

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

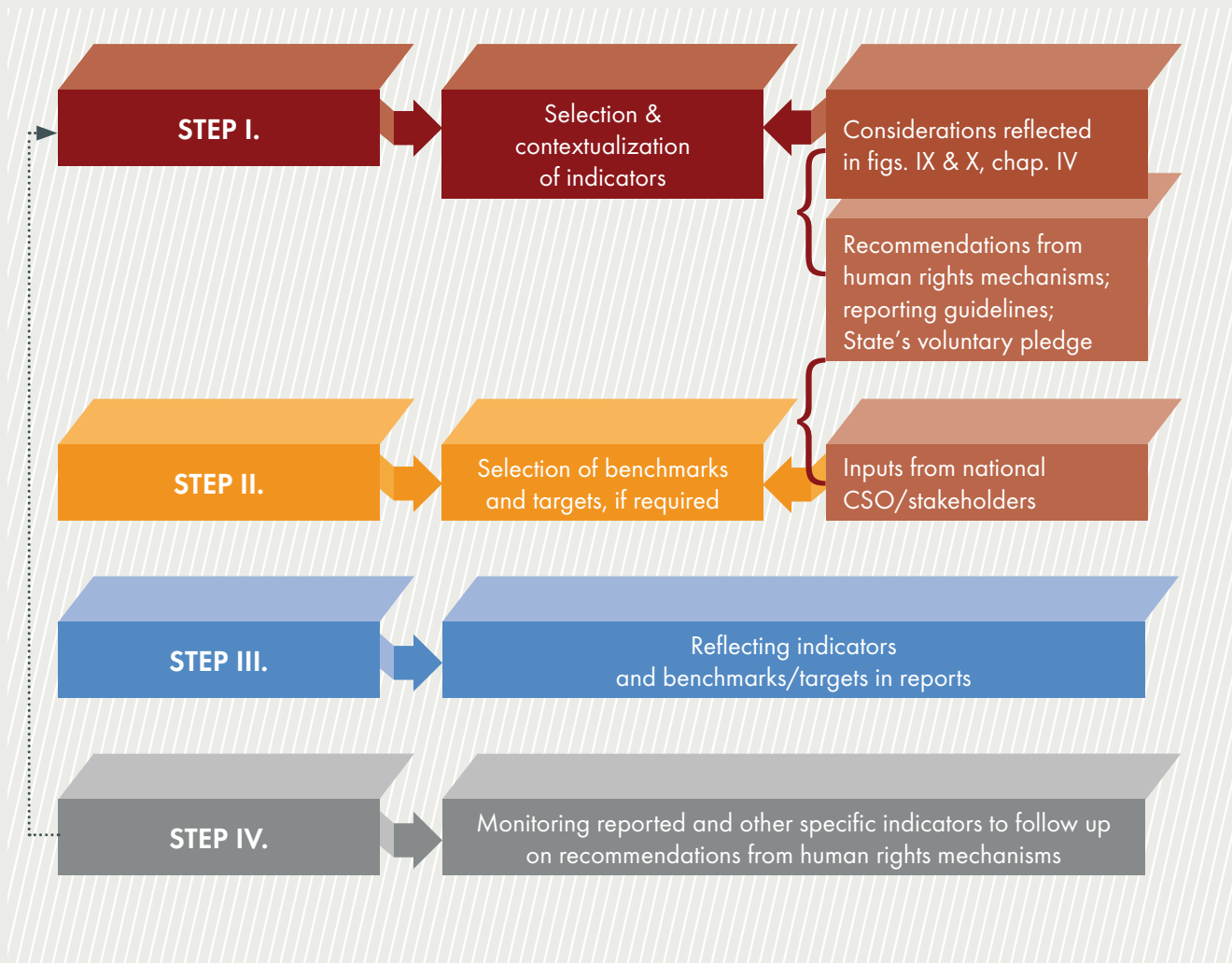
PROCESS INDICATOR

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).

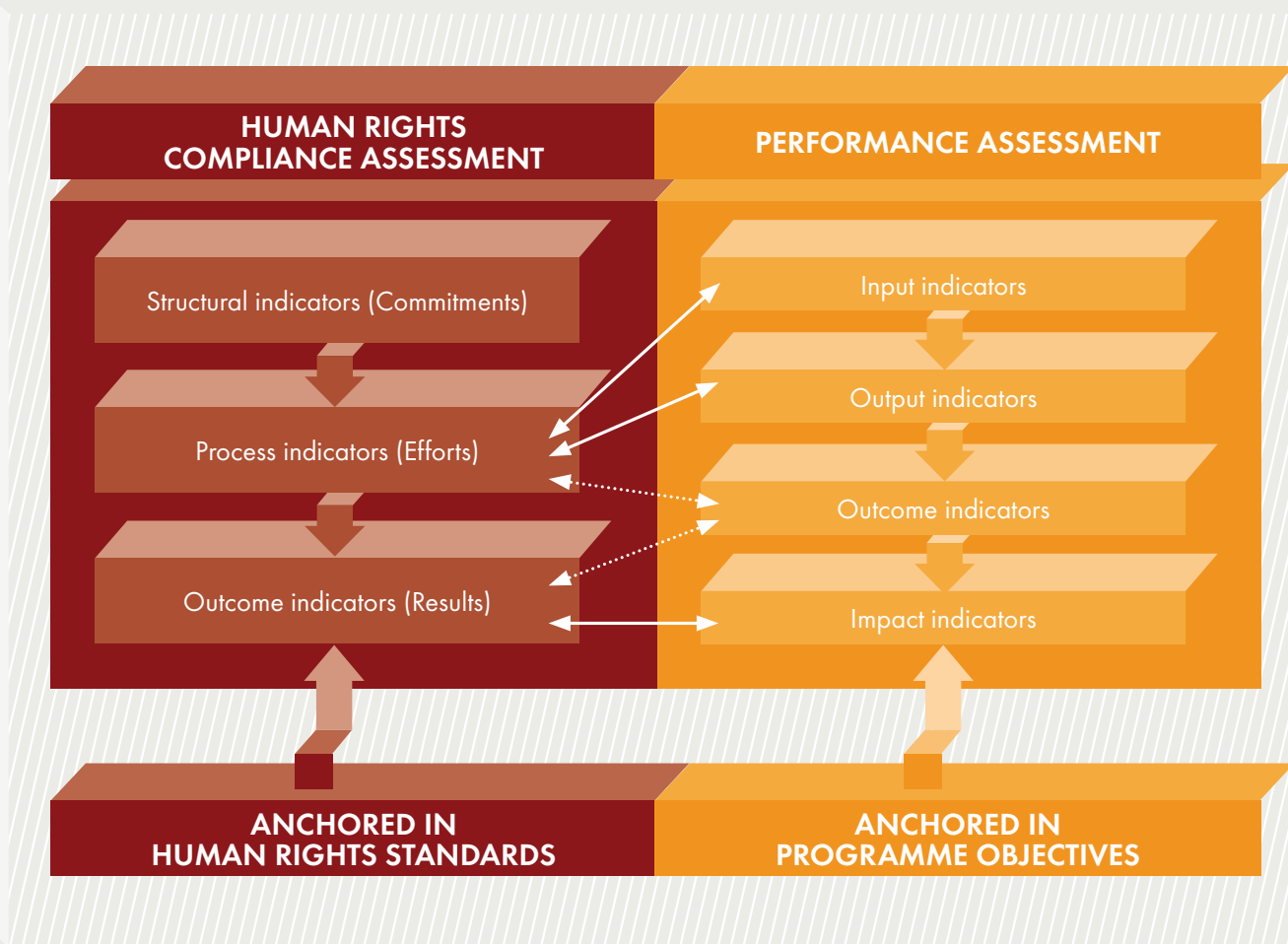
2 **Performance monitoring**

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*.

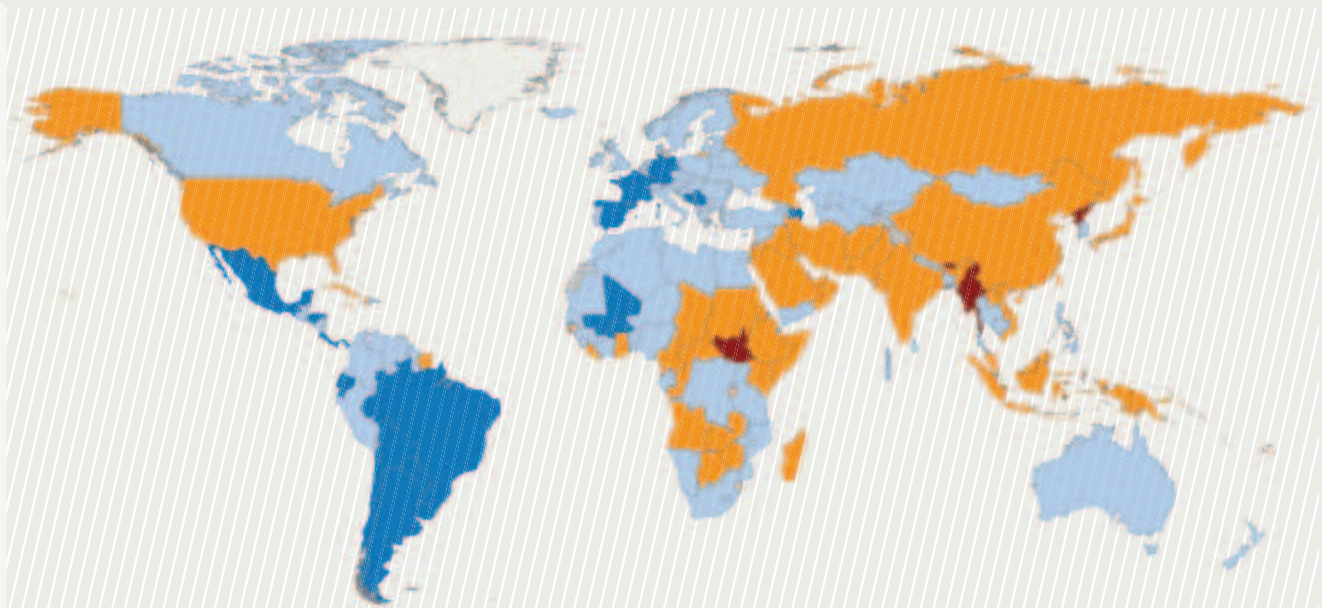
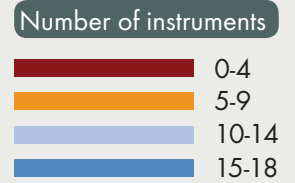
Fig. XIII Ratification of international human rights instruments, * July 2012

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.

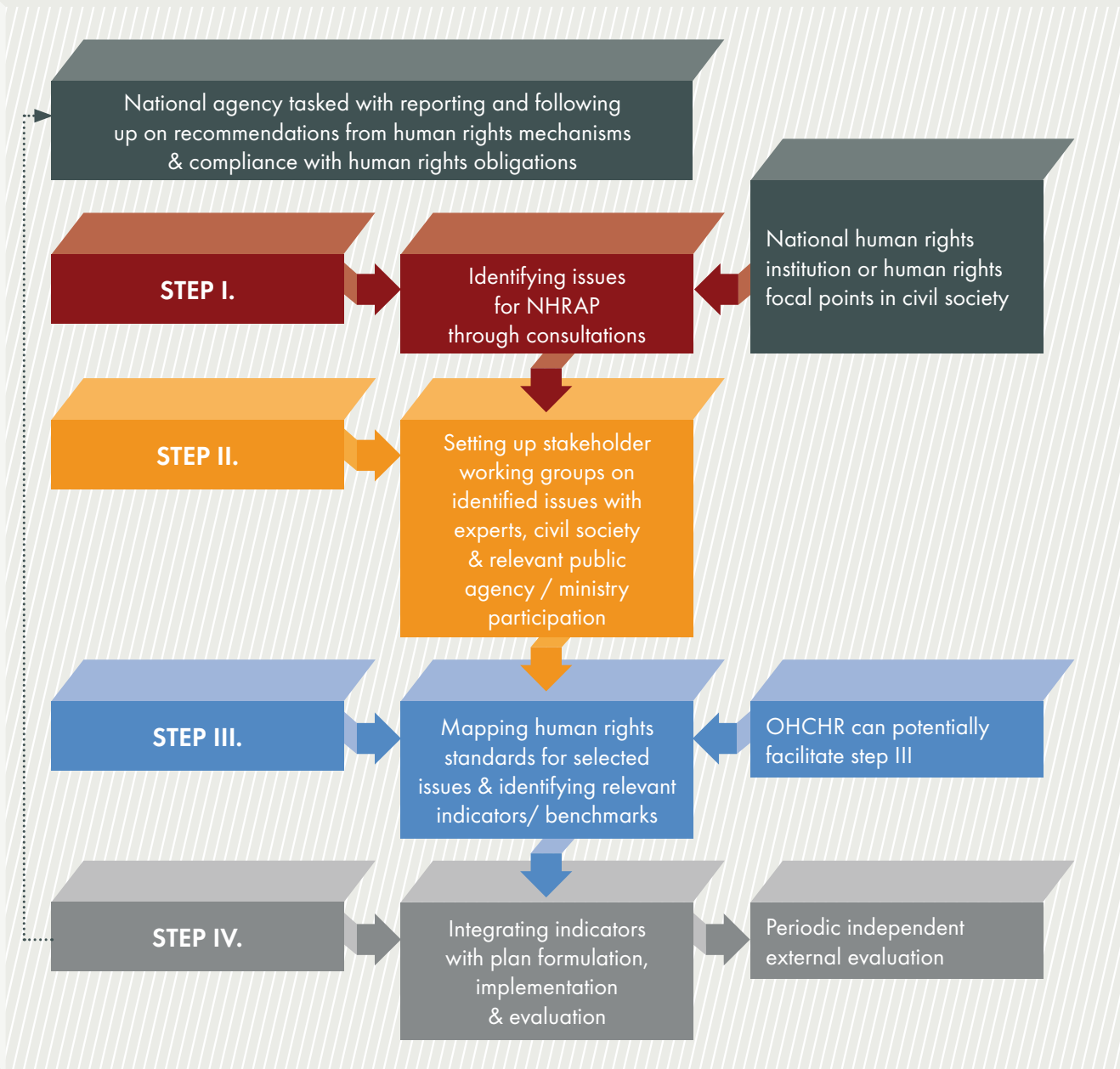
Source: EHRC, *Human Rights Measurement Framework: Prototype Panels, Indicator Set and Evidence Base*, research report 81 (2011), available from www.equalityhumanrights.com.

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.cd hdf.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

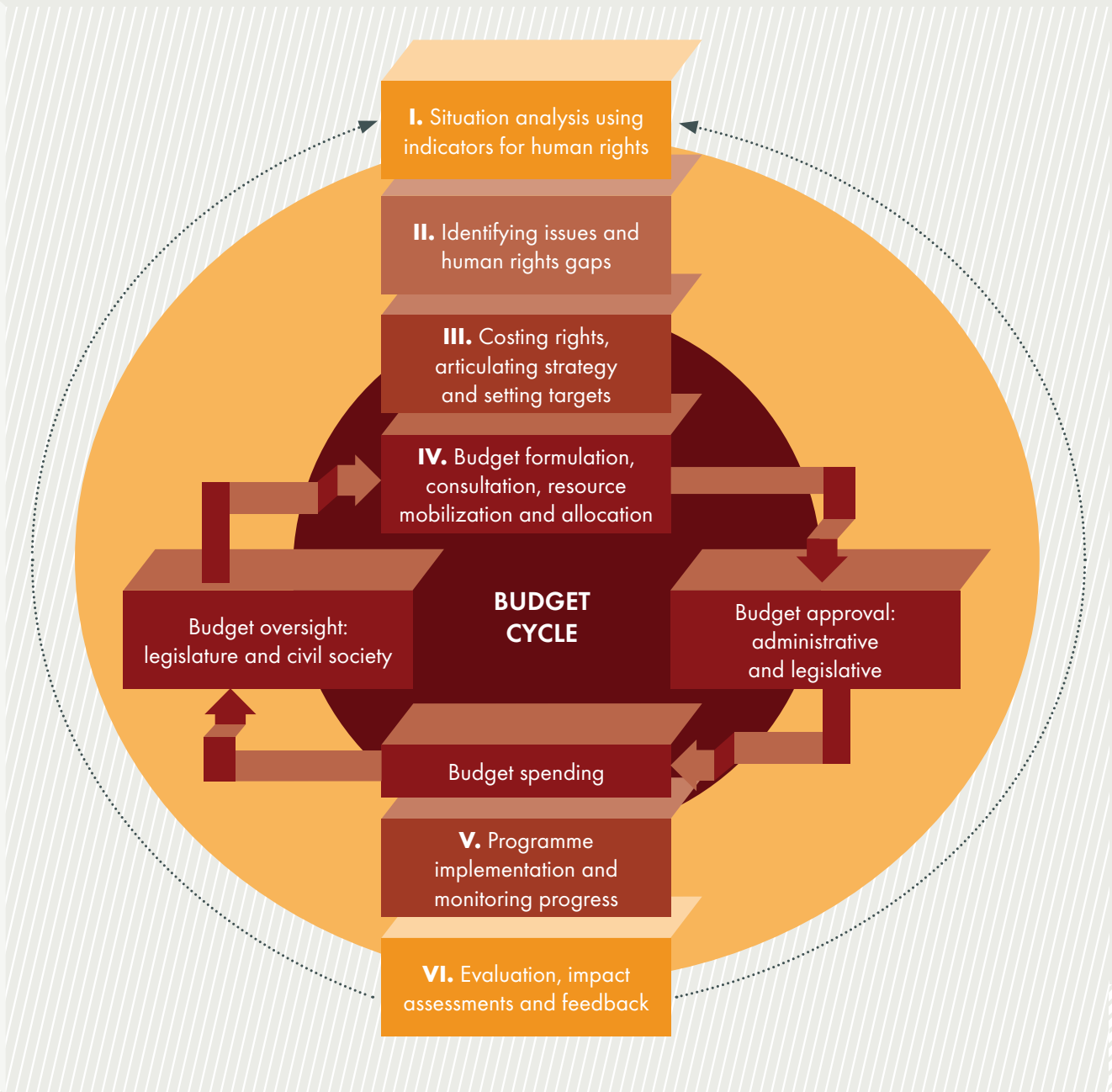
15. In a parliamentary democracy, the legislative approval of the budget is vital for the survival and continuation of an elected Government in power.

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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).

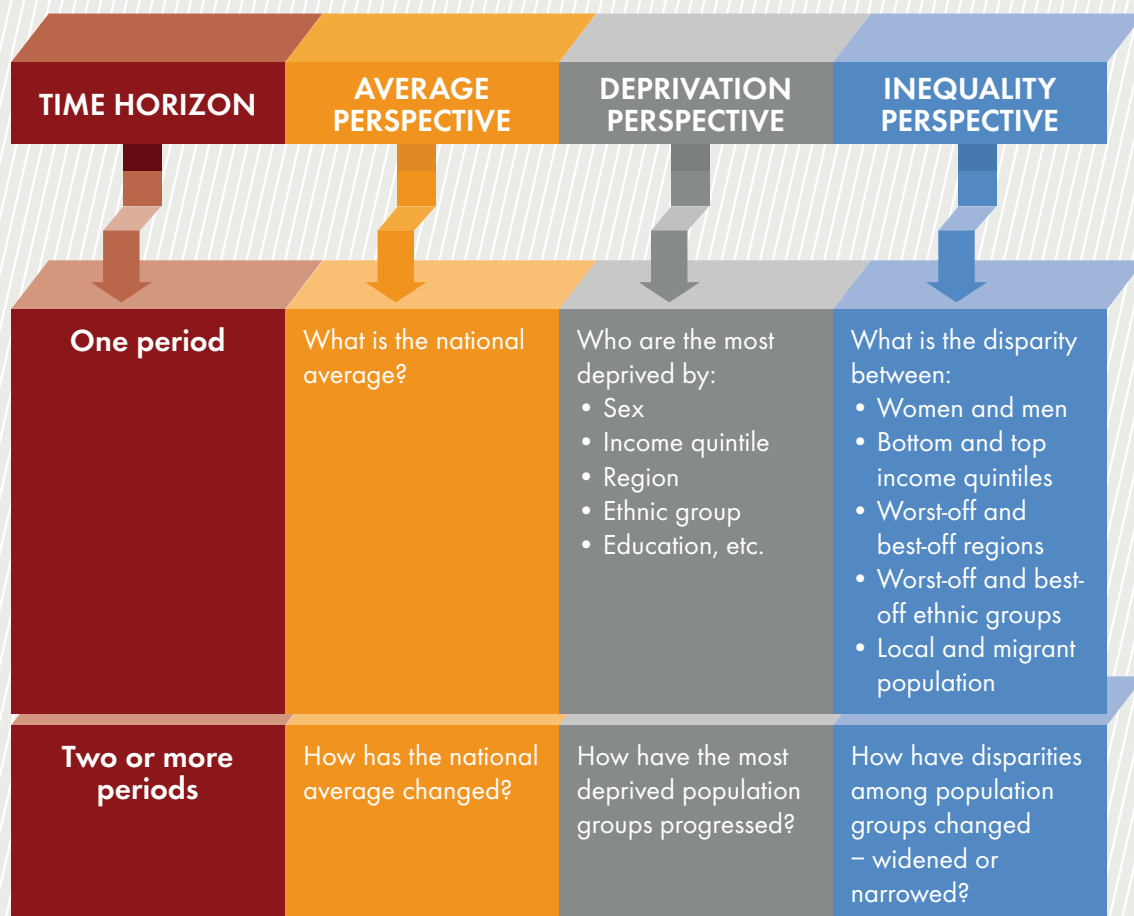
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significantly contribute to promoting and monitoring human rights implementation.

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*.

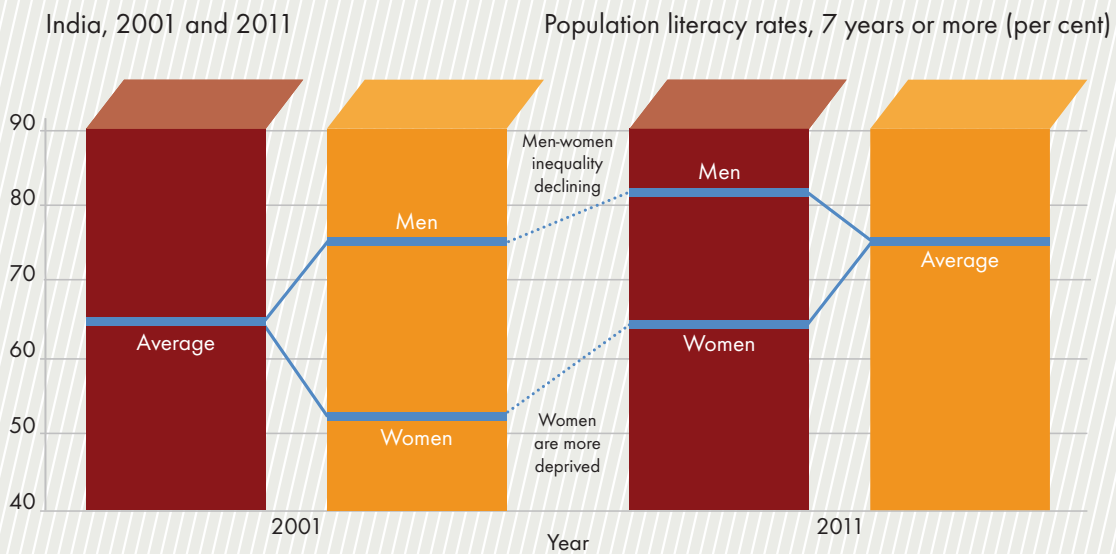
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When indicators are readily available, an analysis and assessment combining three measurement perspectives can be systematically carried out, especially using outcome and process indicators. The “average perspective” shows the country’s overall progress, 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

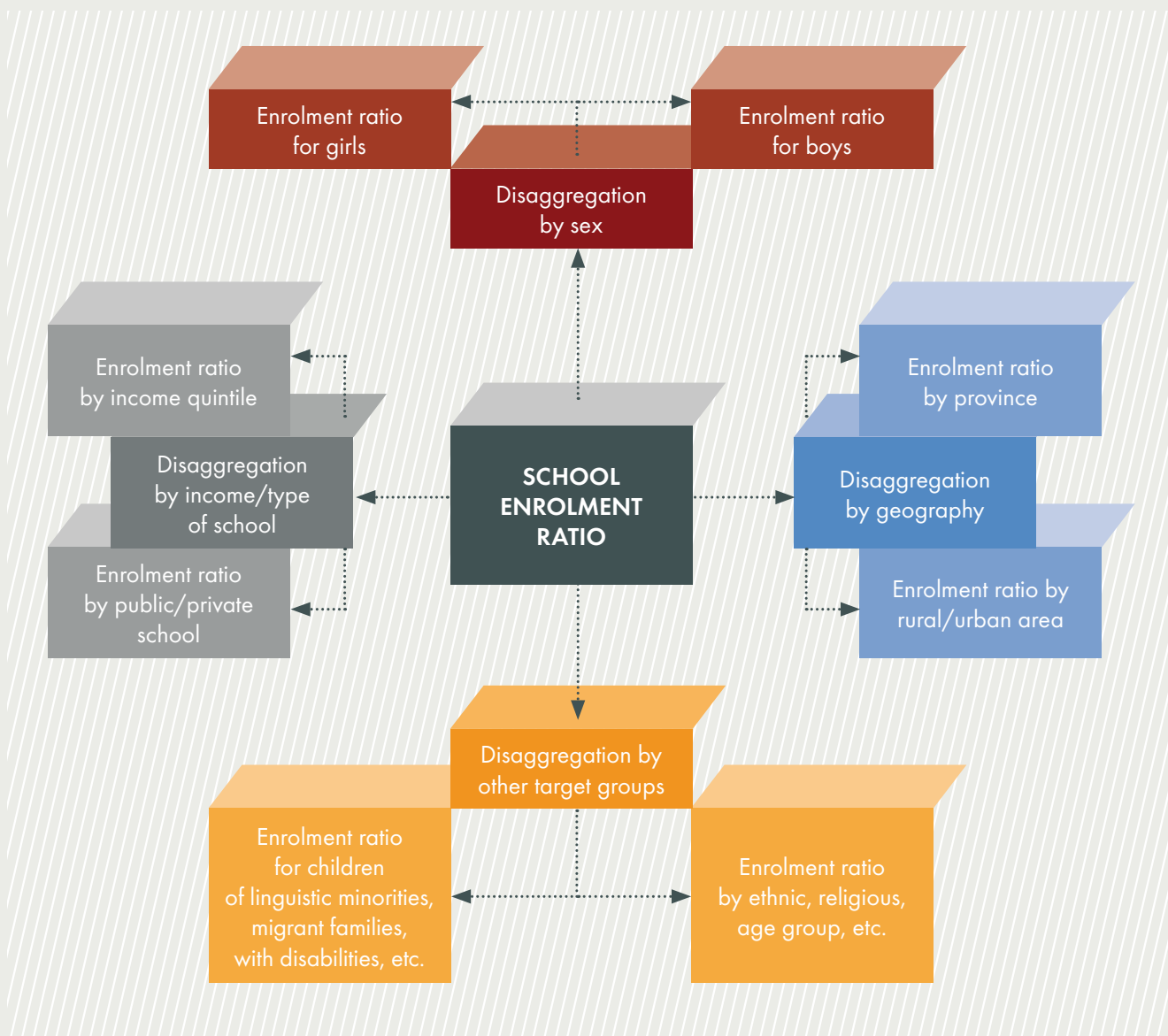


Source: Office of the Registrar General and Census Commissioner, India, Provisional population totals, Paper 1 of 2011 India Series 1 (chap. 6).

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

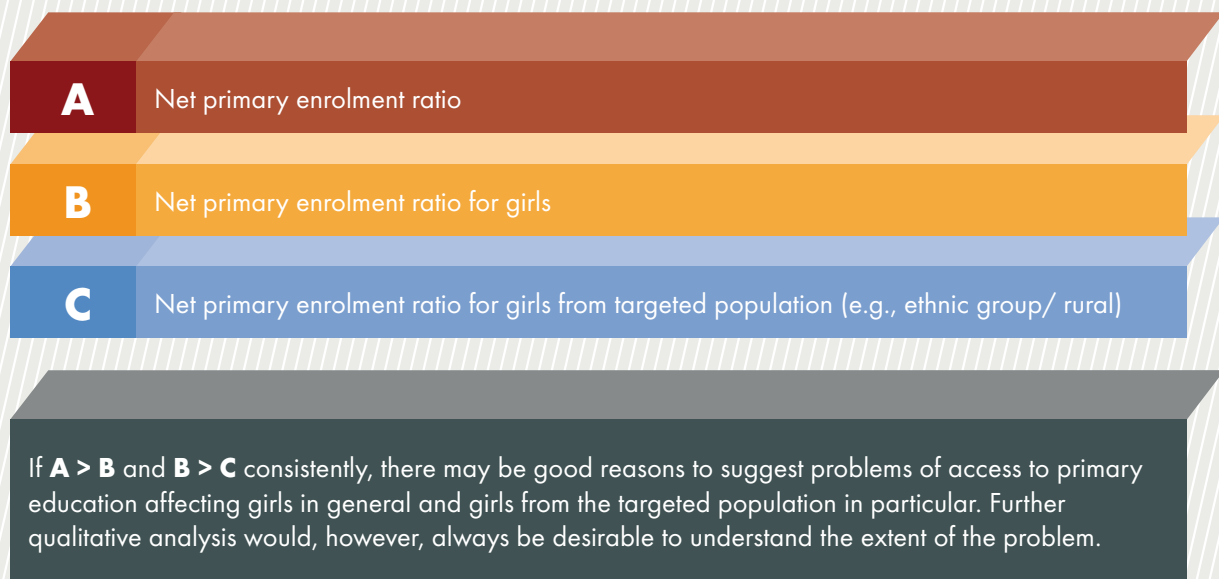


21. Statistics on literacy are usually compiled through census or survey data, i.e., costly methods implemented only every 5 or 10 years. Enrolment statistics are based on administrative records usually maintained by a ministry of education and disseminated annually.

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.

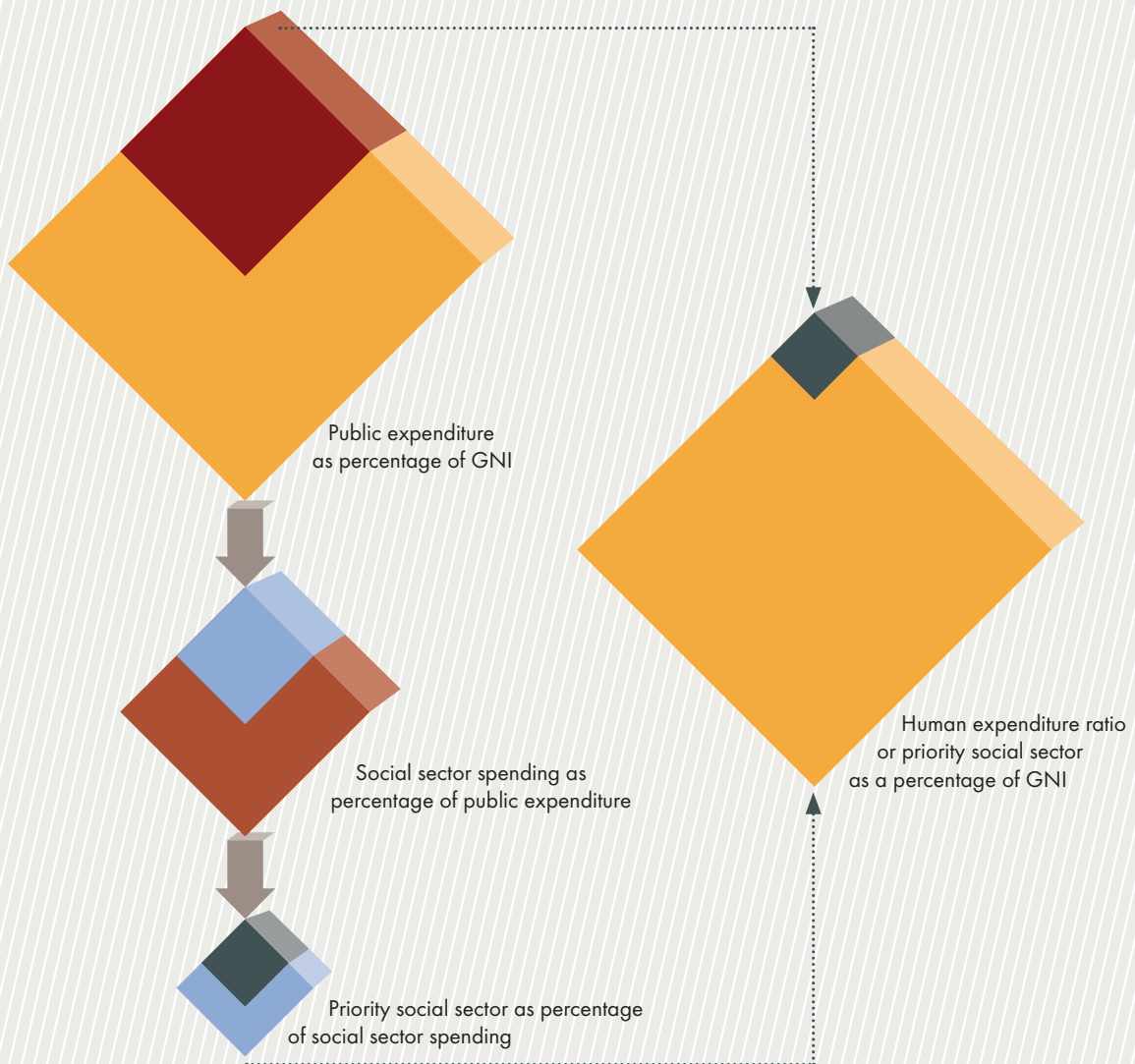
23. It is important to keep in mind that any change over time in the value of the ratio may be due to changes either in the numerator or the denominator, or both (see Glossary of statistical terms).

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 McInerney-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.

