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**Social and human rights questions: human rights**

## Report of the United Nations High Commissioner for Human Rights

### *Summary*

The present report focuses on the use of indicators in realizing economic, social and cultural rights. The analysis is built on the conceptual and methodological framework for human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights and the United Nations treaty bodies. Chapter II describes the notion of human rights indicators. Chapter III addresses the rationale for the use of indicators for implementing and monitoring economic, social and cultural rights. Chapter IV summarizes some methodological, institutional and practical considerations necessary for the effective use of human rights indicators. Chapter V illustrates the role of indicators in the implementation of economic, social and cultural rights. Chapter VI highlights recent practice of the United Nations human rights mechanisms in using indicators in the area of economic, social and cultural rights. Chapter VII suggests ways in which to advance the work in this area.

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1	3
II. Notion of human rights indicators.....	2–4	3
III. Rationale for the use of indicators for implementing and monitoring economic, social and cultural rights .....	5–10	4
A. Indicators in the international human rights normative framework.....	5–7	4
B. Needs and opportunities for the use of indicators for implementing and monitoring economic, social and cultural rights .....	8–10	5
IV. Considerations for the effective use of human rights indicators .....	11–21	5
A. Selection of indicators and collection of data .....	12–17	6
B. Analysis of data .....	18–21	8
V. Role of indicators in implementing and monitoring economic, social and cultural rights .....	22–40	9
A. Human rights assessments .....	23–25	9
B. Public policy processes.....	26–30	9
C. Human rights monitoring mechanisms .....	31–36	10
D. Redress mechanisms .....	37–40	12
VI. Use of indicators by the United Nations human rights mechanisms in the area of economic, social and cultural rights.....	41–47	13
A. United Nations human rights treaty bodies.....	41–43	13
B. Universal periodic review.....	44	13
C. Special procedures of the Human Rights Council .....	45–47	14
VII. Ways forward.....	48–52	15
VIII. Conclusions.....	53–56	16

## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 48/141, focuses on the use of indicators and benchmarks in the implementation of economic, social and cultural rights and highlights recent practices and methods developed at national and international levels. It should be read in conjunction with previous reports submitted to the Economic and Social Council that have clarified particular aspects of the protection and promotion of economic, social and cultural rights (E/2006/86, E/2007/82, E/2008/76, E/2009/90 and E/2010/89). In particular, two precedent reports (E/2007/82 and E/2009/90) refer to the use of indicators and benchmarks for the implementation and monitoring of economic, social and cultural rights.<sup>1</sup> This report updates and expands references made in these previous reports. It also builds upon the methodology on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and endorsed by the United Nations human rights treaty bodies in June 2008 (HRI/MC/2006/7 and HRI/MC/2008/3).

## II. Notion of human rights indicators

2. In the present report, the term “human rights indicators” refers to specific information on the state of an object, event, activity or an outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights (see HRI/MC/2006/7, para. 7). Some indicators could be pure human rights indicators that have an explicit link with specific human rights norms or standards and that are generally not used in other contexts. The number of reported forced evictions could be an example. At the same time, there are a large number of other indicators, such as commonly used socio-economic statistics that could meet, at least implicitly, all the definitional requirements of a human rights indicator as laid out above. Mortality rate could be an example of this category of indicators.

3. Indicators can be of a quantitative or qualitative nature. In the context of the present report, quantitative indicators<sup>2</sup> are those expressed primarily as numbers, percentages or indices. Qualitative indicators cover information articulated foremost in narrative or categorical forms. An example of this type of indicator is: “is the right to education guaranteed in the Constitution or other form of superior law of the country concerned?” Both qualitative and quantitative indicators are necessary for the implementation and monitoring of human rights. Both must be based on objective and reliable data-collection methodologies (see HRI/MC/2006/7, para. 8).

4. Benchmarks constitute predetermined values for given indicators and are based on normative or empirical evidence. Benchmarks can, for instance, be self-identified targets or goals adopted by States committing to achieve them in a given period of time (see HRI/MC/2006/7, para. 12). Such an exercise allows States to determine what would be a sufficiently ambitious, but at the same time realistic and reasonable, pace of progress in the light of the available resources (see E/2007/82, paras. 53–54).

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<sup>1</sup> E/2007/82 focuses on progressive realization of economic, social and cultural rights and E/2009/90 focuses on the implementation and monitoring on economic, social and cultural rights.

<sup>2</sup> The three terms are often used interchangeably, namely quantitative statistical or numerical indicators.

### **III. Rationale for the use of indicators for implementing and monitoring economic, social and cultural rights**

#### **A. Indicators in the international human rights normative framework**

5. The use of indicators for human rights work is not new. Statistical indicators are explicitly referred to in international human rights treaties as one of the tools to realize rights protected under the treaties (see HRI/MC/2006/7, para. 10). In relation to economic, social and cultural rights,<sup>3</sup> article 12 of the International Covenant on Economic, Social and Cultural Rights requires States, in order to realize fully the right to the highest attainable standard of health, to take steps necessary for “the provision for the reduction of the stillbirth–rate and of infant mortality”.<sup>4</sup> Likewise, article 10 (f) of the Convention on the Elimination of All Forms of Discrimination against Women obliges States to take measures to ensure “the reduction of female student drop-out rates” as a means to guarantee equal enjoyment of the right to education between men and women. Article 31 of the Convention on the Rights of Persons with Disabilities, one of the most recent human rights treaties, explicitly provides for a State obligation to collect information, including statistical and research data, in order to formulate and implement policies to give effect to the Convention. The same article also obliges States to ensure that the process of collecting and maintaining information complies with legal safeguards, human rights standards and ethical principles. Further, it requires that statistics compiled must be adequately disaggregated and used to help assess the implementation of the treaty by State parties and to identify and address the barriers faced by persons with disabilities in exercising their rights. Lastly, it stipulates that these statistics should be disseminated and made accessible to persons with disabilities and others.

6. General comments issued by the Committee on Economic, Social and Cultural Rights regularly address the need for State parties to adopt appropriate indicators and benchmarks in their national strategies and policies, including disaggregated statistics and time frames, in order to allow effective implementation and monitoring of the rights under the International Covenant on Economic, Social and Cultural Rights (see E/2007/82, paras. 37–44). Similarly, the general recommendation No. 9 of the Committee on the Elimination of Discrimination against Women underscores the importance of the use of disaggregated statistical data in order to understand the real situation of women.

7. Other non–treaty international human rights instruments recognize the role of indicators as a basis for monitoring and policy formulation. The Vienna Declaration and Programme of Action of 1993 states that “to strengthen the enjoyment of economic, social and cultural rights, additional approaches should be examined, such as a system of indicators to measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights” (para. 98). The Durban Declaration and Programme of Action of 2001 urges States to collect, compile, analyse, disseminate and publish reliable statistical data for regular assessment of the situation of victims of racism, racial discrimination, xenophobia and related intolerance, including economic and social indicators necessary for the elaboration of policies to close the existing gaps in social

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<sup>3</sup> Reference to the use of indicators is also made with regard to civil and political rights in article 24, paragraph 2, of the International Covenant on Civil and Political Rights and article 7, paragraph 1, of the Convention of the Rights of the Child, which require registration of every child at birth.

<sup>4</sup> General comment No. 14 (2000) on the right to the highest attainable standard of health of the Committee on Economic, Social and Cultural Rights notes that the stillbirth rate is no longer used, and instead infant and under-5 mortality rates are used.

and economic conditions (para. 92). The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the Council of the Food and Agriculture Organization in 2004 provide guidance on the development and use of indicators in monitoring the progressive realization of the right to food (see guideline 17).

## **B. Needs and opportunities for the use of indicators for implementing and monitoring economic, social and cultural rights**

8. In addition to normative requirements, there are more practical needs and opportunities for the use of human rights indicators. First, the use of indicators has been sought as a tool to strengthen systematic measurement of changes made over time in the enjoyment of human rights. While the use of indicators is equally relevant to all human rights, more efforts have been made in the area of economic, social and cultural rights. This is due to the fact that some of the treaties providing for economic, social and cultural rights, such as the International Covenant on Economic, Social and Cultural Rights, as well as many national constitutions recognize that the full realization of these rights is to be achieved progressively in light of available resources. This notion of “progressive realization”<sup>5</sup> inevitably requires States and human rights monitoring mechanisms to monitor progress made over a period of time towards the full realization of economic, social and cultural rights, and compelled the human rights community to devise tools to monitor such changes.

9. Second, the human rights community has been seeking ways to move beyond traditional, generic analysis of “economic and social situations” that fail to articulate a clear linkage with the human rights framework. In this context, methodologies which link statistical and other data to human rights standards are needed to capture the enjoyment of economic, social and cultural rights of individuals and the meeting of obligations by States, not only the overall economic or social situation.

10. Lastly, the use of human rights indicators helps facilitate the operationalization of human rights in public policies. This is of particular importance for the realization of economic, social and cultural rights, as it often requires a wide range of policy measures across various sectors. For instance, the global food crisis in 2008 underscored that coordinated policy measures across multiple sectors are needed to protect the right to food of those affected.<sup>6</sup> The use of indicators is common for actors working on public policy, such as development practitioners, statisticians and experts from various sectors (e.g., public health, agriculture, urban planning, education, employment and social welfare). For these actors, methodologies on human rights indicators can help integrate the realization of human rights into their work and thus help make public policies more sensitive to human rights. The use of human rights indicators may also help ensure effectiveness and comprehensiveness of policy analysis; for example, methodologies on human rights indicators may reveal underlying existing patterns of inequality and injustice, which might otherwise be overlooked and may hamper the achievement of overall policy goals. Many of the assessments made by development actors with regard to the North Africa and Arab regions prior to the popular uprisings in 2010–2011 were positive, as they had been based

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<sup>5</sup> For information on the concept of progressive realization of economic, social and cultural rights, see E/2007/82.

<sup>6</sup> See the reports of the Special Rapporteur on the right to food, A/HRC/9/23 and A/HRC/12/31. See also the updated Comprehensive Framework for Action developed by the High-level Task Force on the Global Food Security Crisis.

on the countries' economic growth and steps made towards democracy. They failed, however, to take adequate account of the increasing inequality and social injustice, such as denial of fair access to employment and social services.<sup>7</sup>

#### **IV. Considerations for the effective use of human rights indicators**

11. In order to use indicators and benchmarks specifically to facilitate the implementation and monitoring of human rights, certain methodological, institutional and practical considerations are required.<sup>8</sup> In response to a request from the inter-committee meeting of the United Nations treaty bodies, OHCHR has elaborated a conceptual and methodological framework on indicators for the promotion and implementation of human rights,<sup>9</sup> accompanied by lists of illustrative indicators on selected rights, including the rights to food, health, education, adequate housing, social security and work. The considerations highlighted below are drawn from the work of OHCHR and related country-level experiences and initiatives on using indicators.<sup>10</sup>

##### **A. Selection of indicators and collection of data**

12. First, when selecting indicators, it is essential that indicators identified for the implementation of human rights have a clear link to the applicable international and national human rights framework. Indicators selected for measuring certain aspects of a specific human right need to be anchored in the normative content of the right as enumerated in the international and national human rights standards.<sup>11</sup> They also need to capture not only the outcomes, but also commitments and efforts made by the State to discharge its obligations ensuing from the right. The combined use of structural, process and outcome indicators is widely accepted as a framework that can capture all these dimensions (see HRI/MC/2006/7 and HRI/MC/2008/3). This framework aims to link: States' commitment to and acceptance of obligations under international human rights standards (structural indicators); efforts undertaken to meet those obligations through implementation of policy measures and programmes (process indicators); and the results of those efforts as regards the concerned populations' enjoyment of human rights (outcome indicators). Indicators identified should be able to reflect the full spectrum of State obligations to respect, protect and fulfil human rights.

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<sup>7</sup> See, for example, the World Bank's country brief on Tunisia. Available from <http://web.worldbank.org> (accessed on 6 April 2011).

<sup>8</sup> For more detail, see HRI/MC/2008/3.

<sup>9</sup> For details on the work of OHCHR on indicators, see: <http://www2.ohchr.org/english/issues/indicators/index.htm>.

<sup>10</sup> The framework and lists of indicators developed by OHCHR have been validated through consultations both with international stakeholders (with experts and mandate holders of the United Nations human rights mechanisms, academia, non-governmental organizations and international organizations) and national stakeholders (national human rights institutions, Government and statistical agencies, non-governmental organizations and United Nations country teams).

<sup>11</sup> The framework developed by the OHCHR translates the narrative on the normative content of human rights into a limited number of characteristic attributes to concretize the content of a right and makes explicit the link between identified indicators and the normative standards. As an example, it identified five attributes on the right to health, namely: (a) sexual and reproductive health; (b) child mortality and health care; (c) natural and occupational environment; (d) prevention, treatment and control of diseases; and (e) accessibility to health facilities and essential medicines (HRI/MC/2008/3, para. 7).

13. Second, it is essential to disaggregate indicators in order to capture existing or potential patterns of discrimination in the enjoyment of rights concerned.<sup>12</sup> The disaggregation of indicators should, as far as possible, take into account the grounds for non-discrimination set out by the Committee on Economic, Social and Cultural Rights in its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

14. Third, it is important to strike a balance between contextually specific indicators and universally relevant indicators.<sup>13</sup> Countries, and regions within countries, differ socially, economically and politically. Therefore, the selection of indicators may need to be tailored for different contexts. Indicators on the prevention, treatment and control of diseases – one of the elements (attributes)<sup>14</sup> for the right to health – may need to be adjusted taking into consideration epidemics and endemics unique to the area. At the same time, some indicators, such as those capturing State obligations of immediate effect or the minimum core content of the rights, would be applicable universally. Primary enrolment ratios disaggregated by sex, as an indicator that helps measure non-discrimination and equality in the right to education, would be one example of such universal indicators.

15. Fourth, to be practical, indicators should be: relevant, valid and realizable; simple, timely and few in number; based on objective, reliable and independent data-generating mechanisms;<sup>15</sup> suitable for comparison over time and territory; in line with relevant international statistical standards; and possible to disaggregate by prohibited grounds of discrimination (see HRI/MC/2006/7, para. 26, and HRI/MC/2008/3, para. 15).

16. Fifth, the process of the production, processing and dissemination of data should also comply with legal, ethical and human rights safeguards, including the right to privacy, data protection and confidentiality, self-identification and participation. For example, participation of marginalized groups, such as minority or indigenous groups, women, older persons, persons with disabilities, migrants, internally displaced persons (IDPs), etc., in designing and implementing surveys may facilitate the identification and collection of relevant information, including appropriate disaggregation of statistics, formulation of survey questions, dissemination and interpretation of results.

17. Last, data should be sought from a variety of reliable and objective sources, including Governments (such as national statistical bureaus), international organizations (such as United Nations agencies), civil society organizations and national and international human rights mechanisms. Different stakeholders may generate or have access to different type of data. In many cases, data are collected but not fully utilized due to the lack of communication between the producers and the users of the data. Close collaboration between a wide range of actors and institutionalization of participatory processes are crucial to utilizing all available data.

<sup>12</sup> Disaggregation of indicators is not free from abuse. In the past, indicators disaggregated by ethnicity were used for perpetuating racism. To prevent misuse of indicators, the process of data collection should have human rights and ethical safeguards. See paragraph 16 below.

<sup>13</sup> The OHCHR framework seeks neither to prepare a fixed common list of indicators for all, nor to make a case for cross-country comparisons. It is guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings (see General Assembly resolution 60/251). See also HRI/MC/2006/7, paragraph 28, and HRI/MC/2008/3, paragraph 16.

<sup>14</sup> See footnote 11.

<sup>15</sup> Indicators should be produced and disseminated in an independent, impartial and transparent manner and based on sound methodology, procedures and expertise.

## B. Analysis of data

18. The use of indicators does not replace the normative analysis of a human rights situation. Data gathered for indicators need to be analysed in the context of the normative framework for human rights. For instance, in order to ascertain that a high maternal mortality rate is a consequence of gender discrimination in relation to the right to health, the factors that must be in place will include: (a) preventable maternal mortality is related to a lack of provision and prioritization of health care; (b) while it affects only women, there is no single cause of death or negative impact on health for men comparable to the magnitude of maternal mortality among women; and (c) States are obliged under international human rights law to ensure their laws, policies and practices meaningfully address the specific needs of women due to their ability to become pregnant and give birth, including by ensuring women's access to emergency obstetric care and other sexual and reproductive health information and services (see A/HRC/14/39, para. 17).

19. Likewise, indicators alone will generally not provide a complete picture of the realization or violation of a certain right. For example, a failure to reach a benchmark for an indicator set for a certain right does not necessarily mean that the State is in breach of its international obligations deriving from the right (E/CN.4/2006/48, para. 44). In order to determine whether such a trend is actually the result of a breach of human rights obligations, further investigation and analysis is required, including through judicial or quasi-judicial review.

20. Moreover, certain statistical tools and skills are required for an accurate understanding of what the data indicates, in particular for quantitative indicators. For example, metadata<sup>16</sup> should provide information on each indicator's definition, rationale, methods of computation, data sources, disaggregation levels, periodicity and limitations. An accurate reading of metadata can help with the interpretation of indicators.<sup>17</sup> It may also be necessary to understanding whether shifts in data observed for an indicator demonstrate statistically significant changes. This requires, for example, understanding concepts such as confidence interval,<sup>18</sup> sampling errors and bias associated with common administrative records and statistical surveys.

21. Finally, cross-cutting human rights principles and the indivisibility, interdependence and interrelatedness of all human rights must be taken into account when any given right is analysed. When data on a certain right is collected and analysed, indicators should also reflect cross-cutting human rights principles, such as non-discrimination, equality, participation, accountability and the right to remedy. Similarly, it should be born in mind that one indicator may be relevant to several rights. For example, an indicator of under-nutrition is relevant to both the right to food and the right to health.

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<sup>16</sup> See examples of metadata sheets in annex II of document HRI/MC/2008/3.

<sup>17</sup> For example, when a shift in the ratio of girls to boys in primary education is observed, it needs to be verified whether such a shift results from changes in the numerator (number of girls enrolled) or from changes in the denominator (number of boys enrolled). The increase of the ratio might, for example, not be due to the fact that there are more girls enrolled (desirable), but instead to a decrease in the number of boys enrolled (undesirable). Without understanding what is indicated by such a shift, it is not possible to assess whether such a shift is indicative of non-discrimination.

<sup>18</sup> The confidence interval is an estimated range of the sample data, within which the true value is contained. The width of confidence interval gives some idea on the level of certainty about the true value of the data estimated for an indicator: a wider confidence interval implies more doubt, while a narrower implies more certainty.



## V. Role of indicators in implementing and monitoring economic, social and cultural rights

22. Combined with normative analysis, indicators and benchmarks can be useful to: (a) substantiate normative analysis in human rights assessments; (b) set clearer steps for implementing public policies and programmes; (c) set objective criteria for monitoring progress made towards full realization of rights; and (d) support claims on duty-bearers, such as governmental authorities, in courts and other redress mechanisms. The present section illustrates recent examples of the use of human rights indicators in these contexts.

### A. Human rights assessments

23. Human rights indicators help to identify trends which signal progress, stagnation or retrogression made in the realization of human rights. For example, in a report to the Human Rights Council on his mission to Australia, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context alerted the country to retrogressive trends in indicators relevant to the right to adequate housing. He pointed out that “current indicators from diverse sources show regressive results: reductions in public housing, soaring private rental rates, an acknowledged housing affordability crisis and no real reduction in the number of people who are homeless in Australia” (para. 126).

24. When indicators are disaggregated appropriately, human rights indicators can also provide a useful basis for identifying patterns of marginalization and discrimination. For instance, indicators can bring visibility to specific protection gaps which may be the result of policies that appear neutral in the first place. The Committee on the Rights of the Child analysed the standard of living of children in Georgia as measured by indicators on access to housing, water and sanitation, and identified large disparities in living standards among children in the country depending on whether they lived in rural or urban areas, the size and structure of their family and whether they had refugee or IDP status (CRC/C/GEO/CO/3).

25. Indicators can also demonstrate the indivisibility, interdependence and interrelatedness of human rights. The OHCHR report on preventable maternal mortality and morbidity and human rights (A/HRC/14/39) stated that the deprivation of the right to education undermines women’s enjoyment of their right to health. This observation is based on the finding that women’s low rates of literacy and education correlate strongly with high rates of maternal mortality and with several indices of maternal health, including high fertility rates, low utilization of prenatal care, lower rates of contraception needs met and lower age at first birth (para. 30).

### B. Public policy processes

26. A set of concrete and measurable indicators and benchmarks strengthens effectiveness, transparency and accountability of policies. In 2000, the *Human Development Report* issued by the United Nations Development Programme suggested that human rights indicators can play a role in: making better policies and monitoring progress; identifying unintended impacts of laws, policies and practices; identifying which actors are having an impact on the realization of rights; revealing whether the obligations of these actors are being met; giving early warning of potential violations prompting preventive action; enhancing social consensus on difficult trade-offs to be made in the face of resource constraints; and exposing issues that had been neglected or silenced (chap. 5, p. 89).

27. Initiatives have been taken to utilize indicators for monitoring of the implementation of public policies at country level. For instance, in Nepal, the Government, national human rights institutions and civil society organizations, with the support of OHCHR, are identifying and contextualizing indicators for monitoring economic, social and cultural rights. Such efforts have led to the integration of human rights indicators into the National Human Rights Action Plan that outlines the Government's plans and priorities for 2010–2012 in such areas as health, education, administration of justice and institution-building, and creates targeted programmes for marginalized and vulnerable groups (A/HRC/17/24, para. 8). Similar initiatives have been taken in Ecuador (ibid.) and Kenya to develop human rights indicators, including those on economic, social and cultural rights, to be integrated into national plans and policies.

28. Civil society organizations and academia are also developing methodologies and tools to monitor the levels of realization of economic, social and cultural rights at community, country and international levels in order to influence policymaking.<sup>19</sup>

29. United Nations agencies and other international organizations continue their efforts to make the indicators used in their technical assistance more sensitive to human rights. The United Nations Development Programme has introduced new sets of indicators to measure inequality and multidimensional poverty, which measurements can be used as a basis for designing development policies and strategies.<sup>20</sup> The World Health Organization has been developing a practical tool that uses human rights concepts and methods, including indicators, to strengthen government efforts on sexual and reproductive health.<sup>21</sup> A strategic framework on the global food and nutrition security developed by the High-level Task Force on the Global Food Security Crisis suggests a set of indicators for a country-specific analysis on access to and utilization of food, which adopted methodologies for human rights indicators developed by OHCHR.

30. Bilateral donor agencies are also referring to the use of human rights indicators when providing assistance. For example, the Norwegian Agency for Development Cooperation is advising the Kenya National Human Rights Commission on the use of human rights indicators in monitoring its programmes.<sup>22</sup>

### C. Human rights monitoring mechanisms

31. National and international human rights monitoring mechanisms, such as national human rights institutions and regional and United Nations human rights mechanisms, are developing and using human rights indicators in order to set objective criteria for more systematic monitoring of the implementation of economic, social and cultural rights. States and civil society organizations are also using indicators in their interaction with the human rights monitoring mechanisms.

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<sup>19</sup> See, for example, *Promoting Rights in Schools: providing quality public education*, ActionAid. Available from [www.right-to-education.org/node/1374](http://www.right-to-education.org/node/1374) (accessed on 24 March 2011). Backman G, et.al., "Health systems and the right to health: an assessment of 194 countries", *The Lancet*, vol. 372, issue No. 9655, pp. 2047–2085, 13 December 2008.

<sup>20</sup> For example, the Inequality-adjusted Human Development Index, the Gender Inequality Index and the Multidimensional Poverty Index.

<sup>21</sup> Cottingham J, et. al., "Using human rights for sexual and reproductive health: improving legal and regulatory frameworks", *Bulletin of the World Health Organization*, 3 June 2010.

<sup>22</sup> Norwegian Agency for Development Cooperation, "Review of Norwegian Support to the Kenya Human Rights Commission (KHRC)" (2011). Available from [www.norad.no/en/Tools+and+publications/Publications/Publication+Page?key=259798](http://www.norad.no/en/Tools+and+publications/Publications/Publication+Page?key=259798).

32. In Mexico, the National Institute for Statistics and Geography and the National Human Rights Commission are identifying indicators for more systematic monitoring of human rights, including the right to health and the right to education (A/HRC/17/24, para. 8). Similarly, in the United Kingdom of Great Britain and Northern Ireland, the Equality and Human Rights Commission (in partnership with the Scottish Human Rights Commission) has developed the Human Rights Measurement Framework for England, Scotland and Wales, which is to be used in fulfilling its monitoring and reporting mandate, including when reporting to Parliament. Indicators identified include the right to adequate food, the right to health, the right to education and the right to adequate housing.

33. Regional human rights mechanisms<sup>23</sup> are also developing methodologies for the use of indicators in monitoring implementation of regional human rights instruments. The Inter-American Commission on Human Rights is currently developing Guidelines for Preparation of Progress Indicators in the Area of Economic, Social and Cultural Rights for the evaluation and monitoring of the rights stipulated in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador). The Guidelines aim to provide States parties, other agencies of the Inter-American System and civil society organizations with a tool for the regular reporting under the Protocol and the design of a permanent internal evaluation mechanism for each State party.

34. As detailed in the chapter V below, United Nations human rights mechanisms, in particular those with mandates relating to economic, social and cultural rights, have been actively using indicators in their assessments and consistently recommending that States adopt human rights indicators in their national policies and for the monitoring of economic, social and cultural rights at country level.

35. Both States and civil society organizations are using indicators and benchmarks in their interaction with the United Nations human rights mechanisms, such as United Nations treaty bodies. For example, in its periodic report to the Committee on Economic, Social and Cultural Rights, the United Kingdom indicated that it had set a target to reduce inequalities in health outcomes by 10 per cent by 2010, as measured by infant mortality and life expectancy at birth. It is also aiming by 2010 to reduce by at least 10 per cent the gap between the quintile of areas with the worst health and deprivation indicators and the population as a whole (E/C.12/GBR/5, para. 302).

36. Civil society organizations are providing their analysis on the implementation of economic, social and cultural rights based on available statistical information and benchmarks in their parallel reports to the treaty bodies.<sup>24</sup> Civil society organizations and academia are developing methodologies and tools which can be used by the human rights monitoring mechanisms.<sup>25</sup>

<sup>23</sup> See also Council of Europe, *Concerted development of social cohesion indicators – Methodological guide* (2005) for another regional initiative

<sup>24</sup> For example, see the country factsheets developed by the Center for Economic and Social Rights on Cambodia ([www2.ohchr.org/english/bodies/cescr/cescrs42.htm](http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm)) and Kenya ([www2.ohchr.org/english/bodies/cescr/cescrs41.htm](http://www2.ohchr.org/english/bodies/cescr/cescrs41.htm)) submitted to the Committee on Economic, Social and Cultural Rights.

<sup>25</sup> For example, see the indicators, benchmarks, scoping, assessment project being conducted by University of Mannheim and the German Federal Government, in collaboration with FIAN International. See Eibe Riedel et al., "Indicators – Benchmarks – Scoping – Assessment: Background Paper" (Friedrich Ebert Foundation). Available from [www.fes-globalization.org/geneva/documents/HumanRights/6July10\\_BackgroundPaper\\_IBSA.pdf](http://www.fes-globalization.org/geneva/documents/HumanRights/6July10_BackgroundPaper_IBSA.pdf).

## D. Redress mechanisms

37. Human rights indicators are also used in the process of providing remedies for the violation of economic, social and cultural rights, through judicial and administrative mechanisms.

38. Indicators can be used by rights-holders, i.e., individuals and groups of individuals, as a source of evidence to corroborate their claims for violation of economic, social and cultural rights and to seek remedies. In the case of *D.H. and others v. the Czech Republic*, brought before the European Court of Human Rights, the applicants argued the existence of indirect discrimination<sup>26</sup> against Roma children in their enjoyment of the right to education. They built their claim on statistical data demonstrating the disproportionately high percentage of Roma students admitted in special schools compared to non-Roma students. The Court accepted the use of statistical data by the applicant as prima facie evidence. It shifted the burden of proof to the Government and requested the Government to prove that the difference in the impact of the legislation on special schools was the result of objective factors unrelated to ethnic origin.

39. Courts are using indicators to monitor the implementation of its orders. For instance, the Colombia Constitutional Court ordered the Government to adopt and use indicators to implement its decision on the rights of IDPs. In its decision T-025 of 2004, the Court recognized the gap in implementation of a law which defines a public policy for assisting IDPs. The Court recognized a lack of specific goals and indicators for the verification of the fulfilment of the policy as one of the obstacles in implementing the policy. In a series of orders issued subsequent to its decision T-025 of 2004, the Court called upon national authorities to develop results indicators to monitor the effective enjoyment of rights by IDPs, including the rights to minimum subsistence income, support for self-sufficiency, housing, safe return to their lands, health care and education. The Court further ordered that a procedure for adoption of such indicators be set up. Consequently, a set of indicators was adopted to measure the effective enjoyment of the rights of IDPs.

40. Rights-holders are actively using indicators to claim their rights and monitor commitments made by the Governments to remedying their situation. Together with civil society organizations, the residents of the Seven Towers apartment complex in Northern Ireland developed six indicators, including process and outcome indicators, to support their claim that their right to adequate housing had been violated. The Minister for Social Development committed to improving their housing conditions by meeting the benchmarks suggested by the community, while the community regularly monitors the implementation of these commitments using these indicators.<sup>27</sup> This initiative is remarkable in the sense that the rights-holders themselves have identified indicators most pertinent to their claims, generated data and actively used them to hold the Government accountable.

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<sup>26</sup> “Indirect discrimination refers to laws, policies or practices which appear neutral at face value, but have a disproportionate impact on the exercise of Covenant rights as distinguished by prohibited grounds of discrimination.” General comment No. 20 (2009) of the Committee on Economic, Social and Cultural Rights on non-discrimination in economic, social and cultural rights, para. 10.

<sup>27</sup> Seven Towers Monitoring Group, “Fourth report on progress of human rights indicators” (January 2009). Available from [www.pprproject.org/index.php?option=com\\_content&task=view&id=22&Itemid=33](http://www.pprproject.org/index.php?option=com_content&task=view&id=22&Itemid=33).

## **VI. Use of indicators by the United Nations human rights mechanisms in the area of economic, social and cultural rights**

### **A. United Nations human rights treaty bodies**

41. United Nations human rights treaty bodies, in particular those monitoring treaties addressing economic, social and cultural rights, have established practices of systematically requesting statistics and disaggregated indicators for the assessment of the compliance with the treaties they monitor. Reporting guidelines of all United Nations human rights treaty bodies request State parties to provide disaggregated statistical information to enable treaty bodies to assess progress made in the implementation of rights covered by their mandate. Some treaty bodies also request information on national mechanisms to monitor progress towards the full realization of rights concerned, including the identification of indicators and related national benchmarks in relation to each right.<sup>28</sup> The latest treaty-specific reporting guidelines of the Committee on Economic, Social and Cultural Rights (E/C.12/2008/2) specifically request the development of indicators and benchmarks taking into account the framework and tables of illustrative indicators outlined by OHCHR.

42. Treaty bodies are also actively using indicators in their analysis, in particular for identifying patterns of marginalization and discrimination.<sup>29</sup> For instance, in its concluding observations on Mozambique, the Committee on the Rights of the Child observed “inequitable allocation of resources among provinces, with the lowest expenditures being allocated to the provinces where child well-being indicators, including child poverty, are among the worst in the country” (CRC/C/MOZ/CO/2).

43. The area where indicators could be used more systematically in the work of the treaty bodies is the follow-up to their recommendations. The narrative recommendations of the treaty bodies are often based on available statistical information, which can then serve as a yardstick in reviewing progress on the recommendations’ implementation. However, treaty bodies have not yet established a consistent practice of using indicators over several reporting periods in assessing State parties’ follow-up to concluding observations. There are some technical and practical challenges to (e.g., change of data collection methods for each indicator over time) and resource constraints on establishing such a practice, and tools to enable more systematic analysis over time need to be further developed.

### **B. Universal periodic review**

44. Members of the Human Rights Council frequently refer to the use of indicators as a measure to implement economic, social and cultural rights in the universal periodic review. States reviewing their peers have recommended the compilation of statistical data to provide a base for policy formulation. They have also suggested that a goal of legal and policy measures should include an improvement of situations measured by certain socio-economic indicators. Many such recommendations are accepted by the States under

<sup>28</sup> See, for example, reporting guidelines of the Committee on Economic, Social and Cultural Rights (E/C.12/2008/2) and the Committee on the Rights of Persons with Disabilities (CRPD/C/2/3).

<sup>29</sup> For recent examples of such analysis in relation to economic, social and cultural rights, see the concluding observations of the Committee on the Elimination of Racial Discrimination with regard to Colombia in 2009 (CERD/C/COL/CO/14, para. 22) and the Committee on Economic, Social and Cultural Rights on Brazil in 2009 (E/C.12/BRA/CO/2, para. 11).

review.<sup>30</sup> For example, Paraguay accepted recommendations<sup>31</sup> to “put into practice the plan to establish a system of human rights indicators” (recommendation made by Algeria). Similarly, it accepted the recommendations to compile statistical data and to establish a monitoring system on protection of children (Japan), to take additional measures to address the high rates of illiteracy and school drop-out among women (Republic of Moldova and Norway) and to develop official statistics to record cases of domestic violence, femicide, abuse and sexual exploitation (Algeria). The consistent reference made thereto during the universal periodic review process demonstrates that States are increasingly recognizing that the use of indicators in policy formulation is one of the measures necessary to discharging their obligations to realize human rights, including economic, social and cultural rights.

### C. Special procedures of the Human Rights Council

45. In the past decade, several mandate holders of the special procedures of the Human Rights Council have studied human rights indicators. In the areas of economic, social and cultural rights, the Special Rapporteur on the right to education,<sup>32</sup> the Special Rapporteur on adequate housing,<sup>33</sup> the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,<sup>34</sup> the Special Rapporteur on violence against women, its causes and consequences,<sup>35</sup> the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance<sup>36</sup> and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation<sup>37</sup> have given details on how to use available statistical indicators to implement and monitor rights.

46. Many other special procedures have also used indicators as a basis for their analyses in country missions. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance identified discrimination faced by minorities in his report on the mission to Japan and noted that “all surveys and indicators point to the fact that minorities live in a situation of marginalization and economic and social vulnerability, in the fields of employment, housing, marriage, pensions, health and education” (E/CN.4/2006/16/Add.2, para. 70).<sup>38</sup> He also pointed out

<sup>30</sup> For example, see A/HRC/11/15, para. 37, and A/HRC/11/15/Add.1, para. 37 (recommendation made by Egypt, accepted by Germany); A/HRC/12/4/Add.1, para. 36 (recommendation made by Algeria, accepted by Belize); A/HRC/12/10, para. 60 (recommendation made by Bangladesh accepted by Chile); A/HRC/13/11, para. 93 (recommendation made by Cuba, accepted by Bhutan); A/HRC/13/4, para. 69 (recommendation made by Algeria, accepted by Cambodia); A/HRC/15/8, para. 101.49; (recommendation made by France, accepted by Kenya); A/HRC/15/15, para. 79.75 (recommendation made by Bahrain, accepted by Kuwait).

<sup>31</sup> For the recommendations, see document A/HRC/17/18.

<sup>32</sup> See E/CN.4/2002/60.

<sup>33</sup> See E/CN.4/2003/5 and A/HRC/4/18.

<sup>34</sup> See A/58/427 See also A/58/427, A/59/422 and A/61/338.

<sup>35</sup> See A/HRC/7/6. The issue of violence against women has various implications on the enjoyment of economic, social and cultural rights, such as the right to health and education. The indicators suggested by the Special Rapporteur include those on female genital mutilation and femicide.

<sup>36</sup> See A/HRC/11/36. See also the Special Rapporteur’s contribution to the OHCHR Regional Seminar for the Americas, “Data Collection and the Use of indicators to promote and monitor racial equality and non-discrimination”, held in Rio de Janeiro, May 2010. Available from [http://www2.ohchr.org/english/issues/racism/rapporteur/docs/Contribution\\_ethnically\\_disaggregated\\_data\\_BrazilMay2010.pdf](http://www2.ohchr.org/english/issues/racism/rapporteur/docs/Contribution_ethnically_disaggregated_data_BrazilMay2010.pdf).

<sup>37</sup> See A/65/254.

<sup>38</sup> See also A/HRC/11/36/Add.3 on the mission to the United States of America. Similarly, in his report on his mission to Brazil, the Special Rapporteur on the situation of human rights and fundamental

that, in Switzerland, the commitment and efforts made by the State to eliminate discrimination had been insufficient, demonstrating by comparing “the relative lack of legislation or remedies against the recurring manifestations of discrimination in employment and housing, which may be considered symbolic social indicators of discrimination” (A/HRC/4/19/Add.2, para. 64).<sup>39</sup>

47. Numerous mandate holders have recommended that States adopt a set of human rights indicators, compile disaggregated data for these indicators and set targets and benchmarks against such indicators for policy formulation and monitoring of its implementation.<sup>40</sup> For instance, the Special Rapporteur on the right to food recommended that the Nicaraguan “Law on Food and Nutrition Security and Sovereignty should be fully implemented, and the information system on food and nutrition security it provides for strengthened by the adoption of a unified system of indicators, targets and benchmarks to monitor compliance with the State obligation to progressively realize the right to food” (A/HRC/13/33/Add.5, para. 83 (d)). The Special Rapporteur on the right to education suggested that the Government of Morocco “develop disaggregated indicators on the school dropout rate and absenteeism by sex, social situation, ethnic origin and other variables, not only to help curb these problems but also to ensure that all schoolchildren complete their education, regardless of their sex” (A/HRC/8/10/Add.2, para. 74 (o)). The Special Rapporteur on adequate housing urged the federal authorities of Canada “to adopt an official definition of homelessness and to gather reliable statistics in order to develop a coherent and concerted approach to this issue” (A/HRC/10/7/Add.3, para. 100).

## VII. Ways forward

48. As illustrated above, significant efforts have been made by national and international stakeholders, including Governments, national and international human rights mechanisms, statistical organizations, civil society organizations and international organizations, to integrate human rights indicators into their work. Despite these achievements, more work is needed to advance these efforts.

49. Initiatives taken to integrate human rights indicators into national development or human rights plans and policies should be supported and followed through, so that adopted indicators are actually used in monitoring the plans and policies’ implementation. States need to be further equipped to be able to follow up recommendations issued by national and

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freedoms of indigenous people pointed out that “indigenous peoples of Brazil rank low in all human development indicators, including access to health, education and justice” (A/HRC/12/34/Add.2, para. 76).

<sup>39</sup> The lack of legislation and remedies referred to by the Special Rapporteur as “symbolic social indicators of discrimination” corresponds to structural indicators under the OHCHR methodological framework for human rights indicators.

<sup>40</sup> For example, the Special Rapporteur on adequate housing, reports on missions to Spain (A/HRC/7/16/Add.2) and to Canada (A/HRC/10/7/Add.3); the Special Rapporteur on the right to education, reports on missions to Morocco (A/HRC/8/10/Add.2), Bosnia and Herzegovina (A/HRC/8/10/Add.4), Malaysia (A/HRC/11/8/Add.2) and Mongolia (A/HRC/14/25/Add.3); the Special Rapporteur on the right to food, reports on missions to India (E/CN.4/2006/44/Add.2), Benin (A/HRC/13/33/Add.3) and Nicaragua (A/HRC/13/33/Add.5); the Special Rapporteur on the right to health, the report on mission to Sweden (A/HRC/4/28/Add.2); the Special Rapporteur on the rights of indigenous peoples, reports on missions to South Africa (E/CN.4/2006/78/Add.2), Colombia (A/HRC/15/37/Add.3) and Russian Federation (A/HRC/15/37/Add.5); and the Special Rapporteur on violence against women, reports on missions to Turkey (A/HRC/4/34/Add.2) and Kyrgyzstan (A/HRC/14/22/Add.2).

international human rights monitoring mechanisms using statistical information. Likewise, human rights monitoring mechanisms should develop a consistent practice of using indicators when periodically assessing follow-up to their recommendations.

50. The selection of indicators and collection of data can be improved by giving greater attention to participatory processes and partnerships involving Government agencies, statistical organizations, human rights institutions and civil society at country level. Such an inclusive process will facilitate the selection of contextually relevant indicators, disaggregation of statistical information and data-collection efforts that are more sensitive to human rights. Such collaboration may also facilitate access to a wider range of indicators and sources of information which may supplement the data generated by conventional data collection mechanisms.

51. More specifically, the statistical and human rights communities need to collaborate more closely. Through such collaboration, the human rights principles and standards can contribute to enhancing the application of appropriate human rights safeguards to collection, processing, dissemination and use of indicators. In addition, it will allow the human rights community to have better access to statistical data produced through reliable and statistically sound data-generating mechanisms, information and expertise, which will be useful in interpreting available statistical information. In order to facilitate such collaboration, further dialogue with the statistical community may be needed in order to demystify misconceptions about human rights indicators.

52. Overall, more capacity-building is needed for a wide range of stakeholders to collect further information and better disseminate, use and interpret available indicators. To respond to that need, OHCHR is providing technical assistance to Governments and national human rights institutions in different countries and regions based on the conceptual and methodological framework developed by the Office, and is developing resource materials and tools to help disseminate and operationalize its framework.

## **VIII. Conclusions**

53. Systematic use of human rights indicators brings greater objectivity and transparency in human rights assessments and makes human rights monitoring more evidence-based. It makes the implementation of human rights more accessible to policymakers and improves effectiveness of the public policies necessary for the realization of human rights. Human rights indicators can also help support claims on violations of human rights.

54. The use of indicators is required by a number of international human rights instruments. International human rights monitoring mechanisms are consistently highlighting the need for State parties to adopt indicators and benchmarks in their reporting and their national strategies and policies necessary for the implementation of human rights, in particular those relevant to economic, social and cultural rights.

55. Over the years, significant efforts have been made to establish methodologies for human rights indicators, including a conceptual and methodological framework developed by OHCHR and endorsed by the human rights treaty bodies. National and international stakeholders, both within and outside the human rights community, are increasingly relying on human rights indicators and taking initiatives to integrate human rights indicators into their work.

56. These efforts can be further advanced by building the capacity of a wide range of national and international stakeholders, and strengthening collaboration among them. Systematic use of human rights indicators can be further encouraged in human rights



assessments, policymaking and policy implementation, human rights monitoring and redress mechanisms.

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