

'Measuring what we treasure: exploring how human rights should inform the post-2015 indicators'

Side event organized by the Post-2015 Human Rights Caucus

Sponsored by the Permanent Mission of Denmark to the UN

March 23, 2015

- Moderator: Kate Donald, CESR
- Ambassador Erik Laursen, Deputy Permanent Representative of Denmark to the UN
- Craig Mokhiber, Chief of Development and Economic & Social Issues Branch, OHCHR
- Savio Carvalho, Amnesty International
- Antonia Wulff, Education International
- Tessa Khan, Asia-Pacific Forum on Women, Law and Development
- Bill Orme, Global Forum for Media Development
- Marianne Mollmann, International Gay and Lesbian Human Rights Commission

Savio Carvalho - welcome

- This is the last mile- all Member States (MS) must keep pushing for HR in post-2015 agenda
- Send message to MS: this is possible and this is a win-win situation
- MS should use agreed standards – fight when countries try to “domesticate” global standards by watering down
- Next 3 months is the time to fight- ask for framework and indicators to be built on HR
- We are in a political process- we must remain alert and keep talking

Erik Laursen, DPR of Denmark

- Much has been achieved - we have made progress. Before Rio, it was very difficult to talk about HR in context of sustainable development
- Denmark will do its best to be sure that HR are integrated across the agenda
- Indicators are essential tool for policy implementation
- Convention on Rights of Persons with Disabilities references indicators
- OWG proposal is a good basis for discussion - reflects and integrates HR
- Statistical Commission is facing daunting task of developing indicators for the next 15 years
- In NY, some say that HR are impossible to measure and can't be included
- HR an essential tool for policy formulation, implementation
- HR is a specific and measurable concept
- OHCHR guide for indicators is a very useful tool, framework available to use
- Happy to see so many people here and he will be sure to take back his notes from this meeting to the negotiations with MS.

Kate Donald

- In National Statistical Organizations' rating of proposed indicators as to their feasibility, indicators related to HR have been rated very low for feasibility

- However, in many cases those indicators rated ‘unfeasible’ by NSOs are already being measured – for example unpaid care work already being measured by many States incl. developing through time-use surveys; illicit financial flows already being measured in innovative ways by experts and civil society
- We're raising our voice to say that HR is measurable
- When choosing indicators, keep in mind relevance, transformative potential, HR impact rather than just feasibility

Q to panel: Are human rights measurable?

Bill Orme

- HR measurable and indeed are measured by the UN, esp. OHCHR, as well as CSOs
- Has not seen a single SDG target in the overall area of rule of law or human rights, which is not already being measured to some extent by designated UN agencies.
- Statistical Commission is not a UN agency- it is comprised of the national statistical agencies of Member States, and often adversarial toward UN data and agencies
- A ‘C’ grade on ‘feasibility’ from the Commission members isn’t only a judgment on technical feasibility, but reflects whether governments see an indicator as politically acceptable for international comparisons with other countries
- In target 10 of SDG 16 (on access to information), the first proposed indicator is poorly chosen and does not reflect either the input from specialists in the field nor the tenor of the OWG discussions on public information and open data in the SDGs. Measuring the “percentage” of governments’ disclosure of fiscal and contractual information is unacceptably narrow conceptually, and in any event unmeasurable: You can’t independently audit how much information governments have in total versus how much of that they are voluntarily disclosing. The indicator proposed by UNSDSN (and also GFMD and Article 19) is far better: the adoption and implementation by UN members of legal guarantees of public access to information.
- The second proposed 16.10 indicator: - the number of killings and abductions and ‘detentions’ of journalists or imprisonment – is also problematic, though it does recognize the crucial importance of press freedom to public access to information. Such figures if viewed without broader context can be highly misleading. For example: the country with the greatest number of journalists killed this year to date is France, because of the Charlie Hebdo massacre, yet it would be absurd for the UN to give France a low press freedom ranking as a consequence.
- UNESCO with input from the OHCHR and other UN bodies is the logical agency to oversee measurement of target 16.10, building on its already existing analytical conceptual frameworks for assessing national media independence and capacity
- Few if any numbers that in isolation work perfectly for these indicators; we should urge what the Commission terms ‘expert reviews’ as complements to AZI & HR data

Antonia Wulff

- Education SDG 4- must look at it from both right-holders' and duty-bearers' perspectives

- Something is missed if don't also look at States' roles – to what extent are they fulfilling their duties?
- Need rights-based indicators on three levels: structural (law, policy), process (implementation), outcome (e.g. all girls completing primary education)
- Some goal 4 targets are problematic from rights point of view
- Need to know where and why States fall short of their commitments – 3 levels of indicators helps
- MDGs were political, not legal commitments
- Rights-based indicators give us a legal commitment
- Giving 1-2 indicators per target doesn't fully capture the situation (ex: decent work needs more than one indicator - decent work has 4 pillars; so a single target does not capture the full breadth necessary.)

Q: How can we measure discrimination and inequalities?

Tessa Khan

- Focus of her remarks will be on inequality between social groups – although economic inequality also important of course
- Principle of non-discrimination is at heart of HR framework (immediate obligation on states)
- Measuring discrimination is not easy: outcome not always contributable to a discriminatory act (result of many acts and processes). But absolutely critical to implementation of this agenda.
- What is needed when looking at discrimination:
 1. Find out existence of de jure discrimination in a legal framework- whether or not laws comply with international HR standards
 2. Surveys of different spheres - e.g. work, health, education settings
 3. Econometric models with regression analysis to find out what's attributable to discrimination (ex. gender pay gap)
 4. Surveys that measure perception of attitudes as to discrimination- there is resistance to perception-based indicators. But those of us who work on women's rights use perception-based indicators all the time. E.g. for issues like violence against women- need to measure attitudes to VAW & women's perceptions of their own safety, we can't just rely on reported incidents.

Craig Mokhiber

- Develop data sets based on what should be there, not what's already there
- HR must be measured or they don't exist at all
- Looking at inequalities gets to what's new about the new agenda- it's looking at who's marginalized or excluded, discriminated against, who wins and who loses in development
- We need to examine the intersections of all these inequalities to look at multiple discrimination, cases of multiple discrimination are not always fully captured in current indicator set (ex. VAW usually measured for women ages 15-49)

- We also need to measure horizontal and vertical inequalities (income and wealth) as well as inequalities between countries
- It is a marked success that the new agenda pays more attention to inequalities, with 2 standalone goals on inequalities, but this should be accompanied by a clear statement on inequalities at the meta-level e.g. in the framing or 'clustering' of the goals
- Disaggregation is the most important tool to pay attention to marginalized groups, and the variables for disaggregation should be aligned with the grounds of discrimination prohibited under international HR law – disaggregation must now go beyond gender and geography, and we must expand list of marginalized groups
- The indicators for other goals should also be HR sensitive – e.g. reflecting the affordability, accessibility etc. dimensions of economic and social rights
- How to develop data processes at national level- need data safeguards (for protecting privacy, making sure data is produced so that there aren't negative incentives for HR)
- Those who are being measured should also be involved in indicators and data
- Also look at structural indicators, qualitative indicators, legal and institutional considerations
- Indicators should measure not only outcomes, but also the efforts of States e.g. measuring Gini, Palma ratios before and after taxes and social transfers are implemented, gives a clear idea of state action
- Also need to move beyond focusing too much on GDP notions of growth- to incorporate broader notions of development progress e.g. UNEP's inclusive wealth measure
- In the end, inequality is a policy choice
- N.B. The framework on indicators is emerging; it is in its early days. We should not look at any of the existing documents on indicators and despair, these are really discussion papers, and ergo, should facilitate discussions, and civil society should feed into the indicators discussions, including through UN partners

Q: Disaggregation and the 'leave no one behind' agenda - what are the challenges and considerations from a HR perspective?

Marianne Mollmann

- "What is counted is the only thing that counts"
- But LGBTI people are not often counted – or at least this layer of our identity is not
- This layer of their identity affects how much they can access equality, benefit from development
- No government collects comprehensive data on how LGBTI people are benefitting from social policies. At the most, you have hate crime statistics and HIV-related statistics.
- E.g. pay gaps for lesbian and trans women, which are much larger than for other women (we know from several NGO and one-off studies), are not counted
- E.g. not counting school drop-out rates from non-gender conforming youth

- E.g. housing discrimination, safe housing - LGBTI people can insulate themselves from discrimination via isolation
- Need disaggregation of data – this is part of it. But in many cases LGBTI persons will not want to identify themselves, could endanger them – so we need safeguards.
- Another solution: measure structures and barriers to inclusion and benefiting from social policies through cross-cutting indicators. See IDS and IGLHRC paper. For example, look at mutilation of intersex infants, sterilization as precondition for changing legal gender.
- These are issues that are also facing street children, undocumented migrants and anyone who's outside of counted populations

Q: what kind of qualitative data do we need to measure HR enjoyment and why? Numbers are not enough to measure human rights, as we know from experience.

Tessa Khan

- Access to justice is a good example of need for qualitative data. Critical to realization for other HR - and a human right in itself
- Need timely, affordable, fair services that people feel they can access – so they aren't afraid to report acts of discrimination, violence etc.
- Justice is critical for goal 16 and anything related to inequalities
- Need to think not just about current processes but about forward-looking processes (ex. gender and HR auditing for future laws and processes)
- Encouraging private sector partnerships blurs lines of responsibility on HR between the private sector and governments
- Need ex-ante audits and assessments of trade and investment agreements

Q: What are the risks associated with relying solely on outcome indicators? Why do we need process/input/policy efforts indicators also?

Antonia Wulff

- Goal 4 on education uses completion rates and outcomes on reading and mathematics
- We've been talking about business as usual being inadequate and the need for transformation, so why are we still using reading and math outcomes? What about quality?
- Free primary education as a basic HR and the introduction of free secondary education are not captured in indicators
- Missing an opportunity to get governments to make transformative change
- OECD Pisa assessment- UN should have more of a say than the OECD and states should develop own national education systems to respond to their contexts
- If you want any criteria to guide the agenda, HR is the very first place to start; HR should guide the development of indicators

Questions and Comments

Helen Dennis, Christian Aid

- CESR and Christian Aid work looking at financing dimension from HR perspective
- Concerns about sufficiency of resources - can't forget OWG targets on illicit financial flows- these are measurable, contrary to negative NSO assessments.
- Look to "stepping stone indicators" on inequality- ex. Palma ratio measuring relative poverty
- Measure progressivity of taxation, wage systems
- Keep in mind accountability especially as to decision-making, access to information, indicators on corporate reporting and enabling environment for civil society

Further questions on:

- Corporate reporting and 'creeping corporate takeover' of SDGs
- Concern about indicator on scholarships for Goal 4 – some European countries have given all their ODA as scholarships, shouldn't encourage this
- Potential for cross-cutting indicators – e.g. measuring literacy relevant to many goals
- Perverse incentives issue on HR
- Member States are facing real capacity issues, do we really want 1000 indicators?
- How SDGs address race discrimination
- Caste discrimination and how to make it visible or capture it in the post-2015 process

Responses from panel:

Craig Mokhiber

- Fear of corporate influence without increased accountability after Rio- stay aware of this, need safeguards. States can't wave a magic wand and delegate HR obligations to private sector.
- Refer to UN Guiding Principle on Business and Human Rights
- Poverty, inequality, deprivation are policy decisions - States should have to begin with intl HR law
- Don't want to jettison notion of feasibility, but should be solely made by national statistics offices. Agenda includes data they're not familiar with- must include NHRIs, CSOs to make better informed judgments on feasibility
- There's now a pushback on leaving no one behind, on disaggregation of data

Marianne Mollmann

- Human rights are indivisible – we can't prioritize and throw some out without jeopardizing all

Antonia Wulff

- Indicators are not only technical- they need political guidance
- If only feasibility is assessed, hardest indicators will fall off

Erik Laursen

- Development and assessment of indicators is for technical experts and not member states
- We hope these kinds of inputs do reach the UN Statistical Commission

Tessa Khan

- Neither caste issue nor indigenous people addressed in agenda- must be explicitly addressed
- Not enough to just disaggregate.
- Must be more ambitious in this conversation. E.g. Free Prior & Informed Consent is not there even though land one of most reliable predictors of poverty & inequality
- Depressing to think we might limit ambition of agenda just because NSOs might not be able to deal with it.
- Look to complementary commitments such as Beijing Platform- on reducing military spending and measuring political commitments

Bill Orme

- This is early still in the process- this is the UN Statistical Commission's reaction to proposed indicators from the UN Stat Division (a UN staff body)
- Must stay engaged in process going forward
- Member States have misgivings about the proposed indicators

Materials distributed/referred to during event:

- Education International's response to the proposed indicators for education: https://drive.google.com/file/d/0B1APH_r97kxGRUYxSWxDWjF4YIU/view?usp=sharing
- IDS and IGLHRC paper, Proposal for Cross-Cutting Indicators: Closing the Evaluation Gap for Marginalized Groups
- CESR and Christian Aid working paper, [Indicators for a Post-2015 Fiscal Revolution: http://www.cesr.org/downloads/CA_CESR_indicators_UNstats.pdf](http://www.cesr.org/downloads/CA_CESR_indicators_UNstats.pdf)
- OHCHR, [Human Rights Indicators: A Guide to Measurement and Implementation](#)
- Statement by the UNDG Human Rights Working Group at the Expert Group Meeting on the Indicator Framework for the Post-2015 Development Agenda, on 25-26 February: <http://unstats.un.org/unsd/post-2015/activities/egm-on-indicator-framework/docs/HRWG%20statement%20for%20Feb%20EGM%20on%20indicators-%20Final.pdf>