



METHODOLOGICAL APPROACHES TO HUMAN RIGHTS INDICATORS



In order to promote and to protect human rights we need to make statistics the science of truth, not of lies. Quoting Goethe: “It has been said that figures rule the world. Maybe. But I’m sure figures show us whether it is being ruled well or badly”.

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A conceptual framework that helps in identifying indicators for use in human rights assessments has to be backed by an effective methodological approach so as to populate those indicators with the required data. Indicators are not likely to be meaningful in promoting the implementation and monitoring of human rights, unless they are explicitly and precisely defined, based on an acceptable

standardized methodology of data collection, processing and dissemination, and are available on a regular basis. Prudent choices in respect of at least three aspects of the methodological approach to developing indicators for use in human rights assessments can help in addressing these concerns. These choices are the subject matter of this chapter.

LEARNING OBJECTIVES

1

What are the ethical, statistical and human rights considerations in the selection of indicators?

2

What are the principal data-generating mechanisms and sources for human rights indicators?

3

What is the feasibility of the disaggregation of indicators for use in human rights assessments?

1. Senior Adviser to the Search for Common Ground, Middle East Program, Jordan, in his address at the Montreux Conference on “Statistics, Development and Human Rights”, September 2000.

A. Ethical, statistical and human rights considerations in indicator selection

There are several methodological considerations that should guide the process of selecting indicators for use in human rights assessments. The collection, processing and dissemination of any statistical information have implications for the right to information, the right to privacy, data protection and confidential-

ity, and require conforming to legal and institutional standards related to ethics, statistics and human rights. The three main human rights principles in relation to data-collection processes are *self-identification*, *participation* and *data protection* (see boxes 9 to 11).

Box 9 Misuse of data—the dark side of numbers

Looking back, it is possible to rake over mistakes, motivated actions as well as omissions by the State. An investigation by Seltzer and Anderson into the misuse of prevalent population data systems in perpetuating human rights abuses in the history of modern nations is quite revealing.

During the Second World War, several European countries, including France, Germany, the Netherlands, Norway, Poland and Romania, abused population registration systems to aid Nazi persecution of Jews, Gypsies and other population groups. The Jewish population suffered a death rate of 73 per cent in the Netherlands. In the United States of America, misuse of population data on Native Americans and Japanese Americans in the Second World War is well documented. In the Soviet Union, micro data (including specific names and addresses) were used to target minority populations for forced migration and other human rights abuses. In Rwanda, categories of Hutu and Tutsi tribes introduced in the registration system by the Belgian colonial administration in the 1930s were used to plan and assist mass killings in 1994.

Seltzer and Anderson identify ideology, racism, patriotism, obedience due to fear, bureaucratic opportunism or professional zeal as possible factors that encourage the misuse of data. They suggest several methodological, legal and ethical safeguards to mitigate future abuse of data by raising its financial or political cost. Some of these measures are:

- To the extent possible, use of sample surveys should be encouraged instead of full-count (census) data-gathering. Moreover, responses should be grouped and person-specific identifiers should be stripped to protect the identity of the respondents;
- Population data should be decentralized and the creation of a bridge file (e.g., where data are stored in another country outside the jurisdiction of local courts) encouraged, particularly in countries where the requisite institutions are weak and easy to influence;
- There should be a legal provision for data confidentiality, which is a standard feature of a modern statistical system; and
- Ethical safeguards such as the Fundamental Principles of Official Statistics or the Declaration on Professional Ethics of the International Statistical Institute (ISI) should be adopted and enforced with a view to creating an institutional framework that helps in preventing future misuse of data.

Source: W. Seltzer and M. Anderson, "The dark side of numbers: the role of population data systems in human rights abuses", *Social Research*, vol. 68, No. 2 (summer 2001).

Box 10 National statistical systems and the right to information

Access to information is a human right in itself and empowers people to exercise other human rights. The right to information is enshrined in the international human rights treaties, especially in the International Covenant on Civil and Political Rights and its article 19 on freedom of expression, which includes the right to seek, receive and impart information. In 1946, the United Nations General Assembly adopted resolution 59 (I), stating that “[f]reedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated”.

If official information (excluding exemptions that must be clearly defined by law) is made available, accessible and understandable, it could serve as a catalyst for participation in decision-making and the realization of other human rights. The right to information applies to the production and dissemination of official statistics, whether produced with commonly available administrative records or more sophisticated statistical tools. Official statisticians are therefore key actors for the realization of the right to information and for human rights in general. In this regard, the Fundamental Principles of Official Statistics adopted by the United Nations Statistical Commission in 1994 stress the duty of official statistical systems to “honour citizens’ entitlement to public information” (Principle 1). The preamble to the Principles states that the essential trust of the public in official statistical information depends to a large extent on respect for the fundamental values and principles which are the basis of any society that seeks to understand itself and to respect the rights of its members.

By 2010, about 90 countries had adopted right-to-information legislation. Among the main characteristics of these laws is the *principle of disclosing maximum information*:

- Public bodies have a duty to release information and members of the public have a concomitant right to request that information;
- Not only are public bodies expected to release information if specifically requested to do so, they are also expected to publish and disseminate information of significant public interest (e.g., details on budget spending, administration of justice);
- The right to access information can be claimed by any resident in the country;
- The State should not require any person requesting information to demonstrate a need for or interest in the information. If a public body does not want to release the information requested, it is for the public body to justify that refusal, not for the individual to justify his or her interest.

While the dissemination of administrative data has to fulfil the “right to know” of the population, it also has to protect its human right to privacy and confidentiality (Principle 6). Official statisticians also have to facilitate a correct interpretation of the data and present information according to scientific standards on sources, methods and procedures (Principle 3). This means, inter alia, understandable information for users, including non-statisticians, and dissemination of metadata on compiled indicators (see examples in chap. IV). Finally, statistical agencies are entitled to comment on the erroneous interpretation and misuse of statistics (Principle 4), which is fundamental for the realization of the right to information.

Sources: Fundamental Principles of Official Statistics, adopted by the United Nations Statistical Commission, available from <http://unstats.un.org/unsd/dnss/gp/fundprinciples.aspx>; Declaration on Professional Ethics, adopted by the International Statistical Institute, available from <http://isi-web.org/about/ethics-intro>; and United Nations Development Programme, *Practical Guidance Note on the Right to Information* (2004).

III. >> Methodological Approaches to Human Rights Indicators

>> Ethical, statistical and human rights considerations in indicator selection

The principle of *self-identification* requires that people should have the option of self-identifying when confronted with a question seeking sensitive personal information related to them. General recommendation No. 8 (1990) on identification with a particular racial or ethnic group of the Committee on the Elimination of Racial Discrimination clearly states that, if no justification appears to the contrary, such identification shall be based upon self-identification of the individual concerned. Thus, if the practice of a public agency were to indicate the ethnic background of children in their birth certificates, basing this on the earlier ethnic classification of one or both of the parents, it would not respect the principle of self-identification. Also, owing to the sensitive nature of census or survey questions on population characteristics, such as ethnicity, special care is required by enumerators to demonstrate to respondents that appropriate data protection and disclosure control measures are in place (box 9).² Furthermore, given the subjective nature of the term, information on ethnicity should be acquired through self-declaration of the respondent, who should also have the option of indicating multiple or no ethnic affiliations.³

Involving the surveyed population groups (e.g., Afro-descendants and indigenous peoples) in the data definition and data-collection processes can help ensure the relevance and accuracy of the data collected.⁴ This relates to the human rights principle of participation, which encourages all sections of the population, including vulnerable and marginalized groups, as well as human rights and other relevant institutions, to actively join in decision-making.

In other words, the nature of the data to be collected should be based on public participation and understanding of the implications of how such data could potentially be used.

In accordance with the right to privacy set out in the International Covenant on Civil and Political Rights (art. 17), the principle of data protection requires that all data-collection activities must respect robust guarantees to prevent abuse of sensitive data. The Human Rights Committee's general comment No. 16 (1988) on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation stipulates *inter alia* that "the gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data [are] stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination."

2. See also Patrick Simon, "Ethnic' statistics and data protection in the Council of Europe countries", Study Report, European Commission against Racism and Intolerance, Council of Europe, 2007.
3. General comment No. 23 (1994) on the rights of minorities of the Human Rights Committee suggests that article 27 of the International Covenant on Civil and Political Rights imposes related obligations on State parties towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole.
4. For instance, using local indigenous languages, employing local people (as interpreters) and training and building the capacity of local indigenous peoples in data-collection processes can also facilitate the collection and dissemination of this information. Non-indigenous professionals and technicians should also be informed of the culture and practices of indigenous peoples. For further details, see *Principles and Recommendations for Population and Housing Censuses*, Revision 2 (United Nations publication, Sales No. E.07.XVII.8).

Box 11 Human rights of statisticians

While there is the obligation to protect subjects of statistical surveys and other enquiries against misuse of data, including the violation of their right to privacy as reflected in international human rights instruments (see above), protecting statisticians who generate and collect data and related information is equally important. Unfortunately, cases of violation of the most basic human rights of some official statisticians also confirm the need for complementary safeguards to protect their work.

Graciela Mellibovsky Saidler was a 29-year-old Argentine Government economist. In 1976 she produced a statistical study on conditions in the slums of Buenos Aires which was so deeply embarrassing to the military dictatorship that it was publicly singled out by the Junta leader, General Jorge Videla, as an example of the infiltration of subversives into the Government. Shortly afterwards, on 25 September 1976, she “disappeared”.

[In 1976,] Carlos Noriega, who was then director of the Argentine national statistical office, [...] left his post. Informal reports from colleagues indicated that he had been forced out because he refused requests from the newly established military government to tamper with official data series. [...] Early in February 1977, while on vacation in Mar del Plata with his wife and children, Noriega was detained by persons believed to be agents of the government or members of paramilitary groups. The government never acknowledged that he was in custody. Presumably, he was executed, one of the thousands of victims of Argentina’s “dirty war.”^a

Although these stories may be extreme cases, they help illustrate the tensions that may prevail between statistics and politics. The history of the collection of population statistics has been affected by such violations as well as numerous other abuses, often more insidious, dealing with censorship and manipulation in data collection and dissemination for purposes of political propaganda. In the former Soviet Union, Joseph Stalin himself used falsified population figures to hide great loss of human life owing to famine, war and repression. Manipulated life expectancy and infant mortality indicators were also used by the Soviet leaders Nikita Krushchev and Leonid Brezhnev to hide the reality.^b

In all such instances, specific standards are necessary to protect the integrity and work of statisticians against abusive and unethical interferences from politicians or sponsors of the data collection. Ensuring the independence, objectivity and transparency of statistical work is a fundamental prerequisite for the production and dissemination of accurate information for a more effective promotion, monitoring and implementation of human rights.

- a. Jana Asher, David Banks and Fritz J. Scheuren, eds., *Statistical Methods for Human Rights* (Springer, 2008), p. v and chap. 9; Thomas B. Jabine and Douglas A. Samuelson, “Human rights of statisticians and statistics of human rights: early history of the American Statistical Association’s Committee on Scientific Freedom and Human Rights”.
- b. Mark Tolts, “The failure of demographic statistics: a Soviet response to population troubles”, paper presented at the IUSSP XXIV General Population Conference, Salvador de Bahia, Brazil, 18–24 August 2001.

Box 12 RIGHTS criteria for indicator selection

In selecting human rights indicators, the RIGHTS criteria, which take into account the desired statistical and methodological properties in an indicator as well as the principles and human rights concerns, could be useful.



An important statistical consideration in identifying and developing human rights indicators, or any set of indicators for that matter, is to ensure their relevance and effectiveness in measuring what they are supposed to measure. This relates to the notion of indicator validity. It refers to the truthfulness of information provided by the estimate or the value of an indicator in capturing the state or condition of an object, event, activity or an outcome for which

it is an indicator. Most other statistical and methodological considerations follow from this requirement. While there are several desirable statistical considerations in the selection of indicators,⁵ in general indicators for use in human rights assessment ought to be:

- Simple, timely and few in number;
- Reliable;
- Based on transparent and verifiable methodology;

5. In the context of organizational management, undertaking impact assessments or managing change, the role of quantitative and qualitative indicators or targets is well recognized. Several templates of indicator characteristics that can be useful in this regard have been developed. Two of the more commonly known are SMART (specific, measurable, attainable, relevant, time-bound) and SPICED (subjective, participatory, interpreted, cross-checked, empowering, diverse), see Chris Roche, *Impact Assessment for Development Agencies: Learning to Value Change* (Oxford, Oxfam Publishing, 1999), pp. 41–52.

III. >> Methodological Approaches to Human Rights Indicators >> Sources and data-generating mechanisms

- In conformity with human rights and international statistical standards; and
- Amenable to disaggregation by prohibited grounds of discrimination and by vulnerable or marginalized population group at country level.

An indicator has to be simple (to understand and apply), and easily available in a timely manner to be a meaningful tool in undertaking human rights analysis and assessment. Otherwise, the opportunity cost of collecting and compiling relevant information on the indicator could become a deterrent. These factors should be taken into account in considering whether an indicator should be used in periodic reports to the treaty bodies or in the universal periodic review, or for follow-up to treaty body recommendations.

The reliability of an indicator refers to its consistency in the estimate or the value of an indicator if the data-generating mechanism employed for devising it is repeated. For instance, if a question is asked for

a second time to the same person and it produces an identical response, everything else being equal, then the question/response could be considered as a reliable indicator. Often, this is not the case if the question is formulated in an ambiguous manner. Moreover, the reliability of an indicator is affected by biases in data-generating mechanisms, which, *inter alia*, could be the result of misspecification of questions or definitions, apprehensions of the respondents, or non-representativeness of the sample.⁶

For an indicator to be accepted and applied as a tool in human rights analysis, it has to be based on transparent and verifiable methodology. Indicators based on haphazard information and subjective approaches to data generation are less likely to be effective or credible. Indicators are more credible when they are reliable, relevant and based on ethical and scientific principles of data collection, processing, storage and presentation (see box 12).

B. Sources and data-generating mechanisms

Based on a survey⁷ and assessment of some major attempts at and approaches to developing quantitative human rights and related indicators, one can identify at least four broad categories of data-generating mechanisms that could potentially be useful in developing indicators for use in human rights assessments. These are highlighted with representative examples and analysed for the elements that each category of data types could bring to the human rights assessment process and methodology. There are two considerations that

stand out in this context. *First*, the sources and identified data-generating mechanisms should be suitable for assessing the compliance of State parties with international human rights treaties. As a result, the focus should be on indicators that are fact-based or use objective methods of data collection and presentation. *Second*, there is a need to combine different sources and data-generating mechanisms to encourage a more comprehensive and credible assessment of any human rights situation.

6. See "Bias" in the glossary of the *Guide* as well as in Asher, Banks and Scheuren, eds., *Statistical Methods*.

7. See Malhotra and Fasel, "Quantitative human rights indicators". This survey is by no means exhaustive. It draws from some attempts at mapping and surveys of human rights and related indicators and some earlier studies, in particular M. Cain, R. Claude and Th. Jabine, "A guide to human rights data sources", in *Human Rights and Statistics: Getting the Record Straight*; T. Landman and J. Häusermann, "Map-making and analysis of the main international initiatives on developing indicators on democracy and good governance" (2003); UNDP, *Governance Indicators: A Users' Guide*, 2nd ed. (2007); and C. Naval, S. Walter and R. Suarez de Miguel, "Measuring human rights and democratic governance: experiences and lessons from Metagora", *OECD Journal on Development*, vol. 9, No. 2 (2008).

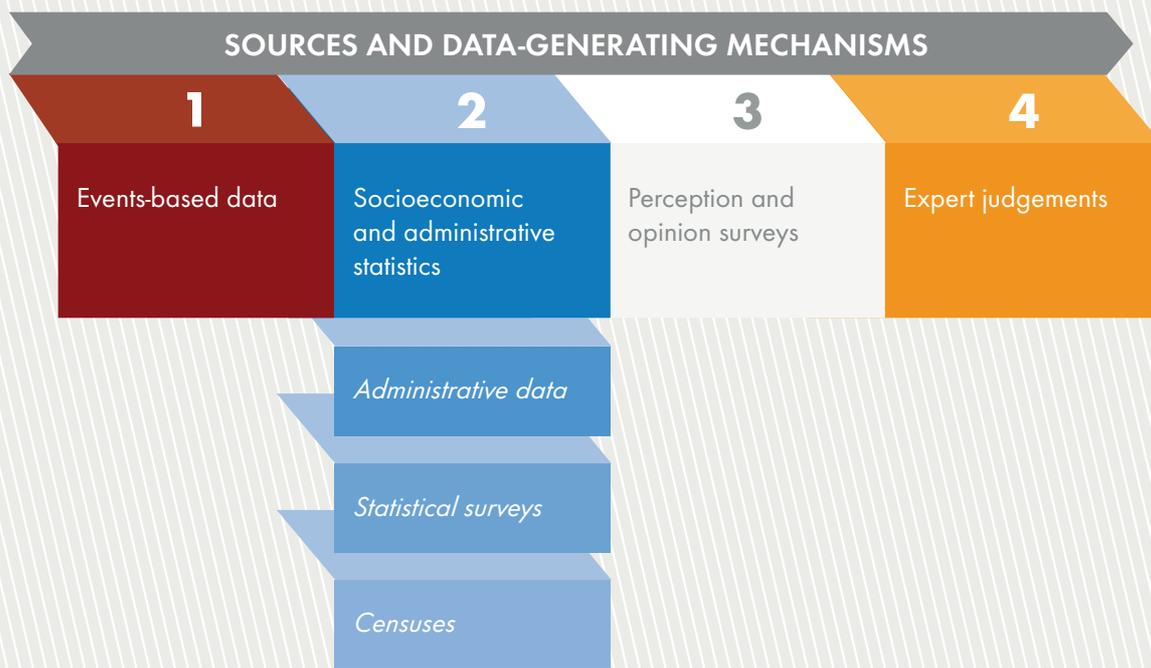
III. >> **Methodological Approaches to Human Rights Indicators**
>> Sources and data-generating mechanisms

1 **Events-based data on human rights violations**

Events-based data on human rights violations (events-based data for short) refer to qualitative or quantitative data that can be linked to events characterized by the occurrence of human rights violations. The collected information primarily describes acts of human rights violations and identifies victims and perpetrators. The information is recorded in standardized fashion, using common definitions and classifications based on the human rights normative framework (see chap. I) that permit the compilation and consolidation of the relevant data. Thus, there could be quantitative data related

to the number of victims, their age and weight, or qualitative data that describe category types such as sex and nationality of the victim and the category of human rights violations (e.g., arbitrary killing, arbitrary detention, torture or forced evictions).⁸ The data sources in this case include testimonies of victims or witnesses; information provided by the media and reports of States, civil society organizations, national human rights institutions and international human rights monitoring mechanisms, such as the special procedures of the United Nations (see, for example, box 13 on the recording of complaints statistics by the Special Rapporteur on extrajudicial, summary or arbitrary executions).

Fig. VII Sources and data-generating mechanisms for indicators



8. Sometimes, the qualitative data described here are labelled as "categorical". Categorical data can take a finite set of non-ordered values (like a binary *yes/no* variable or some demographic characteristics like sex) or ordered values (such as scales of the seriousness of violations of law: murders, homicides, assaults, burglaries, robberies, etc.).

Box 13 Recording complaints and assessing human rights

It is difficult, though not impossible, to infer the extent of human rights violations in a country using only statistics on complaints processed by national or international human rights monitoring mechanisms. Indeed, an increase in reporting of complaints does not necessarily imply an increase in violations and abuse. Awareness campaigns, improved access to and filing of complaints with alternative redress mechanisms, improvement in the credibility of institutions handling complaints and the possibility of obtaining compensation for the victims, all influence the reporting of human rights violations.

Information on the functioning of complaint mechanisms is particularly important for monitoring the implementation of the right to an effective remedy (Universal Declaration, art. 8) at the national level. Nevertheless, complaint statistics have to be interpreted cautiously and information collected pooled with other statistical analyses that draw on multiple data sources (e.g., victimization surveys, media reports and administrative information) to get a fuller sense of the state of human rights. At the same time, improvements in the recording and interpretation of complaint statistics could make them more meaningful for human rights assessments. Thus, in considering an act violating the human rights of an individual or a group, it is important to identify, through appropriate indicators, the main rights violated, the relevant characteristics of the victims (e.g., sex, ethnicity, disabilities) and perpetrators (e.g., State agents, private companies or individuals), place and time of violations, and outcome of the redress process (e.g., conviction, sentence, compensation). Analyses of such information and reports on similar past events may enable the monitoring body to obtain insights into the possible incidence of such acts in a region.

It is also essential to classify complaints and reported cases of alleged violations systematically to support follow-up and allow for cross-sectional comparisons or comparisons over time of associated acts, when required. For instance, a useful categorization of communications on complaints was developed by Philip Alston as the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions. He classified replies received from States to his communications following complaints into five categories:

- (a) *Largely satisfactory response*: a reply that is responsive to the allegations and that substantially clarifies the facts. It does not, however, imply that the action taken necessarily complies with international human rights law;
- (b) *Cooperative but incomplete response*: a reply that provides some clarification of the allegations but that contains limited factual substantiation or that fails to address some issues;
- (c) *Allegations rejected but without adequate substantiation*: a reply denying the allegations but which is not supported by documentation or analysis that can be considered satisfactory under the circumstances;
- (d) *Receipt acknowledged*: a reply acknowledging that the communication was received but without providing any substantive information;
- (e) *No response*.

This classification helped assess the responsiveness of States to communications handled by the Special Rapporteur and assisted the Human Rights Council in its task of evaluating the effectiveness of the mandate.

Source : A/HRC/14/24 and Add.1.

III. >> Methodological Approaches to Human Rights Indicators

>> Sources and data-generating mechanisms

Quantitative indicators derived from events-based data usually present the incidence of recorded human rights violations in terms of the number of victims. For instance, an indicator based on events-based data could be the “reported number of persons arbitrarily executed”. It would capture the number of persons killed by an agent of the State or any other person acting under Government authority or with its complicity, tolerance or acquiescence, but without due judicial process. Similarly, there could be an indicator on the number of people who died of hunger and hunger-related diseases owing to displacement or the systematic destruction of food crops, livestock and agricultural implements. These violations are identified and determined by applying human rights standards as codified in the various treaties.

Historically, the use of events-based data has been confined to monitoring civil and political rights violations, such as those related to the right to life, the right not to be subjected to torture and the right to liberty and security of the person. However, information on violations of economic, social and cultural rights has also been increasingly collected using a similar methodology (e.g., forced evictions,⁹ deliberate use of starvation as a weapon, denying primary education to specific groups, failure to provide available essential medicines).¹⁰

Events-based data initiatives have been developed primarily by non-governmental organizations that collect information with the intention of preventing and denouncing human rights violations and of providing assistance to victims.¹¹ Quantitative analyses, carried out in the framework of official “truth and reconciliation” commissions, have also contributed to the development of standardized documentation tools to support the collection of information using this method.¹² Among the initiatives in this category, HURIDOCs presents perhaps the most comprehensive set of standardized tools (including computerized systems) for recording events-based information on human rights violations.¹³

Compared to other categories of data-generating mechanisms, the human rights dimension of indicators derived from events-based data is, a priori, far more concrete as it is explicitly linked to specific incidents that demonstrate compliance or non-compliance with human rights standards. The use of events-based data in uncovering gross and systematic violations of human rights, as done for instance by truth and reconciliation commissions, has demonstrated the usefulness of the methodology not only for human rights monitoring but also for gathering hard evidence in support of the administration of justice.

9. A number of NGOs are maintaining data on evictions, see www.hic-net.org, www.cohre.org, www.hlrn.org, www.internal-displacement.org.

10. An extended list of potential violations is provided in the *Thesaurus of Economic, Social and Cultural Rights* developed by the Science and Human Rights Program of the American Association for the Advancement of Science (AAAS) and the Human Rights Information and Documentation Systems, International (HURIDOCs), available from <http://shr.aas.org/thesaurus/> (accessed 10 May 2012).

11. In collecting this information, structured household surveys have also been used in addition to information reported in the media or to the redress mechanism, particularly when the events happened a long time ago. For example, the work of the Centre on Housing Rights and Evictions (COHRE) on forced evictions also included a global survey (2007–08), see www.cohre.org.

12. See, for instance, P. Ball, H. Spierer and L. Spierer, eds., *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis* (AAAS, 2000) available from <http://shr.aas.org/mtc/> (accessed 10 May 2012) and “Witness to truth; report of the Sierra Leone Truth and Reconciliation Commission”.

13. For further details, see www.huridocs.org.

Box 14 Statistical tools for recording human rights abuse - Sri Lanka Metagora project

Civil society has been an essential alternative source of credible information on human rights abuse and violations. However, the reporting of human rights abuses is not always systematic and credible, among other reasons because there is not enough awareness of the methodology for standardizing the information collected and there are insufficient resources to build records over time and space. There is a need to build the capacities of civil society to use statistical methods to strengthen their analytical and advocacy efforts. To sustain local civil society human rights monitoring, the Metagora project provided technical support to the Asia Foundation's "Mapping Political and Ethnic Violence in Sri Lanka" project.

The Human Rights Accountability Coalition, a group of civil society organizations which had been collecting and analysing data on human rights violations, received statistical and other technical training. Using national expertise, harmonized forms and vocabularies were devised to standardize the coding of narrative reports of human rights events and the outcomes associated with those events into measurable data. This helped put different data sets into one framework and ensured consistent recording of human rights abuse. Data cleaning and other quality control exercises were also introduced to support proper evidence-based analysis of human rights violations by civil society. The exercise demonstrated how such organizations can benefit from the introduction of statistical and other quantitative tools and be further empowered through improvements in their reporting and research advocacy and human rights monitoring functions.

Source: Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance*.

The Chilean Human Rights Commission (created in 1978) used events-based data to compile quantitative indicators on the magnitude of human rights violations during the repressive military regime. It published monthly reports indicating the number of known victims for a few categories of human rights violations, such as "intimidation/harassment", "arbitrary political detention", "torture/mistreatment", "disappearance" and "killing".¹⁴ In Nepal, the Informal Sector Service Center has been producing a *Human Rights Yearbook* since

1992,¹⁵ recording information on events related to different kinds of human rights violations. Similarly, the work undertaken under the aegis of AAAS to provide technical assistance to official truth commissions (Haiti, South Africa, Guatemala, Peru, Sierra Leone and Timor-Leste) and the International Criminal Tribunal for the former Yugoslavia on assessing and quantifying the incidence of human rights violations has brought to the forefront the efficacy of this method in monitoring human rights violations.¹⁶

14. The example of Chile is quoted in R. Reiter, M. Zunzunegui and J. Quiroga, "Guidelines for field reporting of basic human rights violations", in *Human Rights and Statistics*.

15. For details see www.insec.org.np.

16. See also the work of the social enterprise Benetech on human rights (www.benetech.org/human_rights/).

III. >> Methodological Approaches to Human Rights Indicators >> Sources and data-generating mechanisms

However, indicators derived from events-based data suffer from some obvious shortcomings. Given the inclination of some States to hide information on their failure to fulfil their human rights obligations, such indicators may underestimate the incidence of human rights violations. They may prevent valid comparisons over time or across regions. Moreover, unless the events-based data are collected through statistically representative surveys of the populations concerned, it may not always be possible to infer and assess the population's overall human rights situation using only such data, since sample surveys may be inadequate because of reporting and recording constraints.¹⁷

Moreover, the use of standard formats for recording data, harmonized definitions and appropriate classifications of human rights violations is critical for improving the reliability of the collected information and for monitoring human rights with this method. At the same time, a structured (unbiased) approach to collecting information is essential for enabling the aggregation and decomposition of data and for comparisons of indicators over time or cross-sectional comparisons (see box 14).

The information that is compiled through the use of this method often complements information captured through other means. For example, information presented through relevant socioeconomic indicators compiled by government agencies could reflect the steps being taken to implement human rights obligations in a society, whereas information collected through the use of events-based data could complement the former by focusing on the

incidence of alleged or proved violation or denial of human rights within the same society or population group. It can help point to important deficiencies in the human rights protection system even when information about the general situation is not worrying. In certain instances, particularly when there is systematic and widespread denial or deprivation of human rights in a conflict or post-conflict situation, events-based data may be the main source of reliable information.¹⁸

2 Socioeconomic and administrative statistics

Socioeconomic and other administrative statistics (hereinafter referred to as socioeconomic statistics) refer to aggregate data sets and indicators based on objective quantitative or qualitative information related to the standard of living and other facets of life. Such information is compiled and disseminated by the State, through its administrative records and surveys, usually in collaboration with national statistical agencies and under the guidelines of international organizations.¹⁹ It addresses the State's information requirements for policy formulation and implementation. In the context of State parties' fulfilment of their human rights obligations, including for the realization of the right to information (see box 10), this category of data is of prime importance. It captures a large amount of data at the point of administrative action, in other words, potentially at the point of implementing human rights obligations, and is therefore crucial for holding the State to account. There are numerous references in

17. Problems of overestimation are also possible. In general, estimates and other figures should be accompanied with relevant information on applied data collection methods and sources. When applicable, error margins or confidence intervals (see glossary) should also be provided.

18. Recently, new mediums, such as text messaging and video-sharing (social networking sites, etc.), have been used more widely to report on events-based data and denounce human rights abuses. See, for instance, the events reported on the so-called Arab spring across North Africa and the Middle East and crowdsourcing initiatives (e.g., www.usahidi.com/).

19. The status and role of these agencies may differ, but they all compile, interpret and disseminate official statistics. See *Handbook of Statistical Organization: The Operation and Organization of a Statistical Agency* (United Nations publication, Sales No. E.03.XVII.7).

III. >> Methodological Approaches to Human Rights Indicators

>> Sources and data-generating mechanisms

the treaties, in the general comments of their treaty bodies and in the reporting guidelines for State parties to the use of such data in furthering the implementation of their human rights obligations.²⁰

The *Handbook on Social Indicators*, in outlining the scope of statistics on living conditions and related social and economic conditions, provides a comprehensive list of fields.²¹ The list includes: population composition and change; human settlements, housing and geographical distribution of population; health and health services, impairment and disability, nutrition; learning and educational services; economic activity and population not economically active; socioeconomic groups and social mobility; income, consumption and wealth; social security and welfare services; leisure, culture and communications; time use; public order and safety; natural environment; and political activities.

At the national level, socioeconomic statistics are often compiled in pursuance of legislation outlining development or administrative needs. At the international level, United Nations and other international conferences and summits have played an important role in the development of socioeconomic statistics; for example, gender statistics received impetus from the World Conferences on Women. Similarly, substantive work on environmental statistics has followed the global summits on the issue. The statistics are usually compiled by the various organizations within specific conceptual frameworks that are essentially geared to addressing their mandates. Among the United Nations agencies and programmes, besides the United Nations Statistical Division, there are long-standing initiatives on

statistical indicators, particularly within the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Office on Drugs and Crime (UNODC). The Inter-Parliamentary Union (IPU) also collects information on the functioning of parliaments. In all these intergovernmental organizations, work on quantitative data and indicators for monitoring progress related to their mandates can be linked to the various commitments of State parties to international human rights instruments and are thus useful for human rights assessments. A more complete list of organizations and their databases is provided in annex II.

There are also instances of NGOs using socioeconomic statistics for monitoring human rights, for example, the annual reports of Social Watch or the fact sheets developed by the Center for Economic and Social Rights. The assessments undertaken by both initiatives, although different, draw primarily from information available from the United Nations specialized agencies and programmes and the World Bank.²²

The sources commonly associated with the formulation and compilation of socioeconomic statistics are:

- ▶ Administrative data
- ▶ Statistical surveys
- ▶ Censuses.

20. There are some direct references to the use of commonly used socioeconomic and administrative statistics in the human rights normative framework in chap. I, sect. E.

21. United Nations publication, Sales No. E.89.XVII.6, pp. 15–17.

22. See www.socialwatch.org and www.cesr.org.

Administrative data

Administrative data refer to information generated and collected by line ministries and the regulatory authorities of the Government. They refer to civil registration systems, national population registers and other administrative records systems used, for instance, in compiling vital statistics (death and birth rates) and preparing electoral rolls. Administrative data cover subjects of relevance to public development programmes, administrative and regulatory frameworks, such as coverage of child immunization programmes. Administrative statistics inform on issues related not only to economic, social and cultural rights, but also to civil and political rights, such as on the administration of justice and the rule of law (e.g., executions carried out, prison population, policing or incidence of hate crimes). It is also a key source of information for political rights, looking, for instance, at the percentage of persons entitled to vote, voter participation by age and by sex, segments of the population exercising their right to vote and to be elected (e.g., women) and data on infrastructure related to the organization of elections. Moreover, the category of administrative data encompasses all the treaties, laws and legislative documents maintained by different national and international administrative systems. Likewise, information on policies, plans of action and programmes adopted by Governments or other bodies is also part of the administrative data and

is equally critical for implementing human rights. It thus constitutes an important source of information to complement events-based data.

The use of standardized methodology to collect information from civil registration and administrative systems, and usually with reasonable reliability and validity, makes administrative statistics vital for bringing about greater transparency, credibility and accountability in human rights assessments (box 15).²³ However, in the context of human rights assessment, in general, and monitoring undertaken by treaty bodies, in particular, it is in most instances essential to make use of information collected by NGOs and alternative sources (such as victimization surveys) to supplement administrative statistics.²⁴

Administrative statistics cannot in themselves provide a complete assessment of a human rights situation in any given context. They may not cover all issues relevant to the realization and enjoyment of human rights. Their coverage may also be incomplete (being limited to the population segment using public services) and there may be bias in reporting, including deliberate misreporting.²⁵ Yet, because of their relevance to human rights, including the right to information, as well as their simplicity, speed, frequency of updating and cost-effectiveness, administrative statistics constitute a critical element in undertaking human rights assessments.

23. Most available indicators from administrative data are usually of administrative and policy interest to Governments and not necessarily on issues that are relevant from a human rights perspective, such as the administration of justice or (discrimination in) access to public services and employment. Therefore, there is a need to extend and standardize the administrative data collection mechanisms in these other areas of importance to human rights.
24. Administrative data have also been used in monitoring racial profiling in policing and hate crimes. In the United States of America for instance, various administrative data, including stops made by officers, police arrest, driver's licence, motor vehicle traffic accident, moving violations, hit rates (contraband found) from searches, have been used in assessing racial profiling in policing. The Hate Crime Statistics Act of 1990 led to the development and implementation of the National Hate Crime Data Collection Program. While the use of administrative data has facilitated the assessment of racism/intolerance in these two instances, its limitations have also been highlighted by several researches, calling for the use of auxiliary data sources, such as surveys, direct observations and events-based data, and the continued refinement of data collection and methodologies for assessment. See G. Ridgeway and J. MacDonald, "Methods for assessing racially biased policing", in *Race, Ethnicity, and Policing: New and Essential Readings*, S. Rice and M. White, eds. (New York University Press, 2010) and S. Bennett, J. Nolan and N. Conti, "Defining and measuring hate crime: a potpourri of issues", in *Hate Crimes*, B. Perry et al., eds. (Greenwood, 2009).
25. For further information on administrative data, see for instance Asian Development Bank, *Administrative Data Sources for Compiling Millennium Development Goals and Related Indicators: A Reference Handbook on Using Data from Education, Health, and Vital Registration Systems Featuring Practices and Experiences from Selected Countries* (Mandaluyong City, Philippines, 2010). Available from www.adb.org.

Box 15 Importance of administrative data in human rights assessments

A quantitative approach to assessing human rights in general and to monitoring the implementation of a State's human rights obligations in particular inevitably has to be informed by the use of meaningful, standardized and cost-effective administrative data. There are several reasons why it is necessary to seek administrative data on the State's developmental and governance initiatives that can be related to the promotion and protection of human rights.

- *Firstly*, administrative data are generated at the interface between an agency and the public or the beneficiaries of its actions. In other words, they reflect the efficacy of a State or its agency's administrative action in fulfilling obligations flowing from its developmental and governance objectives or its human rights obligations. Such information is critical for holding States accountable.
- *Secondly*, administrative data meet the information requirement for policy and programme formulation and show the progress in their implementation.
- *Thirdly*, since the State is the primary human rights duty bearer and the assessment focuses on its action or inaction, a data set that is generated by its own machinery is likely to be more acceptable to it than information from non-governmental and other sources.

As administrative data are collected by various ministries and public agencies at grass-roots level, the third consideration entails that the generation of administrative data should be based on rigorous guidelines and standardized methodology for recording and compiling the relevant information. While these guidelines could come from national statistical agencies and specialized international organizations, there is invariably a need for a periodic independent review to establish the credibility of administrative data sets.

Statistical surveys

Statistical surveys are used to collect direct quantitative and qualitative information on population subsets. In contrast to a census (see below), where all members of the population have to be surveyed, a statistical or sample survey collects data from a fraction of the population under study, with the objective of drawing inferences on the entire population. In this respect, sample surveys are

cost-effective means of collecting information in situations where complete enumeration is impracticable or data from administrative sources are not available. Many indicators for the Millennium Development Goals (MDGs) are compiled using statistical survey data owing to the lack of accurate administrative records. They constitute an important data-generating mechanism for use in human rights assessments for both public agencies (in generating and validating administrative data) and non-

III. >> Methodological Approaches to Human Rights Indicators

>> Sources and data-generating mechanisms

governmental institutions (e.g., independent surveys commissioned by civil society organizations) to evaluate the impact of public programmes, or for donors to assess aid effectiveness (box 16). However, the implementation of well-structured statistical samples, including samples that enable the production of disaggregated statistics (e.g., by ethnic group), can be resource-intensive (in contrast to administrative or events-based data). Such a data-generating mechanism may therefore not be

very common among civil society. Small surveys or those covering only the most relevant or targeted population groups may be more feasible and common. The methodical approach developed for the residents of a social housing complex in north Belfast (box 17) is a particularly interesting example of a civil society organization compiling socio-economic statistics that in most instances would be collected by administrative agencies.

Box 16 Statistical surveys: a vital source of data for human rights

A direct survey of individuals or households is often essential to assess their enjoyment of human rights—social, economic and cultural rights, and civil and political rights. Significant amounts of data concerning the MDGs are being successfully collected through household surveys. The same data-generating methodology can be used to address human rights and related issues, such as crime, security of life and property, persistent and systematic violence against women and specific population groups, corruption, administration of justice, freedom of speech and participation in public affairs. At modest cost, such questions could either be included in the periodic socioeconomic surveys conducted by the statistical agencies in many countries or, if there are adequate resources, independent surveys could be commissioned to assess a set of human rights issues. For the sake of administrative convenience and keeping costs down, it may be desirable to combine the two approaches. Periodic socioeconomic surveys could be used to follow up one or two issues from the more detailed but less frequent human rights surveys.

Surveys are also important sources of information to check the credibility of administrative data. For instance, victimization surveys (or victim surveys or crime victim surveys) help in assessing the extent of

crimes (or even human rights violations, for instance in post-conflict contexts) and the accuracy of police or justice records.²⁶

26. See UNODC and United Nations Economic Commission for Europe, *Manual on Victimization Surveys* (ECE/CES/4) (Geneva, 2010). Available from www.unece.org.

Box 17 **Using survey indicators to claim rights – civil society initiative of Seven Towers residents, north Belfast, United Kingdom**

The story of the residents of the Seven Towers in North Belfast shows how rights holders can use indicators to claim their rights. With the assistance of a civil society organization, Participation and the Practice of Rights Project (PPR), the residents of the Seven Towers, which is a high-rise social housing complex in Northern Ireland, linked their recurrent and serious housing problems to a set of core indicators related to international human rights standards. Six indicators and their corresponding benchmarks were used to monitor the performance of government institutions in delivering residents' housing entitlements over several time periods. The six "right to adequate housing" indicators on which the residents collected information, using a representative door-to-door survey, were:

- Percentage of landings cleaned of pigeon waste;
- Number of families with children living in the Seven Towers;
- Percentage of residents reporting drainage and sewage problems;
- Percentage of residents reporting dampness and mould in their flats;
- Percentage of residents happy with the response they received from the housing executive to their reported problems (perception and opinion survey); and
- Percentage of residents dissatisfied with how involved they felt in decisions by the housing executive (perception and opinion survey).

The first indicator refers to general comment No. 4 (1991) on the right to adequate housing of the Committee on Economic, Social and Cultural Rights: "adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors" (para. 8 (d)). The second indicator refers to article 27 of the Convention on the Rights of the Child: "States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." Though the "parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development", there are aspects that are mainly in the domain of the community or the local authorities and have to be addressed at that level.

A monitoring body set up by the residents tracked progress and also submitted progress reports on benchmarks to the relevant government institutions. The monitoring process using indicators and benchmarks, coupled with media attention and information obtained through the Freedom of Information Act, helped the residents achieve small, yet important improvements in their housing conditions. The government institutions also acknowledged that the residents' active participation assisted them in administering resources efficiently.

Sources: D. Donnelly, F. McMillan and N. Browne, "Active, free and meaningful: resident participation and realising the right to adequate housing in north Belfast", 2009. Available from www.york.ac.uk/chp/hsa/papers/spring09/Donnelly.pdf (accessed 23 May 2012). Participation and the Practice of Rights Project (www.pprproject.org).

III. >> Methodological Approaches to Human Rights Indicators

>> Sources and data-generating mechanisms

While there are many examples of national, periodic socioeconomic surveys for collecting information that is directly relevant to assessing the realization and enjoyment of economic, social and cultural rights, few surveys focus exclusively on human rights, particularly civil and political rights. The Metagora project carried out a household

survey on indigenous peoples' rights in the Philippines (box 18) and collected information on abuses and ill-treatment by the police in Mexico (box 19). In both instances, the participatory and multi-stakeholder approach helped the design of the surveys and to build ownership of the tools and the results.

Box 18

Survey of indigenous peoples' rights in the Philippines

A pilot study on the diagnosis of indigenous peoples' rights to ancestral land in the Philippines was conducted by the Commission on Human Rights in close collaboration with the National Statistical Coordination Board, the National Statistics Office, the Statistical Research and Training Center and the National Commission on Indigenous Peoples. Using a survey-based study, the goal of the project was to measure the implementation of the Indigenous Peoples Rights Act in three northern regions of the Philippines and targeting three indigenous peoples, namely the Bago, the Bugkalot/Ilongot and the Kankanaey. The study included consultations with various leaders of the indigenous communities to identify issues that could improve the quality and usefulness of the pilot survey. This exercise showed that actors from otherwise disparate fields can inform and strengthen the work on measuring human rights. The survey revealed significant differences in the experience of violations of land rights (encroachment, pollution, illegal entry, displacement/relocation and others), ranging from 21 per cent among the Bago, to 36 per cent among the Kankanaey and 57 per cent among the Bugkalot/Ilongot. As a direct consequence of the project, the National Statistical Coordination Board reviewed the design of its national census and included questions on the demographic and social profile of indigenous peoples.

Sources : Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance* and common household questionnaire of the 2010 census of population and housing of the Philippines National Statistics Office.

Censuses

A census is a complete enumeration of all members of the population of a country or any other territory, unlike statistical surveys, where only selected members of the population are surveyed.²⁷ Countries usually conduct censuses of population, housing,²⁸ agriculture and industrial establishments. A population census is usually conducted at 10-year intervals because of the complexity and cost of the

operation. It provides basic baseline data on the structure and key characteristics of the population and on variables that do not change rapidly. The complete enumeration of the population allows variables of interest to be available at the lowest geographical level (including in principle for homeless and nomadic groups). It is a key resource for building disaggregated socioeconomic statistics as well as for generating samples for statistical surveys.²⁹

Box 19 Survey of abuse and ill-treatment by police forces in Mexico City

Fundar, Centre for Analysis and Research, conducted a pilot survey to determine the extent of abuse and ill-treatment of the public by police forces in Mexico City between November 2003 and October 2004. The project used a qualitative approach to conduct in-depth narrative interviews of members of the police forces, victims of different forms of abuse, and prisoners and persons in detention centres to understand the dynamics among rights holders, the authorities and the abusers. This qualitative information provided the basis for the design of the questionnaire. Consultations on the questionnaire took place with various stakeholders and it was pretested rigorously among a number of households. The results of the pilot survey showed low levels of confidence in the police and a high incidence of abuse, particularly bribery. The survey also revealed that 94 per cent of abuse went unreported.

Sources : Metagora questionnaire, 2004; Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance*.

27. See glossary of statistical terms.

28. A housing census is commonly conducted along with a population census and can provide information relevant to the rights to adequate housing, water and sanitation.

29. See *Principles and Recommendations for Population and Housing Censuses*.

III. >> **Methodological Approaches to Human Rights Indicators**
 >> Sources and data-generating mechanisms

Box 20 Characteristics of sources of socioeconomic and administrative statistics

	Administrative data	Statistical survey	Census
Inclusion criterion	All events concerned by the policy or regulatory framework are registered	Restricted to population sampled	Complete enumeration of the population
Cost	Low	Medium	High
Frequency	Ongoing	3–5 years	10 years
Bias	Bias if incomplete or inaccurate recording (intentionally or not)	Significant risk of bias, but can be minimized if survey is well designed	Theoretically there is no bias, but lack of proper coverage may create one
Potential for monitoring and policymaking	Very good	Good	Good, but not for the short term

Source: Adapted from United Nations Development Group, *Indicators for Policy Management: A practical guide for enhancing the statistical capacity of policy-makers for effective monitoring of the MDGs at the country level* (New York, 2005), pp. 83 ff.

3 **Perception and opinion surveys**

Perception and opinion surveys aim at polling a representative sample of individuals for their personal views on a given issue. The nature of the information collected is predominantly subjective and not directly quantifiable. To aggregate data, as well as transform these perceptions and opinions into indicators, predetermined or closed formats for the responses along with ordinal or cardinal scales are often used.³⁰ Depending on the circumstances and the theme of the survey, respondents may be consulted through face-to-face interviews, self-administration of the questionnaire or telephone interviews.

Perception and opinion surveys are potentially relevant to monitoring all economic, civil, cultural, political and social rights. They constitute a platform and an opportunity for capturing directly people's views on the functioning and policies of governmental bodies and institutions. Consequently, they can contribute to improving State accountability towards its citizens, in particular when their results are disseminated in the media. As with any survey, the reliability and validity of the results depend critically on the design of the questionnaires, the formulation of the questions (and their testing) and the competence of the interviewers.

Several initiatives regularly use household perception and opinion surveys to gather information relevant to human rights. One of the more prominent ones is the Gallup International Association,³¹ an international network of research institutes that undertakes public opinion surveys in about 60 countries. The Afrobarometer,³² coordinated by different African institutes, is an international measure of public opinion or perception on democracy, governance, livelihoods, participation,

conflict and crime. Other similar initiatives are the Latinobarometer (covering South America), the East Asia Barometer and the Eurobarometer. Since the early 1970s, the European Commission has been conducting Eurobarometer surveys in all member States of the European Union. Regular standard surveys are carried out to poll people on various issues of international concern (e.g., globalization, sustainable development, immigration), on their cultural, political, socioeconomic characteristics and habits, and on their expectations.³³ There are also opinion surveys which are confined to a specific population group so as to generate a comparative assessment of various issues, such as corruption, lobbying, property rights and business environment. One example is the Business Environment and Enterprise Performance Survey, developed jointly by the World Bank Group and the European Bank for Reconstruction and Development. It conducts face-to-face interviews with managers and owners of specific firms on governance issues in business.³⁴

Information from household perception and opinion surveys brings out the individual perspective or the "voice of the people" in the assessment of human rights. However, the method, with its focus on subjective information, could potentially fall short of producing reliable and valid indicators for monitoring human rights consistently. It may also not be adequately representative owing to coverage limitations and may yield measures that cannot support or allow cross-sectional comparisons. Nevertheless, in some instances this method can yield information that supplements other kinds of indicators in human rights assessments. It could also be used to seek the first cut information, which, depending on its usefulness, can be pursued through other data-generating methods.

30. For instance, a question that was used in assessing violence against women was "In your opinion, does a man have a good reason to hit his wife if she disobeys him?" and the possible answers were: (1) yes; (2) no; (3) do not know (WHO multi-country study of women's health and life events, questionnaire version 9.9 (2005)).

31. See www.gallup-international.com/.

32. See www.afrobarometer.org.

33. See http://ec.europa.eu/public_opinion/index_en.htm (accessed 23 May 2012).

34. See www.ebrd.com/pages/research/analysis/surveys/beeps.shtml (accessed 23 May 2012).

Box 21 **Are statistical surveys better than expert judgements?**
DIAL household survey on corruption

Research by Development, Institutions and Long Term Analysis (DIAL), a research organization based in Paris, used household surveys which revealed the weaknesses of expert opinion surveys on corruption. It also showed the limitations of using some global databases based on expert opinions/judgements for cross-sectional comparisons and comparisons over time. Using simultaneously household and expert opinion surveys on corruption in eight sub-Saharan African countries, the research revealed that experts systematically overestimated the extent of corruption compared to household perceptions. It also showed that perceptions on corruption or governance as a whole between vulnerable groups or victims and the influential group, which includes the experts, can vary significantly.

Sources: M. Razafindrakoto and F. Roubaud, "Are international databases on corruption reliable? A comparison of expert opinion surveys and household surveys in sub-Saharan Africa" (DIAL, 2006). See also Naval, Walter and Suarez de Miguel, *Measuring Human Rights and Democratic Governance*, box 6.5, p. 117.

4 **Data based on expert judgements**

Data based on expert judgements covers data generated through combined assessments of a human rights situation with the help of a limited number (or sample) of "informed experts".³⁵ The information generated is essentially judgement-based or subjective and needs to be translated into quantitative form through coding,³⁶ as with the household perception and opinion surveys. Unlike the latter, it usually involves a more systematic use of diverse sources of information, including the media, government reports and reports from NGOs, by a limited num-

ber of experts (e.g., advocacy groups, academic researchers, social scientists, managers) who are asked to evaluate and score the performance of States. Notwithstanding the obvious limitations of this method, data based on experts' judgements have been frequently used for cross-country ranking and comparisons over time.

Initiatives in this category have primarily focused on assessing civil and political rights, though the extent of references to the human rights normative framework varies significantly among them.³⁷ As with household perception and opinion surveys,

35. This category of data-generating mechanism is sometimes referred to as "standards-based data" in the human rights literature. The terminology chosen here seeks to avoid possible confusion around the notion of "standards", which is also referred to in other categories of initiatives, as in events-based data on human rights violations whose definitions are also based on international or national human rights standards.

36. Coding refers to a procedure for converting verbal or textual information into numbers or other symbols which can be more easily counted and tabulated.

37. On this issue, see, for instance, K.A. Bollen, "Political rights and political liberties in nations: an evaluation of human rights measures, 1950 to 1984", in *Human Rights and Statistics*.

III. >> Methodological Approaches to Human Rights Indicators

>> Sources and data-generating mechanisms

there is a predominant subjective component in the assessment of human rights under this method. The difference being that here it is the subjectivity of the experts which is reflected, as against the views of individuals in household surveys. Some of the well-known initiatives in this category have been criticized for their lack of validity and reliability, not being representative of the realities on the ground, based on personal judgements of a limited number of observers³⁸ and not on directly quantifiable empirical data. Moreover, their acceptability is often compromised as they are seen as providing summary answers to complex issues without providing a systematic basis or examples justifying the assessments. They are also seen as lacking transparency in the selection, collection and evaluation of the information by the experts.

Among the initiatives using expert judgements to assess and rank countries according to their degree of political and civil freedom, is Freedom House³⁹ and its global survey "Freedom in the world", which is well known and widely used. This survey has been conducted annually since 1972 and focuses on civil and political rights. The United Nations Development Programme has also experimented with this data-generating method for monitoring aspects of human rights. In its *Human Development Report 1991*, it introduced a "human freedom index" based on 40 criteria and data from *World Human Rights Guide* developed by Charles Humana. Its *Human Development Report 1992* presented a "political freedom index", which focused on five freedoms. However, in the face of strong criticism and opposition, neither index was continued. Its *Report 2010* again presented a new set of indicators on different

aspects of civil and political rights, including events-based data (number of journalists imprisoned as recorded by the Committee to Protect Journalists), perception and opinion-survey indicators (e.g., percentage of people who voiced opinion to public officials during the past month and percentage of people who faced a bribe situation in the past year; Gallup World Poll database) and data based on expert judgement (e.g., press freedom index produced by Reporters without Borders).⁴⁰

Some other well-known initiatives are Minorities at Risk,⁴¹ a research project based at the University of Maryland's Center for International Development and Conflict Management, which follows the status and conflicts of politically active groups, using various sources of information such as the media, government reports, non-governmental reports and expert opinion.⁴² Transparency International compiles a "corruption perceptions index", which is a composite index of various polls and surveys collecting data on corruption.⁴³

Regarding governance, Business Environment Risk Intelligence⁴⁴ is a private source of analysis of the business environment. It compiles various quantitative indices (for example, "political risk index" and "operation risk index") based on qualitative evaluations undertaken by diplomats and political scientists on prevalent business environment and country prospects. IHS Global Insight⁴⁵ is a private company providing similar data on country risk assessments to international investors. The World Economic Forum, in its *Global Competitiveness Report*, also uses expert judgements in presenting its country-level analysis of business competitiveness.

38. The lack of reliability here is reflected by the fact that different groups of experts will usually provide different values for the same indicators.

39. For further details, see www.freedomhouse.org.

40. See <http://hdr.undp.org> and www.rsf.org.

41. See www.cidcm.umd.edu/mar/ (accessed 23 May 2012).

42. See also *Human Development Report 2004*, Feature 2.1: "The *Minorities at Risk* data set – quantifying cultural exclusion", p. 32. More generally and in relation to indigenous groups, see the "Report of the Workshop on Data Collection and Disaggregation for Indigenous Peoples" (E/C.19/2004/2) held in January 2004 by the United Nations Permanent Forum on Indigenous Issues.

43. See www.transparency.org.

44. See www.beri.com.

45. See www.globalinsight.com/.

A major advantage of using information based on expert judgments is that it can be collected very quickly and can be effective in presenting a first assessment of the situation. Often, such assessments capture the overall situation quite well. Yet, they generally fall short of reliability and data comparability standards, which in turn may affect their

public acceptability. As a method of human rights assessment, particularly with regard to monitoring the compliance of State parties to international human rights instruments over time, such a method may serve only a limited purpose.⁴⁶

C. Disaggregation of human rights indicators

In the international human rights normative system, there is a strong demand for statistical information that goes beyond national averages, reveals the most deprived or vulnerable population groups and helps measure inequality and discrimination. For instance, while infant mortality (children under one year of age) has declined in most countries in recent decades, the incidence of infant mortality is significantly higher among the poorest households across all regions. Figures in the *Human Development Report 2010* show that infant mortality in the poorest households (bottom fifth of income distribution) is nearly double that of the richest (top fifth) in the Arab States, East Asia, the Pacific, Latin America and the Caribbean. Similarly, Afro-descendants and indigenous peoples often face structural disadvantages in key human rights areas.⁴⁷ For instance, the World Bank reported that while more than half of the total population were poor in Bolivia and Guatemala, almost three quarters of the

indigenous peoples were poor.⁴⁸ Assessing gender discrimination also requires the disaggregation of statistics by sex (see chap. IV, box 22 on statistics on gender and the human rights of women). In relation to the right to education, for instance, the ratio of female to male for the mean years of schooling shows that in all regions girls receive significantly less school education than boys.⁴⁹

While disaggregated statistics are essential for addressing human rights concerns, it is not always practical or feasible to disaggregate data at the desired level. Disaggregation by sex,⁵⁰ age, region (e.g., urban/rural) or administrative unit, economic wealth (e.g., quintile or decile of income or expenditure), socioeconomic status (e.g., employment status) or educational attainment, may, for instance, be easier than by ethnicity, as the identification of ethnic groups may involve objective (e.g., language) and subjective criteria (e.g., self-identification)

46. For additional examples and a review of data-generating mechanisms, see, for instance, T. Landman and E. Carvalho, *Measuring Human Rights* (Routledge, 2010).

47. For instance, a report commissioned by the Council of Australian Governments, using a set of indicators, revealed that perinatal and infant (within one year) mortality rates of indigenous peoples remained two to three times the non-indigenous rates and the unemployment rate was 15.6 per cent for indigenous people and 5.1 per cent for non-indigenous people (*Overcoming Indigenous Disadvantage: Key Indicators 2009* (Canberra, Steering Committee for the Review of Government Service Provision, 2009). Available from www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (accessed 24 May 2012)).

48. Gillette Hall and Harry Anthony Patrinos, eds., *Indigenous Peoples, Poverty and Human Development in Latin America: 1994–2004* (Palgrave Macmillan, 2006).

49. See UNDP, *Human Development Report, 2010—The Real Wealth of Nations: Pathways to Human Development* (Palgrave Macmillan, 2010).

50. The Platform for Action of the Fourth World Conference on Women recommends the presentation of data disaggregated by sex and age to reflect problems, issues and questions related to women and men in society for use in policy and programme planning and implementation. See *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

III. >> Methodological Approaches to Human Rights Indicators

>> Disaggregation of human rights indicators

that evolve over time. The collection of data for additional characteristics of the population will usually have cost implications. Producing disaggregated data that are collected through statistical surveys will tend to widen *confidence intervals* (see glossary) if the size of the samples of the targeted groups does not increase, which entails further data collection. The publication, analysis and exploitation of data at a lower level of aggregation will demand additional resources.⁵¹

Disaggregation of data by religion or ethnicity could also be politically and socially difficult when used wrongly. When fictitious numbers (either through inflating or deflating data) are produced to serve a political purpose, it could create divisions among people. On the other hand, disaggregated data could be used so that minorities and other population groups are made more visible so as to provide evidence for targeted policymaking and help their integration. Proponents of the inclusion of questions on ethnicity and religion in census and survey questionnaires have also observed that respondents have the option of replying to these questions or not. However, it may not always be enough to just include this option in the questionnaire. Interviewers may have to clearly explain and reiterate this option to the respondents.

There is no blanket human rights obligation for a country to disaggregate statistical information by ethnic characteristics or other potentially sensitive data. In relation to ethnicity, for instance, the *Principles and Recommendations for Population and Housing Censuses* stipulate that the decision to collect disaggregated data *is dependent upon a number of considerations and national circumstances, including, for example, the national needs for such data, and the suitability and sensi-*

tivity of asking ethnicity questions. The same source provides a broad definition of ethnicity: *ethnicity is based on a shared understanding of history and territorial origins (regional and national) of an ethnic group or community, as well as on particular cultural characteristics such as language and/or religion. Respondents' understanding or views about ethnicity, awareness of their family background, the number of generations they have spent in a country, and the length of time since immigration are all possible factors affecting the reporting of ethnicity in a census. Ethnicity is multidimensional and is more a process than a static concept, and so ethnic classification should be treated with movable boundaries.*

In relation to human rights and disaggregating data on the basis of disability, for instance, the Convention on the Rights of Persons with Disabilities is clearer on disaggregation and requires States: *to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. ... The information collected ... shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights (art. 31).*

Generally, international human rights bodies have encouraged the disaggregation of data on the basis of the prohibited grounds of discrimination. A non-exhaustive list of these grounds includes: sex, age, economic and social situation, race, colour, language, religion, political or other opinion, national or social origin, property, birth, disability, health status, nationality, marital and family status, sexual orientation and gender identity, place of residence, and other status.

51. Discussions between users of statistical data, including national human rights bodies, and data producers, as part of the work of OHCHR on human rights indicators with national statistical offices and other local organizations, have highlighted the underuse of already collected data.

III. >> Methodological Approaches to Human Rights Indicators

>> Disaggregation of human rights indicators

While the practical relevance and feasibility of disaggregation need to be appropriately addressed, disaggregation of data helps design, adapt, implement and monitor measures to advance human rights, and contributes to the detection of related human rights problems, such as direct or indirect discrimination (chap. IV, boxes 23 and 24).⁵²

The decision concerning the disaggregation of census, administrative or survey data on the basis of characteristics such as ethnicity and religion

rests with the national authorities and will depend on national circumstances. This is also true for disaggregation by grounds of discrimination like sex, age, disabilities, economic wealth or socio-economic status, region or administrative unit,⁵³ although there seems to be much less leeway for decision makers to decide not to disaggregate those data. Nevertheless, there appears to be a general opinion in favour of disaggregation from a human rights perspective, insofar as it helps in addressing inequalities and discrimination on prohibited grounds.

52. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has used surveys and disaggregated indicators to highlight the marginalization of minorities in access to education, employment, health and housing in Japan (E/CN.4/2006/16/Add.2).

53. In some cases, disaggregation by region or administrative unit might provide proxy information on the situation of ethnic groups.