

**REPORT
ASIAN SUB-REGIONAL WORKSHOP**

**USING INDICATORS TO PROMOTE AND
MONITOR THE IMPLEMENTATION OF
HUMAN RIGHTS**

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Preface

It has been said that what cannot be measured cannot be done. Indeed one can argue that this statement reflects the thinking among a section of people who when confronted with the issue of human rights, in general, and implementation of rights, in particular, find it convenient to subscribe to this view. On a positive note, there has been a growing demand for the use of appropriate indicators, both qualitative and quantitative, in promoting and monitoring the implementation of human rights. Indicators are seen as useful tools in making the normative content of human rights more concrete, in articulating and advancing claims on the duty-bearers and in providing the benchmarks to identify, guide and monitor appropriate policy response to bridge the gaps in the realization of human rights.

At the request of the United Nations human rights treaty bodies, the Office of the High Commissioner for Human Rights initiated a work programme to identify appropriate indicators using available information, where possible, for promoting and monitoring the implementation of human rights. This work involved a consultation process with potential users of human rights indicators at the national and international level. The objective being to benefit from similar national level initiatives, where available, and to validate the conceptual thinking that emerged from discussions in the treaty bodies and the experts engaged in this area at the international level. The workshop that was organized by the National Human Rights Commission of India, the Office of the High Commissioner for Human Rights, Geneva and the Institute of Human Development, New Delhi was an important step in this process.

This report which presents the proceedings of the Asian sub-regional workshop held in New Delhi from 26 to 28 July 2007, brings together the emerging thinking among the legal experts, human rights practitioners and policy makers, who participated in the workshop, on the process for and the issues in identification and development of indicators for promoting and monitoring the implementation of human rights at the country level. More importantly, the report reflects the need for appropriate indicators and other tools among the human rights practitioners; it captures the sense of acceptance, the concerns and the constraints with which the stakeholders view the initiative on the development of indicators, for use in human rights assessments. It is an important input into the process for taking this work forward at the international and national level.

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USING INDICATORS TO PROMOTE AND MONITOR THE IMPLEMENTATION OF HUMAN RIGHTS

I. INTRODUCTION

1. There has been a growing demand for both qualitative and quantitative indicators to help promote and monitor the implementation of human rights. Indicators are seen as useful tools in articulating and advancing claims on the duty-bearers, and in formulating public policies and programmes for facilitating the realisation of human rights. The use of appropriate indicators is also a way to help States assess their own progress and make precise and relevant information available to the United Nations human rights treaty bodies regarding the implementation of their obligations under international human rights instruments.

2. In order to address this need and more specifically, to respond to a request by the treaty bodies to assist them in making use of appropriate statistics in assessing compliance of State parties with human rights treaties, the office of the United Nations High Commissioner of Human Rights (OHCHR) initiated the work on identifying suitable indicators, primarily quantitative, for use in promoting and monitoring the implementation of human rights. The focus of this work has been essentially on quantitative indicators and statistics in view of the specific request made by the treaty bodies. Moreover, the use of appropriate quantitative indicators for assessing the implementation of human rights, in what is essentially a qualitative and quasi-judicial exercise is expected to add value to the process of policy formulation and implementing specific interventions in realising human rights.

3. As a first step in pursuing this work, OHCHR, in consultation with members of human rights treaty bodies,¹ United Nations (UN) special rapporteurs, UN agencies, non-governmental organisations and academics, developed a framework for identifying operational and contextually relevant indicators for use in promoting and monitoring the implementation of human rights. The basic objective in developing this framework was to adopt a structured and consistent approach for translating universal human rights standards into indicators that are relevant and useful at country level.² Lists of illustrative indicators have been prepared and initial validation carried out through consultations with experts in Geneva for several human rights, covering the civil, political, economic, social and cultural rights.³

¹ The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. They are created in accordance with the provisions of the treaty that they monitor (see <http://www.ohchr.org/english/bodies/treaty/index.htm>).

² A background paper outlining the conceptual and methodological framework on indicators was prepared by OHCHR for the consideration of the 5th Inter-Committee Meeting of the Treaty Bodies in June 2006 (see document HRI/MC/2006/7 available at <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>).

³ Illustrative lists of indicators have been prepared so far on the 'the right to life', 'the right to liberty and security of person', 'the right to participate in public affairs', 'the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment', 'the right to health', the 'right to adequate food', 'the right to adequate housing' and 'the right to education'.

4. The second stage in this process was directed at validating these lists of illustrative indicators through workshops and consultations with regional and national level stakeholders. The Asian sub-regional workshop on *Using Indicators to Promote and Monitor the Implementation of Human Right*, held in New Delhi from 26 to 28 July 2007, in collaboration with the National Human Rights Commission of India (NHRC) and with the support of the Institute for Human Development (IHD - New Delhi), was organised in this context. The NHRC has been working on a range of conceptual and methodological issues for the promotion and protection of human rights in India. When approached by OHCHR with the proposal to organise a sub-regional consultation in India, it took the initiative to jointly host the event with the support of the IHD - a leading research institute in New Delhi, working in the area of human and social development, social security and issues related to empowerment of marginalised segments of the society. The workshop brought together national human rights stakeholders, namely national human rights institutions, policymakers, statistical agencies and some civil society representatives from 12 countries in the region. It is envisaged that similar workshops and consultations will be held in other regions of the world. Based on the feedback from these consultations the conceptual and the methodological framework and the list of illustrative indicators on selected human rights will be reviewed and the outcome presented to the meeting of the Inter-Committee of treaty bodies in June 2008.

II. OBJECTIVES OF THE WORKSHOP

5. The primary objective of the workshop was to show the relevance of and raise awareness about using commonly available statistical information and other appropriate indicators in promoting and monitoring the implementation of human rights. More specifically, the meeting sought to: (a) demonstrate the practical relevance of the conceptual framework in identifying quantitative and other appropriate indicators for selected international human rights standards, covering civil and political rights, as well as economic, social and cultural rights, at country level; (b) validate the framework as well as the illustrative indicators on some human rights through feedback from the participants during and after the workshop; and (c) encourage the ownership and application of context-specific indicators for devising suitable policy responses in furthering human rights implementation at country level.

6. At country level, a structured and transparent approach to identifying and using standardized information for assessing human rights is expected to facilitate the design and implementation of policy measures in mainstreaming human rights in the development process and, thus, help secure the universal enjoyment of human rights. At the same time, it will help States parties meet their reporting obligations under the international human rights treaties. Indeed, the use of appropriate quantitative indicators for assessing the implementation of human rights could help streamline the process, make it more transparent and more effective, reduce the reporting burden and, above all, improve follow-up on the recommendations and concluding observations, at both the committee and country levels. Appropriate indicators will also allow national human rights institutions and civil society organizations to exercise more effective oversight on the promotion and protection of human rights.

7. Consultation at the workshop provided an opportunity for country-level human rights stakeholders to highlight relevant contextual issues and country-level concerns that have a bearing on the identification of indicators for use in human rights assessments and in the design of policy response to further the implementation of human rights. This will help improve the conceptual and methodological framework, and the lists of illustrative indicators being validated as a part of the present exercise.

III. PARTICIPATION AND PROGRAMME

8. The workshop brought together participants from national human rights institutions, policymakers, statistical agencies and some civil society representatives, from the following countries in the region: Afghanistan, Bangladesh, Bhutan, India, Indonesia, Iran (Islamic Republic of), Malaysia, Maldives, Nepal, Pakistan, Philippines and Sri Lanka. The Asia-Pacific Forum of national human rights institutions also took part in the workshop. In addition, several invitees and panellists from the host country, India, participated in the inaugural and concluding plenary session of the workshop. The workshop was inaugurated by Justice Mr. K.G. Balakrishnan, Chief Justice of India and the valedictory session was chaired by Justice Mr. S. Rajendra Babu, Chairperson NHRC. The list of workshop participants is at annexe 3.

9. The workshop was spread over two and a half days. In addition to the inaugural and the valedictory session, there were five substantive sessions. Two of these, the inaugural and concluding sessions, were in plenary and attended by about hundred participants, and consisted of thematic presentations and interactive discussions on issues of relevance to the overall objectives of the workshop. The theme for the opening plenary was “Do human rights matter for policymaking?” and for the closing plenary the issue was “Implementing human rights – the way forward”. The remaining three sessions were essentially participatory exercises for the invited external and host country participants, about 35 in number, who were exposed to specific indicators covering ‘the right to the enjoyment of the highest attainable standard of physical and mental health’ (in short, the right to health), ‘the right to liberty and security of person’ and the relevance of a human rights approach to poverty reduction at country level, within the framework of the implementation of the Millennium Development Goals (MDGs). This last session highlighted the potential use of rights - sensitive indicators in contextualising the MDGs and the strategy to implement them at the country level. The workshop programme is at annexe 4.

IV. SUMMARY OF DISCUSSIONS

A. Inaugural session

10. In her opening remarks, **Dr. Maxine Olson, UN Resident Coordinator in India**, welcomed the workshop participants and highlighted the importance of human rights to the work of the UN system at large. She mentioned that the emphasis, in recent years, on moving from human rights advocacy to implementation of rights posed several challenges. The most critical being the need to develop appropriate methodology and tools to support informed policy making at country level and encourage the use of a rights-based approach to development programming, with

emphasis on human principles, such as participation, empowerment, equality, non-discrimination and accountability. In this context, she pointed out the relevance and timeliness of OHCHR's initiative on identifying quantitative indicators for use in human rights assessments and welcomed the step to involve national level stakeholders in validating and further refining this work. The UN Resident Coordinator also welcomed the lead taken by the NHRC in supporting and contributing to this process in the Asian sub-region.

11. **Mr. R. K. Bhargava, Secretary General of the NHRC** and Chairperson of the organising Committee for the workshop, outlined the main objectives and the format of the workshop. He indicated that the primary objective of the workshop was to show the relevance of and raise awareness about using commonly available statistical information and appropriate indicators in promoting and monitoring implementation of human rights. Mr. Bhargava said that the human rights community had been struggling to engage the policy makers and the statistical community to address in their work issues arising out of the human rights commitments and obligations of the State. He underlined, in this context, the need for credible tools that effectively and consistently translate the narrative on human rights standards into concrete quantitative indicators. He pointed out that the workshop was an important step in developing these tools.

12. In his inaugural address, **Justice Mr. K. G. Balakrishnan, the Chief Justice of India**, welcomed the initiative on indicators for human rights assessment and congratulated the NHRC in taking a lead in organising the workshop in India. Referring to the spread of human rights jurisprudence across the world, he highlighted the necessity to measure compliance of State and non State actors against universal standards of measurement to help in examining the variations and challenges faced by countries in their quest to extend universally accepted human rights to their citizens. He pointed that development of acceptable human rights indicators would certainly go a long way in placing checks and balances upon nation States towards compliance and pressurize the non compliant States into recognition and respect for human rights. He underlined that international human rights standards, not only provide the foundations of a humane, just and progressive society, but also a compelling normative framework for the formulation of national and international policies and strategies for human development. He recommended the development of indicators for both civil and political rights and economic, social and cultural rights and saw the initiative behind the workshop as contributing to a meaningful engagement of key organs of a State in their collective endeavour to bridge the gap between the rhetoric on human rights and the actual enjoyment and realisation of human rights. The Chief Justice welcomed the idea of supporting a constructive dialogue between the policy makers, the human rights practitioners and the statistical community with a view to create a better understanding and capacity to further the implementation of human rights. The critical role of the courts in enforcing economic, social and cultural rights was also stressed. In this context, he highlighted the lead taken by the Supreme Court of India in interpreting the right to life to include elements such as nutrition, shelter and access to emergency medical treatments. Similarly, he pointed out that the Supreme Court had also passed orders directing the government to implement food relief programmes to halt starvation and provide mid-day meals in schools. In concluding his address, Justice Balakrishnan emphasised that appropriate and contextually relevant indicators can be useful tools in articulating and advancing claims on the duty-bearers, and in

formulating public policies and programmes for facilitating the realisation of human rights. If identified appropriately, indicators can help in concretising the normative content of human rights, thereby facilitating enforcement as well.

13. **Dr. Arjun Sengupta, UN Independent Expert on Human Rights and Extreme Poverty** and Chairman of the National Commission for Enterprises in the Unorganised Sector in India, focused his address on the basic framework and principles underlying the human rights-based approach and the various conceptual and methodological issues that had to be adequately addressed with a view to encourage its application. He argued that the idea of viewing the development process in terms of various rights - as legally enforceable entitlements - in articulating and advancing claims on the duty bearer was an essential ingredient of a human rights approach. It made it necessary for such an approach to forge explicit linkages with the international human rights instruments. These linkages with the human rights standards provided the goals and targets for guiding the process, as well as the principles that helped in the conduct of the process. He pointed out that accountability and the rule of law was the cornerstone of a rights-based approach. He emphasised that the implementation process had to be accountable to the people at large, which required the identification of the claim-holders and their entitlements and the corresponding duty-bearers and their obligations. The primary duty bearer was the State and others, who had obligations included, the local authorities, private companies, aid-donors, multilateral institutions and the international community. They all had positive obligations (to protect, promote and provide) as well as duties that require abstaining from violations of human rights. He suggested that the principle of accountability also required that the process was transparent and credible in the eyes of people so that it encouraged their unfettered participation. He highlighted the positive and negative dimensions and policy measures for both economic, social and cultural rights and civil and political rights. The need for a holistic approach that considered *inter alia* the international environment was underlined in his intervention. Dr. Sengupta emphasised the importance of developing appropriate methods, indicators and other tools to measure progress in realising human rights, both in terms of outcomes as well as in terms of the process of implementation. In this context, he welcomed the work being undertaken by OHCHR and recommended that indicators usable by the judiciary and those that facilitate an assessment of a State's compliance with its human rights obligations should be identified in the first instance, so that the human rights standards could be explicitly integrated in the articulation and implementation of public policies and programmes.

14. **Justice Mr. S. Rajendra Babu, Chairperson of the NHRC**, referred to the resolution adopted by the Human Rights Council that gave more importance and responsibility to the National Human Rights Institutions (NHRIs) in the task of protecting and promoting human rights. He pointed out that with the focus of the development debate gradually moving from welfare to the human rights agenda there was a need to elaborate the set of development indicators to include specific indicators that can help in promoting and monitoring the implementation of human rights. He recognised that such indicators will be useful in objectively undertaking the performance assessment of human rights situation by the various mechanisms of the UN Human Rights Council, like the Universal Periodic review and the Special Procedures. He pointed out that the evaluation of the effectiveness of potential indicators for use in human rights assessments was a complex exercise and a number

of issues like the availability of data, coverage of the human rights standards, relevance and the viability of proposed indicators will have to be addressed. He argued that it was desirable that the use of existing data be adequately explored to identify these indicators. Justice Babu mentioned that in many countries, NHRIs often operate with limited powers, in an environment in which human rights were not an official priority or were under constant attack. He pointed out that in such situations the primary responsibility of a NHRI should be to hold the line by systematically monitoring government behaviour as well as building and sustaining human rights awareness in the society. He referred to the need to develop indicators as also to understand them in the right perspective and interpret them taking into account economic and political context. He emphasised the need to have a common approach to identifying indicators for the civil, political, economic, social and cultural rights, thereby strengthening the notion of indivisibility and interdependence of human rights. On a note of caution, he suggested that indicators were essentially a tool to help policy makers, evaluators and the human rights institutions plan and evaluate their work, but not an end in themselves. In concluding his remarks, Justice Babu highlighted that the most important use of such indicators was to enable the public to form a clear view of the human rights situation and to assess whether the government was adequately fulfilling its obligations and mandate in promoting and protecting human rights.

B. Panel discussion I: ‘Do human rights matter for policy making?’

15. The theme for the first panel discussion was ‘Do human rights matter for policy making?’ The panel was chaired by Justice S. Rajendra Babu, Chairperson of the NHRC and the panellists were Justice Mr. R.C. Lahoti, former Chief Justice of India, Dr. K. P. Kanan, Member National Commission for Enterprises in the Unorganised Sector, Dr. Pronab Sen, Chief Statistician of India and Secretary Ministry of Statistics and Programme Implementation, and Dr. Madhu Kishwar, Editor Manushi and an eminent human rights and social activist. In their interventions for the session, the panellists were requested to *inter alia* address the following issues: (a) what is the value-added of human rights in policy making? (b) what is the current practice? (c) what are the challenges in integrating human rights in policy making?

16. In introducing the theme for the panel discussion, **Justice S. Rajendra Babu** underlined the importance of the normative aspect of the human rights standards in policy making and emphasised the critical role of NHRIs, in sensitising and facilitating the policy makers to help the State meet its human rights obligations. He outlined elements of an “ideal” society where policy makers followed and encouraged the rule of law and implemented human rights. He pointed out the difficulty in measuring the concept of human dignity, which was at the heart of human rights, in the policy making process. He highlighted issues of governance and economic policy reform, including fiscal stability, debt repayment, privatisation and liberalisation, often required hard choices to be made as they affect social groups, communities and institutions differently. While there was no one correct approach in formulating and implementing these policies and that the trade-offs and complementarities between economic and social policies had to be understood, some insights into these issues could be gained by analysing the budgetary decisions of the government. He underscored that government’s policies were a subject of scrutiny by courts who could declare invalid a policy opposed to fundamental rights of citizens. In order to

make better protection and promotion of human rights, he highlighted the need for more focused and structured information from States, making the process of implementing human rights more transparent and accountable. In this context, use of simple, sound and reliable indicators could help the policy makers reflect the human rights normative framework in public policy and programmes with a view to facilitate the realisation of human rights.

17. In his address, **Justice R. C. Lahoti, former Chief Justice of India**, underlined the need for fundamentals of human rights jurisprudence to enter into process of decision making in all facets of governance - the legislature, the executive and the judiciary. He identified six values (or principles) that human rights could bring in policy making, namely accountability of the state, representation and participation of the excluded in the decision making and implementation process, right to information, accessibility to services, ability to exercise choices and scope for redress. He pointed out that though on principle it should not be difficult to reach unanimity in integrating human rights in policy making, but its translation into action was challenging on political, bureaucratic and systemic levels. He highlighted the need for a process of continuous evaluation, including by non-governmental organisations, of policies from a human rights perspective. Justice R. C. Lahoti underscored the need to devise suitable assessment tools - human rights indicators- to monitor and evaluate the impact of human rights programs and policies. He pointed out that suitable indicators - quantitative or qualitative, both being supplementary of each other, enable the monitoring of progress by States and can be usefully employed by the policy makers and activists. He highlighted the need to have indicators that monitor essential features of human rights, the outcomes, as well as the process of development programmes, and the situations and relationships of duty-bearers and rights-holders. He referred to the enactment of the Right to Information Acts (2005) by the Indian Parliament –a legislative policy measure- and its implications for securing a transparent, accountable and people’s participatory governance. He identified a crucial role for education, including human rights education, in securing a role for human rights in policy making and in ensuring a true and faithful implementation at country level.

18. **Dr. K. P. Kanan, Member of the National Commission for Enterprises in the Unorganised Sector**, a well known development economist, in his presentation underlined the importance of human rights standards and principles in policy formulation and its implementation. He saw a role for a human rights-based approach in policy making to support and sustain human development. He highlighted linkages in capabilities of individuals and their basic entitlements in terms of economic, social and cultural rights and civil and political rights. He called for overcoming artificial dichotomy between the two sets of rights and pointed out the need for appropriate prioritisation referring to issues, such as human deprivations, inequality and social exclusion. In the Indian context, he highlighted several policy gaps and issues in programme implementation that could benefit from a rights framework, including those related to employment guarantees in rural areas, the inadequacy of social security system in reaching out to the excluded and the marginalised who needed public support more than the others, bureaucratic bottlenecks, coverage of targeted population groups under the public programmes and the leakages and corruption that characterised these interventions. He underlined the crucial role played by courts and judicial interventions in strengthening corrective measures to address some of these

concerns. Dr. Kanan drew attention to how a rights framework made a difference to the effectiveness of public effort in two instances from the recent experience in India namely, the Right to Information Act and the Employment Guarantee Act. He talked of how access to information was contributing to and could further improve public accountability and that the creation of legal entitlements by establishing and enforcing minimum wages for the workers in the unorganised sectors could bring about a more inclusive and equitable development process.

19. **Dr. Pronab Sen, Chief Statistician of India** and Secretary Ministry of Statistics and Programme Implementation, emphasised the importance of clarity on the indicators and benchmarks that should be used and compiled by the statistical community for supporting the implementation of human rights. He underlined the need to reflect the concept of human dignity in the choice of indicators and to identify indicators that can operationalise human rights in the policy space. He was of the view that appropriately identified indicators have the potential to concretise the content of the rights and at the same time facilitate the introduction of universal normative standards to the policy making process. He argued that human rights standards could be invoked to help define minimum thresholds for defining the human needs universally. It was important in his view to define the extent to which a right had to be realised or enjoyed by every individual. He emphasised, for instance, that the notion of minimum wage should be universally applied as the threshold that was required for a decent living by individuals whether in the organised sector or in the informal sector. He pointed out a lack of clarity in relation to millennium development goals which had to be overcome by the identification of specific targets and corresponding indicators. Dr Sen made an important distinction between the identifying an indicator and its application to identify the people in the population. In this context, he also raised the issue of the level at which the discharge of State obligation should be assessed, should it be at the level of the government policy say on education or at the level of the conduct of a school teacher in the village. This then brought him to the issue of the nature of data that would be useful in the measurement of human rights. He argued that 90 per cent of data required for undertaking human rights assessments should come from administrative records and that this source is often weak, essentially because of a conflict of interest - as the system which is responsible for delivery of services (or rather failing to deliver the intended services) is also responsible for collecting the relevant information on achievements and feedback. He concluded that the collection, compilation and dissemination of administrative data had to be strengthened, standardised and made transparent if the rights framework had to play a role in the development process and ensuring a universal enjoyment of human rights.

20. **Dr. Madhu Kishwar, Editor of Manushi**, underlined that human rights should be the touchstone for the formulation and implementation of development policies. She highlighted the need for genuine participation of marginalised and vulnerable groups in decision making processes and to bring more accountability in the functioning of public bodies, particularly at the local level, and to systematically address corrupt practices, which according to her was among the root causes of poverty in India. While supporting the points raised by Dr. Sen with regard to the approach to integrate human rights in the policy space of the country, she was of the view that a human rights framework can make a difference to development outcomes when it is incorporated in a bottoms-up manner. She narrated her experience of

activities under taken by district administration in a North India State where a rights framework that emphasised participation of the target population groups in the design and implementation of public programmes brought about a more equitable and sustainable distribution of returns from the development process. She argued that the application of a human rights approach and the tools that are needed to implement it need not wait for the working out and acceptance of large models and frameworks at the national level, instead by applying such an approach at the local level in small projects could already bring out the value added of human rights in managing the development process in a humane and just manner.

21. The discussions that followed the presentations by the panellists were engaging. A number of questions were posed from the floor. The panel was unanimous in highlighting the usefulness of and making a case for integrating human rights standards and principles in policy making. Human rights were recognised as being intrinsically, as well as instrumentally important for defining and implementing strategies for meeting national development goals. To ensure that in practice human rights standards were incorporated in and guided the policy making process, the panellists agreed that it was imperative to devise suitable assessment tools (indicators) that could be easily reflected in the policy space for promoting, monitoring and evaluating the implementation of human rights. It was suggested that such indicators should be simple, easily available and capture the relevant features of human rights adequately - the outcomes, the process of implementing obligations and the situations and relationships of duty-bearers and rights-holders. There was a general understanding that administrative information will have to be the primary basis for developing such indicators for use in furthering the implementation of human rights.

C. Workshop session on the right to health

22. The workshop sessions, which were facilitated by **Mr. Rajeev Malhotra, workshop coordinator, and Mr. Nicolas Fasel from OHCHR**, started with a round of introduction by the participants who shared some of their concerns and expectations from the meeting. Drawing on the information provided in the background document *'Using Indicators to Promote and Monitor the Implementation of Human Rights – Some Questions & Answers'* (placed at annexe 1), there was a brief presentation made on basic definitions and OHCHR's conceptual approach for identifying indicators. This was followed by a participatory exercise for selecting potential indicators on the right to health, as outlined in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The idea of using a participatory exercise as a modality to work on the indicators was guided by the objective of encouraging an inter-active dialogue with the participants, create an ownership for the human rights assessment tools and, more importantly, collect feedback reflective of context specific concerns from the different countries of the region represented at the workshop.

23. As a first step in the exercise, without consciously focusing on the legal provisions on the right to health as laid down in the ICESCR or its elaboration in the general comments of the Committee on the Economic, Social and Cultural Rights (CESCR), the participants were invited to identify the main attributes or characteristics of the right to health. To facilitate their response, they were asked to keep the following questions in mind: (a) in your country what is the nature of health

problem, which population groups are more vulnerable to illness / high mortality and what has been done to combat the problem? (b) keeping in mind international human rights standards⁴ and health policy framework, what aspects of health and related policies are important for monitoring implementation of the right to health? (c) what aspects of your country's health policy would you like to focus on in monitoring the implementation of the right to health? The majority of participants identified accessibility to adequate healthcare as the most important aspect of the right to health in their respective countries. Women and children were considered as the most vulnerable group requiring specific attention and policy focus. The situation of women from minority communities, poor people, lower casts and migrants were mentioned. Nutrition, access to safe water, access to basic medicines, working conditions and prevention of diseases was emphasised by many of the participants. Following this feedback, the workshop facilitators circulated for discussion the list of five attributes or characteristic of the right to health identified by OHCHR in consultation with members of treaty bodies, UN special procedures, experts from UN agencies, non-governmental organisations and academics and based on an exhaustive reading of the normative content of the right. These attributes namely, 'reproductive health', 'child mortality and health care', 'natural and occupational environment', 'prevention, treatment and control of diseases', 'accessibility to health facilities and essential medicines' (see annexure 2) coincided with the response of the participants and hence were well received.

24. The second step in the exercise required identifying a set of indicators that could adequately capture the various facets of the process underlying the implementation of human rights obligations by the State on each of the identified attributes of the right. The intention being to reflect appropriately, in the selection of indicators, the commitment of and the effort undertaken by the duty bearer- primarily the State- in implementing its obligations, as well as the results of that process. The participants were asked to keep in mind the following questions and based on their respective experience identify indicators on each the attributes: (a) what kind of indicators will be relevant to monitor the legal and institutional framework for implementation of the right to health at country level? (b) what kind of indicators will be relevant to monitor steps being taken by government and civil society organisations in furthering the implementation of the right at country level? (c) as summary measure, what kind of indicators will be relevant to monitor the enjoyment of the right at country level?

25. The workshop participants were divided into three groups and each of them was requested to focus on one of the questions. Following the first question, the adoption of domestic laws and international standards, were among the indicators identified as being relevant to the implementation of the right. The allocation of adequate funds, international assistance, existence of adequate monitoring mechanisms (including a system of birth registration) and adoption of specific health policies and related time frames were also highlighted. The second group identified indicators such as: proportion of households with access to clean water and sanitation, proportion of children immunised, number of doctors, nurses and health facilities per population, distance to health facilities, number of hospital beds per population,

⁴ The workshop referred to the general comment No. 14 adopted in 2000 by the Committee on Economic, Social and Cultural rights on "The right to the highest attainable standard of health", and provided as background material to the meeting.

proportion of population covered by awareness programmes on reproductive health and government spending on research and control of diseases. The group focusing on the last question listed indicators like the mortality rates, including maternal and infant mortality, and life expectancy rates as being relevant as summary measures for monitoring the right to health. Reference was also made to the number of accidents at work, fertility rates, air pollution indices, number of health professionals and gaps in accessing health services between urban/rural, poor/rich population groups.

26. The table of indicators prepared by OHCHR (see annexure 2) was then circulated where it was shown that the categories of indicators identified by the three groups could be clubbed as *structural*, *process* and *outcome* indicators. It was highlighted that identification of indicators in the said categories enabled an assessment of steps being taken by the State party in addressing its obligations – from acceptance of and commitment to international human rights standards (structural indicators) to efforts being undertaken by the State to meet the obligations that flow from the standards (process indicators) and on to the outcomes of those efforts from the perspective of rights-holders (outcome indicators). The ensuing discussion addressed issues concerning, for example, the relevance of budget/ public-expenditure indicators, qualitative aspects of indicators, accreditation of national human rights institutions, the conceptual and methodological problems in use of composite indices and the case for reflecting international obligations in the framework. Two brief presentations on current initiatives to monitor the public health services in the states of Tamil Nadu and Gujarat in India were shared by Mr. P.W. C Davidar and Dr. (Mrs.) Vikas Kishor Desai, respectively. Though these initiatives were not strictly in a rights framework, they highlighted how administrative data collected at the user's end of the service chain could be effective in improving accountability and assessing the fulfilment of obligations by the duty bearer.

27. The concluding part of this session benefited from remarks made by **Justice Shivaraj Patil, Member NHRC**. He identified three major challenges that countries, particularly the developing countries, need to address in the health sector. These were challenges related to the issue of acceptability, availability and affordability of health services. He highlighted that there was a need to (i) upgrade the existing health care facilities at all levels, (ii) forge private public partnership, and (iii) adopt a right-based approach for protecting and promoting the survival and developmental needs of children and focus on preventive aspects of the health care, including nutritional value of food, first aid, hygiene and sanitation. He welcomed the framework being piloted by OHCHR, the engagement shown by the participants in the discussions and the effort being made to reflect country level concerns in the framework and the choice of indicators. In concluding his remarks, he highlighted, inter alia the issue of prioritisation that emerged from the workshop discussion between competing ends on the right and the limitations of resources, the need to include some relevant indicators on budget expenditure / allocations and corresponding physical targets, coverage of quality basic health care and awareness programmes.

D. Workshop session on the right to liberty and security of person

28. The workshop session on the right to liberty and security of person, as stated in article 9 of the International Covenant on Civil and Political Rights (ICCPR), followed the format adopted for the session on the right to health. The questions

proposed by the workshop facilitators to help participants identify main attributes of the right were the following: (a) in your country what aspect of detention and legal redress related to detention is an area of problem, which population groups are more vulnerable and what has been done to combat the problem? (b) keeping in mind international human rights standards, what aspects of detention practices and procedure on court review are important for monitoring implementation of the right (c) what aspects of these issues would you like to strengthen in monitoring the implementation of the right in your country? The exercise referred to the general comment of the Human Rights Committee on the right to liberty and security of person.⁵ In their response, the main aspects of the right that were highlighted by the participants were arbitrary and illegal arrests and detention, judicial review of detentions and related time limits, compensations for victims and abuse of power by law enforcement officials. These aspects of the right were then discussed and compared with the list of attributes circulated by OHCHR namely, 'arrest and detention based on criminal charges', 'administrative deprivation of liberty', 'effective review by court' and 'security from crime and abuse by law enforcement officials'. There was a consensus that the attributes of the right that were circulated captured the aspects identified by the participants.

29. In the second stage of the exercise, the participants were asked to identify indicators for different attributes of the right to liberty and security of persons guided by the same set of questions as referred to in the earlier workshop (see paragraph 24) on the right to health. In terms of *structural* indicators, participants suggested indicators on the adoption and enforcement of specific legislations, regulations, procedures and institutional mechanisms ensuring effective protection against arbitrary arrests and detentions, whether based on criminal charges or administrative grounds, referred to specific time limits (e.g. before being informed on reasons of arrest or detention, before being brought to judicial mechanisms), existence of non-governmental organisations providing legal aid, assistance to victims and awareness building programmes for duty-holders as well as rights-holders. Among the indicators identified in response to the second question (related to *process* indicators), emphasis was placed by the participants on capacity building programmes for law enforcement officials, statistics on the number of arrested persons receiving legal assistance or being informed of the charges filed against them, number of cases of arrests or detentions reviewed by courts, duration of pre- and trial detentions, number of complaints on arbitrary detention filed, processed and resolved by relevant institutions, number of cases where time limits stipulated by law were exceeded, number of arrests or detention declared unlawful. Under the third category of indicators, many of the proposed indicators were based on administrative records on reported cases of arrests or detentions declared arbitrary by courts, national human rights institutions or other relevant non-governmental organisations. Indicators on the proportion of victims of unlawful detentions receiving adequate compensation were also seen as particularly relevant.

30. The subsequent discussion was based on the table of indicators circulated by OHCHR (see annexure 2) and highlighted several issues including, the need to further reflect on the role of non-governmental organisations, alternative litigations procedures available at national level, interpretation of constitutional provisions,

⁵ General comment No. 8 adopted in 1982 was provided as background material for the workshop.

reporting burden of State parties, recording of government responses to complaints that were filed or reported as alleged violations, and issues related to civil unrest. The discussion also highlighted the need to explain the rationale behind the inclusion of an indicator in the table, along with such other information that will help in the application of identified indicators by the potential users at the national and international level. This brought the discussion to the relevance of including metasheets for each of the identified indicators for the various human rights. Reference was made to illustrative examples of metasheets placed in the background material for the workshop (see annexure 1).

31. In concluding the session, **Justice Y. Bhaskar Rao, Member NHRC** addressed the workshop participants, highlighting elements of the national and international jurisprudence and practices on the right to liberty and security of person, and related challenges faced by many countries. He highlighted that constitutional and subordinate courts of many nations had interpreted the ambit of life, liberty and security of person and declared mandatory obligations of the State to promote and preserve such rights by making policies in consonance with the directions of the court. Yet, he pointed out that the ground reality was far from desirable. In many developing countries illegal arrests, custodial deaths, encounter deaths, violation of liberty and security of persons by third parties, violations of rights of person including the existence of bonded labour, child labour, trafficking in women and children, farmer suicides and host of other violations were common occurrences. He argued that many of these ills were rooted in poor and iniquitous social and economic conditions, which made it necessary to have a holistic approach to development policy anchored in the notion of interdependence and indivisibility of human rights and human dignity. Justice Rao emphasised that selection of indicators should reflect the diverse socio-economic, cultural and political conditions and needs in the region.

E. Workshop session on rights based approach to poverty reduction and MDGs

32. The objective of this session was to demonstrate the use of a rights based approach, focusing primarily on the application of rights sensitive indicators, for poverty alleviation within the strategies for implementation of the Millennium Development Goals (MDGs). The session began with presentations and comments from the workshop participants on their respective country experiences of poverty alleviation strategies. Several participants highlighted issues related to the relevance of the globally defined MDGs targets and indicators to their respective countries. They identified a need to contextualise MDG targets and indicators with a view to better reflect their country conditions to build effective public interventions. Mr. Rajeev Malhotra, workshop coordinator, made a presentation highlighting the linkages – similarities and complementarities - between MDGs and human rights at the conceptual and operational levels. It was pointed out that while human rights can foster an accountable, coherent and a coordinated policy framework; national ownership and people's empowerment - elements that are key to achieving MDGs - the MDGs by virtue of international consensus, and if contextualised to reflect national conditions and resource availability, were the potential milestones in the progressive realisation of the corresponding economic, social and cultural human rights. There was, thus, a strong case for mainstreaming human rights into the implementation process of MDGs. Moreover, MDGs were essentially an extrapolation of global trends of the 1970s and 1980s to 2015 and that there was a

good case for contextualising them and the corresponding strategies in different regions and countries. The presentation highlighted how the conceptual and methodological approach developed (and being validated) by OHCHR on indicators for use in human rights assessments could be used to contextualise the MDG indicators. Illustrations on indicators for specific human rights were shared and using a mapping of a MDG to the relevant economic and social right(s), an approach to contextualize and supplement MDGs indicators by the corresponding set of human rights indicators was outlined. The subsequent discussion underlined the value added of such an approach to poverty alleviation and more specifically to strengthen the implementation process of MDGs.

33. **Mr. R. S. Kalha, Member NHRC**, in his concluding remarks for the session highlighted the fundamental importance of human rights in building a civilised, just and progressive society. He argued that the State had to do everything within its means to promote and protect human rights. This required strong institutions with appropriate capacities to lay down and implement the ground rules for governance. In this context he alluded to the role played by NHRC, referring to a number of experiences and some current practice being evolved by it that had contributed to checking and correcting the State in the discharge of its human rights obligations. He pointed out that in India, the NHRC had built an institutional credibility through its work which had helped in achieving a near hundred per cent implementation of its recommendations made to the government. He welcomed the work on quantifying human rights standards and principles and validating the indicators so derived through country level consultations. He saw the indicators as an important tool in building human rights accountability in the functioning of the different institutions at both national and international level. He cautioned that it was an important work that had to be done responsibly and carefully.

F. Panel discussion II: ‘Implementing human rights, the way forward’

34. The theme for the second panel discussion was ‘Implementing human rights, the way forward?’ Mr. P. C. Sharma, Member NHRC, chaired the plenary panel. The panellist included Mr. Homayoun Alizadeh, OHCHR Regional Representative for Southeast Asia, Ambassador Swashpawan Singh, Permanent Representative of India to the UN in Geneva, Dr. A. K. Shiv Kumar, Advisor UNICEF India and Ms Shantha Shina, Chairperson of the National Commission for Protection of Child’s Rights. In their interventions for the session, the panellists were requested to *inter alia* address the following issues: (a) the role of information and civil society in awareness building and oversight (b) what are the elements and the approach for a legal protection strategy? and (c) methodological tools for furthering the implementation of human rights-where can we start?

35. **Mr. P. C. Sharma, Member NHRC** He referred to the Universal Declaration of Human Rights, the Vienna Declaration and the Paris Principles that underlined the importance of human rights institutions both as a policy instrument as well as methodological tool for furthering the implementation of human rights. He pointed out that while the Declaration had generated an appeal close to being universal, the methodologies employed for implementation were not always uniform. The member nations enacted laws and legislations that suited their cultural, social and economic milieu. He argued that in striving to carry the human rights movement forward and

evolve indicators to evaluate the implementation of human rights, it would be difficult to put the whole exercise in a straight jacket. The flexibility of approach based on conditions particular to different States would have to be taken into account while deciding on the indicators. He added that it was important for the States to work together to develop their own ideas for constructive reforms to improve the effectiveness of the UN treaty monitoring system. He emphasised the importance of independent national human rights institutions, media and civil society for taking this agenda forward. He concluded by saying that it was important to have insight into the manner in which human rights standards can be implemented in society under varying country-specific circumstances and that it was necessary to analyse past and current efforts at implementing human rights standards.

36. **Mr. Homayoun Alizadeh** highlighted some persisting gaps in the implementation of human rights normative standards at the country level. He identified some related challenges in the work of the Human Rights Council, the universal periodic review mechanism, and the integration of recommendations and contributions of UN treaty bodies in furthering the implementation of human rights. He emphasised the critical role that the special procedures, NHRIs, UN country teams and civil society organisations had to play in the promotion and protection of human rights at country level. The OHCHR Regional Representative underlined the role of indicators as a major tool to support human rights assessments and measure the impact of policymaking process on the enjoyment of human rights. He encouraged that the initiative to develop such practical tools in consultations with national stakeholders should be pursued to yield validated and acceptable tools for the use of practitioners at the ground level. He also emphasised the critical role of well functioning human rights institutions and a strong broad-based civil society in the implementation of human rights at country level.

37. **Ambassador Swashpawan Singh** underlined that the main challenge to further the implementation of human rights was to find ways to enhance the effectiveness and accountability of the primary actors, involved in the institutional framework for the promotion and protection of human rights, at the international and national level. The main constraint, in his view, was that human rights norms had generally been defined in very broad, narrative terms. Though the executive, legislature or the judiciary of different countries had further elaborated some of these norms from time to time, but often in a piecemeal manner. As a result, he argued, that the many relevant actors found it difficult to integrate the human rights perspective into the process of policy and programme formulation, implementation, monitoring and evaluation. The exercise that OHCHR had embarked upon responded to this felt need to define the human rights normative standards in more tangible and concrete terms for appropriate use by the practitioners. He emphasised that this would also bring greater objectivity into the process of human rights assessments, be it at the national level or at the international level. He pointed out that for human rights indicators to be meaningful and operationally useful, it was necessary that they were relevant for the situation at the country level, which could be ensured only by developing such indicators through a collaborative process involving all stakeholders. He emphasised the importance of proceeding step by step, in an incremental manner with a small number of indicators and establish, to begin with, their relevance and effectiveness as well as the acceptance and capacity to apply them by the concerned practitioners. He concluded by saying that these indicators, if successfully developed,

would still only be tools to assist in the process of decision-making and priority setting. As tools, indicators would be only as effective as the commitment of the political process and mobilization of social stakes in the implementation of human rights at the country level.

38. **Dr. A. K. Shiv Kumar** pointed out that human rights should inform policy-making process and help sustain human development. He emphasised the need to reaffirm human rights standards and their universality and develop objective tools and benchmarks. He considered the formulation of explicit commitments and policy statements as one of the important means and a starting point to operationalize a human rights-based approach to development policy making. He highlighted the need to focus on the poorest and the most vulnerable segments of the population, to go beyond income as the only pertinent criteria to target public interventions, and a constant dialogue with all stakeholders, including the intended beneficiaries as being critical to enhancing accountability and effectiveness of development efforts in generating outcomes that support and sustain the enjoyment of human rights. Dr. Shiv Kumar identified the importance of access to information and using the available information effectively to empower people and encourage transparency in public services. In this context, he referred to the implementation of right to information act in India and the impact it has had in raising the accountability of public services. He also called for striking a balance between qualitative and quantitative assessments and the importance of having appropriate tools to support such assessments in improving the implementation and evaluation of public policies.

39. **Ms Shantha Shina** argued that a rights framework placed a major responsibility on the State to create and facilitate the basic means and opportunities for every individual to enjoy human rights. In discharging these responsibilities it had to conduct itself in a manner that was consistent with the universally recognised human rights standards, norms and principles. She argued that it did not serve any purpose to undermine the capacity of the State to deliver on its duties; rather it was essential that this capacity be strengthened and made more effective. This required building and strengthening institutional checks and balances within and outside the government so that public systems worked in an accountable, non-partisan and a credible manner. She identified the importance of awareness about legal entitlements, means and the access to legal redress as important elements that can lend a decisive edge to a development strategy that had to content with unequal power relations in a society. However, such measures, she argued, as for example in case of the child labour issue, had to work in tandem with other policy measures to attain the desired social outcomes. She welcomed the work on human rights indicators as a step in the direction of providing important benchmarks for public policy.

40. The discussions following the presentations by the panellists highlighted several issues and conclusions. There was an agreement that civil society had to continue playing a critical role in building general awareness of human rights among people and maintain an oversight over the functioning of the State. It had to ensure, for example, through social mobilisation initiatives that the State conducted itself in conformity with its human rights obligations. At the same time, the civil society had to contribute to the implementation of a legal protection strategy for the realisation of human rights, particularly of the deprived and marginalised segments of the population. It was highlighted that creating and protecting legal entitlements was an

effective and proven way to improve and ensure accountability of public services in implementing human rights. However, it required the three pillars of the State – judiciary, executive and the legislature – to play a complementary and mutually supportive role. There was a general understanding that the scope for a common and mutually reinforcing action among these three institutions of the State could be significantly improved if the human rights discussion could take a more practical and concrete path. The OHCHR initiative on developing human rights indicators and assessment methodology was seen as an important step in that direction. The discussions emphasised the need for a collaborative approach that respected local concerns and sensitivities and involved all stakeholders at the country level in developing the indicators and other tools for promoting and monitoring the implementation of human rights. The challenge was to translate the universal human rights normative framework into contextually relevant and validated indicators in a manner that it encouraged acceptance, ownership and application by practitioners at country level.

G. Valedictory session

41. In the valedictory session, **Ms Aruna Sharma, workshop coordinator**, provided a brief sum up on the outcomes of the workshop. She highlighted the quality of discussions and the level of engagement of the participants during the different sessions of the workshop. She indicated that the workshop had demonstrated the need for NHRIs and other human rights stakeholders to improve their toolkits for monitoring the implementation of human rights at country level. She noted that the conceptual approach to identify indicators outlined and discussed during the workshop was well received and presented a practical way to address that need. She hoped that the results of validation exercises in other regions of the world would be shared with the NHRIs in due course so that countries could benefit from each other's experience. **Mr. Rajeev Malhotra, OHCHR workshop coordinator**, highlighted that the workshop had succeeded in meeting its objectives. The quality of deliberations and the feedback on the conceptual and methodological framework adopted for identifying indicators for use in promoting and monitoring the implementation of human rights from the participants had confirmed that the work was on the right track. He outlined the follow-up process involving similar consultations and validation of the work at regional and country level in different parts of the world in the coming months. He pointed out that the outcome of all these consultations would be presented to the Inter-Committee Meeting of the treaty bodies in June 2008. He hoped that from the current round of consultations there would be specific requests from countries who would like to take a lead in developing their domestic capacities for monitoring the implementation of human rights and that OHCHR would be happy to support such initiatives. **Mr. Abdul Hakim Garuda Nusantara, Chairperson of Komnas HAM**, the NHRI of Indonesia, pointed out that the workshop allowed participants to address gap in communication between human rights actors and development actors. He called for further synergies between human rights stakeholders and underlined the need for promoting the organisation of such initiative at national level.

42. In his valedictory address, **Justice S. Rajendra Babu, Chairperson of NHRC**, highlighted that the need for indicators had been demonstrated during the workshop. He reiterated that indicators were powerful tool for not just monitoring, but

also for supporting corrective measures. He recalled that the validity of indicators and other assessment tools depended upon what they sought to measure being enunciated with clarity and lucidity, as well as by being practical in application. He pointed out that follow-up deliberations among the participating countries on the issue of identifying indicators to promote and monitor the implementation of human rights will help in the use of well accepted, tested and established parameters that could facilitate the different stakeholders including the NHRIs, policy makers and the statistical community to undertake and support human rights assessments. **Prof. Alakh N. Sharma, Director Institute for Human Development** gave the vote of thanks. He acknowledged the contribution of the participants, NHRC and OHCHR in making the workshop a success. He expressed hope that the workshop would set in motion follow-up work on further building and refining the methodological tools for undertaking human rights assessments and contribute to the integration of human rights standards in the policy making and implementation process at the country level.

VI. CONCLUSIONS AND FOLLOW-UP

43. The initiative taken by NHRC and OHCHR with the support of IHD on organising the workshop on *Using Indicators to Monitor and Promote the Implementation of Human Rights* to develop a common understanding on the use of indicators for human rights assessments was welcomed by the participants.

44. The participants endorsed the conceptual and methodological framework presented at the workshop and as outlined in the background paper prepared for the meeting. Several participants highlighted the practicality and transparency of the approach in unpackaging the narrative on the normative content of the human rights. The approach using a configuration of indicators in bringing to the fore an assessment of steps taken to implement human rights at national level, from commitments and acceptance of human rights standards (*structural* indicators), to efforts being undertaken by the primary duty-bearers, the State, to meet the obligations that flow from the standards (*process* indicators) and on to the outcomes of those efforts from the perspective of rights-holders (*outcome* indicators) was seen as being relevant and of prime importance in monitoring the implementation of human rights.

45. The participatory exercises, wherein participants were requested to identify, first, the main attributes of the rights, namely the right to health and then the right to liberty and security of person, and secondly, contextually relevant *structural*, *process* and *outcome* indicators on the identified attributes, helped in demonstrating the practical relevance of the conceptual framework. The results of the participatory exercises revealed a significant overlap and consistency between the attributes and indicators identified by the participants for the concerned rights and the tables prepared by OHCHR. This reinforced the relevance of the framework adopted by OHCHR for undertaking this work.

46. The common approach followed for identifying indicators for monitoring civil and political rights and economic, social and cultural rights, thereby strengthening the notion of indivisibility, interdependence and interrelatedness of human rights was welcomed and endorsed by the participants.

47. The workshop underlined the need to support human rights assessments by primarily relying on the use of commonly used *socio-economic statistics*, especially data based on administrative records of States, and *events-based data* processed by human rights monitoring mechanisms, especially National Human Rights Institutions (NHRIs). The importance of having simple, transparent and user-friendly indicators and tools, sensitive to capacity constraints and reporting burden at national level was underscored by the participants. The majority of indicators identified to assess the implementation of the rights discussed, namely the right to liberty and security of person and the right to health, were considered as being generally available, although occasionally lacking sufficient coverage. In this context, the need to improve transparency and accountability in the collection, processing and dissemination of statistical information based on different administrative records was highlighted.

48. There was an understanding that the lists of indicators were illustrative and not aimed at being exhaustive. It was recognised that the framework encouraged a ‘tool box’ approach that allowed for the use of contextually relevant indicators in a consistent and comprehensive manner. Specific suggestions made on indicators during the workshop were noted by OHCHR and will be reflected, along with additional contributions received after the meeting, in the indicators tables and specific fields of the (indicator) metasheet, namely those related to the definition, rationale, method of computation, data collection and source, periodicity, disaggregation, comments and limitations of the concerned indicator.

49. During the discussion on the indicators for the rights considered in the workshop, the occasional problem of uniquely identifying an indicator as a process or an outcome indicator was raised. It was highlighted that a process indicator for one human right could be an outcome indicator in the context of another right. It was clarified that in the final analysis, it may not matter if an indicator was identified as a process or an outcome indicator so long as it captured relevant aspect(s) of an attribute of a right or the right in general. The important part was to use a consistent approach to differentiate process indicators from outcome indicators. More importantly, the selection of all indicators had to be primarily guided by the empirical evidence on the use of those indicators. It was agreed that if identified indicators do not fare well on the criteria of empirical relevance, they will not be useful as monitoring tools.

50. While recognising the importance of indicators on budget and public/private expenditure, the participants pointed out issues of interpretation and examples of budget indicators exhibiting misleading trends that were in contradiction with human rights situations on the ground. The indicator on the accreditation of NHRIs was seen as being relevant to the implementation of human rights in general, and not only to specific rights. In response to a suggestion to develop composite indices with *structural*, *process* and *outcome* indicators, conceptual and practical difficulties were highlighted, including the fact that outcome indicators (e.g. a mortality rate) are often influenced by a range of *process* indicators related to different rights and *attributes* (e.g. immunisation coverage, incidence of killings and access to safe water).

51. The discussions recognised the intrinsic and instrumental values of MDGs targets and indicators for the implementation of human rights. The participants saw a potential value added in applying the human rights indicators framework to the

strategies for the implementation of MDGs. A certain arbitrariness in the choice of MDGs indicators, lack of sensitivity of the corresponding targets and indicators to capture contextual concerns, a fixation with averages rather than inequality and distribution adjusted indicators and a lack of sufficient attention to strategies and processes for meeting the targets were issues that were discussed and on which there was general agreement.

52. The need to improve the communication and dissemination of the 1 framework and lists of illustrative indicators so that it can benefit a wider audience of human rights stakeholders, including human rights, development and statistical practitioners, was underlined by the participants. In this regard, the *Question & Answers* document prepared for the meeting was welcomed by several participants.

53. Participants from most of the countries involved in the workshop expressed interests in organising follow-up initiatives and country specific events, including participatory workshops and training courses involving national human rights stakeholders including the non-governmental organisations. The need to build concrete bridges between the human rights and the statistical community was further highlighted.

Using Indicators to Promote and Monitor the Implementation of Human Rights

*Some Questions & Answers*⁶



**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

⁶ Background Material, Asian Sub-regional Workshop, New Delhi, 26-28 July 2007

1. Why do we need human rights indicators?

There has been a growing demand for the use of appropriate indicators, both qualitative and quantitative, in promoting and monitoring the implementation of human rights. Indicators are seen as useful tools in articulating and advancing claims on the duty-bearers and in formulating public policies and programmes for facilitating the realisation of human rights. The use of indicators is also a way to help States assess their own progress and make precise and relevant information available to the United Nations human rights treaty bodies monitoring the implementation of core international human rights treaties.⁷

Indeed, the use of appropriate statistical information and validated indicators can help in rationalising the reporting burden of the States Parties, bring about greater transparency and objectivity in the assessments undertaken by the treaty bodies and facilitate the follow-up on their concerns and recommendations, referred to as “concluding observations” in the reporting process of the treaty bodies. More generally, by making the content of a human right more concrete and even tangible, appropriate indicators can be particularly useful in the application of human rights standards and norms in the process of policy making and its implementation.

2. What is a human rights indicator? Is it different from commonly used socio-economic statistics?

A human rights indicator is specific *information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that addresses and reflects the human rights concerns and principles; and that can be used to assess and monitor the promotion and protection of human rights.* Defined in this manner there could be some indicators that are uniquely human rights indicators because they owe their existence to certain human rights norms or standards and are generally not used in other contexts. This could be the case, for instance, with an indicator like the number of reported extra-judicial summary or arbitrary executions, or the number of victims of torture by the police and paramilitary forces, or the number of children who do not have access to primary education because of discrimination exerted by officials. At the same time, there could be a large number of other indicators such as socio-economic statistics (e.g. UNDP’s human development indicators) that could meet (at least implicitly) all the definitional requirements of a human rights indicator as laid out here. In all these cases, to the extent that such indicators relate to the human rights standards and are or can be used for human rights assessment, it is helpful to consider them as human rights indicators.

It is, however, critical to establish an explicit link between an indicator and the relevant human rights standards or with one or more of the identified normative attributes of a human right for it to be categorised as a human rights indicator. This is further elaborated in questions 5 and 6.

Indicators can be quantitative or qualitative. The first category views indicators as an equivalent of “statistics” and the latter, a broader “topical” usage, covering any information relevant to the observance or enjoyment of a specific right. In the context of OHCHR’s work, the term “quantitative indicator” is used to designate any kind of indicators that are or can be expressed in quantitative form, such as numbers, percentages or indices. Some commonly used quantitative indicators are enrolment rates for the school-going age group of children,

⁷ The human rights treaty bodies are committees of independent experts created in accordance with the provisions of the treaty that they monitor. The list of core international human rights treaties is in **Annex 1**.

indicators on the ratification status of treaties, proportion of seats held by women in national parliaments and number of reported enforced or involuntary disappearances. Commonly used qualitative indicators include information that elaborates, generally in narrative terms, the basic facets of the event, activity or an outcome under consideration, such as severity of a human rights violation or compliance of domestic legislations with international standards. Among the qualitative indicators, one finds a widespread use of ‘checklists’ or a set of questions as indicators, which sometimes seek to complement or elaborate numerical information on the realisation of human rights. In the United Nations system and in the human rights community many experts have often favoured such an interpretation of the word indicator.

These two notions of the word “indicator”, namely the qualitative and the quantitative in the human rights community do not reflect two opposed approaches. Given the complexity of assessing compliance with human rights standards, all relevant qualitative and quantitative information is potentially useful.⁸ Appropriate quantitative indicators can facilitate qualitative evaluations by measuring the magnitude of certain events. Reciprocally, qualitative information complements the interpretation of quantitative indicators. Indeed, the choice of a particular kind of indicator in any assessment depends, in the first instance, on the objectives and the requirements of the user.

3. Why a focus on quantitative indicators? Is the reference to quantitative indicators in the international human rights normative framework a new practice?

The focus on quantitative indicators, as a tool for promoting and monitoring the implementation of human rights and supporting comprehensive qualitative assessments is guided primarily by request from the treaty bodies. In the context of the ongoing reform of the treaty bodies, in general, and the reporting procedure in particular, it has been argued that the use of appropriate quantitative indicators for assessing the implementation of human rights can add value to what is essentially a qualitative and quasi-judicial exercise. Appropriate quantitative indicators could contribute significantly to streamlining the assessment process, enhance its transparency, make it more effective, reduce reporting burden and above all improve follow-up on the recommendations, both at the committee, as well as the country level. Moreover, quantitative indicators could be a critical bridge between the human rights discourse and the development discourse, an essential means to mainstream human rights within the United Nations system and sensitise national statistical systems to the possibility of making available data on human rights to the potential users.

The reference to quantitative indicators is not a new practice in the international human rights normative framework. International human rights monitoring mechanisms have been referring to a wide range of quantitative indicators reflected in the normative framework, comprising the various international human rights instruments and their elaborations in general comments, as well as in the guidelines and “concluding observations” adopted by treaty bodies in their consideration of State Parties’ reports. While some quantitative indicators are explicitly quoted in the human rights treaties, the general comments adopted by the treaty bodies specify the type and role of these indicators.⁹ For instance, article 12 of the

⁸ Human rights indicators could also be categorised as *objective* or *subjective* indicators. This distinction is not necessarily based on the consideration of using, or not using, reliable or replicable methods of data collection for defining the indicators. Instead, it is ideally seen in terms of the information content of the concerned indicators. Thus, objects, facts or events that can, in principle, be directly observed or verified (for example, weight of children and number of reported violent deaths) are categorised as objective indicators. Indicators based on perceptions, opinions, assessment or judgments expressed by individuals are categorised as subjective indicators.

⁹ Reports prepared by Special Rapporteurs of the Human Rights Council of the United Nations have also referred to quantitative indicators. See, for instance, reports from the Special Rapporteurs on the

International Covenant on Economic, Social and Cultural Rights (ICESCR) states that to achieve the full realisation of the right to health “the steps to be taken by the States Parties shall include those necessary for the provision for the reduction of the *stillbirth-rate* and of *infant mortality*”. Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) contains a provision for “the reduction of *female student drop-out rates*” and article 14 of the International Covenant on Civil and Political Rights (ICCPR) requires that in the case of criminal charges everyone has the right to a fair trial “without undue delay”. Article 31 of the recently adopted Convention on the Rights of Persons with Disabilities calls States Parties to “collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention”.¹⁰ The human rights committee calls for statistics on the number and handling of complaints for victims of maltreatment to support its normative assessment of the realisation of the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.¹¹ In relation to the right to participate in public affairs, the same committee asks for statistical information on the percentage of women in publicly elected office, including the legislature, as well as in high-ranking civil service positions and the judiciary.¹² The committees for the ICESCR, International Convention on the Elimination of All Forms of Racial Discrimination (CERD), CEDAW and Convention on the Rights of the Child (CRC) have also been quite systematic on their request for statistics and disaggregated data for assessment of the compliance with relevant human rights standards.¹³ While the committee for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) appears, at first sight, to be less involved in statistics, it has been seeking evidences on patterns of gross human rights violations in countries concerned with the ‘refoulement’ of individuals.¹⁴ Such references to quantitative indicators, in many instances to officially compiled statistics, contribute to the definition of the content of the concerned human right and help in its implementation.

4. Are indicators and benchmarks different?

Benchmarks are indicators that are constrained by normative or empirical considerations to have a pre-determined value. While the normative considerations may be based on

right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on adequate housing as a component of the right to an adequate standard of living

¹⁰ The Convention also specifies the process of collecting and maintaining this information, which shall: (a) comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities; (b) comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics. In addition, the information collected in accordance with this article 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. States Parties shall also assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

¹¹ HRC, general comment No. 20 on the prohibition of torture or cruel, inhuman or degrading treatment or punishment (1992).

¹² HRC, general comment No. 28 on the equality of rights between men and women (2000).

¹³ For instance: CESCR, general comments No. 13 on the right to education (1999), No. 14 on the right to the highest attainable standard of health (2000); CEDAW, general recommendations No. 9 on statistical data concerning the situation of women (1989), No. 12 on violence against women (1989); CERD, general recommendation XXVII on the discrimination against Roma (2000); CRC, general comment No. 2, which highlighted, inter alia, the role of national human rights institutions in ensuring that statistics are appropriately disaggregated in order to determine what must be done to realise children's rights (2002) and general comment No. 3 on HIV/AIDS and the rights of the child (2003).

¹⁴ CAT, general comment No. 1 (1996) on the implementation of article 3 of the Convention in the context of article 22 (Refoulement and communications).

international standards or political and social aspirations of the people, the empirical considerations are primarily related to issues of feasibility and resources. For instance, consider the indicator proportion of one-year old immunised against vaccine-preventable diseases; using a benchmark on this indicator may require fixing a specific value on the indicator, say raising it to 90 percent, or improving the existing coverage by 10 percentage points, so that the efforts of the implementing agency could be focused on attaining that value in the reference period. In the context of the compliance assessment of States Parties by treaty bodies, the use of a benchmark, as against an indicator, can contribute to enhancing the accountability of the States Parties by making them commit to a certain performance standard on the issue under assessment. The committee for the ICESCR, in particular, has called for the setting of benchmarks to accelerate the implementation process.¹⁵ In the use of benchmarks for promoting and monitoring the implementation of human rights, the first step should be to have an agreement on the choice of indicators to be tracked, which could then be followed by setting up of performance benchmarks on those identified indicators.

5. What are the considerations for identifying indicators for use in human rights assessments?

In outlining a conceptual framework for human rights indicators there are a number of interrelated aspects to be addressed. *First* of all there is a need to anchor indicators identified for a human right in the normative content of that right, as enumerated in the relevant articles of the treaties and related general comments of the committees. *Secondly*, it is necessary to reflect crosscutting human rights norms or principles (such as non-discrimination and equality, indivisibility, accountability participation and empowerment) in the choice of indicators. *Thirdly*, the primary focus of human rights assessment (and its value-added) is in measuring the effort that the duty holder makes in meeting his/her obligations - irrespective of whether it is directed at promoting a right or protecting it. At the same time, it is essential to get a measure of the commitments or acceptance of human rights standards by the State party, as well as the consolidation of its efforts, as reflected in appropriate 'outcome' indicators. While such a focus recognises an implicit linkage between the acceptance of human rights standards by State party, its efforts in meeting those commitments and the consolidated outcomes of those efforts, the linkage may not always translate into a direct causal relationship between indicators for the said three stages in the implementation of a human right. This is because human rights are indivisible and interdependent such that outcomes and the efforts behind the outcomes associated with the realisation of one right may, in fact, depend on the promotion and protection of other rights. Moreover, such a focus in measuring the implementation of human rights supports a common approach to assess and monitor the civil and political rights, as well as the economic, social and cultural rights.¹⁶ *Finally*, the adopted framework should be able to reflect the obligation of the duty-holder to *respect, protect* and *fulfil* human rights. Each of these aspects is further discussed under questions 6 to 8.

6. What are the steps in identifying indicators for human rights?

¹⁵ In its first general comment on the reporting by State parties (1989), the committee for the ICESCR already called for the setting of benchmarks with respect to quantitative indicators, such as the extent of vaccination of children and the intake of calories per person. See also general comment No. 14 on the right to highest attainable standard of health (2000), paragraph 57-58.

¹⁶ The Expert Consultation organised by OHCHR, in Geneva, 29 August 2005, agreed that a common approach to assess and monitor civil and political rights and economic, social and cultural rights was feasible as well as desirable and that such an approach could be build around the use of structural-process-outcome indicators. See question 7 for further details.

As a starting point, for each human right there is a need to translate the narrative on the legal standard of the right into a limited number of characteristic attributes that facilitate the identification of appropriate indicators for monitoring the implementation of the right. Such a step is prompted *first* by the analytic convenience of having a structured approach to read the normative content of the right. Often, one finds that the enumeration of the right in the relevant articles and their elaboration in the concerned general comments are quite general and even overlapping, not quite amenable to the process of identifying indicators. By identifying the major attributes of a right, the process of selecting suitable indicators or cluster of indicators is facilitated. Indeed, once the attributes of a right have been identified they help in making explicit the link between the indicators and the corresponding human rights standards. *Secondly*, in identifying the attributes the intention is to take a step closer to operationalising the human rights standards. Thus, in articulating the attributes one arrives at a categorisation with a terminology that is clear and, perhaps, more ‘tangible’ in facilitating the selection of indicators. *Finally*, to the extent feasible, for all substantive rights, the attributes have to be based on an exhaustive reading of the legal standard of the right and identified in a mutually exclusive manner.

Consider the case of the right to life, following this approach and taking into account primarily article 6 of the ICCPR and general comment No. 6 of the Human Rights Committee (the right to life, 1982), in the context of OHCHR’s ongoing work four attributes of the right to life, namely ‘arbitrary deprivation of life’, ‘disappearances of individuals’, ‘health and nutrition’ and ‘death penalty’ were identified. Similarly, in case of the right to food, based on article 11 of ICESCR and general comment No. 12 of the Committee on ESCR (the right to adequate food, 1999), ‘nutrition’, ‘food safety and consumer protection’, ‘food availability’, and ‘food accessibility’ were identified as the relevant attributes.¹⁷ Attributes, in case of the right to liberty and security of person, were primarily based on ICCPR, article 9 and general comment No. 8 of the Human Rights Committee (the right to liberty and security of persons, 1982). For the right to health, the attributes were based on ICESCR, article 12 and general comment No. 14 of the Committee on ESCR (the right to the highest attainable standard of health, 2000); general recommendation No. 24 (article 12 of CEDAW; women and health, 1999) of the Committee on the Elimination of Discrimination against Women; general comments No. 3 (HIV/AIDS and the rights of a child, 2003) and 4 (adolescent health and development in the context of the convention on the Right of a Child, 2003) of the Committee on the Rights of the Child.¹⁸ In this case, the attributes identified are: ‘reproductive health’, ‘child mortality and health care’, ‘natural and occupational environment’, ‘prevention, treatment and control of diseases’ and ‘accessibility to health facilities and essential medicines’.

In the second stage, as explained under the following question, a configuration of *structural*, *process* and *outcome* indicators is identified for the selected attributes of a human right.

7. What is the importance of structural, process and outcome indicators in the approach to identify indicators for use in human rights assessment?

A key concern in proposing such a configuration of indicators under the identified attributes for a human right (see previous question) is to bring to fore an assessment of steps

¹⁷ It may be argued, for instance, in case of most economic, social and cultural rights to adopt a generic approach to the identification of attributes based on the notion of ‘adequacy’, ‘accessibility’, ‘availability’, ‘adaptability’ and ‘quality’. While such an approach is not feasible for most civil and political rights, even in case of the economic, social and cultural rights it may not be easy to follow consistently.

¹⁸ Special Rapporteur on right to health’s work has been useful in elaborating the indicators on right to health.

taken by the States Parties in addressing their obligations – from commitments to efforts, and on to outcomes of those efforts.

Structural indicators reflect the ratification and adoption of legal instruments and existence of basic institutional mechanisms deemed necessary for facilitating realisation of the concerned human right. They capture the commitment or acceptance of human rights standards by the State in undertaking the required measures for the realisation of the concerned human right. Structural indicators have to focus foremost on the nature of domestic law as relevant to the concerned right - whether it incorporates the international standards - and the institutional mechanisms that promote and protect the standards. Structural indicators also need to look at policy framework and indicated strategies of the State as relevant to the right. Some of the structural indicators may be common to all human rights and there may be others that are more relevant to specific human rights or even to a particular attribute of a human right. Examples of structural indicators are the date of entry into force of domestic laws relevant to the implementation of the right to liberty and security of person and the period of application and coverage of a national policy statement on food safety and consumer protection in relation to the right to adequate food.

Process indicators relate State policy instruments with milestones that cumulate into outcomes over time (captured by appropriate outcome indicators). These outcomes, in turn, can be more directly related to realisation of human rights. State policy instruments refers to all such measures including public programmes and specific interventions that a State is willing to take in order to give effect to its commitment and acceptance of human rights standards to attain outcomes identified with the realisation of a given human right. By defining the process indicators in terms of a concrete ‘cause and effect relationship’ the accountability of the State to its obligations can be better assessed. At the same time, these indicators help in directly monitoring the progressive fulfilment of the right or the process of protecting the right, as the case may be for the realisation of the concerned right. Process indicators are more sensitive to changes than outcome indicators; hence are better at capturing progressive realisation of the right or in reflecting the efforts of the States Parties in protecting the rights. Examples of process indicators are the proportion of people covered by a health insurance for the right to health and the proportion of police personnel trained in rules on the conduct of detention, arrest, interrogation, punishment and proportional use of force, in relation to the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.

Outcome indicators capture attainments, individual and collective, that reflect the status of realisation of human rights in a given context. It is not only a more direct measure of the realisation of a human right, but it also reflects the importance of the indicator in assessing the enjoyment of the right. Since it consolidates over time the impact of various underlying processes (that can be captured by one or more process indicators), an outcome indicator is often a slow moving indicator, less sensitive to capturing momentary changes than a process indicator. For example life expectancy or mortality indicator could be a function of immunisation of population, education or public health awareness of the population, as well as availability and accessibility of individuals to adequate nutrition. Other examples of outcome indicators are the proportion of seats in parliament held by women (a millennium development goals indicator) for the right to participate in public affairs and the proportion of adults with body mass index (BMI) smaller than 18.5 for the right to adequate food.

In using the framework of structural, process and outcome indicators the objective is to consistently and comprehensively cover indicators that can reflect the commitment – effort – outcome aspect of the realisation of human rights. In the final analysis, it may not matter if an indicator is identified as a process or outcome indicator so long as it captures relevant aspect(s) of an attribute of a right or the right in general. Working with such a configuration of indicators simplifies the selection of indicators; encourages the use of contextually relevant

information; facilitates a more comprehensive coverage of the different attributes or aspects of the realisation of the right; and, perhaps, also minimises the overall number of indicators required to monitor the realisation of the concerned right in any context. *Secondly*, though there is no one-to-one correspondence between the three categories of indicators and the State obligations to respect, protect and fulfil human rights, an appropriate combination of structural, process and outcome indicators, particularly the process indicators could help in assessing the implementation of the three obligations.¹⁹ *Thirdly*, process and outcome indicators may not be mutually exclusive. It is possible that a process indicator in case of one human right can be an outcome indicator in the context of another right. For instance, the proportion of population below minimum level of dietary energy consumption may be an outcome indicator for the right to adequate food and a process indicator for the right to life. The guiding concern being that for each right or rather an attribute of a right it is important to identify at least one outcome indicator that can be closely related to the realisation or enjoyment of that right or attribute. In other words, the selected outcome indicator should sufficiently reflect its importance in the realisation of that right. The process indicators are identified in a manner that they reflect the effort of the duty-holders in meeting or making progress in attaining the identified outcome. Having said this, it is necessary that a consistent approach is adopted to differentiate process indicators from outcome indicators. *Fourthly*, the selection of all indicators has to be primarily guided by the empirical evidence on the use of those indicators. If identified indicators do not fare well on the criteria of empirical relevance they will not be useful as monitoring tools.

8. How can the cross-cutting human rights norms be reflected in indicators?

There are human rights norms or principles that do not relate exclusively to the realisation of a specific human right. They are meant to guide the process of implementing human rights in general. They ensure that the process is, for instance, non-discriminatory, participatory, inclusionary, empowering, accountable and, where required, supported by international cooperation. While some of these cross-cutting norms could guide the process of identifying indicators itself, some could be reflected in the choice of data and its disaggregation in defining an indicator and some others could be reflected in the choice of indicators on specific human rights standards, such as the right to participate in public affairs or the right to effective remedy.

More specifically, in reflecting the crosscutting human rights norm on *non-discrimination and equality* in the selection of structural, process and outcome indicators, a starting point is to seek disaggregated data by prohibited grounds of discrimination such as sex, age, disability, ethnicity, religion, language, social, economic, regional or political status of people. Thus, for instance, if the indicator on the proportion of accused seeking and receiving legal aid is broken down by ethnic groups, it would be possible to capture some aspect of discrimination faced by ethnic groups or minorities in accessing justice in a given country. In other instances, the norm can also be addressed as a “procedural right” that has a bearing on the realisation of a specific “substantive right”, hence is defined in reference to that substantive right. For instance, in the context of the right to education, a substantive right, the norm on non-discrimination and equality could be captured using an indicator like the

¹⁹ This is particularly so if one is using *socio-economic and other administrative data* (see question 9) for inferring the implementation of the three kinds of obligations. For instance, though an outcome indicator may reveal the overall failure of the State party in meeting the three obligations, it may not be able to distinguish which of the three obligations are indeed violated. This could be the case with high mortality rate. In case of the process indicators it may be easier to identify the specific obligations that are being violated. However, if we consider *events-based data on human rights violations* (see paragraph 25) given the nature and methodology for collection of relevant information, it may be the easiest way to derive indicators that capture specifically the violations to respect, protect or fulfil.

proportion of the girls in school going age-group enrolled in school to the proportion of the boys in the same age-group enrolled in the school.²⁰

In the case of the human rights norm of *participation* the attempt could be to reflect whether the vulnerable and marginalised segments of the population in a country have had a voice in the selection of indicators included in the reporting procedure of the State, or the extent to which they have participated in identifying measures that are being taken by the duty-holder in meeting its obligations. At a more aggregate level, one could consider indicators like Gini Coefficient which reflects the distribution of household consumption expenditure or income to assess whether the development process in a country is encouraging participation, inclusion and equality in the distribution of returns from development. Indicators on work participation rates and educational attainment of the population, in general, and of specific groups, in particular (for instance, women, minorities and other social groups) could help in providing an assessment of the extent to which the norms on *empowerment* is being respected and promoted by the duty-bearer. In reflecting the role of *international cooperation* in the implementation of human rights, particularly for some economic and social rights, indicators on the contribution of donors, as well as the share of aid and technical cooperation in the efforts of the recipient country to implement the concerned right could be included.

Finally, the first steps in the implementation of the cross-cutting norm on *accountability* are already being taken as one translates the normative content of a right into quantitative indicators. Indeed, the availability of information sensitive to human rights and its collection and dissemination through independent mechanisms using transparent procedures encourages and reinforces accountability practices. Moreover, as noted earlier (see question 7), by identifying a process indicator as a measure that links State effort to specific ‘policy action - milestone relationship’ the framework takes an important step in enhancing State accountability in implementing human rights. Ultimately, the reflection of cross-cutting human rights norms in the list of illustrative indicators is to be seen in terms of the configuration of suggested indicators and the totality of the framework and not necessarily in terms of individual indicators on each of these norms.

9. What are the data sources for compiling quantitative human rights indicators?

To be useful in monitoring the implementation of human rights treaties, quantitative indicators have to be explicitly and precisely defined, based on an acceptable methodology of data collection, processing and dissemination, and have to be available on a regular basis (see also questions 10-12). There are two broad categories of data sources and data generating mechanisms that are particularly useful in promoting and monitoring the implementation of human rights, namely *socio-economic and other administrative statistics* and *event-based data on human rights violations*.

Socio-economic and other administrative statistics (socio-economic statistics, for short) refers to quantitative information compiled and disseminated by the State, through its administrative records and statistical surveys, usually in collaboration with national statistical agencies and under the guidance of international and specialised organisations. In the context of the treaty body monitoring system, this category of indicators are of primary importance given the commitment of States, as Parties to international human rights instruments, to report on their compliance. Socio-economic statistics inform on issues not only related to economic, social and cultural rights, but also on civil and political rights, such as on issues of

²⁰ In reflecting the norm on non-discrimination and equality, the emphasis should be on indicators that capture the nature of access, and not just availability, to such goods and services that allow an individual to realise his/her right(s).

administration of justice and rule of law (e.g. executions carried out under death penalty, prison population, incidence of violent crimes). The use of a standardised methodology in the collection of information, be it through census operations, household surveys or through civil registration systems, and usually with reasonable reliability and validity, makes indicators based on such a methodology vital for the efforts to bring about greater transparency, credibility and accountability in human rights monitoring. However, not all kind of information relevant for undertaking a comprehensive human rights assessment may be available through administrative means of data collection. In such instances, it may be desirable to make use of information collected by non-governmental sources to supplement the official statistics.

Events-based data on human rights violations (events-based data, for short) consists mainly of data on alleged or reported cases of human rights violations, identified victims and perpetrators. Indicators, such as alleged incidence of arbitrary deprivations of life, enforced or involuntary disappearances, arbitrary detention and torture, are usually reported by NGOs and are also processed in a standardised manner by United Nations Special Procedures or National Human Rights Institutions. In general, such data may underestimate the incidence of violations and may even prevent valid comparisons over time or across regions. Yet it may provide relevant indication in making an assessment of human rights situation in a given country. Though recent attempts have shown that this method can also be applied for monitoring the protection of economic, social and cultural rights, it has been mainly and most effectively used for monitoring the violation of civil and political rights only. Moreover, the information that is compiled through the use of events-based data methods often supplements the information captured through socio-economic statistics. In many other instances, particularly when there is a systematic denial or deprivation of human rights, event-based data is a substitute for the socio-economic statistics. It is necessary, therefore, to identify and use indicators based on these methods of information collection in a complementary manner.

There are at least two other data generating mechanisms, namely *household perception and opinion surveys*, and *data based on expert judgements* that have been widely used in human rights assessments. However, both these methods have limitations (such as lack of objectivity and consistency in the data generated over time) that make them less useful in the compliance assessment of States Parties with international human rights instruments.

10. What are the methodological criteria in the selection of human rights indicators?

The foremost consideration in adopting a methodology for identifying and building human rights indicators, or for that matter any set of indicators, is its relevance and effectiveness in addressing the objective(s) for which the indicators are to be used (see questions 5-8). Most other methodological requirements follow from this consideration. In undertaking assessments and monitor the implementation of human rights, quantitative indicators should ideally be:

- relevant, valid and reliable;
- simple, timely and few in number;
- based on *objective* information²¹ and data generating mechanisms;²²
- suitable for temporal and spatial comparison and following relevant international statistical standards; and

²¹ See footnote 2.

²² Indicators should be produced and disseminated in an independent, impartial and transparent manner and based on sound methodology, procedures and expertise.

- amenable to disaggregation in terms of sex, age, and by vulnerable or marginalised population segments.

One other consideration, namely the opportunity cost of the compilation of relevant information on an indicator could be useful in selecting indicators for use in human rights assessments.

It is worthwhile to note that though disaggregated data is essential for addressing human rights concerns, it is not practical or feasible always to undertake disaggregation of data at the desired level. Disaggregation by sex, age, regions or administrative units may, for instance, be less difficult than by ethnicity, as the identification of ethnic groups often involves objective (e.g. language) and subjective criteria (e.g. self-identity) that may evolve over time. The production of any statistical data also has implications for the right to privacy, data protection and confidentiality issues, and may, therefore, require appropriate legal and institutional standards.²³

11. How do we balance the need for a universal approach with a concern to identify contextually relevant indicators at country level?

The contextual relevance of indicators is a key consideration in the acceptability and use of indicators among potential users engaged in promoting and monitoring the implementation of human rights. Countries and regions within countries differ in terms of their social, economic and political attainments. They differ in the level of realisation of human rights. These differences are invariably reflected in terms of differences in development priorities. Therefore, it may not be possible to always have a universal set of indicators to assess the realisation of human rights. Having said that, it is also true that certain human rights indicators, for example those capturing realisation of some civil and political rights, may well be relevant across all countries and their regions, whereas others that capture realisation of economic or social rights, such as the right to education or housing, may have to be customised to be of relevance in different countries. But even in the latter case, it would be relevant to monitor the *core content* of the rights universally. Thus, in designing a set of human rights indicators, like any other set of indicators, there is a need to strike a balance between universally relevant indicators and contextually specific indicators, as both kinds of indicators are needed. The approach adopted for OHCHR's work permits such a balance between a core set of human rights indicators that may be universally relevant and, at the same time, it presents a framework that encourages a more detailed and focused assessment on certain attributes of the relevant human right, depending on the requirements of the particular situation.

12. What is an indicator metasheet?

A metasheet or metadata provides detailed information on the identified indicator, thereby supporting a systematic and transparent selection process for the indicator. More specifically, it provides specific information on the definition of the indicator, its rationale for being included as a human rights indicator, the data source (e.g. administrative records, statistical survey, testimonies and complaints of victims), method of computation, related (if any) international statistical standards, levels of disaggregation, and additional information on its limitations. This helps in the interpretation of the information embodied in the concerned indicator and its application by the potential user. Examples of metasheets are provided in the same annexe.

²³ See, for instance, the United Nations Fundamental Principles of Official Statistics (<http://unstats.un.org/unsd/goodprac/bpabout.asp>).

The core international human rights instruments

1. International Covenant on Civil and Political Rights
 2. International Covenant on Economic, Social and Cultural Rights
 3. International Convention on the Elimination of All Forms of Racial Discrimination
 4. Convention on the Elimination of All Forms of Discrimination against Women
 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 6. Convention on the Rights of the Child
 7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
 8. Optional Protocol to the International Covenant on Civil and Political Rights
 9. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
 10. Optional Protocol to the Convention on the Elimination of Discrimination against Women
 11. Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
 12. Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
 13. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention for the Protection of All Persons from Enforced Disappearance (not yet into force)
 - Convention on the Rights of Persons with Disabilities (not yet into force)
 - Optional Protocol to the Convention on the Rights of Persons with Disabilities (not yet into force)

Annex 1 (continuation)

Example of ‘metasheets’

Indicator	International human rights treaties, relevant to the right to life, ratified by the State
Definition	Proportion of international human rights treaties, with direct reference and/or relevance to the realisation of the right to life, that have been ratified by the State. ‘International human rights treaties’ is used as a generic term embracing all instruments binding under international human rights law, regardless of their formal designation (e.g. Covenant, Convention or Optional Protocol). The reference to the ‘right to life’ follows primarily the formulation used in article 6 of the International Covenant on Civil and Political Rights and related elaboration in general comment No. 6 of the Human Rights Committee.
Rationale	Ratification of an international human rights treaty reflects a certain acceptance of concerned human rights standards by a State and gives an indication, notably at international level, of a State’s commitment to undertake steps that help in the realisation of those rights. When the State has ratified a treaty it assumes a legal obligation to respect, protect and fulfil the human rights standards reflected in that treaty. The indicator is a <i>structural indicator</i> that captures the ‘commitment’ of a State to implement its human rights obligations.
Method of computation	The indicator is computed as a ratio of the actual number of treaties ratified by the State to the reference list of treaties. A reference list of treaties derived from the list of core international human rights treaties, including optional protocols, adopted and opened for ratification by the General Assembly of the United Nations is available at http://www.ohchr.org/english/law/ and is included in an annex to this document.
Data collection and source	The main source of data on the indicator is administrative records at the depository authority, namely the United Nations Office of Legal Affairs (see http://untreaty.un.org/ola/). The OHCHR website also carries this information and updates it periodically.
Periodicity	The indicator database is reviewed on regular basis and the information can be accessed on a continuous basis.
Disaggregation	Disaggregation is not applicable for this indicator.
Comments and limitations	<p>The indicator provides information on acceptance by a State of international human rights standards and its intention or commitment to undertake steps to realise human rights in conformity with the provisions of the relevant instruments. It does not, however, capture the actual process of implementation or the results thereof.</p> <p>Ratification constitutes an act whereby a State establishes its consent to be legally bound by the terms of a particular treaty. At the international level, it requires depositing a formal “instrument of ratification or accession” to the depository authority. At the national level, ratification may require a State to undertake certain steps, in accordance with its constitutional provisions, before it consents to be bound by the treaty provisions internationally. The process of ratifying a treaty is normally initiated with a State signing a treaty as a means of authentication and expression of its willingness to continue the treaty-ratification process. The</p>

signature qualifies the signatory State to proceed to ratification. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty. Accession is the term used in situations where the State has not signed the treaty beforehand, but has directly expressed its consent to become a party to that treaty.

The indicator does not reflect possible “reservation” entered by a State on a treaty. A reservation is a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that State. A reservation enables a State to accept a multilateral treaty as a whole by providing it with the possibility of not applying certain provisions with which it does not want to comply. Reservations can be made by a State when the treaty is signed, ratified or acceded to in conformity with the Vienna Convention of the Law of Treaties, 1969.

Indicator	Period of application and coverage of national policy on reproductive health
Definition	The indicator refers to the date of adoption or the period for which the national policy statement on reproductive health has been put into effect at the country level. The indicator will also capture the spatial or the population coverage of the policy statement, such as in countries where there is division of responsibilities between the national government and the sub-national governments.
Rationale	A national policy statement on any issue is an instrument that is expected to outline a government’s objectives, policy framework, strategy and/or a concrete plan of action to address that issue. While providing an indication on the commitment of the government to address the concerned issue, it may also provide the benchmarks for holding the government accountable for its acts of commission or omission. Moreover, a policy statement is a means to translate the human rights obligations of a State party into an implementable programme of action that helps in the realisation of the human rights. The indicator is a <i>structural indicator</i> that captures the ‘commitment’ of a State to implement its human rights obligations in respect of the ‘reproductive health’ attribute of the right to health.
Method of computation	The indicator is computed separately for period of application and the coverage of the policy. Period of application is the number of days /months or years since the adoption of the concerned policy statement by a country. Coverage is computed as a proportion of sub-national administrative units or population covered under the national policy statement.
Data collection and source	The main source of data is administrative records at the national and sub-national level.
Periodicity	The indicator database can be reviewed and accessed on a continuing basis.
Disaggregation	While disaggregation is not conceptually feasible, a national policy statement may focus on specific areas, regions or population groups, in which case it may be desirable to highlight that.

Comments and limitations	<p>The indicator provides information on a State's commitment to undertake steps by outlining its policy framework and programme of action to realise human rights in conformity with the provisions of relevant human rights standards on reproductive health. It does not, however, capture the actual process of implementation or the results thereof.</p> <p>For many countries, national policy statement on reproductive health may not be a separate policy document; rather it may well be a part of general policy statement on health. Accordingly, a judgment may have to be exercised on the extent to which reproductive health issues and the relevant human rights standards on reproductive health are reflected in the national policy on health.</p> <p>In its general comment No. 14 (ICCPR art. 14) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights elaborates on the need to develop comprehensive national public health strategy and plan of action to address the health concerns, including reproductive health, of the population. It underlines that such a strategy should <i>inter alia</i> be devised on the basis of a participatory and transparent process and include indicators and benchmarks relevant to monitor the right to health.</p>
Indicator	Proportion of individual cases transmitted by the Working Group on Enforced and Involuntary Disappearances clarified by the Government
Definition	The indicator refers to proportion of individual cases transmitted by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) during the reference period, for which the clarification provided by the Government, based on its investigations and information, clearly establishes the whereabouts of the disappeared person in the consideration of the WGEID.
Rationale	The indicator captures to an extent the effort required of a State to respect and protect the right to life, in conformity with article 6 of the ICCPR and as elaborated in general comment No. 6 of the Human Rights Committee. It is a <i>process indicator</i> related to the 'disappearances of individuals' attribute of the right to life that reflects the willingness and some of the steps required to be taken by a State in meeting its obligation to realise the right.
Method of computation	<p>The indicator is computed as the ratio of the number of individual cases of disappearance clarified by the Government to the total number of cases transmitted by the WGEID, under normal and urgent action procedures, during the reference period.</p> <p>Reported cases of disappearance of missing persons to the WGEID, when considered admissible, are transmitted for clarification to the Government(s) concerned. Any clarification on the fate and whereabouts of disappeared persons from the Government(s) is transmitted to the source that reported the cases to the WGEID. If the source does not respond within six months of the transmission of the Government's reply, or if it contests the Government's response on grounds that are considered unreasonable by the WGEID, the case is considered clarified and accordingly listed in the statistical summary of the WGEID's annual report. If the source contests the Government's information on reasonable grounds, the Government is so informed and invited to comment.</p>
Data collection and source	The main source of data is administrative records of the UN WGEID and its reports to the Human Rights Council.

Periodicity The indicator is published annually in the report of the WGEID to the Human Rights Council.

Disaggregation In order to be fully meaningful, the data on the indicator should be disaggregated by sex, age, dates and places of disappearance, indigenous and pregnancy status of the person reported as having disappeared, if applicable. The data should also be available by types of: communication (urgent or normal action procedures); source of clarification (government or non-governmental sources); and status of persons at date of clarification (at liberty, in detention or dead).

However, availability of disaggregated data depends on the quality of information on disappeared persons reported to the WGEID.

Comments and limitations The indicator provides information on only the initial steps taken up the State in the process of addressing its obligation to respect and protect the right to life of individuals when it is violated. It does not reflect the steps related to provision of redress or pinning down of accountability that would be essential to inform on the incidence of the ‘disappearances of individuals’ attribute of the violation of the right to life in a given context.

The basic source of information for this indicator comes from *events-based data on human rights violations*. Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of enforced disappearances, if used in a casual manner to draw generalised conclusions for the country as a whole. Moreover, in most instances, the number of cases reported to the UN WGEID would depend on the awareness, access to information, motivation and perseverance of the family and friends of the missing person or the civil society organisations in the concerned country.

The WGEID only deals with clearly identified individual cases. Information reported to the WGEID should contain minimum elements of information, such as identity of the disappeared person; date on which the disappearance occurred (at least as to the month and year); place of arrest or abduction, or where the disappeared person was last seen; forces (State or State-supported) believed to be responsible for the disappearance. Also, the Working Group does not deal with situations of international armed conflict.

In transmitting cases of disappearance, the WGEID deals exclusively with Governments, basing itself on the principle that Governments must assume responsibility for any violation of human rights on their territory. However, in instances, where disappearances have been attributed to terrorist or insurgent movements fighting the Government in its own territory, the WGEID has refrained from processing them. The WGEID considers that, as a matter of principle, such groups may not be approached with a view to investigating or clarifying disappearances for which they are held responsible.

Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance states: “Enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”. Enforced disappearance when “committed as part of a widespread or systematic attack

directed against any civilian population, with knowledge of the attack” has been defined as a crime against humanity in article 7 (1) (i) of the Rome Statute of the International Criminal Court.

Further information on reporting of a case is available at <http://www.ohchr.org/english/issues/disappear/communications.htm>

Indicator	Proportion of births attended by skilled health personnel
Definition	The indicator refers to proportion of deliveries attended by persons trained to give necessary supervision, care and counsel to women during pregnancy, labour and the post-partum period; to conduct deliveries on their own; and to care for newborns.
Rationale	Health and well-being of women during delivery and newborn child greatly depends on their access to birth delivery services, the quality of these services and the actual circumstances of delivery. All of these are influenced by the State health policies, public provisioning of health services and regulation of private health care. Indeed availability of professional and skilled health personnel to assist in child birth is essential for reducing mortality- maternal as well as of newborns during delivery. The indicator captures efforts being made by State to promote and provide professional and skilled health personnel to attend to the medical needs of pregnancy and birth. It is a <i>process indicator</i> related to ‘reproductive health’ attribute of the right to health.
Method of computation	The indicator is computed as a ratio of births attended by skilled health personnel (doctors, nurses or midwives) to the total number of deliveries.
Data collection and source	<p>The main source of data are country level administrative records maintained by local authorities, registration system for population data, records of health ministries and household surveys, including Demographic and Health Surveys.</p> <p>The World Health Organisation (WHO) and the United Nations Population Fund (UNFPA) compile country data series based on above surveys. The United Nations Children’s Fund (UNICEF) also provides relevant country data series in its Multiple Indicator Cluster Surveys.</p>
Periodicity	In general, the indicator based on administrative records is available annually and that based on household survey every three to five years.
Disaggregation	Disaggregation of indicator by region or areas, for example between rural and urban areas, is useful in assessing disparities in the availability of health services. Similarly, disaggregation of indicator by ethnic/social group, income / consumption expenditure quintiles may also be desirable.
Comments and limitations	<p>The indicator provides information on steps that may have to be taken by a State in meeting its obligation in respect of implementing reproductive health rights of its population. The indicator is good measure of the process necessary to support the realisation of the right to health, yet it may not be valid or very useful indicator in many country situations, where the reproductive health issues may not be that of safety and health of mothers and newborns.</p> <p>Skilled health personnel include only those who are properly trained and who have appropriate equipment and drugs. Traditional birth attendants, even if they have received a short training course, are not included (UNDG, Indicators for</p>

[Monitoring the Millennium Development Goals](#), 2003)

This is a [Millennium Development Goal indicator](#).

Indicator	Reported cases of arbitrary deprivations of liberty, including post-trial detentions
Definition	The indicator refers to individual cases of deprivations of liberty reported to and classified as arbitrary in the opinion of the UN Working Group on Arbitrary Detention (WGAD) during the reference period. A person is said to be deprived of his/her liberty when he/she is subjected to 'detention', 'arrest', 'incarceration' 'apprehension', 'prison', 'custody', 'reclusion' or 'remand'.
Rationale	The indicator reflects the enjoyment by the people of the right not to be subjected to arbitrary arrest or detention i.e. the status in respect of the realisation of the right to liberty and security, as stated in article 9 of the International Covenant on Civil and Political Rights and elaborated in general comment 8 of the Human Rights Committee. Indeed the indicator facilitates the monitoring of State action in fulfilling of its obligation in eliminating or checking any form of arbitrary detention. It is an <i>outcome indicator</i> for the right to liberty and security.
Method of computation	The indicator is computed as the sum of individual cases of deprivation of liberty reported to and declared arbitrary by the WGAD during the reference period. The procedure followed by the Working Group includes four stages: (i) bringing the matter to the attention of the WSAD, (ii) offering the Government an opportunity to refute the allegations (iii) offering the source an opportunity to make comments on the Government's response, and (iv) WGAD formulating an opinion on the issue (see http://www.ohchr.org/english/issues/detention/index.htm for the detailed process)
Data collection and source	The main source of data is administrative records of the UN WGAD, and its reports to the Human Rights Council. The primary data source is communications on alleged arbitrary deprivation of liberty sent to the Working group by the individuals directly concerned, their families, their representatives, non-governmental organisations, or communications from governments and inter-governmental organisations.
Periodicity	The information on the indicator is published annually in reports placed before the Human Rights Council.
Disaggregation	For the indicator to be meaningful, it should be disaggregated by sex, age, nationality, profession, dates and places of arrest and detention. Information provided could also be categorised by type of arbitrary detention as per the guidance of the WGAD. Availability of disaggregated data will depend on information on alleged deprivations of liberty that is reported to the WGAD.
Comments and limitations	The indicator is a good summary measure of the enjoyment of right to liberty and security. The basic source of information for this indicator comes from <i>events-based data on human rights violations</i> . Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of enforced disappearances, if used in a casual manner to draw generalised conclusions for the country as a whole. Moreover, in most instances, the number of cases reported to the WGAD would depend on the awareness, access to information, motivation and perseverance of the

family and friends of the persons detained arbitrarily or the civil society organisations in the concerned country.

Deprivation of liberty is declared arbitrary by the Working Group if it is of the opinion that the reported case can be classified into one of the following three categories:

Category I: When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him);

Category II: When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights;

Category III: When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.

In 1991, the Commission on Human Rights set up the Working Group on Arbitrary Detention (resolution 1991/42). The Working Group has been entrusted with the following mandate: (a) To investigate cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned; (b) To seek and receive information from Government and intergovernmental and non-governmental organisations, and receive information from the individuals concerned, their families or their representatives; (c) To present a comprehensive report to the Commission at its annual session.

Indicator	Proportion of population below minimum level of dietary energy consumption / proportion of undernourished population
Definition	The indicator refers to the proportion of the population whose food intake falls below the minimum level of dietary energy requirements. This is also referred to as the prevalence of under-nourishment, which is the proportion of the population that is undernourished (UNDG, Indicators for Monitoring the Millennium Development Goals, 2003).
Rationale	Energy adequacy and nutrient balance of a diet are among the important elements of right to adequate food, in conformity with article 11 of the ICESCR and general comment No. 12 of the Committee on Economic, Social and Cultural Rights. Prolonged period of inadequate dietary energy consumption or chronic under-nourishment often leads to serious deterioration in health, high vulnerability to diseases, high mortality rates and loss of productivity. Energy adequacy of the diet is the more basic requirement of food adequacy. The indicator by estimating the population that is unable to meet its energy adequacy requirements identifies the magnitude of the problem that a State may have to address either directly by providing for the shortfall in food or by facilitating the means to buy it, if it is to meet its obligation to implement the right to adequate food, the right to health or right to life (see para. 5 in general comment No. 6 of the Human Rights Committee). Given the nature of the indicator it could be used to assess efforts of the State party

in implementing its obligation or it could also be used to assess the outcome of a process over time. Therefore, it has been identified as a *process* indicator in the ‘health and nutrition’ attribute for the right to life and in the ‘nutrition’ attribute for the right to adequate food, and as an *outcome* indicator in the ‘food accessibility’ attribute for the right to adequate food.

Method of computation	It is a derived indicator that is computed by using population distribution by level of consumption expenditure/income, price of the reference consumption basket that meets the minimum dietary energy requirements, and the energy adequacy norms for the population, which in turn requires the age-sex-occupational distribution of the population. At the country level, the indicator is computed in most instances by national statistical agencies or agencies entrusted with monitoring the food adequacy status or the incidence poverty.
Data collection and source	<p>The main sources of data at the country level are household income or consumption surveys, administrative data on food production, trade, stocks, prices and census or survey data on age- sex -occupational structure of the population.</p> <p>The United Nations Food and Agriculture Organisation (FAO) compiles and provides national level information on the indicator based on its administrative records.</p>
Periodicity	In most instances information is available periodically with the period varying with the interval between two surveys. For some countries this information is available annually and for others it may be at an interval of 3 to 10 years.
Disaggregation	In order to be meaningful and to reflect disparities across population groups, it is desirable for the data on the indicators to be disaggregated by sex, age, regions, ethnic/social groups and by income quintiles.
Comments and limitations	<p>This is a very powerful and a widely used indicator in the context of development monitoring. Even though it is a data intensive indicator and complicated to compute, it is likely to be available at least at some points of time for most countries.</p> <p>Estimates are based on food acquired by or available to the households rather than the actual food intake of individual household members. Any discrimination in intra-household access to food is not taken into account.</p> <p>Although, the ‘proportion of population below minimum level of dietary energy consumption’ and the ‘proportion of undernourished population’ are often used interchangeably, the two indicators may not be the same in many instances. The second indicator is often used as a measure of the proportion of the population that does not meet the ‘normative nutrient’ requirements in its dietary intake (malnutrition). It is likely that people chronically below minimum level of dietary energy consumption also suffer from nutrient deficiencies but the opposite may not necessarily be true. Sometimes information may also be available on another indicator, namely the ‘incidence of hunger’ or ‘number of meals eaten in a day’ which could also be used as a gross measure to monitor the enjoyment of right to adequate food.</p> <p>This is a Millennium Development Goal indicator.</p>

Annexe 2

List of illustrative indicators on the right to enjoyment of the highest attainable standard of physical and mental health (ICESCR, art.12) (* MDG indicators)

	Reproductive health	Child mortality and health care	Natural and occupational environment	Prevention, treatment and control of diseases	Accessibility to health facilities and essential medicines
Structural	<ul style="list-style-type: none"> International human rights instruments, relevant to the right to health, ratified by the State Date of entry into force and coverage of the right to health in the Constitution or other forms of Superior Law Date of entry into force and coverage of domestic laws relevant to the implementation of the right to health Number of registered/ operational civil society organisations involved in the promotion and protection of the right to health Estimated proportions of births, deaths and marriages recorded through vital registration system 				
	<ul style="list-style-type: none"> Time frame and coverage of national policy on maternal and reproductive health Time frame and coverage of national policy on abortion and foetal sex-determination 	<ul style="list-style-type: none"> Time frame and coverage of national policy on child health and nutrition 	<ul style="list-style-type: none"> Time frame and coverage of national policy on health Time frame and coverage of national policy for mentally challenged and disabled Time frame and coverage of national policy on drugs, including on generic drugs 		
Process	<ul style="list-style-type: none"> Number of complaints on the right to health received, investigated and adjudicated by the National Human Rights Institution, Human Rights Ombudsperson and other mechanisms and the proportion responded effectively by the Government, as applicable, in the reporting period Net ODA for the promotion of health sector received/ provided as a proportion of public expenditure on health/ Gross National Income* 				
	<ul style="list-style-type: none"> Proportion of births attended by skilled health personnel* Proportion of women receiving pre- and post-natal care Proportion of women of child-bearing age using contraception or whose partner is using contraception (CPR) Medical terminations of pregnancy as a proportion of live births Total and adolescent fertility rates Reported cases of genital mutilation, rape and other violence restricting women's sexual and reproductive freedom 	<ul style="list-style-type: none"> Proportion of school-going children educated on health issues Proportion of children having regular medical check-up Proportion of children covered under public nutrition supplement programmes Proportion of one-year-old immunised against vaccine-preventable diseases (e.g. measles*) 	<ul style="list-style-type: none"> Proportion of population with sustainable access to an improved water source* Proportion of population with access to improved sanitation* Proportion of population using solid fuels* Number of cases of deterioration of water sources brought to justice Proportion of population living/ working in hazardous conditions 	<ul style="list-style-type: none"> Proportion of population covered under awareness raising programmes on transmission of diseases (e.g. HIV/AIDS*) Proportion of population (above age 1) immunised against vaccine-preventable diseases Proportion of population applying effective preventive measures against diseases (e.g. HIV/AIDS, malaria*) Proportion of disease cases detected and cured (e.g. tuberculosis*) Incidence of substance abuse (e.g. drug, alcohol, chemical and psychoactive substance) 	<ul style="list-style-type: none"> Per capita government expenditure on primary health care Density of medical and para-medical personnel, hospital beds Proportion of population with access to affordable essential drugs on a sustainable basis* Proportion of people covered by health insurance Proportion of people covered under indigenous/ alternative systems of health care Proportion of disabled and mentally challenged persons accessing public/ social institutional services Share of public expenditure on essential medicines met through international aid
Outcome	<ul style="list-style-type: none"> Proportion of live births with low birth-weight Perinatal mortality rate Maternal mortality ratio* 	<ul style="list-style-type: none"> Infant and under-five mortality rates* Prevalence of underweight children under-five years of age* 	<ul style="list-style-type: none"> Incidence of deaths/ diseases/ injuries caused by unsafe natural and occupational environment 	<ul style="list-style-type: none"> Prevalence and death rates associated with communicable and non-communicable diseases (e.g. HIV/AIDS, malaria, tuberculosis*) Prevalence of disability/ proportion of mentally challenged persons Life expectancy at birth/age 1/ health-adjusted life expectancy Suicide rates 	

Annexe 2 (continuation)

List of illustrative indicators on the right to liberty and security of person (art. 9, ICCPR)

	Arrest and detention based on criminal charges	Administrative deprivation of liberty	Effective review by court	Security from crime and abuse by law enforcement officials
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to liberty and security of person, ratified by the State • Date of entry into force and coverage of the right to liberty and security of person in the Constitution or other forms of Superior Law • Date of entry into force and coverage of domestic laws relevant to the implementation of the right to liberty and security of person • Time frame and coverage of policy and administrative framework against any arbitrary deprivations of liberty, whether based on criminal charges, sentences/decisions by a court or administrative ground (e.g. immigration, mental illness, educational purposes, vagrancy) 			
	<ul style="list-style-type: none"> • Legal time limits for an arrested/detained person before being informed on the reasons of the arrest/detention; before being brought to or having the case reviewed by the authority exercising judicial power; and for the duration of the trial of a person in detention 	<ul style="list-style-type: none"> • Time frame and coverage of State policy and administrative framework on security, handling of criminality and abuses by law enforcement officials 		
Process	<ul style="list-style-type: none"> • Proportion of complaints on the right to liberty and security of person investigated and adjudicated by the National Human Rights Institution / Human Rights Ombudsperson or other mechanisms and the proportion responded effectively by the Government, as applicable, in the reporting period • Proportion of communications sent by the UN Working Group on Arbitrary Detention responded effectively by the Government • Proportion of law enforcement officials (police, military and State security force) trained in rules regarding the right to liberty and security of person, arrest/detention, and proportional use of force 			
	<ul style="list-style-type: none"> • Proportion of arrests/entries into detention (pre- and pending trial)¹ on the basis of a court order/ due to action taken directly by executive authorities • Proportion of defendants released from pre- and trial detentions in exchange for bail/ due to non-filing of charges 	<ul style="list-style-type: none"> • Proportion of arrests/entries into detention under national administrative provisions (e.g. security, immigration control, mental illness, educational purposes, drug addiction) • Proportion of releases from administrative detentions 	<ul style="list-style-type: none"> • Proportion of cases where the time for arrested/detained persons before being informed of the reasons of arrest; before receiving notice of the charge (in a legal sense); or before being informed of the reasons of administrative detention exceeded the respective legally stipulated time limit • Proportion of cases where pre- and trial detention exceeded the legal/court stipulated time limit • Number of <i>habeas corpus</i> and similar applications filed in courts • Proportion of bail applications accepted by the court • Proportion of arrested/detained persons provided with counsellor access/legal aid • Proportion of cases subjected to review by a higher court or appellate body 	<ul style="list-style-type: none"> • Proportion of law enforcement officials arrested / adjudicated / convicted / serving sentence for physical and non-physical abuses, including arbitrary arrests/detentions based on criminal charges or administrative grounds • Number of persons per 100,000 population arrested / adjudicated / convicted / serving sentence for violent crimes (e.g. homicides, rapes, assault) • Number of law enforcement officials killed in line of duty • Firearms ownership per 100,000 population • Proportion of violent crimes reported to the police (victimisation survey).
Outcome	<ul style="list-style-type: none"> • Incidence of detentions on the basis of a court order/ due to action by executive authorities • Number of reported cases of arbitrary detentions, including post-trial detentions (e.g. as reported to the UN Working Group on Arbitrary Detention) 	<ul style="list-style-type: none"> • Proportion of arrests and detentions declared unlawful by national courts • Proportion of victims released and compensated after arrests/detentions declared unlawful by judicial authority 	<ul style="list-style-type: none"> • Proportion of population feeling 'unsafe', e.g. walking alone in area after dark/ alone at home at night • Incidence of crimes/abuses, including by law enforcement officials in line of duty, per 100,000 population 	

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Annexe 4

PROGRAMME AND PANELLISTS

THURSDAY, 26 JULY 2007

0900 to 0930 hrs:	Registration
0930 to 1030 hrs:	INAUGURAL SESSION
Remarks:	Dr. Maxine Olson , UN Resident Representative, India
About the workshop:	Mr. R. K. Bhargava , Secretary General, NHRC, India
Inaugural Address:	Hon'ble Justice Mr. K. G. Balakrishnan , Chief Justice of India
Keynote address:	Dr. Arjun Sengupta , Chairman, National Commission for Enterprises in the Unorganised Sector and UN Independent Expert on Human Rights and Extreme Poverty
Address by Chair:	Hon'ble Justice Mr. S. Rajendra Babu , Chairperson NHRC, India

Vote of Thanks:	Mr. Rajeev Malhotra , Workshop Coordinator UN-OHCHR
1030 to 1100 hrs:	Tea break
1100 to 1300hrs:	<p>PANEL DISCUSSION I- DO HUMAN RIGHTS MATTER FOR POLICYMAKING?</p> <ul style="list-style-type: none"> • What value do human rights add to policymaking? • What is the current practice? • What are the challenges in integrating human rights into policy making?
Chairperson:	Hon'ble Justice Mr. S. Rajendra Babu , Chairperson NHRC India
Panel:	<p>Justice Mr. R. C. Lahoti</p> <p>Dr. K. P. Kanan, Member national Commission for Enterprises in the Unorganised Sector</p> <p>Dr. Pronab Sen, CSI and Secretary Government of India</p> <p>Dr. Madhu Kishwar, Editor Manushi</p> <p>Panellist from among the external participants</p>
Facilitator:	Mrs. Aruna Sharma , Workshop Coordinator, NHRC.
1300 to 1430 hrs:	Lunch break
1430 to 1645 hrs:	WORKSHOP SESSION I: RIGHT TO HEALTH
Facilitator:	Mr. Rajeev Malhotra and Mr. Nicolas Fasel , UN-OHCHR
1645 to 1700 hrs:	Tea break
1700 to 1800 hrs:	CONCLUDING SESSION FOR WORKSHOP I
Chairperson:	Dr. Justice Shivaraj V. Patil , Member, NHRC India
Panel:	<p>Mr. P.W. C Davidar, Special Secretary Health and Family Welfare Department Government of Tamil Nadu</p> <p>Representative / Secretary, Health, Govt. of Gujarat.</p> <p>Dr. A. K Shiv Kumar, Advisor, UNICEF</p>
Facilitator:	Mr. Rajeev Malhotra , Workshop Coordinator UN-OHCHR

FRIDAY, 27 JULY 2007

- 0900 to 1130 hrs: **WORKSHOP SESSION II: RIGHT TO LIBERTY AND SECURITY OF PERSON**
- Facilitator: **Mr. Rajeev Malhotra and Mr. Nicolas Fasel, UN-OHCHR**
- 1130 to 1145 hrs: Tea break
- 1145 to 1300 hrs: **CONCLUDING SESSION FOR WORKSHOP II**
- Chairperson: **Justice Mr. Y. Bhaskar Rao**, Member, NHRC India
- Panel: Secretary/Representative, Ministry of Law and Justice
Prof. Upender Baxi, Former Vice-Chancellor,
Delhi University
- Facilitator: **Mr. Rajeev Malhotra**, Workshop Coordinator UN-OHCHR
- 1300 to 1430 hrs: Lunch break
- 1430 to 1645 hrs: **WORKSHOP SESSION III: RIGHTS BASED APPROACH TO POVERTY REDUCTION**
- Facilitator: **Mr. Rajeev Malhotra and Mr. Nicolas Fasel, UN-OHCHR**
- 1645 to 1700hrs: Tea break
- 1700 to 1800hrs: **CONCLUDING SESSION FOR WORKSHOP III**
- Chairperson: **Mr. R. S. Kalha**, Member, NHRC India
- Panel: Secretary/Representative, Ministry of Rural Development (GoI)
Adviser Rural Development, Planning Commission
- Facilitator: **Mr. Rajeev Malhotra**, Workshop Coordinator UN-OHCHR

SATURDAY, 28 JULY 2007

- 0930 to 1130 hrs: **PANEL DISCUSSION II- IMPLEMENTING HUMAN RIGHTS – THE WAY FORWARD**
- Role of information and civil society in awareness-building and oversight;
 - What are the elements and the approach for a legal protection strategy?
 - Methodological tools for furthering the implementation of human rights – where can we start?
- Chairperson: **Mr. P. C. Sharma**, Member, NHRC India
- Panel: **Prof. Upender Baxi**, Former Vice-Chancellor,

Delhi University

Amb. Swashpawan Singh, PR of India to UN, Geneva

Dr. A. K. Shiv Kumar, Advisor, UNICEF

Mrs. Shanta Shina, Chairperson NCPCR

Mr. Homayoun Alizadeh Regional Representative
OHCHR South East Asia Office

Facilitator:

Mr. Aruna Sharma, Workshop Coordinator, NHRC

1130 to 1145 hrs:

Tea break

1145 to 1300hrs:

VALEDICTORY SESSION

Workshop Outcomes:

Mrs. Aruna Sharma & Mr. Rajeev Malhotra,
Workshop Coordinator

Address by Chair:

Hon'ble Justice Mr. S. Rajendra Babu, Chairperson
NHRC, India

Vote of Thanks:

Dr. Alakh No. Sharma, Director, IHD, New Delhi

1300hrs:

Lunch

1430 to 1800hrs:

Local sight seeing (Optional)