

Abstract

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A human rights indicator is defined 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. 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 the number of extrajudicial, summary or arbitrary executions. 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.

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.

Before developing indicators for measuring and implementing human rights, there is a need for a basic understanding of what human rights are, their main features, obligations, and the international normative framework and mechanisms. Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. 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. 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. It is not a substitute to qualitative, judicial or quasi-judicial and other comprehensive assessments, and users need to be clear about its limitations. Users and producers of data need to be well aware of the dangers and potential misuses of statistics.

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. These two main uses of the word “indicator” in the human rights community do not reflect two opposed approaches because 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 through numbers, percentages and indices. Similarly, qualitative information can complement the interpretation of quantitative indicators. Human rights indicators could also be categorized as fact-based and judgement-based indicators, or objective and subjective indicators. Objects, facts or events that can, in principle, be directly observed or verified (for example, weight of children, number of violent deaths, and 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. *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.

The OHCHR conceptual framework uses a configuration of structural, process and outcome indicators with a view to measuring acceptance, intent or commitment to human rights standards, and then 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. 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. 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 (commitments) 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. Process indicators (efforts) 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. Outcome indicators (results) 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).

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-discrimination and equality, participation, access to remedy and accountability. For instance, 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 example, 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 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.

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.

At least four broad categories of data-generating mechanisms can be identified. They could potentially be useful in developing indicators for use in human rights assessments. 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. First of all, there are *events-based data* on human rights violations which refer to qualitative or quantitative data that can be linked to events characterized by the occurrence of alleged or proved violation or denial of human rights. The collected information primarily describes acts of possible 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 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). 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. Second of all, there are *socioeconomic and other administrative statistics* which 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 (e.g., maternal mortality ratio, number of deaths in custody, proportion of seats in parliaments held by women) . 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. 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. The three sources commonly associated with the formulation and compilation of socioeconomic statistics are administrative data, statistical surveys and censuses. Third of all, *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. 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 (e.g., proportion of population feeling unsafe). Lastly, *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”. The information generated is essentially judgement-based or subjective and needs to be translated into quantitative form through coding, 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 number of experts (e.g., advocacy groups, academic researchers, social scientists, managers) who are asked to evaluate and score the performance of States (e.g., freedom of expression scoring index).

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 confidentiality, 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. 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. In addition, 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. 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.

Very important in the measurement of the human rights are the human development indexes, such as the Human Development Index (HDI), which was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. The HDI is the geometric mean of normalized indices for each of the three dimensions. Noteworthy are also the Inequality-adjusted Human Development Index (IHDI), the Gender Inequality Index (GII), the Multidimensional Poverty Index (MPI) and the Gender Development Index (GDI).