

## Open Working Group on Sustainable Development Goals (OWG)

### Statistical note for the issue brief on:

### Human Rights, including the Right to Development<sup>1</sup>

(Updated draft, 14 February 2014)

#### 1. Main policy issues, potential goals and targets

*“Whatever form the post-2015 governance architecture may take, appropriate measurement of [...] human rights commitments is both feasible and desirable, at global, national and local levels”<sup>2</sup>*

**Over the past fifty years, member states have agreed on human rights standards in relation to all dimensions of development**, including freedom from want (e.g. the rights to health, education or water), freedom from fear (e.g. human rights related to access to justice, public participation or personal integrity), as well as principles of equality, international cooperation and accountability for progress<sup>3</sup>.

Most proposals for post-2015 development goals therefore **call not for a stand-alone goal** on human rights but suggest that **human rights be integrated throughout the post-2015 framework**, with “a human rights approach underpinning each ‘sectoral’ goal”, targets, indicators as well as means of implementation and accountability arrangements<sup>4</sup>. In other words, civil society, member states and technical experts alike are suggesting that human rights provide guidance for the content of all potential goals as well as the implementation and accountability arrangements of the new development framework.

#### 2. Conceptual and methodological tools

Since human rights relate to all dimensions of development, it becomes important to clarify the **notion of ‘human rights indicators’**. A human rights indicator can be understood as “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”<sup>5</sup>. Defined this way, some indicators can be unique to human rights because they owe their existence to specific human rights norms or standards, e.g. the reported number of victims of torture by the police<sup>6</sup>. In addition, there are a large number of indicators, such as socioeconomic statistics commonly used in the development context, that can meet (at least implicitly) all the above definitional re-

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<sup>1</sup> The following countries and agencies contributed to the drafting and review of this note: Australia, Cameroon, OHCHR, UNDESA, UNDP, UNEP, UNICEF, UNWomen. The agency contributors see this note as a preliminary discussion of opportunities and challenges which will require further work over the coming months.

<sup>2</sup> UNDP and OHCHR, June 2013, Global Thematic Consultation on Governance – Consultation Report

<sup>3</sup> Human rights and the right to development are normatively and legally grounded in the Universal Declaration of Human Rights as well as international and regional human rights treaties and other agreements to which member states have voluntarily become party. A normative **definition of development** is provided in the preamble of the Declaration on the Right to Development which recognizes that “development is a comprehensive economic, social, cultural and political process, which aims 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 benefits resulting therefrom”. At the international level, the implementation of human rights agreements is formally monitored by the international **human rights mechanisms**, including expert committees (treaty bodies) which review regular country reports and the special procedures of the Human Rights Council such as Special Rapporteurs and Independent Experts on specific topics or country situations, as well as the Universal Periodic Review, a peer review mechanism made up of member states.

<sup>4</sup> UNDG, 2013, A Million Voices. Integrating human rights across the entire post-2015 agenda has also been recommended by the HLP, numerous member states in the OWG (see statements on 13 December 2013) and many other stakeholders. A stand-alone goal on human rights has been suggested by SDSN and the UN Global Compact.

<sup>5</sup> OHCHR, 2013, Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda, (<http://www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf>), OHCHR, 2012, Human Rights Indicators: A guide to measurement and implementation (<http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>)

<sup>6</sup> Notwithstanding the fact that such extreme human rights violations are very difficult to monitor accurately.

quirements of a human rights indicator (e.g. existing development indicators on education will also be relevant human rights indicators for the right to education if they include key dimensions such as availability, accessibility and quality of education). The UN Task Team on the Post-2015 Development Agenda, in its report on statistics and indicators for the Post-2015 development agenda, recommended further inclusion of statistics and data on human rights “into the mainstream of accepted official country-level statistics”<sup>7</sup>. In the context of the Post-2015 Development Agenda, including the SDGs, a mix of both these categories of indicators should therefore be used. A conceptual and methodological framework for human rights indicators, which takes these considerations into account, has been developed by OHCHR in consultation with a panel of international experts, including official and NGO statisticians, and endorsed by UN human rights mechanisms<sup>8</sup>.

### 3. Existing and new indicators

#### What is there to build on?

Current **MDG indicators relate to various human rights standards**, especially to key economic and social rights (e.g. on poverty, health and education), **but the existing indicators do not fully and systematically reflect all dimensions of relevant human rights**. For example, indicator 2.1 (net enrolment ratio in primary education), relates to the right to education but does not reflect member states’ commitment to provide primary education free of charge (Art. 13(2)(a) ICESCR). Similarly, MDG indicator 7.10 (Proportion of urban population living in slums) relates to the right to housing but is formulated in a problematic way from a human rights perspective: It can encourage reducing slum populations through interventions such as evictions rather than focusing on provision of basic secure tenure which is the first element of the right to housing. An example of an indicator reflecting key civil and political rights<sup>9</sup> is MDG indicator 3.3 - proportion of seats held by women in national parliament. However, other women’s rights and key aspects of gender equality such as eliminating violence against women and girls are not reflected sufficiently in the existing set of MDG indicators. This shows that even if human rights may require reconsidering or adding certain indicators (see below), many of the existing MDG indicators can be built on by ensuring that they reflect systematically the content of agreed human rights standards and principles in the areas that the new development agenda will cover. With regard to human rights, there are no **international data sets** that cover all human rights comprehensively. Instead, and as mentioned above, it is necessary to draw on different types of indicators and data sources (see below under 4.). The relevance of the selected indicators to human rights should be clearly stated in the associated metadata.

#### Need for additional indicators

Human rights standards and the cross-cutting principles of participation, accountability, non-discrimination and equality need to guide both the *selection process* and the *content* of post-2015 targets and indicators.

#### *Considerations for the selection process:*

- While the MDGs focus on a small number of (mainly) outcome indicators, a human rights perspective calls for evidence of fiscal and policy **effort** (measured by structural and process indicators), as well as improved **outcomes**<sup>10</sup> (measured by outcome indicators). For example, when measuring the realization of the right to health it would be critical to assess ratification of and reporting on key international human rights treaties and existence and coverage of relevant national policies such as on child health or sexual and reproductive health (structural indicators), the proportion of births attended by skilled health personnel (process indicator), and maternal mortality ratio (outcome indicator).

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<sup>7</sup> UN Task Team, 2013, Statistics and indicators for the post-2015 development agenda, p.37

<sup>8</sup> OHCHR, 2012, Human Rights Indicators This publication includes illustrative indicators for some human rights.

<sup>9</sup> Namely the right to participate in the conduct of public affairs (Art 25 ICCPR) and the right to equality between men and women and freedom from discrimination (Art 2 and 3 ICCPR)

<sup>10</sup> OHCHR, 2012, Human Rights Indicators: World Bank Study, Human Rights Indicators in Development: An Introduction (2010).

- In order to identify disparities, **all indicators should be disaggregated** by different social groups as far as possible, taking into account issues regarding sample sizes, at a minimum in relation to sex, age, disabilities, location (e.g. rural-urban/remote areas/slum locations) and income/wealth as well as by the most disadvantaged groups in each country (e.g. caste, indigenous peoples, migrants), decided through a consultative and participatory national process and in accordance with related human rights, ethical and statistical standards. Preferably, indicators should be disaggregated by all grounds of prohibited discrimination as outlined in key human rights treaties.
- **Participation of civil society and other key stakeholders** will be critical in the identification of indicators and in the collection and analysis of data. This includes considering indicators that draw on additional data sources such as information reported by civil society and human rights mechanisms, provided that the data are based on sound procedures and methodology.
- In the interest of accountability, the **criteria for selection of indicators** need to be transparent. Several efforts have been made to formulate selection criteria, starting from member states at Rio+20<sup>11</sup>, to the UN Task Team<sup>12</sup> to a list of criteria proposed by the Office of the High Commissioner for Human Rights<sup>13</sup>.

*Considerations for the inclusion of human rights in the content of targets and indicators:*

*Measuring socioeconomic goals*

- Socioeconomic targets and indicators need to be aligned with social, economic and cultural rights. The guidance of the UN Committee on Economic, Social and Cultural Rights (CESCR) is authoritative and helpful in this regard – it has identified the main attributes of key social and economic rights. For most socio-economic rights those attributes include the **availability, accessibility, acceptability and good quality** of services (often referred to as ‘AAAQ’). Socioeconomic indicators that reflect these and other key dimensions of human rights should be developed or prioritized<sup>14</sup>. A goal or target on *housing*, for example, should reflect ‘security of tenure’ as a key attribute of the right to adequate housing, e.g. through indicators on the number of homeless persons per 100,000 population or the number of victims of forced evictions reported by the UN and other relevant entities<sup>15</sup>. *Health* targets and indicators must reflect sexual and reproductive health and rights. This means, for example, that in order to ensure the provision of essential drugs as defined by WHO<sup>16</sup>, targets and indicators need to measure not only contraceptive prevalence, but also capture methods of contraception available, including emergency contraception. It also means ensuring access to emergency obstetric care services, which is not adequately monitored in current global frameworks<sup>17</sup>.
- Socio-economic indicators should measure whether countries use **the maximum of available resources** to realize social and economic rights, including resources available through international cooperation and assistance.<sup>18</sup> This principle is based on the recognition in the Covenant on Economic, Social and Cultural Rights that achieving socio-economic rights need to be **progressively realized** but, in turn, require full fiscal and policy commitment and the fulfilment of certain immediate obligations such as the elimination of discrimination.

<sup>11</sup> Rio+20 Outcome Document, para 246, 247

<sup>12</sup> UN Task Team, 2013, Statistics and indicators for the post-2015 development agenda, para 53b

<sup>13</sup> OHCHR, 2013, Who Will Be Accountable?, p. 66/67

<sup>14</sup> OHCHR, 2012, Human Rights Indicators, p. 88ff. outlines the main attributes of 14 human rights and suggests indicator tables based on those.

<sup>15</sup> See meta data sheet in OHCHR, 2012, Human Rights Indicators, p.160.

<sup>16</sup> WHO Model List of Essential Medicines as specified by the Committee on Economic, Social and Cultural Rights (E/C.12/1999/5)

<sup>17</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation 24 on Women and Health, 02/05/1999.

<sup>18</sup> Committee on Economic, Social and Cultural Rights (CESCR), General Comment 3, para 13.

### *Measuring governance, rule of law and related issues*

Targets and indicators on governance, rule of law and related issues should be included under a stand-alone goal as well as under relevant sectoral goals<sup>19</sup>. Targets and indicators need to be **aligned with existing civil and political rights, such as those related to public participation, personal security and administration of justice**. Work is currently underway to identify indicators which meet agreed standards of statistical rigour and which are action-oriented and policy-relevant<sup>20</sup>. Illustratively, those could include indicators such as homicide rate per 100,000, proportion of persons that were victims of physical or sexual violence during past year, proportion of children under 5 whose birth has been recorded, proportion of victims of crime who reported them to the police (victimization surveys average length of pre-sentence detention, proportion of seats in elected or appointed public bodies and high-level positions (public and private) held by women and members of most disadvantaged groups).

### *Measuring inequalities and gender equality*

Based on the human rights principle of equality and non-discrimination, a stand-alone goal on equality could include, for example

- Indicators to measure different forms of discrimination: Direct discrimination is generally measured through events-based data, hate crimes statistics, or victimisation and situation testing surveys<sup>21</sup> e.g. % of persons experiencing discrimination in relation to a specific goal, % of persons experiencing hate crimes
- Indicators to measure inequalities and inequities within and between countries, for example using the Gini coefficient or the Palma ratio<sup>22</sup>. Inequalities in health, education, justice and other areas should be reflected by disaggregating data and setting targets to reduce inequalities under each and every relevant goal (see above).

Indicators to measure gender equality should be included in a goal on gender equality as well as across all other goals<sup>23</sup>.

### *Measuring a Global Partnership (global governance and means of implementation)*

The international human rights framework recognizes that realizing human rights requires not only policies at the national but also at the international level, for example in areas such as migration, climate change, trade, governance and development<sup>24</sup>, which relate to the issues of global governance and means of implementation. From the perspective of human rights, including the right to development, a goal on a global partnership therefore needs to include targets and indicators that facilitate effective international cooperation and also address underlying global governance issues<sup>25</sup>. Further work in this area is necessary to develop targets and choose indicators which draw on the right to development and promote key changes like the **meaningful reform of global governance institutions** (e.g. reforms that allow an equitable participation in voting practices in international mechanisms); **international policy coherence** across the human rights, trade, environmental and economic spheres (e.g. through trade and investment agreements that include human rights impact assessments, measuring developed country imports from developing countries and least developed countries which are admitted free of duty, promoting the elimination of agricultural subsidies in developed countries to export their agricultural products); and **international cooperation that transcends traditional aid** and includes new sources of financing, South-South cooperation, and technology exchange (e.g. measuring the use of financial transaction and other taxes, development aid

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<sup>19</sup> Issue Brief on Conflict, Rule of Law and Governance

<sup>20</sup> See, for example, the statistical note on Conflict, Governance and Rule of Law.

<sup>21</sup> OHCHR, 2012, Human Rights Indicators

<sup>22</sup> Cobham and Sumner, March 2013, Putting the Putting The Gini Back In The Bottle? 'The Palma' As A Policy-Relevant Measure Of Inequality

<sup>23</sup> For a more detailed discussion see the statistical note on Gender Equality.

<sup>24</sup> For example, the International Covenant on Economic, Social and Cultural Rights stresses the importance of international, especially economic and technical, co-operation (e.g. Art. 2, Art.11, Art. 22), the Declaration on the Right to Development promotes the duty of states to co-operate with each other in ensuring development and eliminating obstacles to development (e.g. Art. 3).

<sup>25</sup> See, in addition, the statistical note on Global Governance.

that is untied, access to safe and affordable essential medicines, stolen asset recovery and successful prosecutions of tax fraud/money laundering). A partnership goal would also need to reflect the **human rights responsibilities of the private sector and businesses**, for example by measuring how businesses integrate the Guiding Principles on Business and Human Rights in their codes of conduct.

#### 4. Data requirements, challenges and limitations

##### Data availability and data sources

There are at least four broad categories of data that can be considered when developing human rights sensitive indicators:

- events-based data
- socioeconomic and administrative statistics
- perception and opinion surveys and
- expert judgments<sup>26</sup>

Different entities and actors collect one or more of these types of data. *Events-based data*, e.g. on disappearances, arbitrary killings or trafficking, is often collected by international human rights mechanisms, non-governmental organisations or national human rights institutions. Events-based data can underestimate (or sometimes, though rarely, even overestimate) the incidence of certain situations, if used in a casual manner to draw generalized conclusions for the country as a whole. In many instances, events-based data will depend on the awareness, access to information, motivation of those sharing the information, political situation and level of organization of the civil society organizations representing those affected, in the country concerned. Despite these shortcomings, events-based data can be under certain circumstances a source of information on development progress if its statistical quality can be assured.

With regard to *socioeconomic and administrative statistics*, it is important to note that the availability of survey data has steadily increased, including through technical support of specialized UN agencies. Data collection through UNICEF-supported Multiple Indicator Cluster Surveys (MICS) and USAID-supported Democratic and Health Surveys (DHS) are, for example, now the primary source of disaggregated data (e.g. by wealth quintile, ethnicity, sex, area of residence, etc.) on the majority of MDG indicators. MICS provide data for more than 100 indicators (including 21 MDG indicators) which can be disaggregated by geo-zones, residence (urban, urban-poor, rural), gender, education, age, wealth, ethnicity / religion, language and other stratifiers or combinations of the above. National victimisation surveys are also essential sources of information in measuring personal security for instance<sup>27</sup>. Administrative data can also be used for key structural indicators such as the ratification of international treaties relevant to the development agenda (e.g. international human rights instruments).

Many international NGOs and research institutes have acquired expertise in generating data based on *perception surveys or expert judgments* (e.g. Transparency International, Afrobarometer). Both those types of data have their shortcomings. While household perception and opinion surveys bring out the “voice of the people”, the method, with its focus on subjective information, can potentially fall short of producing reliable and valid indicators consistently. It may also not be adequately representative owing to coverage limitations and may yield measures that cannot support or allow cross-sectional comparisons. Data based on expert judgments is often criticized for their lack of validity and reliability, since they are often based on personal judgements of a limited number of observers.

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<sup>26</sup> OHCHR, 2012, Human Rights Indicators; see also: UNDP, 2006, Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide

<sup>27</sup> See UNODC and UNECE Manual on Victimization Surveys (ECE/CES/4).

## **Data gaps and what does it take to fill them**

Socioeconomic and administrative data is the one most commonly used for the current MDGs. The UN Task Team, in its report on statistics and indicators for the post-2015 development agenda, reviews recent developments with regard to other data sources, in particular in relation to “new fields” such as inequalities, governance and rule of law and suggests that those will “to a large extent require the **development of new data sources** with national representativeness and sound benchmarking, some along more traditional lines, such as household surveys, some with methods outside the official statistics mainstream, such as opinion and satisfaction surveys, big data and crowd sourcing, and local reporting”. It stresses that while **data availability** must be considered, the experience with the MDGs showed that “it **should not be a controlling criterion** in the selection of indicators”: the UN system was able to “promote improvements in data compilation and analysis such that many indicators at first considered unlikely to prove widely feasible are now an established part of MDG monitoring.” In addition, the UN Task Team confirms that “**impressive and groundbreaking work on methodologies and data collection** [in these areas] is well advanced” and that “within competent international agencies, working with national services, a **reservoir of expertise and commitment to statistics and indicators** on [these] emerging themes should not be underestimated”<sup>28</sup>. Expanded data collection and analysis will certainly require the **strengthening of capacities**, including through international partnerships and new partnerships at the national level, for example between National Statistics Offices and National Human Rights Institutions. Lessons can be drawn from existing programmes such as the MICS global programme, through which UNICEF provides technical support and training to national partners.

## **5. Conclusions**

Building the post-2015 agenda on human rights does not require a stand-alone goal on human rights or adding on specific human rights targets or indicators. It requires integrating human rights throughout the agenda. With regard to measuring progress on the future agenda, this means action across all goals to measure both outcome and effort, to disaggregate data, to ensure civil society participation and to apply transparent criteria when selecting goals, targets and indicators<sup>29</sup>. It also means aligning all targets and indicators with the relevant existing human rights standards and the right to development (e.g. using the content of the right to education to develop targets for a goal on education).

Consultations since the Rio+20 Conference, both among experts and broader constituencies, have confirmed that there is a wealth of experience, expertise and data to draw on, to this end, both in the areas of the current MDGs as well as in “new areas” such as inequalities or governance. Where there are data gaps, statistical experts agree that, based on the MDG experience, data availability should not be a controlling criterion in the selection of indicators but that, instead, increasing technical support to member states to build capacities for expanding data collection and analysis will be paramount.

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<sup>28</sup> UN Task Team, 2013, Statistics and indicators for the post-2015 development agenda, para 69, 70.

<sup>29</sup> The OHCHR conceptual and methodological framework on human rights indicators can provide guidance and examples of good practice in this regard.