, the right to life, and the right to liberty and security of person. About 40 structural, process and outcome indicators for the right to health were identified and subjected to a participatory validation process. Relevant government institutions, NGOs and academics are expected to use these indicators in monitoring and reporting on the State's implementation of human rights.

As a result of the findings of the Human Rights Diagnostic and Plan of Action in the capital, the Superior Tribunal of Justice of Mexico City developed indicators to help analyse its capacity to promote and guarantee human rights. This exercise resulted in 76 process and outcome indicators as well as 25 qualitative indicators to facilitate the promotion and assessment, for instance, of the realization of equal access to justice without discrimination; judges' respect for principles like the presumption of innocence and minimum use of detention; and special protection for children. The resulting system of indicators takes into account judicial errors, breaches of duty of judicial and administrative personnel and their respective administrative and penal procedures. In a landmark decision, the Judicial Council of the Tribunal of Justice of Mexico City formally approved the implementation of the indicators on 22 January 2010. There were plans to use the indicators in the other local tribunals in Mexico.

Sources: Diagnóstico de derechos humanos del Distrito Federal (Mexico City, 2008), available from www.cdhdh.org.mx/. Indicadores sobre el derecho a un juicio justo del Poder Judicial del Distrito Federal, vols. I and II, and Indicadores sobre el derecho a la salud en México (2011), available from www.hchr.org.mx/.

Box 32 Indicators for monitoring and mainstreaming human rights - Kenya

In fulfilling its mandate the Kenya National Commission on Human Rights (KNCHR) has been developing indicators to help in monitoring the realization of civil, cultural, economic, political and social rights in Kenya. The Government requires all public bodies to set targets and collect performance data. This is seen as an opportunity to reflect human rights in the national development plan and in public service delivery. In 2009, KNCHR and OHCHR jointly organized a workshop for national human rights stakeholders, including the Ministry of State for Planning, the Ministry of State for Public Services, the Ministry of Justice, National Cohesion and Constitutional Affairs (MOJNCCA), the Kenya National Bureau of Statistics (KNBS) and civil society organizations.

Following the training, and recognizing the use of indicators in human rights implementation and treaty compliance, follow-up action points were identified. They included the creation of inter-institutional collaboration to develop indicators for use in development plans, non-discrimination in the workplace and data collection to be undertaken by KNBS (e.g., statistics relevant to the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment). The need for additional indicators involving non-State actors was also highlighted.

In 2010, a working group comprising KNCHR, MOJNCCA, the Monitoring and Evaluation Directorate (MED) of the Ministry of Planning, and the Performance Secretariat on human rights indicators was established. The objective was to encourage the use of the OHCHR framework on indicators among government agencies. To improve the use of human rights indicators in national planning, MED as the lead facilitator sought to help other government agencies to think through the process of developing indicators for reflection in the national framework of indicators. This framework of indicators was used to monitor the implementation of Kenya's development plan—Vision 2030. A follow-up workshop addressed issues for the operationalization of the human rights-based approach and indicators in relation to the goals set in the national development plan and human rights policy instruments. Suggestions were made for new indicators on the right to health, the right to adequate housing, the right to participate in public affairs, and the right to liberty and security of person. Drawing on the OHCHR methodology, the participants encouraged inclusion of additional indicators in the national framework of indicators. MOJNCCA and KNHRC are to lead follow-up activities to this end.

Source: Kenya National Commission on Human Rights (www.knchr.org/).

In an ideal context, a human rights action plan for a country should be part of its national development plan.¹⁴ This may, however, not always be the case for local institutional reasons (such as division of responsibilities between finance or economic planning ministries on the one hand, and the justice department, NHRI or the agency responsible

for human rights on the other), methodological limitations (lack of specific tools to reflect or integrate human rights in the national development plans), as well as scepticism among economic policymakers about working with human rights. The indicator framework for human rights presented in this *Guide* can help bridge this gap.

Box 33 Development as a legal entitlement - India

The Indian Government has adopted a strategy for inclusive development, with the creation of entitlements backed by legal guarantees on aspects of life that are vital for an individual's well-being and inclusion in the economic and social mainstream of society as an important element. In the past five years, the Government has worked towards realizing the right to information and the right to work. This was followed up with the enactment of the right to education in 2009–10. Now the Government is working on a food security bill, which would represent a significant step in guaranteeing the right to food. To fulfil these commitments, spending on the social sector has been rapidly increased from 33 to 38 per cent of total Central Government spending in 2011–12. This change in the social development paradigm has been brought about by the concerted efforts of the National Advisory Council of the ruling party, which is largely composed of CSOs and subject experts.

Source: Finance Minister's budget speeches 2009 to 2012, available from <http://finmin.nic.in/>.

To mainstream human rights in national development plans or, alternatively, to encourage the integration of NHRAPs in national development plans, it is useful to see first if they overlap on certain issues. Depending on the country, these could be social and human development issues related to education, health, social security or issues related to the administration of justice or per-

sistent discrimination of certain population groups. Having identified the common issues, efforts could be directed at flagging the human rights obligations not being addressed in the ongoing programmes, followed by outlining a practical way of addressing them. This could be done by highlighting the usefulness of the commitment-effort-results indicator framework and the underlying implementation

14. As shown in the OHCHR *Handbook on National Human Rights Plans of Action* (HR/P/PT/10), great care is required to link such plans to existing overarching national development frameworks (e.g., national development plans, common country assessments (CCAs) and United Nations Development Assistance Framework (UNDAF), poverty reduction strategy papers of the International Monetary Fund and the World Bank) and other planning processes to ensure that human rights concerns are not unwittingly quarantined.

strategies (reflected through process and structural indicators) for inclusion in the ongoing public programmes. In some instances it could involve additional targets (e.g., focusing on the target population group's access to the public programme concerned), modifying the strategy (creating a special budgetary focus on a vulnerable population group), or highlighting the need for a new intervention that responds more comprehensively to the human rights obligation concerned (e.g., improving prison facilities to conform to the relevant legal instruments). A case could also be made for reviewing and modifying delivery mechanisms of ongoing development programmes to make them more effective in meeting the stated objectives and in the process anchoring them in the human rights framework. India's recent attempt (box 33) to create legal entitlements to access information, to work, to education and now to food is an example of such an approach.

5 Human rights budgeting

To facilitate the implementation of civil, cultural, economic, political and social rights nationwide it is important for a State's budgetary efforts to be aligned with its human rights obligations. This is only logical as budgets are the principal instrument for a State (Government) to mobilize, allocate and spend resources for development and governance. It is a means to create and support entitlements in implementing a State's human rights obligations. At the same time, as a policy instrument a budget serves other interrelated objectives, which potentially makes it a vital tool for turning treaty obligations into a public programme of action. These other objectives are:

Budget as a fiscal policy tool to align government spending with its revenues thereby creating an environment conducive to high employment and price stability;

Budget as a redistributive tool to modify (through taxes and other revenues, social transfers and expenditures) the distribution of income and wealth so as to reduce inequalities;

Budget as a planning tool to operationalize a multi-year planning perspective by providing resources for meeting expenditure on activities in accordance with planning objectives and targets;

Budget as a political tool to prioritize policies and development activities by allocating resources among competing ends;¹⁵

Budget as a coordination tool to address policy coherence challenges across sectors and at different levels of governance (federal, regional or local);

Budget as an accountability tool to lay down the framework for monitoring and regulating public expenditure in accordance with (budgeted) allocations and revenues.

There are two aspects to human rights budgeting. The first relates to the budget-making process and focuses on whether it is conducted in conformity with human rights cross-cutting norms or principles. The second relates to the actual content of the budget and focuses on analysing it from the perspective of the State's human rights obligations. In both these aspects the use of appropriate indicators makes it

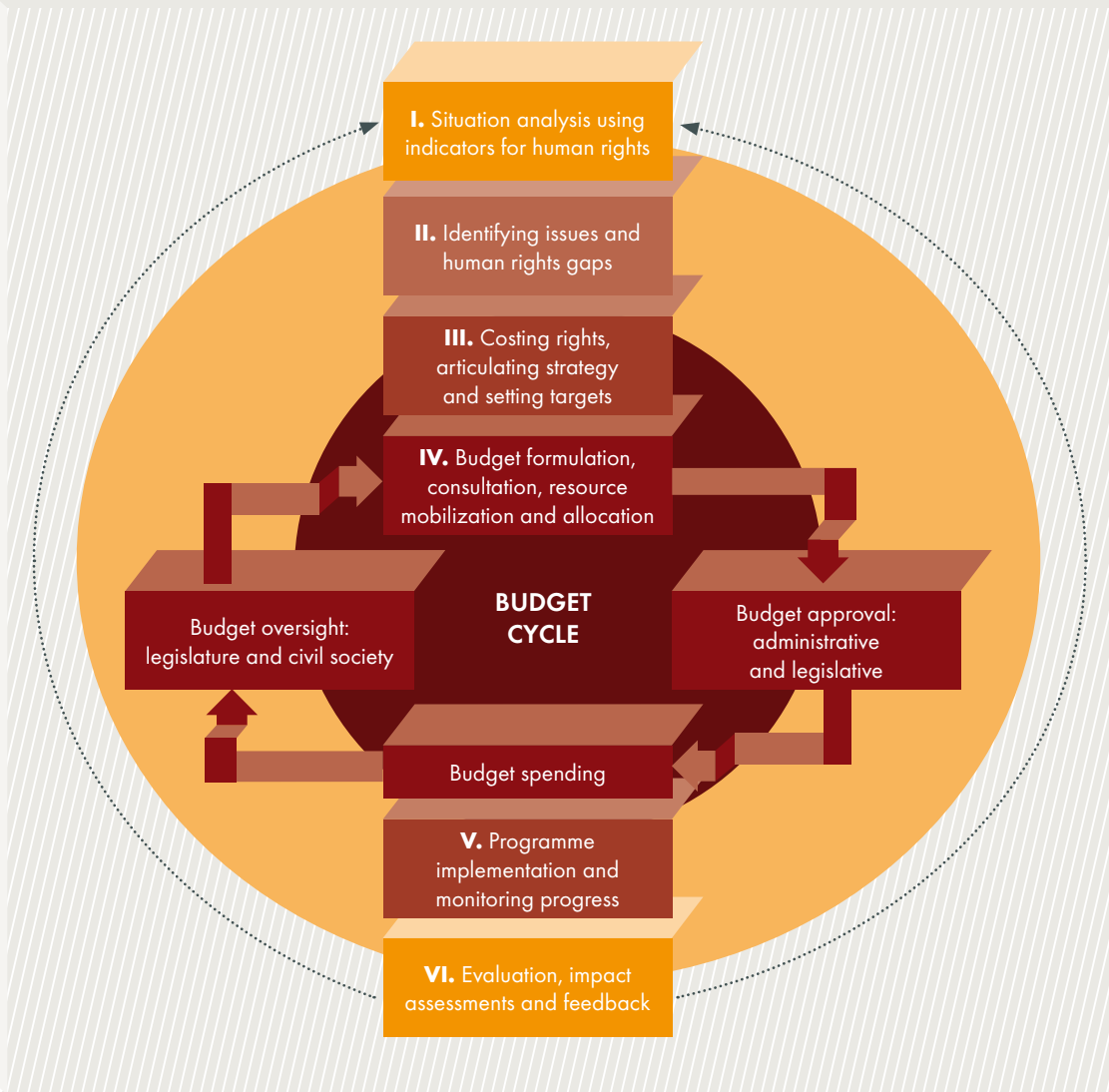
15. In a parliamentary democracy, the legislative approval of the budget is vital for the survival and continuation of an elected Government in power.

V. >> Framework in Practice - Implementing and Monitoring Rights
>> Using indicators for human rights

easier to align the State's budget with its human rights obligations. The use of indicators improves people's access to information and makes their engagement and participation in the budget process more effective. Moreover, it helps in making explicit the human rights content of the budget, thereby furthering their implementation. In reality, national

or regional government budgets are not necessarily prepared with an eye on the human rights obligations of the State. Therefore, the challenge is not only to make the budgeting process more sensitive to human rights concerns, but also to strengthen the human rights content of national budgets.

Fig. XV Human rights indicators, programme and budget cycle



Budget process and human rights

To make the budget process sensitive to human rights, sometimes also described as rights-based budgeting, it must be participative, transparent, objective and characterized by accountability:

- 1 **Participative** to allow stakeholders to take part in national, regional or local budget processes;¹⁶
- 2 **Transparent**, conducted with access to information on the content of the budget and its process;
- 3 **Objective**, concrete and institutionalized, with ad hoc and subjective influences having only a limited role in resource mobilization and allocation, if any;

- 4 **Accountable** both ex ante and ex post, i.e., in the process leading up to the preparation and the approval of the budget, as well as in the actual spending.

As the budget process is anchored in the larger ones of policymaking, development and governance (fig. XV), human rights budgeting requires that the entire process (from stage I to stage VI) conforms to the criteria listed above. Moreover, using appropriate indicators for human rights strengthens each stage of the development and budget cycle, making the process more amenable to stakeholder engagement, transparency, objectivity and accountability (box 34). The role of civil society is crucial in this regard (box 35).¹⁷

Box 34 Checking the budget process from a human rights perspective

- ☐ Is there a system of institutionalized participation for the preparation and implementation of the budget (programme) with stakeholders?
- ☐ Are the budget documents published in the public domain or available on demand?
- ☐ Is the schedule for budget preparation and implementation institutionalized?
- ☐ Are the budget accounts subjected to legislative and independent oversight?
- ☐ Is the procedure for budget preparation periodically reviewed to improve stakeholder participation and transparency, and to place information in the public domain?
- ☐ What is the proportion of budget allocations (by sector or subject) for targeted population groups actually spent in line with the programme's objectives? and
- ☐ In which sectors does actual spending fall short of the budgeted allocations?

16. See, for example, Participation and Civic Engagement Group of the World Bank, "Case study 2-Porto Alegre, Brazil: Participatory approaches in budgeting and public expenditure management", Social Development Notes, No. 71 (March 2003), available from www.worldbank.org/participation.

17. For examples of civil society work on human rights budgeting, see FUNDAR Centre for Analysis and Research, International Human Rights Internship Program and International Budget Project, *Dignity Counts: A guide to using budget analysis to advance human rights* (2004) and IDASA, An African Democracy Institute, *Imali Ye Mwana (the children's money)*. Available from www.idasa.org/our_work/programme/imali_ye_mwana/outputs/ (accessed 26 June 2011).

There are at least two civil and political rights whose promotion and protection are important for making the national budgeting process more conducive to the realization of human rights. They are the right to information, guaranteed inter alia by the Universal Declaration of Human Rights (art. 19) and the International Covenant on Civil and Political Rights (art. 19 (2)), and the right to participate in public affairs, also cited in the Universal Declaration (art. 21) and guaranteed by the Covenant (art. 25) (see box 10 in chap. III and tables in chap. IV). Likewise, the Declaration on the Right to Development, adopted by the General Assembly of the United Nations in 1986, stipulates that “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the

entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom” (art. 2) and “States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights” (art. 8). These standards are important to keep in mind in relation to budget processes whether national, regional or local. In practice, different types of participation and institutional arrangements will often have to be put in place, ranging from direct participation in budget decision-making processes (e.g., referendum on government expenditures exceeding a certain threshold) to passive participation (e.g., population is informed of what is going to happen or on the budget decisions taken).

Box 35 **Role of civil society in human rights budgeting and development planning**

- Raising public awareness of issues affecting marginalized population groups;
- Using indicators and other information to influence the policy framework and the budget allocations;
- Supporting budget-literacy initiatives among the members of the legislature and the general public;
- Promoting awareness of government performance; and
- Engaging institutions of governance to empower the marginalized through advocacy and capacity-building.

Budget content and human rights

To influence the budget from a human rights perspective, it is essential to align the programmes included in it with the State's human rights obligations. Ideally, programmes should be designed to address the State's human rights obligations and funded by the budget. This entails analysing the situation to identify development and governance issues through a human rights lens, articulating the human rights gaps, formulating strategies, costing the policy measures and including the required allocations in the budget to bridge those gaps (fig. XV). For example, a country with low literacy and school enrolment rates among girls (or children from targeted population groups) may have to introduce specific programmes to implement the human rights obligation to ensure compulsory primary education free of charge. This may include, for instance, a "midday meal programme"¹⁸ to attract and retain children from poor and other targeted communities in the schools (which may also help in improving their nutrition and overall health), public awareness campaigns and financial incentives, such as cash transfer programmes,¹⁹ to increase the school enrolment of girls and boys as well as the literacy of adults.

Countries like India and Brazil are adopting such measures, particularly with the aim of improving educational outcomes among targeted population groups. In India, these programmes are now explicitly addressing the State's obligations on the

right to education. Consequently, their performance indicators (e.g., proportion of children covered by public nutrition supplement programmes) will be useful in monitoring the progress in the implementation of human rights. Within the framework set out in this *Guide*, these indicators will mostly be process indicators, though some structural indicators could also be included (box 36).

In other instances, there may be a limited possibility of anchoring budget initiatives explicitly in human rights obligations. For example, in many countries social development programmes would already address some human rights concerns, albeit only indirectly, thereby curtailing the scope to introduce new programmes that directly address the State's human rights obligations. There could also be cases where the finance ministry may not be favourably disposed to the use of human rights methodology in its work. The challenge will then be to use the available indicators and benchmarks creatively to highlight human rights gaps and force a review of the ongoing programmes and budgets from a human rights perspective. For instance, an analysis of budget allocations over time and among sectors and the corresponding actual expenditure patterns, or the composition and sources of budget revenue can reveal the human rights priority of the State. Similarly, an analysis of socio-economic indicators will help pinpoint changes in the realization and enjoyment of rights. Some techniques for applying and interpreting indicators in this context are highlighted below.

18. The "Midday Meal Scheme" is the school meal programme adopted by States in India after a landmark decision by the Supreme Court in 2001 that directed the Government to provide cooked meals to all children in primary schools.

19. See "Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona" (A/HRC/11/9).

Box 36 Monitoring the human rights content of budgets – some examples

Education budget

- Proportion of public and private education budget spent on primary education, including direct or indirect costs (e.g., transport, books, clothes) that may have to be borne by households (International Covenant on Economic, Social and Cultural Rights, arts. 2 (1), 13 and 14)
- Net primary enrolment ratio and dropout rate for primary education, disaggregated by vulnerable or marginalized groups and by prohibited grounds of discrimination (art. 2 (2))
- Time frame and coverage of the plan of action to implement compulsory education free of charge for all (art. 14)
- Proportion of children covered under public nutrition supplement programmes (arts. 11 and 13)

Justice and law enforcement budget

- Proportion of law enforcement budget on human rights training of law enforcement officials
- Proportion of law enforcement officials trained in human rights
- Proportion of requests for legal assistance and free interpreters met annually

B. Interpreting statistical information from a human rights perspective

As highlighted in the *Guide*, commonly available socioeconomic indicators have been variously used to infer the state of human rights at international, national or sub-national levels. This is despite the lack of an adequate conceptual framework to guide their selection for use in human rights monitoring. The UNDP *Human Development Report 2000*

brought together some analytical practices and methodologies for using available statistical information to show how human rights denial and policy failures contribute to perpetuating deprivation and inequality in the enjoyment of rights.²⁰ With the kinds of indicators for human rights identified in this *Guide*, such analytical practices and methodologies can

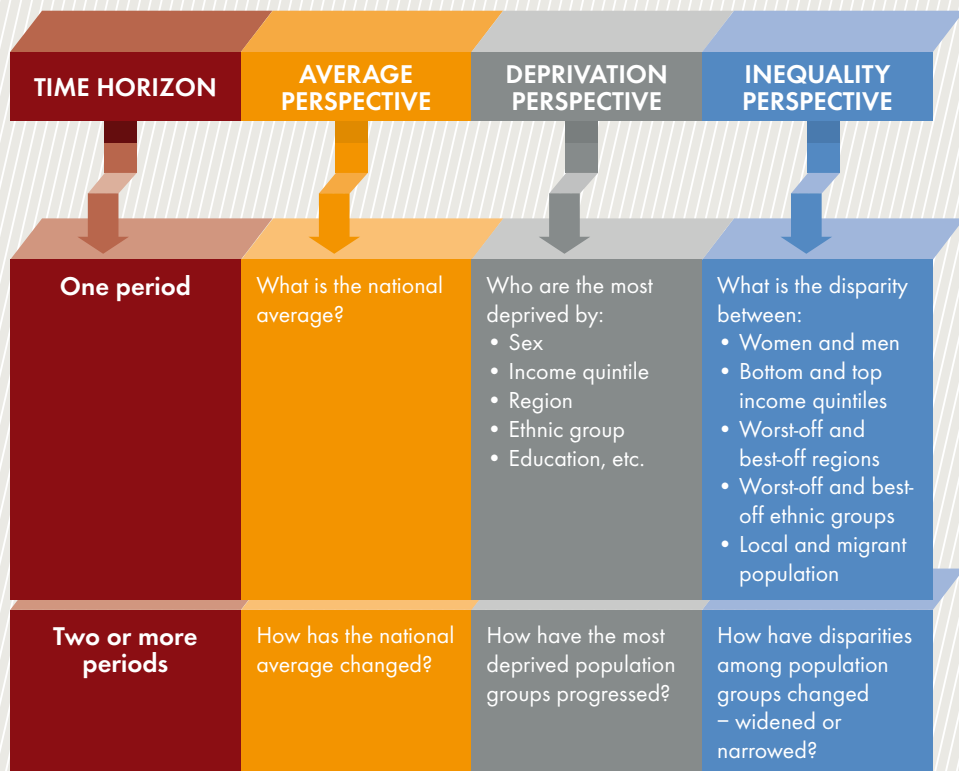
20. See also Eitan Felner, "A new frontier in economic and social rights advocacy? Turning quantitative data into a tool for human rights accountability", *SUR-International Journal on Human Rights*, vol. 5, No. 9 (December 2008) and Eitan Felner, "Closing the 'escape hatch': a toolkit to monitor the progressive realization of economic, social and cultural rights", *Journal of Human Rights Practice*, vol. 1, No. 3 (2009).

significantly contribute to promoting and monitoring human rights implementation.

Using socioeconomic statistics in human rights typically involves first seeking to disaggregate the available information, from national averages to data for the smallest group of individuals who are bound by common human rights characteristics and on to information at the level of an individual. However, such data collection, compilation and disaggregation are not always feasible. Indeed, that is where the framework of indicators presented in this *Guide* becomes useful for identifying the critical information which may be necessary for undertaking an adequate human rights assessment. Incidentally, the absence of information on relevant indicators can, in itself, be an indicator of a lack of willingness

and commitment on the part of the duty bearers to implement human rights. For example, this could be the case when there is no information on a structural indicator like the time frame and coverage of a policy or action plan for the elimination of discrimination and all forms of violence against women (see chap. IV, table on violence against women), and when process indicators like the proportion of staff formally investigated for physical and non-physical abuse or crime on detained or imprisoned persons (including torture and disproportionate use of force) and the proportion of these investigations resulting in disciplinary action or prosecution (see chap. IV, table on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment) are not compiled or disseminated.

Fig. XVI Three perspectives for human rights assessments



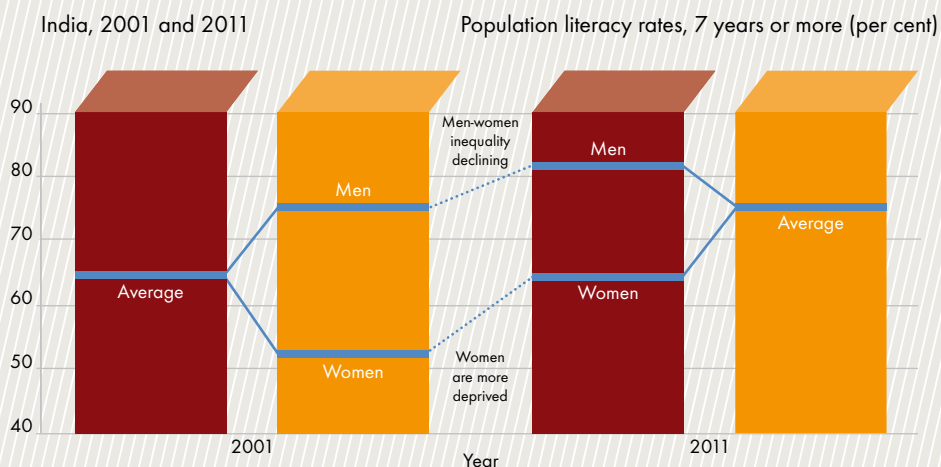
Source: Adapted from UNDP, *Human Development Report 2000*.

When indicators are readily available, an analysis and assessment combining three measurement perspectives can be systematically carried out, especially using outcome and process indicators. The “average perspective” shows the country’s overall progress, the “deprivation perspective” shows the progress for its most deprived groups and the “inequality perspective” shows progress in narrowing inequalities between its population groups or regions. UNDP in its *Human Development Report 2000* brought out the significance of applying these distinct perspectives for studying a human rights situation (fig. XVI).

To illustrate this, consider the census of India statistics on literacy for the population aged 7 years or more. It is a useful summary outcome indicator for tracking the right to education. In 2001, the national overall literacy rate was 64.8 per cent, 75.3 per cent

for men and 53.7 per cent for women. In 2011 the overall literacy rate increased to 74 per cent, 82.1 per cent for men and 65.5 per cent for women. So, on average, nearly three quarters of the population (7 years or more) was literate by 2011, up from about two thirds in 2001. The deprivation perspective shows that in 2001 only 5 out of 10 women were literate as against 7 out of 10 men. Though in 2011 women continued to be more deprived than men on this front, the gap between them in literacy fell from 21.6 percentage points in 2001 to 16.7 percentage points in 2011. While in 2001 there were 7 literate women for every 10 literate men, in 2011 there were 8. The gender inequality gap in literacy is being bridged as women catch up. Such analysis and assessment, illustrated in figure XVII, can be carried out using additional disaggregated information.

Fig. XVII Visualizing the three perspectives for literacy in India

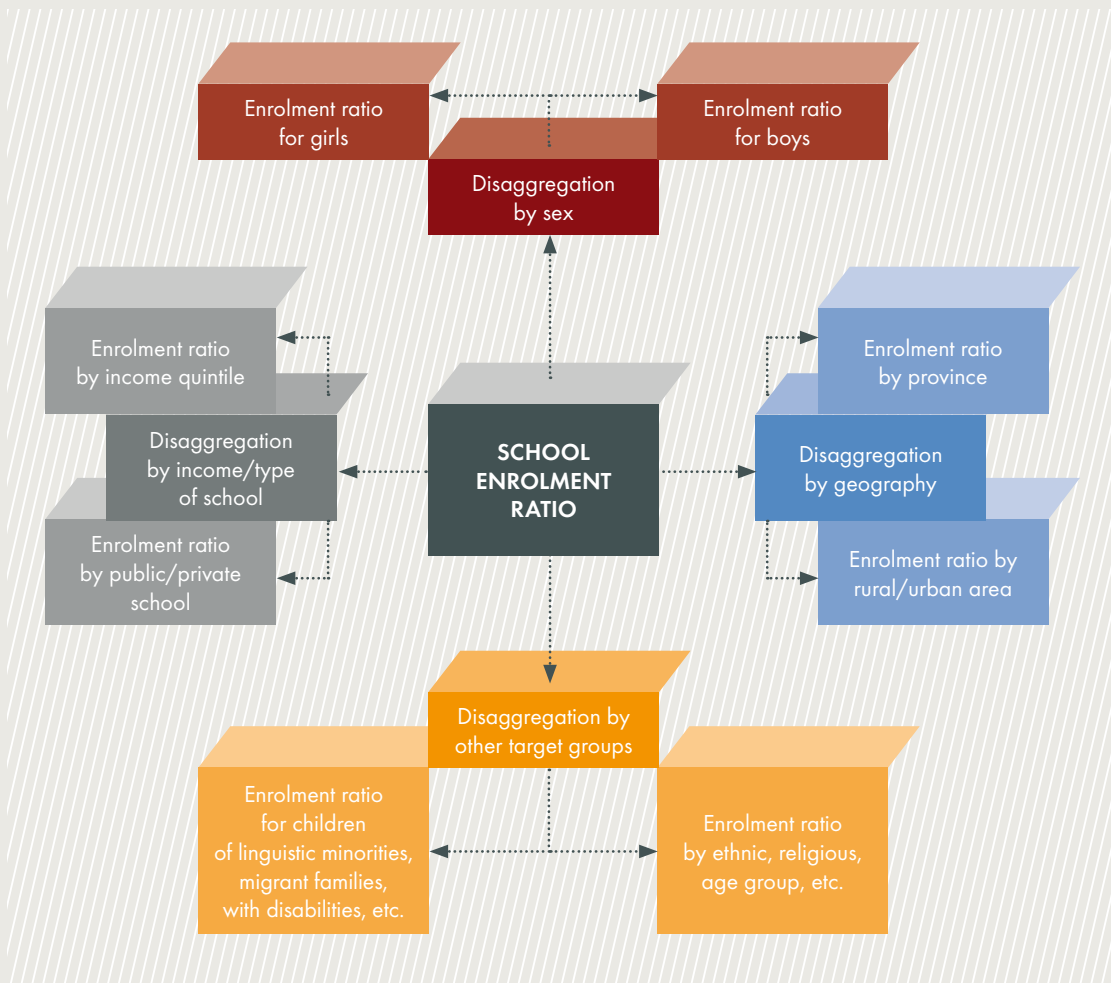


Source: Office of the Registrar General and Census Commissioner, India, Provisional population totals, Paper 1 of 2011 India Series 1 (chap. 6).

Figures XVIII and XIX provide two additional illustrations of the levels of disaggregation and data analysis that may be considered for school enrolment in assessing the realization of the right to education and the right to non-discrimination and equality. Moreover, unlike the literacy rate (outcome indicator), the indicator on school enrolment

(process indicator) would have the advantage of capturing the shorter-term impact of policy measures for improving literacy levels (through higher enrolment) or implementing the plan of action for compulsory primary education (structural indicator).²¹

Fig. XVIII Disaggregation of data for equality and discrimination analysis

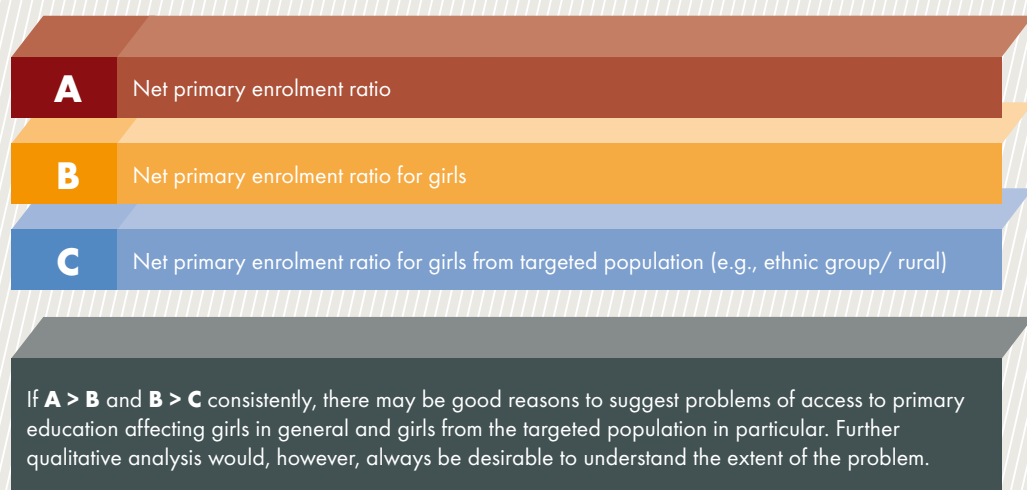


21. Statistics on literacy are usually compiled through census or survey data, i.e., costly methods implemented only every 5 or 10 years. Enrolment statistics are based on administrative records usually maintained by a ministry of education and disseminated annually.

The average, deprivation and inequalities perspectives and the related disaggregation requirement are equally relevant to the promotion and assessment of the realization of civil, cultural, economic, political or social rights. For instance, statistical indicators on the incidence of crimes or abuse, such as the proportion of women or target

population groups with specific characteristics (e.g., age, ethnicity, wealth, educational attainment) that are victims of violence would benefit from this three-pronged analysis. The same could be true for indicators on the proportion of a population group holding managerial positions in the public or private sectors.²²

Fig. XIX Using ratios to analyse access to education



In general, human rights assessment can benefit from the application of statistical analysis and benchmarking techniques to the available indicators:

Trend analysis involves comparisons of successive values of an indicator over two or more time periods. For example, one could highlight the rapid decline in a country's child mortality

rates (average perspective) while for certain ethnic groups they remain stagnant (deprivation and inequality perspectives). One could also observe the trend in budget allocations for the administration of justice not matching the State's stated position and commitment to the issue, after accounting for inflation.

22. As highlighted in chapter III, there are important challenges to disaggregation. In particular, it is important to know the proportion of the considered subpopulation (e.g., ethnic group) in the total population in order to make rigorous inferences at a global level. This underlines the importance of a census. Moreover, disaggregated data sets are smaller than the data sets from which they are extracted. Consequently, in the case of statistical samples, the *sampling error* (see Glossary of statistical terms) will be higher.

Ratio analysis involves studying the relationship between two indicators (variable quantities) measured in the same unit. For example, the ratio of girls to boys in primary education is computed as the number of girls in primary education divided by the number of boys in primary education.²³ The use of ratios is also particularly relevant to budget analysis (see sect. A 5 above). Budget data on different expenditure ratios, such as the public expenditure ratio, the social expenditure ratio or the priority expenditure ratio, could be used to draw attention to the relative importance being accorded to specific expenditure in the national or regional budgets (see fig. XX). Thus, ratios reflecting the share of public expenditure in GDP or GNI,²⁴ the share of education expenditure in the public sector expenditure, the share of primary education expenditure in education expenditure, etc. could be analysed. Suitable benchmarks, such as targeting education expenditure at 6 per cent of GNI or 50 per cent of social sector expenditure on primary education, could be derived to improve policy advocacy. These ratios could be further differentiated and analysed for the budgeted amounts as opposed to the actual spending. In addition, a Government's revenue mobilization efforts, as reflected in the budget, could also be subjected to ratio and trend analysis. This would entail, for example, an analysis of the tax ratio (tax revenue as a proportion of GNI); the extent to which revenue mobilization is progressive (predominant source of funding being direct taxes as against indirect taxes,

which affect the poor disproportionately); and the extent to which fiscal balance affects intergenerational equity (running large and persistent deficits creating an undue burden on future generations).

Advanced statistical and econometric analysis to identify determinants and causal agents of social outcomes, levels of discrimination, simulation of policy scenarios and their implications for budgets. Quantitative indicators corresponding to identified human rights concerns could be subjected to statistical and econometric analyses to highlight human rights gaps in the budget and its policy framework. Moreover, simulations for different policy variants could be undertaken to make a case for alternative measures that address human rights concerns more directly.²⁵

Making use of available statistical information is relevant to monitoring both economic, social and cultural rights, as well as civil and political rights. Although more efforts are made to use statistics to monitor State obligations related to economic, social and cultural rights, in particular "progressive realization", "use of maximum available resources" (budget indicators and analysis) and "minimum living standards" (definition of national poverty lines), the improved availability of statistical information on violence and security, participation in public affairs (e.g., elections and public appointments), access to justice (e.g., legal aid) and law enforcement can enrich the analysis and assessment of civil and political rights.

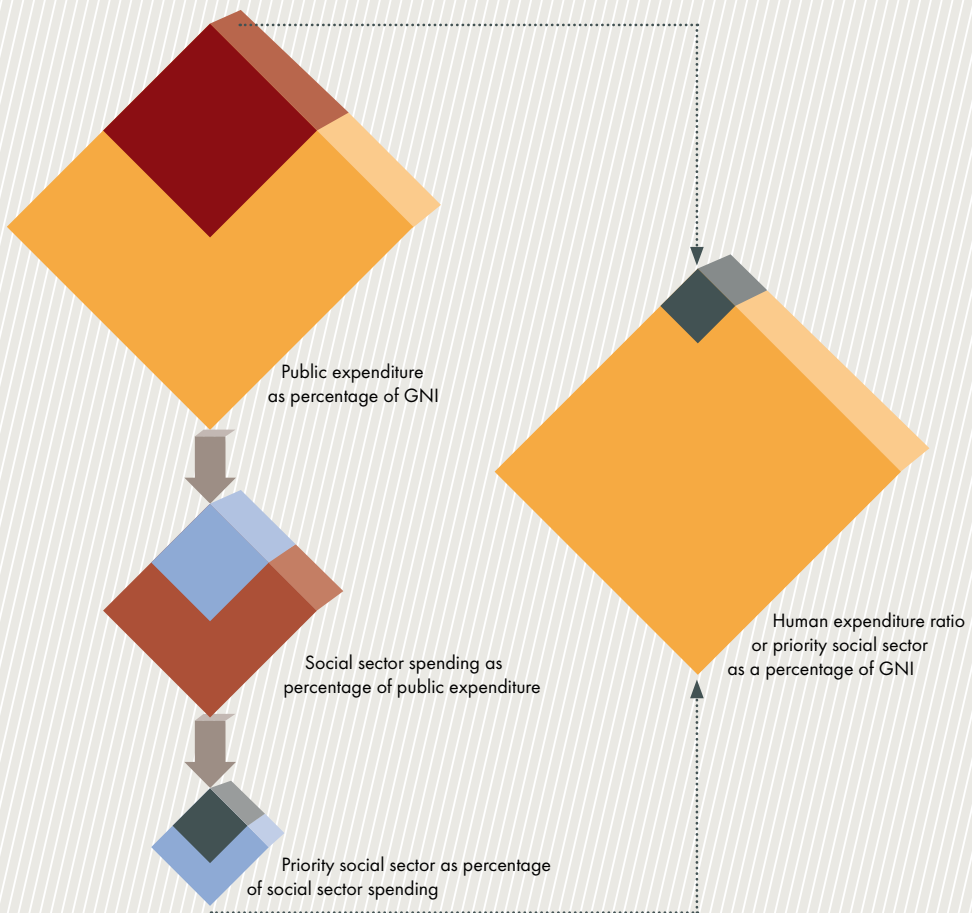
23. It is important to keep in mind that any change over time in the value of the ratio may be due to changes either in the numerator or the denominator, or both (see Glossary of statistical terms).

24. Gross domestic product (GDP) is an aggregate measure of production equal to the sum of the gross values added of all resident producers in a country plus any product taxes (less subsidies) not included in the valuation of output. GDP (per capita) is often used as a proxy for the overall economic wealth of a country. In assessing the capacity of a State to mobilize and make use of its maximum available resources (see International Covenant on Economic, Social and Cultural Rights, art. 2 (1)), the gross national income (GNI) may be a preferred indicator. GNI is GDP less net taxes on production and imports, less compensation of employees and property income payable to the rest of the world plus the corresponding items receivable from the rest of the world. GNI is identical to the gross national product previously used in national accounts.

25. See the Index of Social and Economic Rights Fulfillment available from www.serfindex.org; and Patrick Nolan Guyer and others, "Measuring the progressive realization of economic and social human rights in Brazil: A disaggregated economic and social rights fulfillment index", Economic Rights Working Papers, No. 10 (University of Connecticut, Human Rights Institute, 2009).

Fig. XX

Ratio analysis for prioritizing budget spending



Source: *Human Development Report 2000*, p. 97.

C. Setting up human rights monitoring systems

Human rights monitoring is not divorced from other monitoring mechanisms such as those applied by any international, national or subnational administrative agency; monitoring, for instance, agricultural production and food security, human development, administration of justice, or even project-level development outputs and impact. A human rights monitoring system builds on existing monitoring systems by bringing in the human rights perspective through recognition of the stakeholders—the rights holders and the duty bearers—and the kind of information relevant to them in implementing and enjoying human rights. This necessitates a certain institutional arrangement for the collection and analysis of information and a focus on specific data that embody and reflect the realization of human rights.

A good monitoring system requires a clear distinction to be made between institutions with administrative responsibility for implementing programmes and providing information on them, and institutions responsible for monitoring progress in the implementation of the programmes. This distinction between the generator of data and their use by a monitoring mechanism is particularly important for human rights assessments, because the inherent conflict of interest between the two roles could seriously compromise the accountability of the duty bearers and the credibility of the process.

Human rights monitoring requires a focus on data related to attainments and enjoyment of rights

for the most vulnerable and the marginalized population groups. This is not in conflict with the universality and inalienable nature of human rights. A shift in focus from national or regional averages to vulnerable groups, ideally going down to the level of an individual, makes it possible to assess the extent of discrimination or lack of equality or even violation of rights of that individual, which is a principal concern in monitoring the realization of human rights. Moreover, the state of well-being of a vulnerable and marginalized individual or population group can in itself be an indicator of the overall well-being and enjoyment of human rights for the entire population.²⁶

This, however, does not mean that human rights monitoring is only about disaggregated information. As highlighted in this *Guide*, human rights monitoring requires an appropriate set of indicators anchored in human rights standards, based on population averages and on information pertaining to individual cases, as tools to facilitate a credible assessment of human rights implementation (see chap. II).

Recognizing and incorporating these elements in monitoring systems strengthens them and makes them more appropriate for human rights measurement and implementation. In setting up rights-based monitoring and indicator systems at the country level, or strengthening existing mechanisms to promote and monitor the implementation of human rights, one can identify, among others, the following steps.

26. See the discussion on statistical averages vis-à-vis information on individual cases in chap. I.

Fig. XXI Monitoring human rights at country level - a reality check

ASPECT	BEST PRACTICE	INADEQUATE RESPONSE
Political commitment	Senior political sponsorship or democratic regime, well-defined human rights responsibilities	Reluctant or undemocratic regime, human rights insensitive, dispersed responsibilities
Ministries and administrative organizations	Clear mandate and comprehensive coverage of issues, aware of human rights obligations, well organized to collect and disseminate data	Overlapping or diffused mandates, human rights insensitive or ignorant, weak capacity or irregular data collection and dissemination
National human rights institution (NHRI)	Independent, organized, receives adequate funding, accessible, well-developed human rights plan, and capacity for monitoring and analysis	Weak, ill-resourced or non-existent; inaccessible and irregular human rights plans
Institutions for context-specific vulnerable groups	Effective institutions, capacity to monitor rights, equal opportunities and well-being of vulnerable groups	Weak, ill-resourced or non-existent; inaccessible with diffused mandate and poor credibility
National statistical agency	Independent, mechanism for statistical review and dissemination, willing and equipped to collect and handle human rights information from multiple sources	Pliable, ill-resourced or sceptical of human rights concerns, erratic collection or dissemination of data
Indicators and monitoring methodology	Identified contextually relevant indicators, sound data collection methods, regular analysis / reporting	Inappropriate /imported indicators, weak data collection methods and analysis, inaccessible records
Reporting and follow-up on recommendations from United Nations human rights mechanisms	Well-appointed secretariat and consultation process, timely reporting and follow-up procedures	Ad hoc arrangements, piecemeal or non-existent consultation process, irregular or non-reporting
Stakeholder engagement and civil society organizations	Well-resourced, independent, visible civil society organizations, aware of United Nations instrumentation and practice	Weak, limited civil society, irregular or sporadic adversarial reports, ill-informed of United Nations practice
Media freedom and motivation	Independent, vigorous and sensitive media, human rights literate	Controlled or passive and pliable media, limited reach and credibility
Right to information	Enacted and uniformly enforced	Not enacted or poorly enforced

Source: With inputs from Mark Orkin, expert at OHCHR consultations and former Director General, Statistics South Africa.

STEP 1 IDENTIFICATION OF MONITORING STAKEHOLDERS

As a first step, it is necessary to identify the various institutional and non-institutional stakeholders that will be contributing to the monitoring process as information providers, as independent interpreters of the available information or as the ultimate users of that information for articulating the claims and monitoring the realization of human rights. This may involve, inter alia, the administrative agencies, including the relevant line ministries, the national human rights institution, relevant civil society organizations engaged in monitoring human rights, consumer groups, other social groups, including parliamentary committees and rights holders at large. Potentially, the process could also involve and be supported by OHCHR or other United Nations entities.

The monitoring stakeholders have to come together in a participatory process where their competencies and perspectives, based on complementarities in objectives (such as a focus on different aspects of the right) and methods of information collection (line ministries for administrative data,

statistical agency for survey-based data and NHRIs or CSOs for events-based data), contribute to the monitoring process. It is also important to identify an independent institution to take the lead in interpreting the available information from a human rights perspective and, perhaps, also lead and coordinate the other partners in the exercise. This could well be an NHRI or human rights CSO. For instance, while the public agency concerned or the ministry of agriculture and the ministry of health could be responsible for generating information on programmes implementing the right-to-food obligations of the State, some CSOs could track and collect information on cases of denial or abuse of rights, and an NHRI, or an appropriate CSO, could interpret the relevant data. Institutions would have distinct but complementary roles to play in monitoring human rights implementation. Moreover, the approach to identifying institutions and their responsibilities and to collecting information must adhere to cross-cutting human rights norms of participation, transparency and accountability (see chap. III).

STEP 2 FACILITATION OF COUNTRY-OWNED MONITORING MECHANISMS

As a second step, it is necessary to bring together the different local stakeholders to monitor the human rights concerned. The process must be country-owned and sufficiently decentralized, as well as inclusive for the different stakeholders to reflect their concerns. Only in such a case can the

information used for monitoring human rights be empowering and contribute to the realization of people's rights. Such a group of stakeholders could be led by an independent institution (e.g., NHRI or appropriate human rights CSO) as indicated in step 1.

STEP 3 IDENTIFICATION OF MAJOR VULNERABLE GROUPS

It would be desirable to assess in each country the major vulnerable and marginalized groups by population segment and by region. It is possible that different population segments could be identified as being vulnerable depending on different attributes of a human right. For instance, considering the right to food, in some cases children could be more vulnerable to a lack of food safety and consumer protection (e.g., existence of dangerous toxins in children's food products), whereas indigenous peoples may be more likely to suffer from food availability and accessibility issues when they lose the possibility of

hunting, fishing or cultivating their ancestral lands. The process of identifying the vulnerable groups using appropriate criteria also has to be consistent with recommendations from international and national human rights mechanisms. It also has to be based on cross-cutting human rights norms of participation and transparency and, if required, allow for potential self-identification by individuals or groups (see chap. III, sect. A). This would yield the focus group for human rights monitoring and, at the same time, help in assessing the disaggregation requirement of the identified indicators.

STEP 4 FOCUS ON NON-DISCRIMINATION AND ACCESSIBILITY

To monitor human rights, special attention must be given to indicators that capture the extent to which the discrimination of individuals and population groups influences the level of realization of their human rights. Consequently, the notion of "accessibility" as against mere "availability" has a particular importance in the human rights monitoring framework.²⁷ It is not sufficient, for instance, to ensure the availability of such commodities and services that correspond to the

realization of human rights; it is equally important to ensure that they are accessible to all individuals in keeping with the human rights principles of non-discrimination and equality. Accordingly, it is important to identify relevant information on discrimination and tailor the data-generating mechanisms so that they collect, compile and present such information as appropriate indicators.

27. The notion of accessibility has dimensions such as physical, economic and non-discriminatory access that may have to be monitored.

STEP 5 CAPACITY-BUILDING FOR DATA COLLECTION AND DISAGGREGATION

A human rights monitoring system, like other monitoring systems, requires a certain institutional capacity and appropriate methodologies for the collection and analysis of data. For human rights monitoring, data could be based on multiple sources and data collection methods, which are used in a complementary manner. This could include events-based data; socioeconomic and administrative statistics (administrative data, statistical surveys and census); perception and opinion surveys and data based on expert judgements (see chap. III). Each of these

sources may require specific methodologies to collect and analyse information. Moreover, it would be necessary to have data by sex, major population age group, region (including rural and urban), disability and where possible in relation to other demographic groups, including racial, ethnic or religious groups, minorities, refugees, internally displaced persons and migrants. When setting up human rights monitoring systems it is necessary to assess the gaps in the available capacity to provide relevant data and identify the means to address them.

STEP 6 REPORTING PERIODICITY, PUBLICATION, PUBLIC ACCESS TO INFORMATION AND FOLLOW-UP

Given that the realization of human rights is not a one-time event, both the protection and the promotion of human rights have to be continuously pursued. It is, therefore, necessary to have data to monitor the human right concerned on a continuing basis, at different times, ideally as an appropriate time series of observations. This would facilitate the monitoring of the incidence of human rights violations over time, the progressive realization and implementation and the follow-up to recommendations from international and national human rights mechanisms.

Human rights monitoring also requires access by all stakeholders, in particular the rights holders, to information on the realization of the right. This necessitates a framework with a schedule of

publication and dissemination of relevant information. As a follow-up to the monitoring process, there has to be a well-appointed process, involving the legislature, the media and other oversight agencies that use the available information as an advocacy tool, to raise awareness on entitlements and duties, to better articulate claims by rights holders and to provide a more sensitive policy response in the discharge of obligations by duty bearers.

Unlike the advocacy phase, success in furthering the implementation of human rights requires a strategy that encourages ownership of the process to implement human rights by the local stakeholders; identification and customization of a set of tools that are contextually meaningful, without compromis-

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ing in any way the inherent universality of human rights standards; and a process that builds certain institutions and requisite capacity (e.g., NHRIs, statistical agencies for data collection, compilation

and standardization) to objectively monitor the implementation of human rights obligations by the duty bearers.

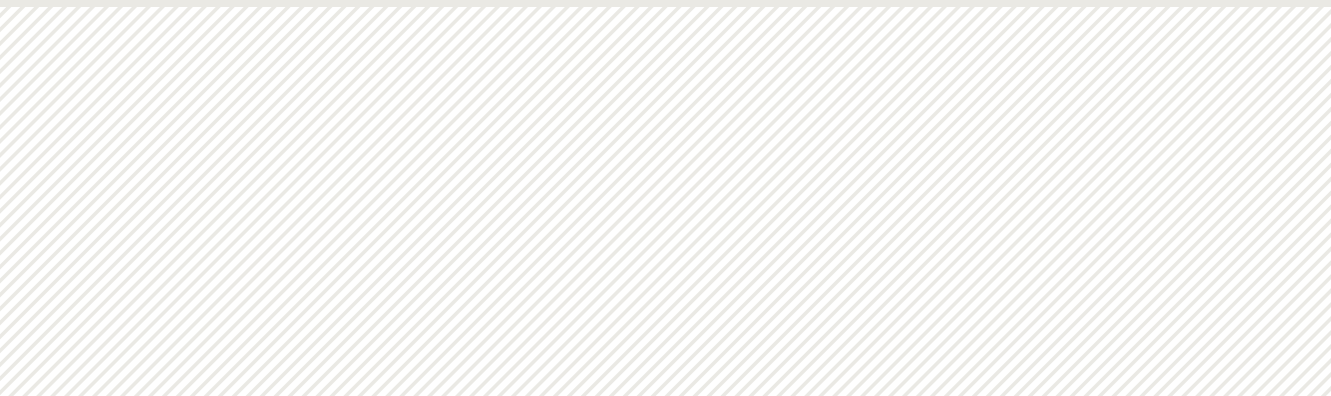
Further reading material

United Nations and other international organizations:

-  Office of the United Nations High Commissioner for Human Rights, Universal Human Rights Index. Available from www.universalhumanrightsindex.org.
-  Office of the United Nations High Commissioner for Human Rights, universal periodic review documentation. Available from www.ohchr.org/en/hrbodies/upr/pages/Documentation.aspx (accessed 20 June 2012).
-  Office of the United Nations High Commissioner for Human Rights, *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, forthcoming); and training package on human rights in budget monitoring, analysis and advocacy (2011). (Internal, available upon request.)
-  Food and Agriculture Organization of the United Nations, *Budget work to advance the right to food* (Rome, 2009).
-  United Nations Development Programme, governance assessment portal: www.gaportal.org.
-  *The United Nations Rule of Law Indicators: Implementation Guide and Project Tools* (United Nations publication, Sales No. E.11.I.13).
-  Siobhán McNerney-Lankford and Hans-Otto Sano, *Human Rights Indicators in Development – An Introduction* (Washington, D.C., World Bank, 2010).

Government and civil society:

-  Handisam, Swedish Agency for Disability Policy Co-ordination, "National human rights indicators – small windows onto a wider context", Handisam Series (2011). Available from www.handisam.se.
-  Patrick Ball, *Who Did What to Whom? Planning and Implementing a Large Scale Human Rights Data Project* (Washington, D.C., American Association for the Advancement of Science, 1996). Available from <http://shr.aaas.org/Ball/contents.html> (accessed 20 June 2012).
-  Center for Economic and Social Rights, *Country Factsheets*. Available from www.cesr.org.



ANNEX I

Metadata sheets on selected indicators

INDICATOR 1

Status of ratification of the 18 international human rights treaties and optional protocols

Definition

The indicator refers to the expression by the State of its consent to be bound by a human rights treaty under international law. A “State party” to a treaty is a State that has expressed its consent, by an act of ratification, accession or succession, and where the treaty has entered into force (or a State about to become a party after formal reception by the United Nations Secretariat of the State’s decision to be a party). A “signatory” to a treaty is a State that provided a preliminary endorsement of the instrument and its intent to examine the treaty domestically and consider ratifying it. “No action” means that a State did not express its consent.

Rationale

When a State ratifies one of the international human rights treaties, it assumes a legal obligation to implement the rights recognized in that treaty. Through ratification, States undertake to put in place domestic measures and legislation compatible with their treaty obligations. The State also commits to submitting regular reports on how the rights are being implemented to the monitoring committee set up under that treaty. Most of the committees can, under certain conditions, receive petitions from individuals who claim that their rights under the treaties have been violated. The State party must have recognized the competence of the committee to consider such complaints from individuals either by becoming a party to an optional protocol or by making a declaration to that effect under a specific article of the treaty. This indicator is a *structural indicator* in the OHCHR methodology for human rights indicators (HRI/MC/2008/3).

Method of computation

A value of 1 is assigned to a “State party” (or a State about to become a party after formal reception by the United Nations Secretariat of the State’s decision to be a party) and 0 otherwise. The provisions under the treaty determine the moment of its entry into force.

Data collection and source

The indicator is produced by OHCHR based on data obtained from and regularly updated by the United Nations Office of Legal Affairs, which has the mission to, inter alia, register and publish treaties, and to perform the depositary functions of the Secretary-General (<http://untreaty.un.org/ola/>).

Periodicity

The indicator is updated by OHCHR every six months.

Disaggregation

Not applicable.

Comments and limitations

The Universal Declaration of Human Rights (1948) recognizes civil, cultural, economic, political and social rights. In transforming the provisions of the Declaration into legally binding obligations, the United Nations adopted in 1966 the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination in 1965; the first Optional Protocol to the International Covenant on Civil and Political Rights in 1966; the Convention on the Elimination of All Forms of Discrimination against Women in 1979; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1984; the Convention on the Rights of the Child and the Second Optional Protocol

to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, in 1989; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 1999; the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography in 2000; the Optional Protocol to the Convention against Torture in 2002; the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance in 2006; the Optional Protocol to the Covenant on Economic, Social and Cultural Rights in 2008; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2011.

A State that has signed a treaty has not expressed its consent to be bound by it. Signature is a means of authentication and expresses the willingness of the signatory State to continue the treaty-making process. The signature qualifies the signatory State to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty (see Vienna Convention on the Law of Treaties, 1969).

The indicator provides information on the acceptance by a State of international human rights standards and its intention or commitment to undertake steps to realize human rights in conformity with the provisions of the relevant instruments (*structural indicator*). It does not, however, capture actual implementation (*process indicator*) or its results (*outcome indicator*).

The indicator does not reflect possible “reservations” entered by a State on a treaty. State parties can enter “reservations” on a treaty. A reservation is a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that State. A reservation enables a State to accept a multilateral treaty as a whole by giving it the possibility not to apply certain provisions with which it does not want to comply. Reservations can be made when the treaty is signed, ratified, accepted, approved or acceded to. Although an “ideal” indicator on the status of international human rights treaties should include different weights for different reservations, establishing objective criteria to obtain a weighting scheme may be technically difficult. Reservations should not be incompatible with the object and the purpose of the treaty (see Vienna Convention on the Law of Treaties).

The Human Rights Council also adopted the human rights voluntary goals (resolution 9/12) to promote the realization of the Universal Declaration of Human Rights. One goal is the universal ratification of the core international human rights instruments and dedication of all efforts towards the realization of the international human rights obligations of States.

INDICATOR 2

Time frame and coverage of national policy on sexual and reproductive health

[e.g., table on the right to enjoyment of the highest attainable standard of physical and mental health]

Definition

The indicator refers to the date of adoption or the period for which the national policy statement on sexual and reproductive health has been put into effect. The indicator also captures the population coverage or the geographic or administrative scope of the policy statement, such as in countries where there is a division of responsibilities between the national Government and the subnational / local governments.

Rationale

A national policy statement on a subject is an instrument that is expected to outline a Government’s objectives, policy framework, strategy and/or a concrete plan of action to address issues under that subject. While providing an indication of the Government’s commitment to addressing the subject concerned, it may also provide relevant benchmarks for holding the Government

accountable for its acts of commission or omission. Moreover, a policy statement is a means of translating the human rights obligations of a State party into an implementable programme of action that helps in the realization of the human rights. The indicator is a *structural indicator* that captures the “commitment” of a State to implementing its human rights obligations in respect of the “sexual and reproductive health” attribute of the right to health.

Method of computation

The indicator is computed separately for the time frame or period of application and the coverage or the geographic or administrative scope of the policy. The time frame is the date of adoption (e.g., 1 January 2012) of the policy statement by a country or the period during which the policy should be implemented (e.g., 1 January 2012 – 1 January 2016). Coverage is computed as a proportion of subnational administrative units or population covered under the national policy.

Data collection and source

The main source of data is national and subnational administrative records.

Periodicity

The indicator database can be normally reviewed and accessed continually.

Disaggregation

While disaggregation of information on the indicator is not conceptually feasible, a national policy may focus on specific areas, regions or population groups, in which case it may be desirable to highlight it.

Comments and limitations

The indicator provides information on a State’s commitment to taking steps, outlining its policy framework and programme of action, to realize human rights in conformity with the provisions of relevant human rights standards on sexual and reproductive health. It does not, however, capture actual implementation or its results.

For many countries, the national policy on sexual and reproductive health may not be a separate policy document, but rather part of a general policy statement on health or a human rights action plan. Accordingly, a judgement call may have to be made on the extent to which sexual and reproductive health issues and the relevant human rights standards on reproductive health are reflected in the national policy on health or the human rights action plan.

In its general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12), the Committee on Economic, Social and Cultural Rights elaborates on the need to develop a comprehensive national public health strategy and plan of action to address the health concerns of the population, including reproductive health. It underlines that such a strategy should be devised *inter alia* on the basis of a participatory and transparent process, and include indicators and benchmarks relevant to monitoring the right to health. The Committee points out that “reproductive health means that women and men have the freedom to decide if and when to reproduce and the right to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice as well as the right of access to appropriate health-care services that will, for example, enable women to go safely through pregnancy and childbirth.” Similarly, the Committee on the Elimination of Discrimination against Women, in its general recommendation No. 24 (1999) on women and health, points out that access to health care, including reproductive health, is a basic right under the Convention.

Examples of provisions relevant to the right to health: Universal Declaration of Human Rights, art. 25; International Covenant on Economic, Social and Cultural Rights, arts. 10 (2) and 12; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (iv); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 28 and 43 (1) (e); Convention on the Elimination of All Forms of Discrimination against Women, arts. 12 and 14 (2) (b); and Convention on the Rights of Persons with Disabilities, art. 25.

INDICATOR 3

Date of entry into force and coverage of the right to education in the constitution or other form of superior law

[e.g., table on the right to education]

Definition

The indicator refers to the date on which provisions of the constitution or other superior laws relating to the right to education became enforceable. The indicator also captures their geographic or population coverage, such as in countries where there is a division of legal competencies between the national Government and the subnational or local governments. "Constitution or other form of superior law" refers to the system of fundamental laws that prescribes the functions and limits of government action and against which other supportive legislation is assessed for its validity. The reference to the "right to education" follows primarily the formulation used in article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights and its elaboration in general comment No. 13 (1999) of the Committee on Economic, Social and Cultural Rights. The right to education is also developed in other core international human rights treaties, such as in articles 23, 28 and 29 of the Convention on the Rights of the Child.

Rationale

Inclusion of the right to education in the constitution or other form of superior law reflects a certain acceptance of this right by a State and gives an indication, notably at the national level, of a State's commitment to protecting and implementing this right. When the State has enshrined a right in its constitution or other form of superior law, it also assumes a legal obligation to ensure that other legislation (national and subnational) is in conformity with and not contradictory to the right. The indicator is a *structural indicator* that captures the "commitment" of a State to implementing its human rights obligations in respect of the right to education.

Method of computation

The indicator is computed separately for the date of entry into force and the coverage or administrative scope of the law. The date of entry into force is the date on which the law or provision became enforceable. Coverage is computed as a proportion of subnational administrative units or population covered under the law. Information on the date of entry into force should be provided with a direct and accurate link to the relevant provisions.

Data collection and source

The main source of data on the indicator is the State's legal records.

Periodicity

The indicator data can be normally reviewed and accessed continually.

Disaggregation

Disaggregation of information is not applicable to this indicator, however provisions under the constitution or other superior law may refer particularly to the protection of the right to education for certain groups (e.g., minorities, indigenous people, children with disabilities, migrants or girls), in which case it may be desirable to highlight it.

Comments and limitations

This indicator provides information on the extent to which a State protects the right to education in its constitution or superior laws, demonstrating its acceptance of international human rights standards and its intention or commitment to legally protect this right. It does not, however, capture the extent to which this legal protection is implemented and upheld at other levels of the legal system, nor how broadly or narrowly the right is applied, or the degree to which it can be enforced and by whom. This indicator does not capture actual implementation or its results.

This indicator could be difficult to assess if the right to education is not explicitly articulated in the constitution or superior laws. Moreover, provision for the right to education in the constitution does not necessarily mean that the right is being protected by law (for example, further judicial interpretations may have rendered the constitutional protection meaningless). Likewise, a lack of

constitutional protection may lead one to believe that there is no recognition of the right when this may not be the case. For example, in some countries few rights are written into the constitution or superior laws and it is left to the judiciary to interpret the rights as being implied. In this instance, a mere reading of provisions may yield an inaccurate conclusion on the enforcement and coverage of the right concerned. A correct reading, in such cases, requires a detailed analysis of relevant jurisprudence/case law or administrative decisions.

Examples of provisions relevant to the right to education and this indicator: Universal Declaration of Human Rights, art. 26; International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (v); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 30 and 43 (1) (a)–(c); Convention on the Rights of the Child, arts. 23, 28 and 29; Convention on the Elimination of All Forms of Discrimination against Women, arts. 10 and 14 (2) (d); and Convention on the Rights of Persons with Disabilities, art. 24.

INDICATOR 4

Time frame and coverage of the *plan of action* adopted by State party to implement the principle of compulsory primary education free of charge for all

[e.g., table on the right to education]

Definition

The indicator refers to the time frame the State has set out in its plan of action for the implementation of universal, free and compulsory primary education. The indicator will also capture the spatial or the population coverage of the plan of action, such as in countries where there is a division of responsibilities between the national Government and the subnational governments.

Rationale

A plan of action aimed at securing the implementation of the right to compulsory primary education, free of charge, is required from all State parties to the International Covenant on Economic, Social and Cultural Rights (art. 14). Article 14 further provides that this plan of action must include a time frame, specified as a reasonable number of years, within which compulsory primary education free of charge for all will be implemented. The plan of action sets out how the State intends to secure and realize compulsory primary education free of charge for all. Providing data on the time frame set out in this plan of action provides a benchmark against which the State can be assessed. It also helps to highlight if the State is setting unrealistic or, on the contrary, lax time frames. The indicator is a *structural indicator* that captures the “commitment” of a State to implementing its human rights obligations in respect of the “universal primary education” attribute of the right to education.

Method of computation

The indicator is computed separately for the implementation time frame and the coverage of the plan of action. The time frame is the number of days/months or years specified in the plan of action as being the period required to implement compulsory primary education free of charge for all. Coverage is computed as a proportion of subnational administrative units or population covered under the national policy statement.

Data collection and source

The main source of data is the plan of action which State parties to the International Covenant on Economic, Social and Cultural Rights present to the Committee on Economic, Social and Cultural Rights.

Periodicity

The indicator data can be reviewed and accessed continually.

Disaggregation

While disaggregation is not conceptually feasible, the plan of action may focus on specific areas, geographical regions or population groups, in which case it may be desirable to highlight that.

Comments and limitations

The indicator provides information on a State's commitment to taking steps to ensure compulsory primary education free of charge for all by outlining its intentions in a plan of action. It does not, however, capture actual implementation of this plan of action or its results.

The indicator does not address the substantive coverage of the plan of action, in particular what aspects of the implementation of the principle of compulsory primary education free of charge for all are addressed in the plan of action. It will not assess whether the plan "cover[s] all of the actions which are necessary in order to secure each of the requisite component parts of the right and must be sufficiently detailed so as to ensure the comprehensive realization of the right", as set out in the Committee's general comment No. 11 (1999) on plans of action for primary education.

Article 14 of the International Covenant on Economic, Social and Cultural Rights specifies that the plan of action must be worked out and adopted within two years of the State becoming a party to the Covenant.

Examples of provisions relevant to the right to education: Universal Declaration of Human Rights, art. 26; International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (v); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 30 and 43 (1) (a)–(c); Convention on the Rights of the Child, arts. 23, 28 and 29; Convention on the Elimination of All Forms of Discrimination against Women, arts. 10 and 14 (2) (d); and Convention on the Rights of Persons with Disabilities, art. 24.

INDICATOR 5

Type of accreditation of national human rights institution by the rules of procedure of the International Coordinating Committee of National Institutions

Definition

The indicator refers to the type of accreditation that NHRIs receive in accordance with the rules of procedure of the International Coordinating Committee of National Institutions.

An NHRI is an independent administrative body set up by a State to promote and protect human rights. Compliance with the Paris Principles, which were adopted by the United Nations General Assembly in 1993 (resolution 48/134), is the basis for NHRI accreditation. The process is conducted through a peer review by the International Coordinating Committee's Sub-Committee on Accreditation. There are three types of accreditation:

A: compliant with Paris Principles

B: observer status – not fully compliant with the Paris Principles or insufficient information provided to make a determination

C: not compliant with the Paris Principles

Accreditation by the International Coordinating Committee entails a determination of whether the NHRI is compliant, both in law and in practice, with the Paris Principles, the principal source of the normative standards for NHRIs, as well as with the General Observations developed by the Sub-Committee on Accreditation. Other international standards may also be taken into account by the Sub-Committee, including the provisions related to the establishment of national mechanisms in the Optional Protocol to the Convention against Torture as well as in the Convention on the Rights of Persons with Disabilities. Likewise, the Sub-Committee looks at any NHRI-related recommendation from the international human rights mechanisms, notably the treaty bodies, the universal periodic review (UPR) and the special procedures. The effectiveness and level of engagement with international human rights systems are also considered (see <http://nhri.ohchr.org/EN/Pages/default.aspx>, accessed 2 July 2012).

Rationale

The creation and fostering of an NHRI indicates a State's commitment to promoting and protecting the human rights set out in international human rights instruments. The Paris Principles vest NHRIs with a broad mandate, competence and power to investigate, report on the national human rights situation, and publicize human rights through information and education. While NHRIs are essentially State-funded, they are to maintain independence and pluralism. When vested with quasi-judicial competence, NHRIs handle complaints and assist victims in taking their cases to courts, making them an essential component of the national human rights protection system. These fundamental functions of NHRIs and their increasing participation in the international human rights forums make them important actors in the improvement of the human rights situation. In addition, the better its accreditation classification, the more the NHRI is shown to be credible, legitimate, relevant and effective in promoting human rights nationally.

This indicator can be considered as a *structural or process* indicator. While the setting-up of an NHRI captures a "commitment" of a State to implementing its human rights obligations (*structural* indicator), its status of accreditation, which has to be reviewed periodically, will provide an indication of its continual efforts to set up independent watchdogs, key elements of a strong national human rights protection system (*process* indicator).

Method of computation

The indicator is computed as the NHRI accreditation classification, namely A, B or C.

Data collection and source

The main source of data on the indicator is the administrative records of the Sub-Committee on Accreditation. A global directory of NHRI status accreditation is available at www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx (accessed 28 June 2012).

Periodicity

The global directory of NHRI status accreditation is updated every six months, after the Sub-Committee on Accreditation submits its report. This information can be accessed at any time.

Disaggregation

While disaggregation of information is not applicable, it may be desirable to highlight the type of NHRI, whether ombudsman, human rights commission, advisory body, research-based institute, etc.

Comments and limitations

In his reports to the Human Rights Council (A/HRC/13/44) and to the General Assembly (A/65/340), the Secretary-General highlighted the value of the overall human rights work by NHRIs and stated that: "National human rights institutions compliant with the Paris Principles are key elements of a strong and effective national human rights protection system. They can help ensure the compliance of national laws and practices with international human rights norms; support Governments to ensure their implementation; monitor and address at the national level core human rights concerns such as torture, arbitrary detention, human trafficking and human rights of migrants; support the work of human rights defenders; and contribute to eradicate all forms of discrimination" (A/HRC/13/44, para. 108). He also encouraged cooperation and constructive relationships between NHRIs and Government, parliaments, civil society and other national institutions with a role to promote and protect human rights in his 2010 report to the Human Rights Council (A/HRC/16/76).

The important and constructive role of NHRIs has also been acknowledged in different United Nations instruments and resolutions, including the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights, and General Assembly resolutions 63/172 and 64/161. In addition, the creation and strengthening of NHRIs have also been encouraged. For example, in 1993 the General Assembly in its resolution 48/134 affirmed the priority that should be "accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards" while in 2008 in its resolution 63/169 it encouraged States "to consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions". The Human

Rights Council, in its resolution 5/1, also called for the effective participation of NHRIs in its institution-building package.

The indicator on NHRIs also acquires importance in the light of the human rights voluntary goals set by the Council (resolution 9/12) to promote the realization of the Universal Declaration of Human Rights. One goal is the establishment of NHRIs guided by the Paris Principles and the Vienna Declaration and Programme of Action with appropriate funding to fulfil their mandates.

United Nations human rights treaty bodies have also recognized the crucial role that NHRIs represent in the effective implementation of treaty obligations and encouraged their creation (e.g., Committee on the Elimination of Racial Discrimination, general recommendation No. 17 (1993); Committee on Economic, Social and Cultural Rights, general comment No. 10 (1998); and Committee on the Rights of the Child, general comment No. 2 (2002)). A compilation of various NHRI-related recommendations and concluding observations from the international human rights mechanisms in the United Nations is available at: <http://uhri.ohchr.org/>.

The International Coordinating Committee is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles, and provides leadership in the promotion and protection of human rights (art. 5 of its Statute). Decisions on the classification of an NHRI are based on the documents it submits, such as: (a) copy of legislation or other instrument by which it is established and empowered in its official or published format (e.g., statute, constitutional provisions and/or presidential decree); (b) outline of the organizational structure including details of staff and annual budget; (c) copy of recent published annual report; and (d) detailed statement showing how it complies with the Paris Principles. NHRIs that hold A or B status are reviewed every five years. Civil society organizations may also provide information to OHCHR on any accreditation matter.

NHRI accreditation shows that the Government supports human rights work in the country. However, the effectiveness of NHRIs should also be measured according to their ability to gain public trust and the quality of their human rights work. In this context, it would be worthwhile to look into the responses of the NHRI to the recommendations of the International Coordinating Committee. Likewise, the inputs from the NHRI while engaging with the international human rights mechanisms (e.g., submissions to the Human Rights Council, including UPR, and to the treaty bodies) represent a valuable source of information on how NHRIs carry out their mandate with reference to international human rights instruments.

This indicator also includes countries without NHRIs and countries whose NHRIs have not sought such accreditation.

INDICATOR 6

Number of communications (individual cases) transmitted by the United Nations Working Group on Enforced or Involuntary Disappearances and the proportion of these responded to effectively by the Government (clarified or closed)

[e.g., table on the right to life]

Definition

The indicator refers to the proportion of individual cases transmitted by the United Nations Working Group on Enforced or Involuntary Disappearances during the reference period, for which the clarification provided by the Government, based on its investigations and information, clearly establishes the whereabouts of the disappeared person according to the Working Group.

Rationale

Enforced disappearance violates or constitutes a grave threat to the right to life. The indicator captures to an extent the effort required of a State to respect and protect the right to life, in conformity with article 6 of the International Covenant on Civil and Political Rights and

its elaboration in general comment No. 6 (1982) of the Human Rights Committee, and the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Declaration on the Protection of All Persons from Enforced Disappearance. Any act of enforced disappearance places the persons subjected to it outside the protection of the law and inflicts severe suffering on them and their families. This indicator also reflects to a certain extent the effort of the State to guarantee the rights to a fair trial, liberty and security of person and not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. The indicator is a *process indicator* related to the “disappearance of individuals” attribute of the right to life that reflects the willingness and some of the steps required by a State in meeting its obligation to realize the right.

Method of computation

The indicator is computed as the ratio of the number of individual cases of enforced disappearance clarified by the Government to the total number of cases transmitted by the Working Group, under normal and urgent action procedures, during the reference period.

Cases of enforced disappearance reported to the Working Group, when considered admissible, are transmitted for clarification to the Government(s) concerned. Any clarification on the fate and whereabouts of disappeared persons by the Government(s) is transmitted to the source that reported the case to the Working Group. If the source does not respond within six months of the transmission of the Government’s reply, or if it contests the Government’s response on grounds that are considered unreasonable by the Working Group, the case is considered clarified and listed in the statistical summary of the Working Group’s annual report accordingly. If the source contests the Government’s information on reasonable grounds, the Government is so informed and invited to comment.

Data collection and source

The main source of data is the administrative records of the Working Group and its reports to the Human Rights Council.

Periodicity

The indicator is published annually in the report of the Working Group to the Human Rights Council.

Disaggregation

In order to be fully meaningful, the data on the indicator should be disaggregated by sex, age, date and place of enforced disappearance, indigenous and pregnancy status of the person reported as having disappeared, if applicable. The data should also be available by type of communication (urgent action or standard procedure), source of clarification (government or non-governmental sources), and status of person at date of clarification (at liberty, in detention or dead). However, the availability of disaggregated data will depend on the quality of the information reported to the Working Group.

Comments and limitations

The indicator provides information only on the initial steps taken by a State in addressing its obligation to respect and protect the rights to life, to a fair trial, liberty and security of person and not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. Enforced disappearance of a family member, especially the main breadwinner, violates the right to a family and various economic, social and cultural rights such as the right to an adequate standard of living and the right to education. Women and children are also particularly vulnerable to enforced disappearance, both directly and indirectly. When women become victims of enforced disappearance, they become particularly vulnerable to sexual and other forms of violence. They also bear serious economic hardship, which usually accompanies a disappearance. A child’s human rights are violated when a parent is lost due to enforced disappearance.

The basic source of information for this indicator is events-based data on human rights violations.

Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of enforced disappearance, if used in a casual manner to draw generalized conclusions for the country as a whole. Moreover, in most instances, the number of cases reported to the Working Group would depend on the awareness, access to information, motivation of the relatives of the disappeared person, political situation and level of organization of the civil society organizations representing the families, in the country concerned.

The Working Group deals only with clearly identified individual cases. Information reported to it should contain a minimum of elements, such as the identity of the disappeared person; the date on which the disappearance occurred (at least the month and year); the place of arrest or abduction, or where the disappeared person was last seen; the forces (State or State-supported) believed to be responsible for the disappearance; the steps taken to search for the disappeared person. Cases are accepted only with the explicit consent of the disappeared person's family and when the source is clearly identifiable (family or civil society organization representing the family). Also, the Working Group does not deal with situations of international armed conflict.

According to the Working Group and as defined in the preamble to the Declaration, enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law. When "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack", enforced disappearance is defined as a crime against humanity in article 7 (1) (i) of the Rome Statute of the International Criminal Court.

In transmitting cases of disappearance, the Working Group deals exclusively with Governments, basing itself on the principle that they must assume responsibility for any human rights violation on their territory. Thus, it does not admit cases of enforced disappearance that have been attributed to irregular or insurgent movements fighting the Government on its own territory. Nevertheless, the Working Group considers that information on all disappearances (attributable to the Government or not) is relevant when properly evaluating the situation in a particular country.

Examples of provisions relevant to the right to life and this indicator: Universal Declaration of Human Rights, art. 3; International Covenant on Civil and Political Rights, art. 6; International Covenant on Economic, Social and Cultural Rights, art. 12 (1) and (2) (a); International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; Convention on the Elimination of All Forms of Discrimination against Women, arts. 2 and 12; Convention on the Rights of the Child, art. 6; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 9; Convention on the Rights of Persons with Disabilities, art. 10; International Convention for the Protection of All Persons from Enforced Disappearance and the Declaration on the Protection of All Persons from Enforced Disappearance, art. 1 (2).

Further information on how to report a case is available at www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx (accessed 2 July 2012).

INDICATOR 7

Proportion of received complaints on the *right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment* investigated or adjudicated by the national human rights institution, human rights ombudsperson and other mechanisms, and the proportion responded to effectively by the Government in the reporting period

[e.g., table on the right not be subjected to torture or to cruel, inhuman or degrading treatment or punishment]

Definition

The indicator refers to the proportion of received individual complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment that were investigated or adjudicated by the national human rights institution, human rights ombudsperson and/or other officially recognized independent mechanisms during the reporting period. Where the mechanism transmits complaints to the Government, or communicates in respect of the complaints, the indicator includes the proportion of such transmissions or communications that have received an effective response from the Government. Useful guidance on what ought to be included in a complaint can be found on the OHCHR website, notably in the model complaint form for communications to the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women.

Where there is a communication with a Government, the indicator will require a judgement call on what constitutes an “effective” response. While an official denial without supporting evidence or investigation of the alleged facts will not meet the criterion of effectiveness, the precise application of the criterion may vary from case to case. The effectiveness of the response is best assessed by the national human rights institution, human rights ombudsperson or other mechanism in a transparent manner and may involve considerations like timeliness and completeness of the response, its adequacy in responding to specific questions or suggestions for action, as well as the effectiveness of action initiated by the Government, which may include investigation, release or changes in the treatment of a detained or imprisoned person, payment of compensation, amendment of legislation, etc.

Rationale

The indicator captures to an extent the effort required of States to respect, protect and fulfil the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, in conformity with article 7 of the International Covenant on Civil and Political Rights, the provisions of the Convention against Torture and the provisions of other international laws. State parties must ensure that individuals have access to effective remedies to vindicate their right. They should make appropriate reparation, take interim measures as necessary, as well as measures to prevent a recurrence of violations of the right, and ensure that those responsible are brought to justice (Human Rights Committee, general comment No. 31 (2004)). It is a *process indicator* that reflects the willingness of States to take steps towards the realization of the right.

Method of computation

The number of complaints is calculated as the sum of individual complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment received by all relevant independent bodies at national level. The proportion investigated or adjudicated is calculated as the ratio of the number of complaints investigated or adjudicated to the total number of complaints received during the reporting period. The proportion effectively responded to by the Government is calculated as the ratio of the number of complaints to which the Government responded effectively to the total number of complaints communicated to the Government during the reference period.

Data collection and source

The main sources of data are administrative records maintained by the national human rights institution, human rights ombudsperson and other mechanisms.

Periodicity

The information is normally compiled and published annually.

Disaggregation

To enable detection of the pattern of abuse against particular groups or in particular areas, the indicator should be disaggregated by the characteristics of the alleged victim (sex, age, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, political or other opinion, national or social origin, migrant, disability, sexual orientation, place of residence, region, profession, whether or not detained at the time of the alleged abuse).

Similarly, the indicator should be disaggregated according to whether the abuse is alleged to have been committed by a State agent, with the complicity/tolerance/acquiescence of a State agent, or by a private individual or individuals. To assess the effectiveness of investigation and adjudication procedures overall, data related to this indicator should also be disaggregated by the end result of the procedure.

Comments and limitations

The basic source of information for this indicator comes *from events-based data on human rights violations*. Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of torture or cruel, inhuman or degrading treatment or punishment, if used in a casual manner to draw generalized conclusions for the country as a whole. Moreover, in most instances, the number of cases reported to independent bodies depends on the awareness, access to information, motivation and perseverance of the alleged or potential victim, his or her family and friends, or civil society organizations in the country concerned.

The Human Rights Committee, in its general comment No. 20 (1992), states that “the right to lodge complaints against maltreatment prohibited by article 7 must be recognized in the domestic law. Complaints must be investigated promptly and impartially by competent authorities so as to make the remedy effective. The reports of States parties should provide specific information on the remedies available to victims of maltreatment and the procedure that complainants must follow, and statistics on the number of complaints and how they have been dealt with” (para. 14).

Examples of provisions relevant to the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment: Universal Declaration of Human Rights, art. 5; Convention against Torture, arts. 1 to 16; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (b); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 10 and 11; Convention on the Elimination of All Forms of Discrimination against Women, arts. 2 and 16; Convention on the Rights of Persons with Disabilities, art. 15; and Convention on the Rights of the Child, arts. 37 and 39.

Model questionnaires for complaints are available on the OHCHR website at <http://www2.ohchr.org/english/bodies/question.htm> (accessed 2 July 2012).

INDICATOR 8

Percentage of crimes reported to the police (victimization survey)

[e.g., table on the right to a fair trial]

Definition

The indicator is calculated as the percentage of persons who report being the victim of a particular crime in the past five years and who reported the last particular crime/event to the police.

Rationale

The indicator captures to a certain extent the effort required of States to respect, protect and fulfil the right to a fair trial, in conformity with articles 14 and 15 of the International Covenant on Civil and Political Rights and their elaboration in general comment No. 13 (1984). The indicator is a good summary measure of the level of awareness, and perceived effectiveness and desirability, of the available legal remedies, and the level of public trust in the police force and criminal justice system overall. As such, it reflects, in part, the public perception of the willingness of a State to realize the right to a fair trial and take the steps required to this end. It is a *process indicator* related to the “access and equality before the courts and tribunals” attribute of the right to a fair trial, the “security from crime and abuse by law enforcement officials” attribute of the right to liberty and security of person, and the “community and domestic violence” attribute of the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Method of computation

The indicator is computed as the percentage of persons who, in a population-based victimization survey, reported that they had been the victim of a particular crime in the past five years and who said that they had reported the last particular crime/event to the police.

As police reporting rates vary significantly for different criminal offences, the indicator should be disaggregated by type of crime to be clear as to its contents. One standard aggregate indicator that may be used, however, is the overall reporting rate to the police for the five types of crime: “theft from a car”, “theft of a bicycle”, “burglary”, “attempted burglary”, and “theft of personal property” (see <http://english.wodc.nl/onderzoeksdatabase/icvs-2005-survey.aspx>, accessed 2 July 2012).

Data collection and source

The main sources of data are national population-based survey results, particularly crime victimization surveys.

The United Nations Office on Drugs and Crime (UNODC) and the United Nations Economic Commission for Europe (UNECE) *Manual on Victimization Surveys* provides guidance on the conduct of crime victimization surveys, including question wording for police-reporting rates and methods of data analysis and presentation.

Periodicity

As the indicator is based on survey data, periodicity will vary depending on time between surveys. For **victimization** surveys, this period is generally between one and five years.

Disaggregation

Where the sample size is sufficiently large and structured so as to provide statistically representative results by subgroup, the indicator should be disaggregated by sex, age, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, political or other opinion, national or social origin, migrant, disability, sexual orientation, place of residence, region, administrative unit, and rural/urban, and according to type of crime.

Comments and limitations

The indicator does not provide information on process aspects of the fairness of criminal trials per se. Reporting of crime victimization is influenced by perceptions of police effectiveness and ultimate likelihood of the perpetrator being identified and brought to justice, as well as many other factors, including the perceived seriousness of the offence, insurance requirements, fear of reprisals or secondary victimization.

Survey results may be unreliable where the sample size is too small or incorrectly designed for the target population, where insensitive or inconsistent questioning methodology is used, or where surveys of the entire population are used to draw conclusions for particularly vulnerable groups. Such groups are less likely to respond to surveys, so specifically targeted surveys with special sampling methodologies are required for each vulnerable group.

Examples of references of relevance to the right to a fair trial: Universal Declaration of Human Rights, arts. 10 and 11; International Covenant on Civil and Political Rights, arts. 14 and 15; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (a); Convention on the Elimination of All Forms of Discrimination against Women, art. 2; Convention on the Rights of the Child, arts. 12 (2), 37 (d) and 40; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 16 (5)–(9) and 18; and Convention on the Rights of Persons with Disabilities, art. 13.

INDICATOR 9

Proportion of births attended by skilled health personnel

[e.g., table on the right to enjoyment of the highest attainable standard of physical and mental health]

Definition

The indicator refers to the proportion of childbirths attended by skilled health personnel trained to give necessary supervision, care and counsel to women during pregnancy, labour and the post-partum period; to conduct deliveries on their own; and to care for newborns.

Rationale

The health and the well-being of the woman and the child during and after delivery greatly depend on their access to obstetric services, the quality of these services and the actual circumstances of the delivery. All of these are influenced by the State's health policies, the public provision of health services and the regulation of private health care. Indeed, the availability of professional and skilled health personnel with adequate equipment to assist in childbirth is essential for reducing mortality—maternal as well as of the child—during and after delivery. The indicator captures efforts by the State to promote and provide professional and skilled health personnel to attend to the medical needs of pregnancy and birth. It is a *process indicator* related to the “sexual and reproductive health” attribute of the right to health.

Method of computation

The indicator is computed as the ratio of births attended by skilled health personnel (doctors, nurses or midwives) to the total number of deliveries.

Data collection and source

The main sources of data are administrative records maintained by local authorities, registration systems for population data, records of health ministries and household surveys, including Demographic and Health Surveys.

The World Health Organization (WHO) and the United Nations Population Fund (UNFPA) compile country data series based on these sources. The United Nations Children's Fund (UNICEF) also provides country data series through the implementation of its Multiple Indicator Cluster Survey (MICS).

Periodicity

In general, the indicator based on administrative records is available annually and the indicator based on household surveys every three to five years.

Disaggregation

Disaggregation of the indicator by age (at least for women under the age of 18), economic and social situation, ethnicity, minority, indigenous, colour, language, religion, national or social origin, migrant, disability, marital and family status, place of residence, region and rural/urban, is useful in assessing disparities in the availability of health services.

Comments and limitations

Skilled health personnel include only those who are properly trained and who have appropriate equipment and drugs. Traditional birth attendants, even if they have received short training, are not included.

The Committee on the Elimination of Discrimination against Women, in its general recommendation No. 24 (1999), requests States to report on the supply of “free services where necessary to ensure safe pregnancies, childbirth and post-partum periods for women. Many women are at risk of death or disability from pregnancy-related causes because they lack the funds to obtain or access the necessary services, which include antenatal, maternity and postnatal services. The Committee notes that it is the duty of States parties to ensure women’s right to safe motherhood and emergency obstetric services and they should allocate to these services the maximum extent of available resources.” The Committee on Economic, Social and Cultural Rights, in its general comment No. 5 (1994) on persons with disabilities, states that “women with disabilities also have the right to protection and support in relation to motherhood and pregnancy.”

Examples of provisions relevant to the right to health: Universal Declaration of Human Rights, art. 25; International Covenant on Economic, Social and Cultural Rights, arts. 10 (2) and 12; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (iv); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 28 and 43 (1) (e); Convention on the Elimination of All Forms of Discrimination against Women, arts. 12 and 14 (2) (b); and Convention on the Rights of Persons with Disabilities, art. 25.

This is a Millennium Development Goal indicator.

INDICATOR 10

Proportion of the targeted population covered under public nutrition supplement programmes

[e.g., table on the right to adequate food]

Definition

The indicator refers to the proportion of the targeted population (e.g., children, pregnant women, aged persons) below a minimum level of daily dietary consumption who are covered under public nutrition supplement programmes (e.g., community-based growth promotion programmes, essential nutrients action programmes, infant and young child feeding strategy, vitamin A policy, etc.) aimed at providing essential vitamins, addressing vitamin deficiency and providing micronutrients that enhance the nutritional value of food, during the specified period.

The average energy requirement is the amount of food energy needed to balance energy expenditure in order to maintain body weight, body composition and a level of necessary and desirable physical activity consistent with long-term good health. This includes the energy needed for the optimal growth and development of children, for tissue deposition during pregnancy, and for the secretion of milk during lactation consistent with the good health of mother and child. The recommended level of dietary energy intake for a population group is the mean energy requirement of the healthy, well-nourished individuals who constitute that group.

Rationale

In its general comment No. 12 (1999) on the right to adequate food, the Committee on Economic, Social and Cultural Rights observes that while the problems of hunger and malnutrition are often particularly acute in developing countries, malnutrition, undernutrition and other problems which relate to the right to adequate food, also exist in some of the most economically developed countries. Fundamentally, the roots of the problem of hunger and malnutrition are not lack of food but lack of *access* to available and adequate food, inter alia because of poverty, by large segments of the world’s population. Therefore, it requires State parties to design and provide nutrition supplement programmes for those who cannot afford or do not have access to nutritional food. Article 12 (2) of the Convention on the Elimination of All Forms of Discrimination

against Women also stipulates that States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

The indicator captures efforts by the State in promoting and providing nutrition supplement programmes and ensuring that vulnerable or undernourished population groups are adequately covered by such programmes. It is a *process indicator* related to the “nutrition” attribute of the right to adequate food. It is also relevant to the right to health (see “proportion of children covered under public nutrition supplement programmes”, a process indicator under the “child mortality and health care” attribute).

Method of computation

The indicator is computed as the ratio of the targeted population actually covered by the nutrition supplement programmes to the total targeted population.

Data collection and source

The main sources of data are national administrative records and household surveys on food consumption.

The Food and Agriculture Organization of the United Nations (FAO) provides country data series on the proportion of the population below a minimum level of daily dietary consumption.

Periodicity

In general, the indicator based on administrative records is available annually and the indicator based on household surveys every three to five years.

Disaggregation

The indicator should be disaggregated by sex, age, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, national or social origin, migrant, disability, and type of programme. Disaggregation by place of residence (region and rural/urban) is useful in assessing disparities in the nutritional intake across different regions.

Comments and limitations

WHO cites nutrition as one of the important components affecting health, well-being and even economic development. Better nutrition is related to improved infant, child and maternal health, stronger immune systems, safer pregnancy and childbirth, lower risk of non-communicable diseases (such as diabetes and cardiovascular disease), and longevity. Healthy children learn better. People with adequate nutrition are more productive and can create opportunities for gradually breaking the cycles of poverty and hunger.

The population is particularly vulnerable to diseases and health deterioration if not regularly provided with adequate nutrition intake and essential vitamins. State policies towards guaranteeing the well-being of the population shall include nutrition supplement policies, especially for undernourished and specific population groups.

The indicator provides information on steps that may have to be taken by a State in meeting its obligation to implement the right to adequate food and the right to the highest attainable standard of health of its population, specifically vulnerable, undernourished population groups. The indicator is a good measure of the process necessary to support the realization of the right to adequate food, yet it may not reflect the content and quality of nutrition supplement programmes and actual implementation of such programmes to ensure full enjoyment of this right. The indicator focuses on the undernourished population and does not reflect increasing cases of overnutrition resulting in obesity in some countries. In this case, a separate indicator to address food intake that is in excess of maximum dietary energy requirements would be desirable.

Examples of provisions relevant to the right to food: Universal Declaration of Human Rights, art. 25; International Covenant on Economic, Social and Cultural Rights, art. 11; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e); Convention on the Elimination of All Forms of Discrimination against Women, arts. 2, 12 (2) and 14 (2) (h);

Convention on the Rights of the Child, art. 27 (3); and Convention on the Rights of Persons with Disabilities, art. 28 (1).

INDICATOR 11

Ratio of pupils to teaching staff in primary and secondary, public and private, education institutions

[e.g., table on the right to education]

Definition

The ratio of pupils to teaching staff or the pupil-teacher ratio is the average number of pupils per teacher at a specific level of education in a given school year, based on headcounts of both pupils and teachers. Teachers or teaching staff include the number of persons employed full time or part time in an official capacity to guide and direct the learning experience of pupils, irrespective of their qualifications or the delivery mechanism, i.e., face to face and/or at a distance. This excludes educational personnel who have no active teaching duties (e.g., heads or principals who do not teach) and persons who work occasionally or in a voluntary capacity.

Rationale

The ratio of pupils to teaching staff is an important indicator of the resources that a country devotes to education. To a limited extent, the indicator can also be interpreted as reflecting a qualitative aspect of a country's education infrastructure. Teachers are the most important resource in an educational environment, particularly at the primary and secondary levels. The pupil-teacher ratio provides a measure of pupils' access to teachers, and thus reflects an important element of the provision that the State may have to make to meet its obligations on the realization of the right to education. This indicator is a *process indicator* related to the "curricula and educational resources" attribute of the right to education.

Method of computation

The indicator is computed by dividing the number of full-time equivalent pupils at a given level of education by the number of full-time equivalent "teachers" at that level and in similar types of institutions, in a given school year. Some data collection methods include counts of all teaching staff and, since all teaching staff include staff with administrative duties and both full- and part-time teachers, comparability may be affected as the proportion of part-time teachers may vary from one country to another.

Data collection and source

The main source of data at the country level is administrative records on school enrolments and staff maintained by the relevant public agencies.

The Institute for Statistics of the United Nations Educational, Scientific and Cultural Organization (UNESCO) compiles and provides national information on the pupil-teacher ratio for both primary and secondary education, based on data reported by national education ministries or national statistical agencies. The information is gathered through yearly questionnaires and is made available by the Institute two years after the reference year.

While information on this indicator is not currently collated on a disaggregated basis for public and private schools at the international level, it should generally be available at the national level and could be useful to report in instances where there may be significant differences in the quality of public and private education in primary and secondary schools.

Periodicity

For most countries the pupil-teacher ratio is available annually.

Disaggregation

It may be useful to disaggregate the data for teaching staff and pupils by sex, age, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, national or social origin, migrant, and disability. Beyond the disaggregation referred to in the indicator itself (primary/secondary, public/private), further disaggregation may be necessary, for instance by

region or area. A break-up for rural and urban areas is useful in assessing possible disparities across different regions.

Comments and limitations

Because of the difficulty of constructing direct measures of the quality of the education being imparted, this indicator is also used as a proxy for assessing education quality, on the assumption that a lower ratio of pupils to teaching staff means better access by pupils to teaching resources. A lower ratio would generally imply that a teacher can potentially pay more attention to individual pupils, which may, in the long run, result in a better performance of pupils. There may be situations where such a conclusion may not be true due to accountability issues and ineffective use of teaching resources. However, a very high ratio of pupils to teaching staff certainly suggests insufficient professional support for learning, particularly for pupils from disadvantaged backgrounds.

“Teaching staff” refers to professional personnel directly involved in teaching pupils. The classification includes classroom teachers; special education teachers; and other teachers who work with pupils as a whole class in a classroom, in small groups in a resource room, or one-to-one inside or outside a regular classroom. Teaching staff also include heads of departments whose duties include some amount of teaching, but it does not include non-professional personnel who support teachers in providing instruction to pupils, such as teachers’ aides and other paraprofessional personnel.

The concept of the ratio of pupils to teaching staff is different from that of class size. Although one country may have a lower ratio of pupils to teaching staff than another, this does not necessarily mean that classes are smaller in the first country or that pupils there receive more teaching inputs. The relationship between the ratio of pupils to teaching staff and average class size is influenced by factors like differences between countries in the length of the school year, the annual number of hours for which a pupil attends class, the annual time teachers are expected to spend teaching, the grouping of pupils within classes, and the practices related to team learning.

This indicator does not take into account differences in teachers’ qualifications, pedagogical training, experiences and status, teaching materials and variations in classroom conditions, factors which could affect the quality of teaching/learning.

Examples of provisions relevant to the right to education and this indicator: Universal Declaration of Human Rights, art. 26; International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (v); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 30 and 43 (1) (a)–(c); Convention on the Rights of the Child, arts. 23, 28 and 29; and Convention on the Elimination of All Forms of Discrimination against Women, arts. 10 and 14 (2) (d).

INDICATOR 12

Homicides (intentional and non-intentional),
rate per 100,000 population

[e.g., table on the right to life]

Definition

This indicator refers to police-recorded cases of intentional and non-intentional homicide per 100,000 population in one year. Intentional homicide is defined as death deliberately inflicted on a person by another person, including infanticide. Non-intentional homicide is defined as death not deliberately inflicted on a person by another person, including manslaughter and causing death by dangerous driving, but excluding non-criminally culpable road traffic deaths.

Rationale

Perpetrators of alleged homicides shall be adequately identified, judged and sentenced in accordance with national and international criminal and human rights legal standards.

The indicator captures to a certain extent the results of the efforts required of a State to respect and protect the right to life, in conformity with article 6 of the International Covenant on Civil and Political Rights and its elaboration in general comment No. 6 (1982) of the Human Rights Committee. States should take measures to prevent and punish deprivation of life by criminal acts. The indicator can be interpreted as reflecting the State party's efforts to take preventive measures against homicides (intentional and non-intentional). By reducing the number of homicides, the State is, to a certain extent, taking reasonable steps to prevent or respond to death by criminal assault and negligence. This indicator is an *outcome indicator* related to the "arbitrary deprivation of life" attribute of the right to life.

Method of computation

The indicator is calculated as the total number of homicides (intentional and non-intentional) divided by the total population and multiplied by 100,000 (homicide rate = (count/population) * 100,000).

Data collection and source

The main data collection mechanism and source are national administrative records, especially records of law enforcement agencies (police, domestic security forces, courts and prison services). Data on intentional homicide are collected through the United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems and also by UNODC in its annually updated "homicide statistics" database (see www.unodc.org/unodc/en/data-and-analysis/homicide.html, accessed 2 July 2012).

Data on homicides can also come from public health sources, such as those provided by WHO (see www.who.int/healthinfo/global_burden_disease/estimates_country/en/index.html and www.euro.who.int/en/what-we-do/data-and-evidence/databases/european-health-for-all-database-hfa-db2, both accessed 2 July 2012).

Periodicity

The indicator based on administrative records is generally available annually. The indicator based on UNODC surveys is generally available annually or biennially.

Disaggregation

To fully reflect any disparities in the reduction of homicides (intentional and non-intentional), disaggregation by type of crime, sex, age, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, political or other opinion, national or social origin, migrant, disability, sexual orientation, marital and family status, place of residence (region and rural/urban) of convicted and sentenced person, and the type of sentencing is conceptually desirable. In practice, most countries provide data disaggregated by type of crime, sex, age and region.

Comments and limitations

Homicides in national administrative records and recorded by law enforcement agencies (e.g., police, courts, prisons) may underestimate the incidence of homicide, if used casually to draw generalized conclusions for the country as a whole. Official crime statistics in general may not be accurate. For example, some crimes are not detected or known by anyone or, if known, may not be reported to the police. Some crimes, though reported, are not recorded by the police. Even crimes that are recorded may be classified or processed erroneously at different stages.

Examples of provisions relevant to the right to life: Universal Declaration of Human Rights, art. 3; International Covenant on Civil and Political Rights, art. 6; International Covenant on Economic, Social and Cultural Rights, art. 12 (2) (a); International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; Convention on the Elimination of All Forms of Discrimination against Women, arts. 2 and 12; Convention on the Rights of the Child, art. 6; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 9; and Convention on the Rights of Persons with Disabilities, art. 10.

INDICATOR 13

Reported cases of forced evictions in the reporting period

[e.g., table on the right to adequate housing]

Definition

This indicator refers to the number of reported individual cases of forced eviction during the reference period. “Forced eviction” is defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to appropriate forms of legal or other protection” (Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997)).

Rationale

The Committee has observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It has argued that forced evictions are incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights (general comment No. 7 (1997)). Moreover, given the interdependence of all human rights, forced evictions frequently violate other human rights. While manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home, and the right to the peaceful enjoyment of possessions. The indicator is an *outcome indicator* related to the “security of tenure” attribute of the right to adequate housing.

Method of computation

The indicator is computed as the number of all reported cases of forced eviction in a specific period of time.

Data collection and source

The main data source for this indicator is records maintained by NHRIs, non-governmental organizations (NGOs), administrative records of courts and other judicial bodies, and in certain instances records of administrative agencies responsible for or monitoring rehabilitation.

Periodicity

Information on the indicator should be available periodically. It is often reported annually by mechanisms monitoring security of tenure.

Disaggregation

To be meaningful, the information on this indicator should be disaggregated by sex, age (at least for children or young people under the age of 18), economic and social situation, ethnicity, minority, indigenous, colour, language, religion, political or other opinion, national or social origin, migrant, disability, sexual orientation, marital and family status, place of residence (rural/urban).

Comments and limitations

The indicator can be one good summary measure of the realization of certain essential elements of the right to adequate housing. Yet, like all indicators that are based on *events-based data on human rights violations* and depend on multiple information sources, the indicator may not be fully reliable. It may underestimate (or sometimes, though rarely, even overestimate) the incidence of forced evictions, if used casually to draw generalized conclusions for the country as a whole. Moreover, in most instances, the number of cases reported would depend on the awareness, access to information, motivation and perseverance of civil society organizations and the media in following the relevant events.

Forced evictions occur in both urban and rural areas. Beautification and renewal, preparation for mega events (such as major sports events) and other “public interests” are often used to justify forced evictions in urban areas. In rural and remote areas, forced evictions could take place because of large-scale development projects (infrastructure, dams and roads), mining, extractive and other industrial activities or land grabs.

When a forced eviction takes place, violations of a wide range of human rights may also occur

because of (i) *the absence of justification/legality for the eviction* and (ii) *the way the eviction is carried out*. Not all evictions are prohibited under human rights law. In some cases, for example when evictions are carried out to protect residents living in derelict buildings or disaster-prone areas, they may be unavoidable and even protective of human rights. Yet, even in such situations, the evictions should be carried out in line with relevant international standards.

An eviction may be ruled legal under national law but still considered illegal under international law. This could happen when national laws are not in line with international laws and do not meet international standards. Some basic principles that need to be met are: (i) valid justification for the project and no other alternatives to the eviction; (ii) consultation and participation of affected people and communities; (iii) adequate notification, due process, effective and legal recourse; (iv) prohibition of actions resulting in homelessness or deterioration of the housing and living conditions; and (v) provision of adequate relocation and/or adequate compensation before evictions are carried out.

Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including homeownership) or rights of access to property or accommodation, and their particular vulnerability to violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2 (2) and 3 of the International Covenant on Economic, Social and Cultural Rights impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

The United Nations Special Rapporteur on adequate housing has drawn up basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I). Some institutions, such as the World Bank and the Organisation for Economic Co-operation and Development (OECD) have also adopted guidelines on relocation and/or resettlement with a view to limiting the scale of forced evictions and the human suffering associated with it.

The Committee on Economic, Social and Cultural Rights also recognizes legal security of tenure under its general comment No. 4 (1991) on the right to adequate housing: “Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats”.

The following have references relevant to the indicator: Universal Declaration of Human Rights, art. 25; International Covenant on Economic, Social and Cultural Rights, art. 11; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; Convention on the Elimination of All Forms of Discrimination against Women, art. 14; Convention on the Rights of the Child, art. 27; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 43; and Convention on the Rights of Persons with Disabilities, art. 28.

INDICATOR 14

Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyers of their own choice

[e.g., table on the right to fair trial]

Definition

The indicator measures the ratio of the conviction rate of defendants who were provided with free legal representation to that of defendants who had legal counsel of their own choice for the same crime in the reporting period. Although a separate indicator could be used for the two conviction rates, a ratio of the two is more useful.

Rationale

Article 14 (3) (d) of the International Covenant on Civil and Political Rights provides that defendants should have legal assistance assigned to them, in any case where the interests of justice so require, and without payment if they do not have sufficient means to pay for it. The Human Rights Committee, in its general comment No. 32 (2007), states that “counsel provided by the competent authorities on the basis of this provision must be effective in the representation of the accused”. Furthermore, blatant incompetence by assigned counsel may entail the responsibility of the State. The indicator is an *outcome indicator* that relates to the “access to and equality before the courts” attribute of the right to a fair trial. As such, it measures the extent to which equality is achieved in practice.

Method of computation

The indicator is calculated as the ratio of the conviction rate of defendants provided with legal representation to that of defendants with a lawyer of their own choice for the same crime in the reporting period. The conviction rate is defined as the percentage of persons brought before the courts who are convicted. It is essential that this indicator should be calculated for the two groups of defendants for the *same crime*, as conviction rates can vary significantly by crime, depending on the nature of the offence and the difficulties in obtaining evidence. Key crimes that should be included are intentional homicide, robbery and burglary.

Ideally, the indicator should be calculated on a cohort basis, that is, the conviction rate percentage calculated for each group (indigent and own lawyer) should correspond to the *same persons* brought before the courts and then convicted or acquitted. However, in practice, obtaining these data can be difficult and an overall average can be used. For example, total (indigent) persons convicted by the courts for intentional homicide in one year as a percentage of total (indigent) persons brought before the courts for intentional homicide in one year (where the two groups of persons are not necessarily the same owing to, for instance, the length of the trial process).

Data collection and source

The main sources of data are court records and reports of the office of the prosecutor at the national or subnational level.

Periodicity

The data, if compiled, should be available annually.

Disaggregation

The indicator should be disaggregated by type of crime (e.g., homicide, rape, assault, robbery), stage of proceedings (first hearing or appeal), and by region or administrative unit. It should also be disaggregated by the characteristics of the defendant, in particular by sex, age (at least for children or young people under the age of 18), economic and social situation, ethnicity, minority, indigenous, colour, language, religion, political or other opinion, national or social origin, migrant, disability, sexual orientation, place of residence (rural/urban).

Comments and limitations

The indicator is a good measure of the relative competence and effectiveness of assigned lawyers, and thus of the effective implementation of the right to a fair trial regardless of the defendant’s economic status. However, particularly in regions or States with a small number of cases, the indicator should not be over-analysed; each case must be assessed on its own merits. This indicator may also be used jointly with an indicator on the nature and average length of the actual sentences received by indigent defendants with free legal representation and defendants with lawyers of their own choice.

Examples of references relevant to the right to a fair trial: Universal Declaration of Human Rights, arts. 10 and 11; International Covenant on Civil and Political Rights, arts. 14 and 15; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (a); Convention on the Elimination of All Forms of Discrimination against Women, art. 2; Convention on the Rights of the Child, arts. 12 (2), 37 (d) and 40; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 16 (5)–(9) and 18; and Convention on the Rights of Persons with Disabilities, art. 13.

INDICATOR 15 Infant mortality rate

[e.g., tables on the right to food, the right to life and the right to enjoyment of the highest attainable standard of physical and mental health]

Definition The indicator refers to infants dying before reaching the age of one year per 1000 live births during the specified period.

Rationale As a measure of child survival, the infant mortality rate is a key socioeconomic statistic for many human rights, including the right to life, the right to health and the right to adequate food. This indicator can be influenced by a wide range of economic, social, political and environmental determinants. As a consequence, it will be particularly important in monitoring the results of State parties' actions in fulfilling their obligations to create favourable and necessary conditions in which infant mortality rates are minimized. The indicator is an *outcome indicator* for the right to life, the right to health and the right to adequate food.

Method of computation

The indicator is computed as the number of deaths of infants under one year of age per 1000 live births in that year. The number of deaths is divided by the number of births and the result is multiplied by 1000.

Data collection and source

The main sources of data at the country level are national administrative records, including the vital statistic registration systems and records of statistical agencies, sample surveys, population censuses and household surveys, such as Demographic and Health Surveys.

WHO compiles aggregate country data series based on administrative and survey data. UNICEF also provides country data series in its Multiple Indicator Cluster Surveys.

Periodicity In general, the indicator based on administrative records is available annually and the indicator based on household surveys every three to five years.

Disaggregation The indicator should be disaggregated by cause of death, sex, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, national or social origin, migrant, and disability. In addition, disaggregation by place of residence (region and rural/urban) is essential in assessing disparities in the infant mortality pattern across different regions.

Comments and limitations

The infant mortality rate is considered to be a more robust estimate than the under-five mortality rate if the information is drawn from vital statistics registration covering at least 90 per cent of vital events in the population. For household surveys, infant mortality estimates are obtained directly (Demographic and Health Surveys) or indirectly (Multiple Indicator Cluster Surveys). When estimated indirectly, the under-one mortality estimates must be consistent with the under-five mortality estimates.

Girls have a survival advantage over boys during the first year of life, largely based on biological differences. This is especially so during the first month of life when perinatal conditions are most likely to be the cause or a contributing cause of death. While infant mortality is generally higher for boys than for girls, in some countries girls' biological advantage is outweighed by gender-based discrimination. However, under-five mortality better captures the effect of gender discrimination than infant mortality, as nutrition and medical interventions are more important after age one.

In its general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights interprets that "the provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child' (art. 12 (2) (a)) may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and postnatal

care, emergency obstetric services and access to information, as well as to resources necessary to act on that information.”

In its general comment No. 6 (1982) on the right to life, the Human Rights Committee noted that the right to life has been too often narrowly interpreted. The expression “inherent right to life” cannot properly be understood in a restrictive manner, and the protection of this right requires States to adopt positive measures. In this connection, the Committee considered that it would be desirable for State parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially measures to eliminate malnutrition and epidemics.

Administrative and household survey data may underestimate infant mortality. It is also important that the main causes of mortality should be carefully investigated to ascertain the extent to which poor health-care services, poor health conditions of infants and health problems of their mothers and/or some other extraneous reasons that are difficult to anticipate caused the death so that policy measures may be suitably formulated to address the problem.

Examples of references relevant to this indicator: Universal Declaration of Human Rights, arts. 3 and 25; International Covenant on Economic, Social and Cultural Rights, arts. 10 and 12; International Covenant on Civil and Political Rights, art. 6; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; Convention on the Elimination of All Forms of Discrimination against Women, arts. 2, 12 and 14; Convention on the Rights of the Child, arts. 6, 24 and 27; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 9, 28 and 43; and Convention on the Rights of Persons with Disabilities, arts. 10, 25 and 28.

This is a Millennium Development Goal indicator.

INDICATOR 16

Number of homeless persons per 100,000 population

[e.g., table on the right to adequate housing]

Definition

This indicator refers to the number of homeless persons per 100,000 population for the reporting period.

According to the United Nations Statistical Division, there are two broad categories of homelessness:

(a) Primary homelessness (or rooflessness). This category includes persons living on the streets or without shelter or living quarters;

(b) Secondary homelessness. This category may include persons with no place of usual residence who move frequently between various types of accommodation (including dwellings, shelters or other living quarters) and those usually resident in long-term “transitional” shelters or similar arrangements for the homeless. This category also includes persons living in private dwellings but reporting “no usual address” on their census form. (See *Principles and Recommendations for Population and Housing Censuses*, Revision 2 (United Nations publication, Sales No. E.07.XVII.8).

Rationale

Homelessness is often a symptom and cause of poverty and social exclusion. It is prima facie a violation of article 11 (1) of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to an adequate standard of living, including housing, and to the continuous improvement of living conditions. Homelessness can also lead to other human rights violations, arising from the homeless person’s consequent vulnerability and lack of security of person. For example, as the Committee on Economic, Social, and Cultural Rights notes, in its general comment No. 7 (1997), women face “particular vulnerability to acts of violence and sexual abuse when they are rendered homeless”. Persons who are rendered homeless are often unable to exercise their rights to vote and to access basic services. The indicator captures to a

certain extent the degree to which the State has maintained affordable housing and, thus, made housing accessible. It is an *outcome indicator* related to the “housing affordability” attribute of the right to adequate housing.

Method of computation

The indicator is computed as the total number of homeless persons to the total population multiplied by 100,000.

Data collection and source

The main source of data for this indicator is administrative records of the State (registers) and homeless services (e.g., transitional shelters, health and social security agencies). Data can also be gathered from population censuses and household surveys at the national and subnational levels.

Periodicity

In general, data from administrative records are available annually. Population censuses are often conducted every five to ten years, while household surveys are usually conducted every three to five years.

Disaggregation

The indicator should be disaggregated by sex, age, economic and social situation, ethnicity, minority, indigenous, colour, language, religion, political or other opinion, national or social origin, migrant, disability, sexual orientation, marital and family status. In addition, disaggregation of the indicator by place of residence (region and rural/urban) is useful in assessing disparities in access to housing.

Comments and limitations

Homelessness is often a root cause and an effect of complex social and economic problems. Homelessness can be caused by diverse and multifaceted factors, including a lack of affordable housing, speculation in housing and land for investment purposes, privatization of civic services, ethnic and armed conflict, and rapid ill-planned urbanization. It is also linked to landlessness in some settings, and there is a growing tendency to criminalize the homeless and increasing violence towards them (see E/CN.4/2005/48).

The Committee on Economic, Social, and Cultural Rights, in its general comment No. 4 (1991), specifies that States have the obligation to effectively monitor the situation with respect to housing, “‘provide detailed information about those groups within [...] society that are vulnerable and disadvantaged with regard to housing.’ They include, in particular, homeless persons and families, those inadequately housed and without ready access to basic amenities, those living in ‘illegal’ settlements, those subject to forced evictions and low-income groups”.

The lack of secure tenure and forced evictions are conditions that could lead to homelessness. The Committee’s general comment No. 7 (1997) provides that “evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights”.

There are several definitions of homelessness, ranging from a narrow one that covers only rooflessness and houselessness to a broader one that classifies persons who are homeless according to their living or “home” situation. The Special Rapporteur to adequate housing recommends a broader definition of homelessness, since a narrow definition is inadequate and does not recognize that an element of social exclusion is part of the experience of the homeless (see E/CN.4/2005/48).

The Australian Bureau of Statistics identifies three categories of homelessness: “primary” homelessness refers to people without conventional accommodation; “secondary” homelessness refers to those moving frequently from one form of temporary shelter to another; and “tertiary” homelessness refers to people who live medium to long term in boarding houses. An additional category is constituted by people in housing situations close to the minimum standards (e.g., in caravans) (A/HRC/4/18/Add.2).

The European Federation of National Organisations working with the Homeless (FEANTSA) developed a typology of homelessness and housing exclusion called ETHOS. Its definition covers four categories: *rooflessness*; *houselessness*; *insecure housing*; and *inadequate housing*. Thus, people living in insecure accommodation (e.g., temporarily with family/friends, illegal occupation of land, no legal (sub)tenancy), or under threat of eviction and violence, in temporary/non-conventional structures in unfit housing or in extreme overcrowding are also included in the definition. (See www.feantsa.org/code/en/pg.asp?Page=484, accessed 2 July 2012).

Eurostat also proposed a working definition of housing deprivation (including homelessness) comprising primary and secondary homelessness. Secondary homelessness includes persons living in non-temporary arrangements of shelter provided by a public body or NGO, without a tenancy agreement for lack of a home of their own (e.g., dormitory, room or studio in a communal facility, hotel or guest house, accommodation temporarily provided by friends or relatives). (See http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-CC-04-008/EN/KS-CC-04-008-EN.PDF, accessed 2 July 2012).

Examples of provisions relevant to the right to adequate housing: Universal Declaration of Human Rights, art. 25; International Covenant on Economic, Social and Cultural Rights, art. 11 (1); International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (iii); Convention on the Elimination of All Forms of Discrimination against Women, art. 14 (2) (h); Convention on the Rights of the Child, art. 27 (3); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 43 (1); and Convention on the Rights of Persons with Disabilities, art. 28 (1) and (2) (d).

ANNEX II

Databases of United Nations and other international organizations on human rights issues and population groups

International organization or programme and its statistical database

Main population group and examples of related human rights

➤ WomenWatch, United Nations Inter-Agency Network on Women and Gender Equality (www.un.org/womenwatch/directory/statistics_and_indicators_60.htm)	Women
➤ United Nations Children's Fund (UNICEF), Statistics and Monitoring (www.unicef.org/statistics) ➤ Childinfo (www.childinfo.org)	Children
➤ United Nations Department of Economics and Social Affairs (DESA), Ageing Data and Statistics (http://social.un.org/index/Ageing/DataonOlderPersons.aspx)	Older persons
➤ United Nations High Commissioner for Refugees (UNHCR), Statistics and Operational Data (www.unhcr.org/pages/49c3646c4d6.html)	Refugees
➤ United Nations Interregional Crime and Justice Research Institute (UNICRI) (www.unicri.it) ➤ United Nations Office on Drugs and Crime (UNODC) (www.unodc.org/unodc/en/data-and-analysis) ➤ International Crime Victims Survey (http://rechten.uvt.nl/icvs) ➤ United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems (www.uncjin.org/Statistics/WCTS/wcts) ➤ Council of Europe Annual Penal Statistics (SPACE I and II) (http://www3.unil.ch/wpmpu/space)	Rights to life, physical and moral integrity, liberty and security of person, and rights in the administration of justice
➤ Inter-Parliamentary Union (IPU) PARLINE Database on National Parliaments (www.ipu.org/parline-e/parlinesearch.asp) ➤ Women in National Parliaments (www.ipu.org/wmn-e/world)	Right to participate in public affairs
➤ United Nations Population Division/DESA (www.un.org/esa/population/unpop.htm) ➤ United Nations Population Fund (www.unfpa.org/public/datafordevelopment/statistics)	Rights related to name, identity, nationality and to be registered
➤ International Labour Organization (ILO), Department of Statistics (www.ilo.org/stat) ➤ LABORSTA Internet (http://laborsta.ilo.org) ➤ ILO Statistics and Databases (www.ilo.org/global/statistics-and-databases)	Rights to work, to just and favourable conditions of work, and social security; trade union rights

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International organization or programme and its statistical database

Main population group and examples of related human rights

▶ United Nations Educational, Scientific and Cultural Organization UNESCO Institute for Statistics (www.uis.unesco.org)	Rights to education, to the benefits of science and intellectual property, and cultural rights
▶ World Health Organization Statistical Information Systems (WHOSIS) (www.who.int/whosis)	Right to the highest attainable standard of physical and mental health
▶ Joint United Nations Programme for HIV/AIDS (UNAIDS) (www.unaids.org/en/dataanalysis)	Persons with HIV/AIDS
▶ Statistics Division of the Food and Agriculture Organization of the United Nations (FAOSTAT) (http://faostat.fao.org) ▶ Overview of FAO databases (www.fao.org/corp/statistics)	Right to adequate food
▶ United Nations Human Settlements Programme Urban Indicators (www.unhabitat.org/stats)	Right to adequate housing

Additional databases of United Nations and other international organizations

Organization	Database
United Nations Statistics Division (UNSD) (http://unstats.un.org)	United Nations Data (http://data.un.org) DISTAT, United Nations Disability Statistics Database (http://unstats.un.org/unsd/demographic/sconcerns/disability) Millennium Development Goals Indicators (http://mdgs.un.org/unsd/mdg) Environment Statistics (http://unstats.un.org/unsd/environment) Other Statistical Products and Databases (http://unstats.un.org/unsd/demographic/products)
World Bank (http://data.worldbank.org)	World Development Indicators (http://data.worldbank.org/indicator) Living Standards Measurement Survey, Education Statistics (EdStats), Gender Statistics (GenderStats) (http://econ.worldbank.org)
United Nations Development Programme (UNDP) (www.undp.org)	Statistics in Human Development Reports (http://hdr.undp.org/en/statistics)
Organisation for Economic Co-operation and Development (OECD) (www.oecd.org)	OECD Statistics Portal, including social statistics, environment, tax and aid (development) statistics (www.oecd.org/statistics)
Statistical Office of the European Union (Eurostat) (http://epp.eurostat.ec.europa.eu)	Eurostat Statistics Database (http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database)
United Nations Economic Commission for Europe (UNECE) (www.unece.org)	UNECE Statistical Database (http://w3.unece.org/pxweb/Dialog)
United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) (www.unescap.org)	ESCAP Statistics (www.unescap.org/stat)
United Nations Economic Commission for Latin America and the Caribbean (ECLAC) (www.eclac.cl)	Statistical information (CEPALSTAT) (www.eclac.cl/estadisticas/default.asp?idioma=IN)
United Nations Economic Commission for Africa (ECA) (http://new.uneca.org)	ECA Statistics (http://new.uneca.org/acs)
United Nations Economic and Social Commission for Western Asia (ESCWA) (www.escwa.un.org)	ESCWA Statistics Division (www.escwa.un.org/divisions/main.asp?division=sd)



GLOSSARY

GLOSSARY OF STATISTICAL TERMS

Benchmark

A predetermined value of an indicator against which progress can be measured. Benchmarks can provide the floor value for an indicator or be a target (aspirational) value. Benchmarks can be based on normative or empirical considerations. For human rights indicators, benchmarks can be derived from:

- ▶ International and national norms (e.g., obligation to adopt a plan of action for the progressive realization of compulsory primary education, stipulated in the International Covenant on Economic, Social and Cultural Rights, art. 14);
- ▶ Targets set by States and policies at country level (e.g., national goals, Millennium Development Goals, indicator-benchmark-scoping-assessment (IBSA) procedure);
- ▶ Benchmarks derived from comparisons of indicator values over time, territories or for different population groups; and
- ▶ Recommendations from the United Nations and other organizations (e.g., World Health Organization's guidelines on child immunization, International Labour Organization's guidelines and standards on decent work).

Bias (see also error)

A systematic error in data collection that results in measured values deviating from their true value by a consistent magnitude and in a consistent direction, either higher or lower than the true value. It arises when the characteristics of the population covered in a sampling frame used for data collection differs from those of the target population. Unlike random error, which on average balances out, bias systematically distorts the representativeness of the results. Possible sources of bias are:

- ▶ Deliberate selection (e.g., enumerator intentionally avoids visiting isolated households);
- ▶ Errors in defining the population to be surveyed (e.g., telephone survey which excludes the poorest, who are less likely to own a telephone; incomplete population registers);
- ▶ Non-response (inability, absence, refusal); and
- ▶ Human fallacy (e.g., use of leading questions affecting the sample response).

Census operations

In principle, a complete enumeration of all members of the population of a country or any other territory, unlike statistical surveys, where only selected members of the population are surveyed. Countries usually conduct censuses of population, housing, agriculture and industrial establishments. A population census is usually conducted at 10-year interval because of the complexity and cost of the operation. It provides basic baseline data on the key characteristics of the population and on variables that do not change rapidly.

Confidence interval

An estimated range of sample data on a variable which contains the true value of that variable. Usually reported as a 95 per cent range of values within which we would expect the true value of the variable for the entire population in 95 times out of 100. The size of the confidence interval gives some idea about how certain we are about the true value of the variable—a narrower confidence interval implies more certainty. Increasing the sample size makes the confidence interval more meaningful. Confidence intervals of statistics based on sample data are normally provided by the producers of the survey.

Data

Characteristics or information, quantitative or qualitative, collected through observation. Aggregation or compilation of data results in the production of statistics and indicators.

Error (see also bias)

The difference between the observed or estimated value of an indicator and its “true” value. Errors may be random or systematic. Systematic errors are called “biases”. Random or sampling error can be thought of as “the difference between a sample and the population from which the sample is derived” and balances out on average. Sample surveys are nearly always affected by sampling error. As the sample size increases, the sampling error decreases. The total error between the estimated value of an indicator and its true value is a combination of sampling error and bias. The fact that error is common in working with statistics does not mean that statistical indicators are not useful. With resources and appropriate methodologies near “perfect” estimates of true population values can be estimated. When comparing indicators across territories or over time, we must interpret differences in observed values with caution—they could be the result of such error.

Gini coefficient

A common measure of the distribution of a country’s wealth, income or private/household consumption, ranging from 0 to 1 or 0 to 100, where 1 or 100 denotes complete inequality and 0 denotes complete equality.

Indicator

Information that indicates a state or level of an object, event or activity. It provides an indication of prevailing circumstances at a given place and a given point in time. Often based on some form of quantification (e.g., proportion of children immunized) or qualitative categorization (e.g., a treaty ratified/not ratified). In the context of this work, an indicator can be considered as a **human rights indicator** if it can be related to human rights norms and standards, addresses and reflects human rights principles and concerns, and is used to assess and monitor the promotion and implementation of human rights.

Indicator reliability (see also indicator validity)

The consistency in the value of a variable/indicator reported by different data producers when using the same method and data source.

Indicator validity

The soundness of a variable/indicator in measuring what it seeks to measure. If someone who weighs 200 pounds steps on a scale 10 times and gets readings of 15, 250, 95, 140, etc., the scale is not reliable. If the scale consistently reads “150”, then it is reliable, but not valid. If it reads “200” each time, then the measurement is both reliable and valid.

Metadata

Data that describe the characteristic details of an indicator. They usually include information on the definition, rationale, method of computation, data collection and source, disaggregation, periodicity, comments and limitations of that indicator.

Performance indicators

In the context of results-based management (RBM) of development intervention, a country programme or any other project carried out by an organization, performance indicators refer to quantitative or qualitative variables that allow the verification of changes resulting from the intervention or show results relative to what was intended or planned.

Proportion

A ratio where the denominator is a quantity that represents the given population group and the numerator is only a subset of that population group. For example, the proportion of farmers availing of extension services is calculated as the number of farmers availing of extension services divided by the total number of farmers. Furthermore, if the proportion is multiplied by 100, it becomes a percentage.

Proxy indicators (or indirect indicators)

Refer to the subject of interest in an indirect way. For example, using statistics on the proportion of women in parliaments to assess women's participation in public affairs. There are several reasons for working with proxy indicators: the subject of interest cannot be measured directly or it can but it is a sensitive issue such as income or safe sex and it may not be cost-effective to collect information on the actual indicator. A good proxy indicator has to weigh the reliability of the information and the efforts/resources needed to obtain the data.

Qualitative indicator

In the context of this work, indicators expressed as a narrative, in categories or classes, and based on information on objects, facts or events that are, in principle, directly observable and verifiable (objective) or on information that is a perception, opinion, assessment or judgement (subjective). For example: status of ratification of an international human rights treaty (binary indicator: ratified or not ratified) and the classification of accreditation of national human rights institutions by the International Coordinating Committee of National Institutions (A: compliant with the Paris Principles; B: not fully compliant with the Paris Principles or insufficient information provided to make a determination; and C: not compliant with the Paris Principles).

Quantiles

Points selected at regular intervals in a set of ordered data that divide them into "n" equal-sized subsets. Quantiles are data values that mark the boundaries between those subsets. For example, if "n" is 5 or 10, the set of ordered data is divided into 5 (**quintiles**) and 10 (**deciles**) subsets, respectively. If "n" is 2, the set of data is divided into 2 subsets, the data values that mark the boundary between the subsets is the **median**. For instance, if the median household income of a population is \$500, it means that 50 per cent of households earn less than \$500 and 50 per cent earn more than \$500.

Quantitative indicator

In the context of this work, indicators expressed in a numerical form, using categories or classes that are assigned numeric values, and based on information on objects, facts or events that are, in principle, directly observable and verifiable (objective) or on information that is a perception, opinion, assessment or judgement (subjective). For example: the maternal mortality ratio and the proportion of people who felt unsafe. The latter refers to people aged 18 years and over who felt unsafe when alone in at least one of the following situations: at home during the day or at night, when walking in their neighbourhood or taking public transport after dark. It includes people who were never alone in at least one of these situations because they thought it was unsafe.

Rate (see also ratio)

Change in the value or quantity of a variable, generally per unit of time or with reference to a population unit. For example, change in the value of a variable or indicator compared to its value in an earlier time interval (prison population growth rate over a year). Similarly, the crime rate is the number of crimes committed (or reported) in an area to the population of that area, usually expressed per 100,000 persons per year.

Ratio

The relationship between two quantities measured in the same unit, so that the resulting number has no unit. For example, the ratio of girls to boys in primary schools, computed as the number of girls in primary schools divided by the number of boys in primary schools. Any change over time in the value of a ratio needs careful examination. It may be owing to changes either in the numerator or in the denominator or both. In addition, in this case it may be necessary to also know the ratio of girls to boys of primary school age in the population to assess access or discrimination faced by girls. **An index (number)** is a ratio used for calculating the relative variation of the value of a number to its baseline value. The ratio is generally multiplied by 100 and the value 100 assigned to the index base. Indices can be used to measure the variation over time between one variable or several variables (**composite index**). One example is the consumer price index, which measures price changes experienced by consumers in maintaining a constant basket of goods and services over time.

Statistical (or sample) survey

Is used to collect direct quantitative and qualitative information on population subsets. In contrast to a census, where all members of the population are surveyed, a statistical or sample survey collects data from a fraction of the population under study, with the objective of drawing inferences on the entire population. In this respect, sample surveys are cost-effective means of collecting information in situations where complete enumeration is impracticable or data from administrative sources are not available.

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We should never forget that behind every piece of statistical data are human beings who were born free and equal in dignity and rights. We must strive to make their human rights stories, especially those of the powerless, visible through robust indicators and to use them in constantly improving our human rights policies and implementation systems to bring positive change to people's lives.

Navi Pillay

United Nations High Commissioner for Human Rights

In step with United Nations efforts to further promote universal standards and better protect people against human rights violations, this publication of the Office of the United Nations High Commissioner for Human Rights provides practical guidance for the development of quantitative and qualitative indicators to strengthen the measurement and implementation of human rights, including the right to development. It contains a detailed description of the conceptual and methodological framework for human rights indicators recommended by international and national human rights mechanisms and used by a growing number of governmental and non-governmental actors. Concrete examples of indicators identified for a number of human rights—all stemming from the Universal Declaration of Human Rights—and other practical tools and illustrations are provided to support processes and stakeholders that aim to improve the realization of human rights on the ground. This *Guide* will be of interest to human rights advocates as well as policymakers, development practitioners, statisticians and other key actors who contribute to making human rights a reality for all.



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