

MENSCHENRECHTSALLIANZ -
GRÜNDUNGSKONFERENZ 16.02.24

MENSCHENRECHTE MESSBAR MACHEN? MENSCHENRECHTSINDIKATOREN BZW. ROLLEN DES STAATS UND DER ZIVILGESELLSCHAFT

Johannes M. Waldmüller

Brot
für die Welt

150
Jahre
Diakonie
Österreich



universität
wien

Menü und Lernresultat

- Einführung in die gängige HR-Indikatoren Logik und Sequenz:
IBSA, UN OHCHR (2012), Inter-American Commission of Human Rights
- Gemeinsame Reflexion über Vorbedingungen und Notwendigkeiten für die Umsetzung von HRIs
- Rolle der Zivilgesellschaft bzw. Nicht-JuristInnen
- HRI Übung zum Recht auf Gewaltfreiheit/Frauen
- Einbindung in Policy-Making, IT-Support und technische Lösungen
- HR und Klima bzw SDGs: methodisch-konzeptuelle Operationalisierungsmöglichkeiten
- Gemeinsame Abschlussreflexion in Bezug auf Österreich bzw. Menschenrechtsallianz



WARUM HR INDIKATOREN?

The demand for and the use of indicators in human rights are part of a broader process of systematic work to implement, monitor and realize rights. Together with national human rights action plans, baseline studies and rights-based approaches to development and good governance, the oversight work of United Nations human rights mechanisms, and regional and national human rights institutions, indicators provide concrete, practical tools for enforcing human rights and measuring their implementation. There is a recognition that one has to move away from using general statistics and instead progress towards identifying specific indicators for use in human rights. The general statistics are often indirect and lack clarity in their application, whereas specific indicators are embedded in the relevant human rights normative framework and can be more readily applied and interpreted by their potential users.

- Universal Periodic Reviews
- Menschenrechtsbilanzen
- Verwendung vor/bei Gericht
- Programm und Policy-Making
- Budgetmonitoring
- Klare Zielvorgaben
- Einbindung der Zivilgesellschaft
- Breitenwirksam
- Klare Identifikation von Prozessmissständen
- Veränderte Beziehung und Konkretisierung zu Menschenrechten
- Herauslösung aus Rechts und Jus-Kontexten:
Interdisziplinarisierung



HRI INTERNATIONAL

[Mexiko:](#)

<https://www.poderjudicialcdmx.gob.mx/estadistica/wp-content/uploads/Indicadores-Derechos-Humanos.pdf>

Box 3 Indicators used by human rights monitoring mechanisms

Indicators have frequently been used in State party reports to the international human rights monitoring mechanisms such as the United Nations treaty bodies, human rights special procedures (special rapporteurs) and the universal periodic review (UPR) of the United Nations Human Rights Council, and in the recommendations of these bodies to the State parties. Reference to statistical and other indicators concerns economic, social and cultural rights, as well as civil and political rights. For instance, the Committee against Torture recommended that Honduras should develop disaggregated indicators to monitor and document incidents of inter-prisoner violence with a view to revealing root causes and designing appropriate prevention strategies (CAT/C/HND/CO/1, para. 17). The Committee on the Elimination of Discrimination against Women commended the Lao People's Democratic Republic for increasing considerably the proportion of women in its National Assembly, from 9.4 per cent in the third legislature (1992–1997) to 22.9 per cent in the fifth (2002–2007) (A/60/38, para. 85). The Committee on Economic, Social and Cultural Rights urged the United Kingdom to fulfil its commitment to reduce health inequalities by 10 per cent by 2010, measured by infant mortality and life expectancy at birth (E/C.12/GBR/CO/5, para. 32). The Human Rights Committee recommended that the Czech Republic should adopt indicators and benchmarks to determine whether anti-discrimination goals have been reached (CCPR/C/CZE/CO/2, para. 16).

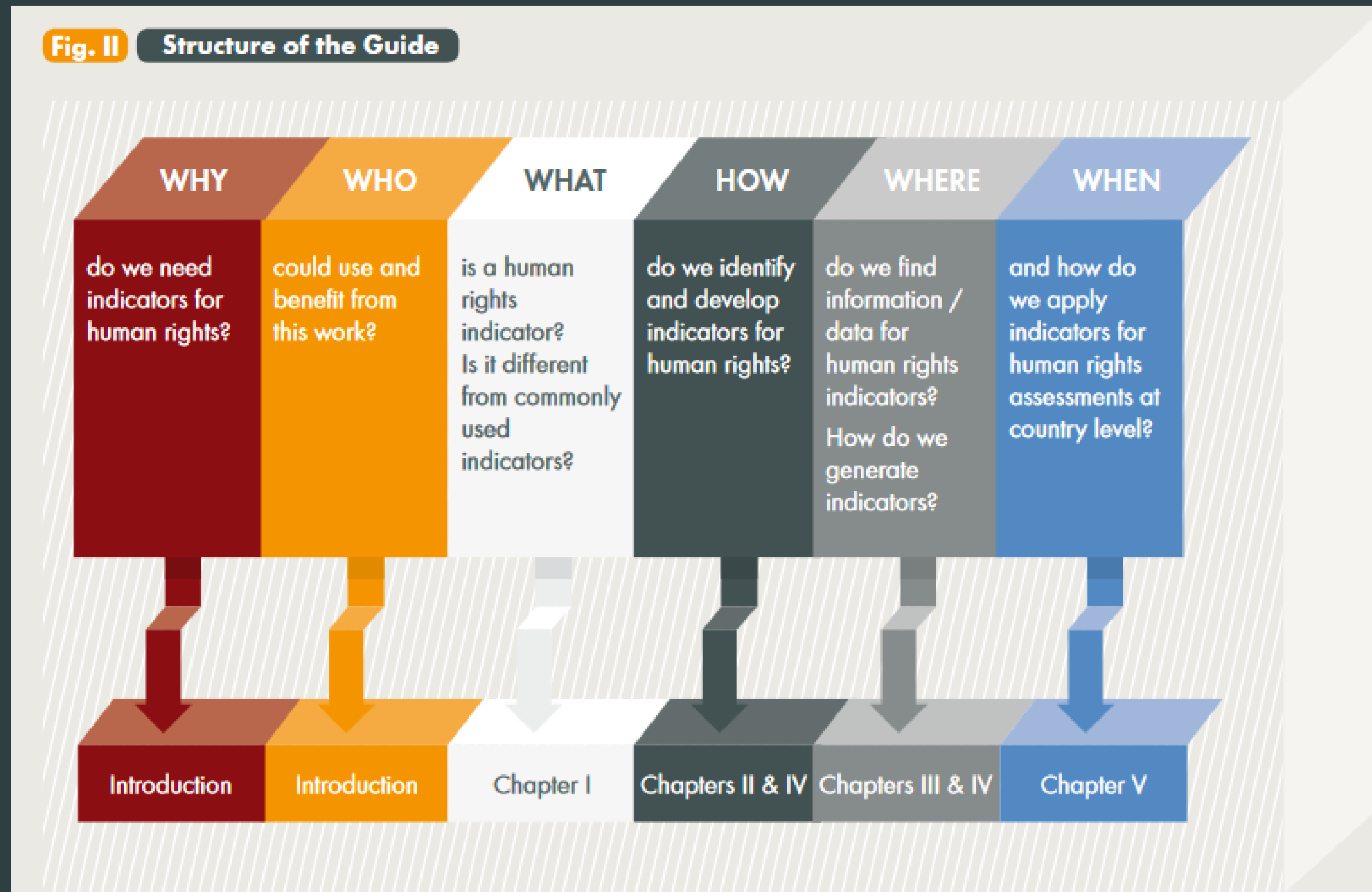
Similarly, the use of indicators in the context of UPR is apparent in its documentation on the human rights situation in Member States. For instance, Brazil has committed to creating a national system of human rights indicators under the UPR (A/HRC/8/27, para. 85). In its national report, Brazil assessed racial inequalities between white and Afro-descendent people using disaggregated socioeconomic statistics and pointed out the high rate of homicide in the country, particularly among children (A/HRC/WG.6/1/BRA/1, paras. 26 and 81). The compilation of United Nations information referred to the Special Rapporteur on extrajudicial, summary or arbitrary executions, who had noted that homicide was the leading cause of death for persons aged 15 to 44 (A/HRC/WG.6/1/BRA/2, para. 10), and in the summary of stakeholders' information Amnesty International noted that figures released by the prison system showed that inmate deaths as a result of homicide were six times higher than the rate observed among the general population in Brazil (A/HRC/WG.6/1/BRA/3, para. 28).

Ecuador: 2010–2014

Brasilien: 2007–2012

UN OHCHR: Human Rights Indicators: A Guide for Measurement and Implementation (2012):

<https://www.ohchr.org/en/publications/policy-and-methodological-publications/human-rights-indicators-guide-measurement-and-implementation>



Box 1 Use of statistical indicators by courts

Statistical data have been used by national and international tribunals and courts in assessing potential violations of international and national human rights norms. The analysis of “systemic discrimination” put forward by the Supreme Court of Canada emphasized the role of statistics in establishing proof of discrimination. In *Action Travail des Femmes v. Canadian National Railway Co.* in 1987, the Supreme Court used national employment statistics on the participation of women in the labour market (percentage of managerial and other positions held by women) in assessing possible discriminatory practices at the National Railway Company.

In 2004 the Constitutional Court of Colombia instructed the Government to provide detailed information on the rights of internally displaced persons (IDPs) and the policies affecting them. The Court ascertained that the Government had failed to provide sufficient resources and to create the required institutional capacity to uphold their rights. It requested quantifiable and comparable indicators to be identified and used to ensure a culture of accountability. In particular, indicators would help to:

- Assess the effectiveness of Government policies, specifically the impact of its remedial measures;
- Measure the enjoyment of rights in every phase of displacement, specifically by children, women, persons with disabilities and indigenous peoples; and
- Focus on and provide only the most essential information, in view of the resource implications.

As a result, the Government of Colombia put in place an evaluation mechanism with indicators to measure progress in the implementation of the rights of IDPs, including their rights to food, health, education, and liberty and security.

Sources: M. Potvin, “The role of statistics on ethnic origin and ‘race’ in Canadian antidiscrimination policy”, *International Social Science Journal*, vol. 57, No. 183 (March 2005), pp. 27–42; J. Rothring and M. Romero, “Measuring the enjoyment of rights in Colombia”, *Forced Migration Review*, No. 30 (April 2008), pp. 64–65; and M.J. Cepeda-Espinosa, “How far may Colombia’s Constitutional Court go to protect IDP rights?”, *Forced Migration Review*, special edition (December 2006), pp. 21–23.

Practical tools for measuring and implementing human rights

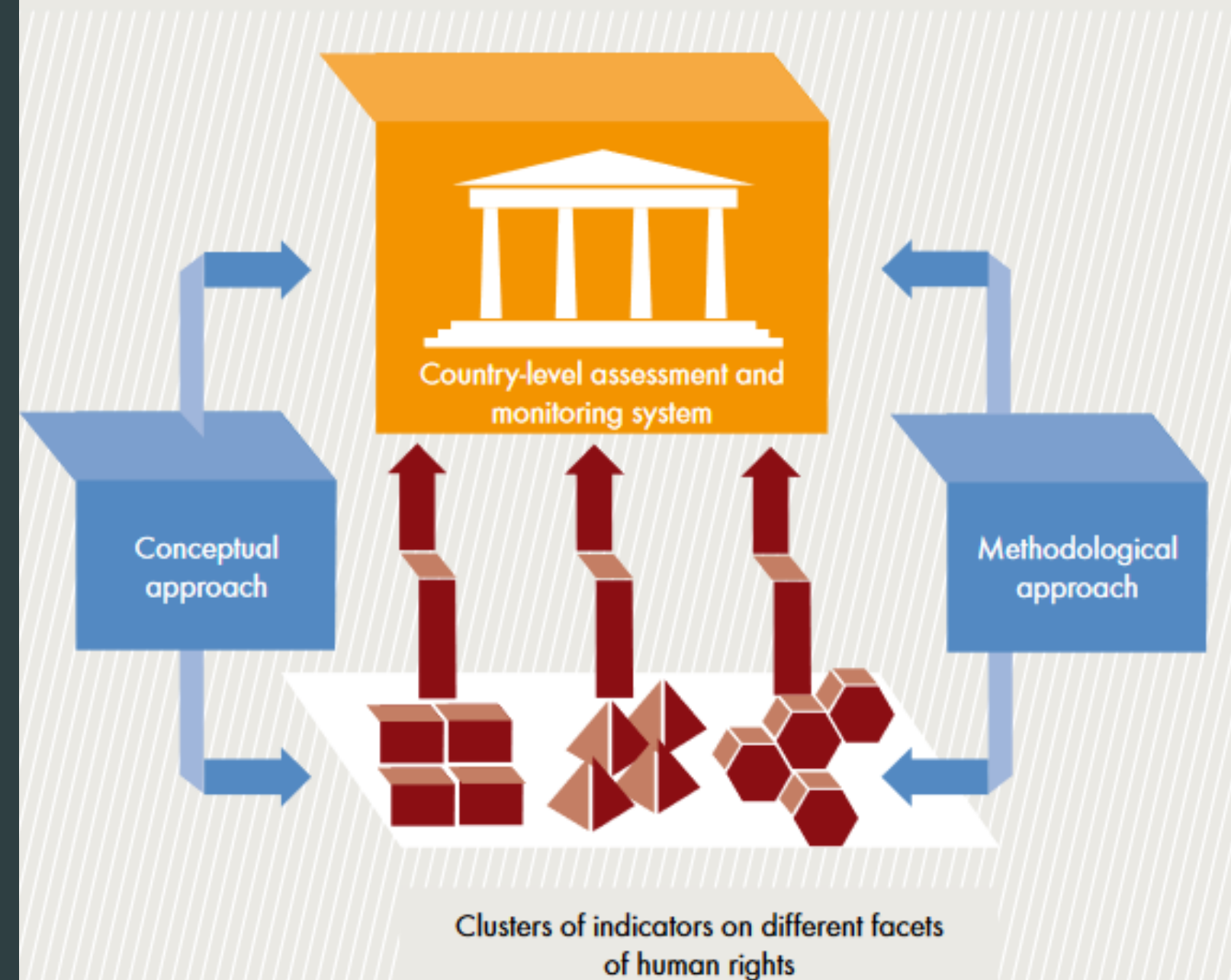
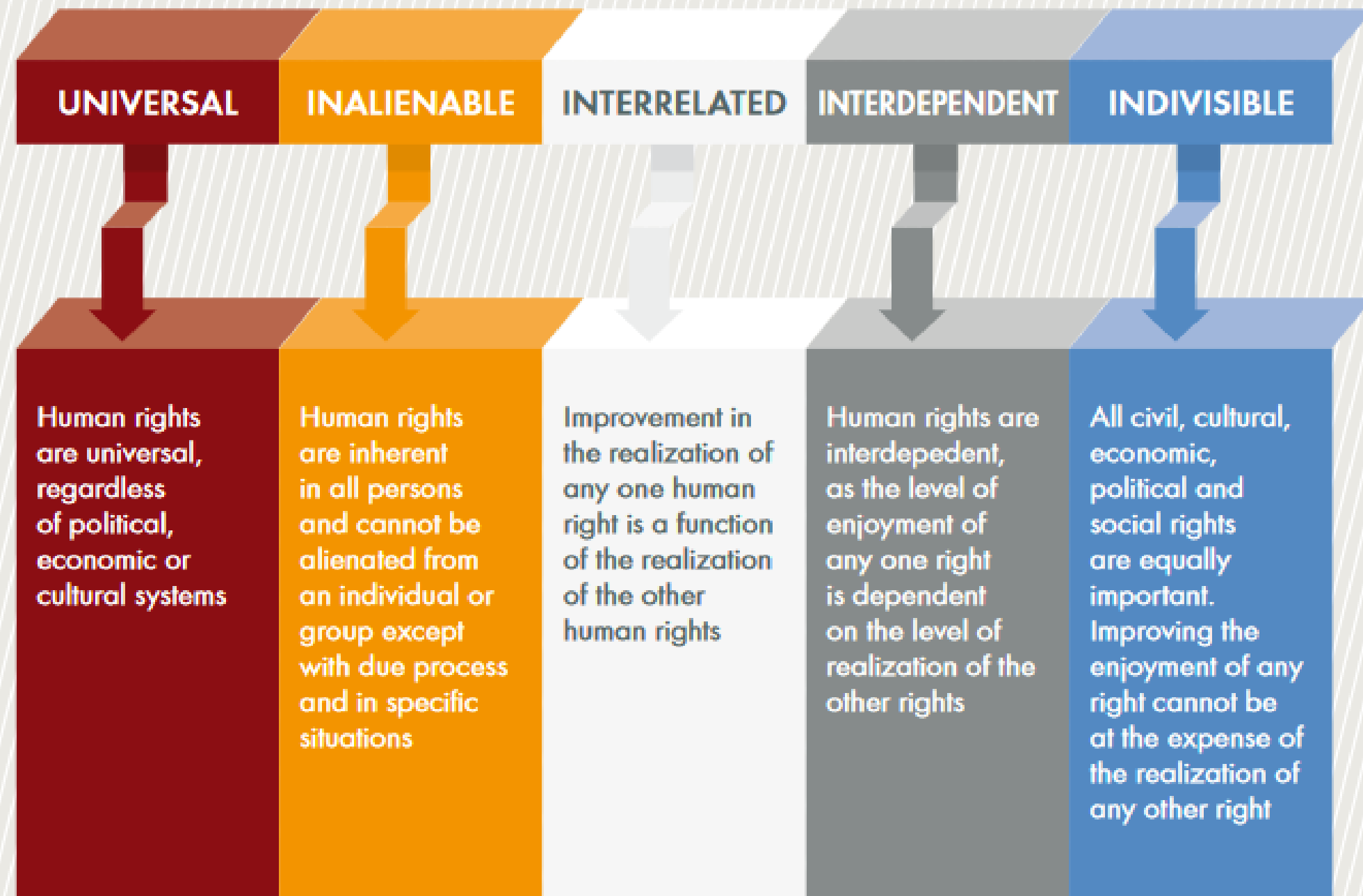
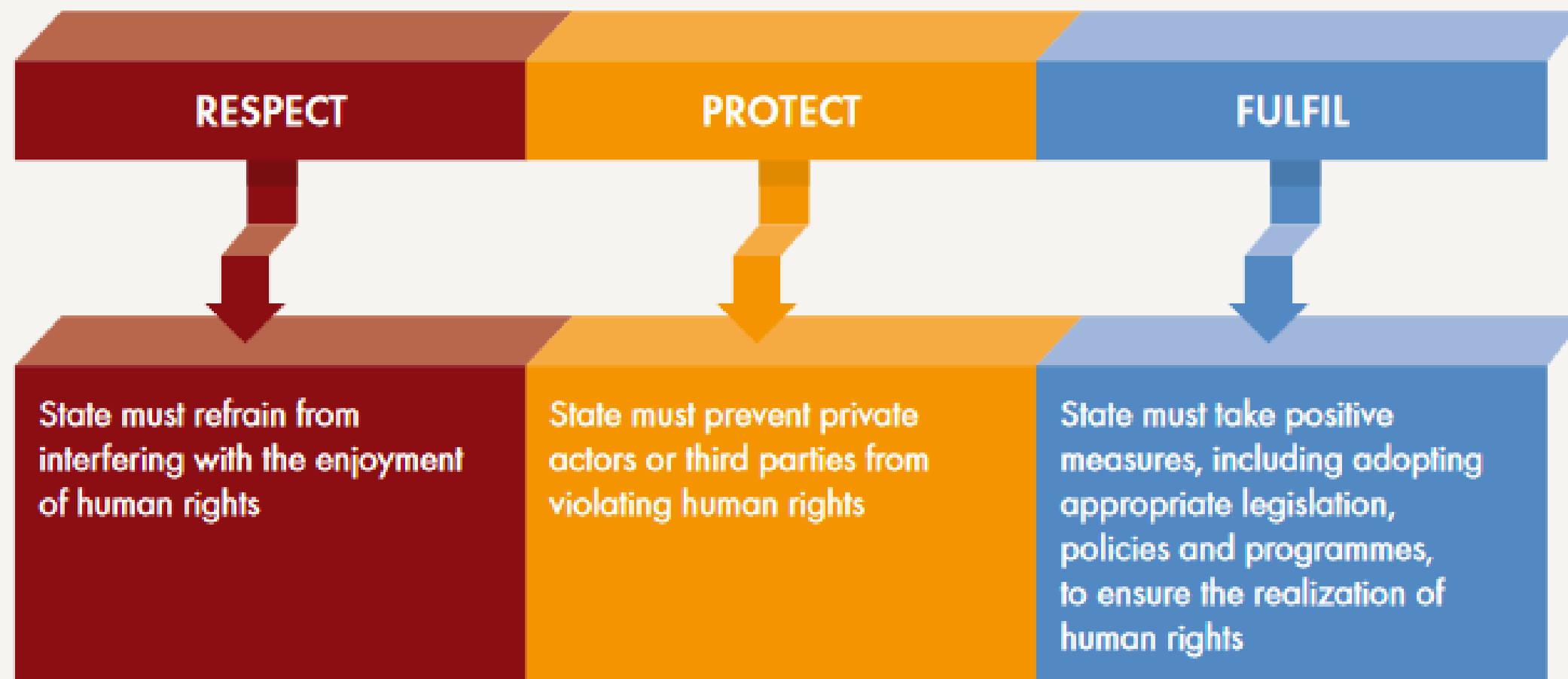


Fig. III

Human rights characteristics



Box 2 Scope of State human rights obligations



- Konzeptuelle Trennung in:
1. Immediate violation approach
 2. Gradual fulfillment approach

Transversale bzw. Querschnittsnormen

3 **Cross-cutting human rights norms or principles**

The international human rights normative framework, including the international human rights treaties and the general comments and recommendations adopted by the bodies monitoring their implementation (sect. B below), embodies cross-cutting human rights norms or principles, *such as non-discrimination and equality, participation, access to remedy, access to information, accountability, the rule of law and good governance*. These cross-cutting norms are expected to guide the State and other duty bearers in their implementation of human rights. For instance, securing the

Fig. VI Indicators on cross-cutting human rights norms

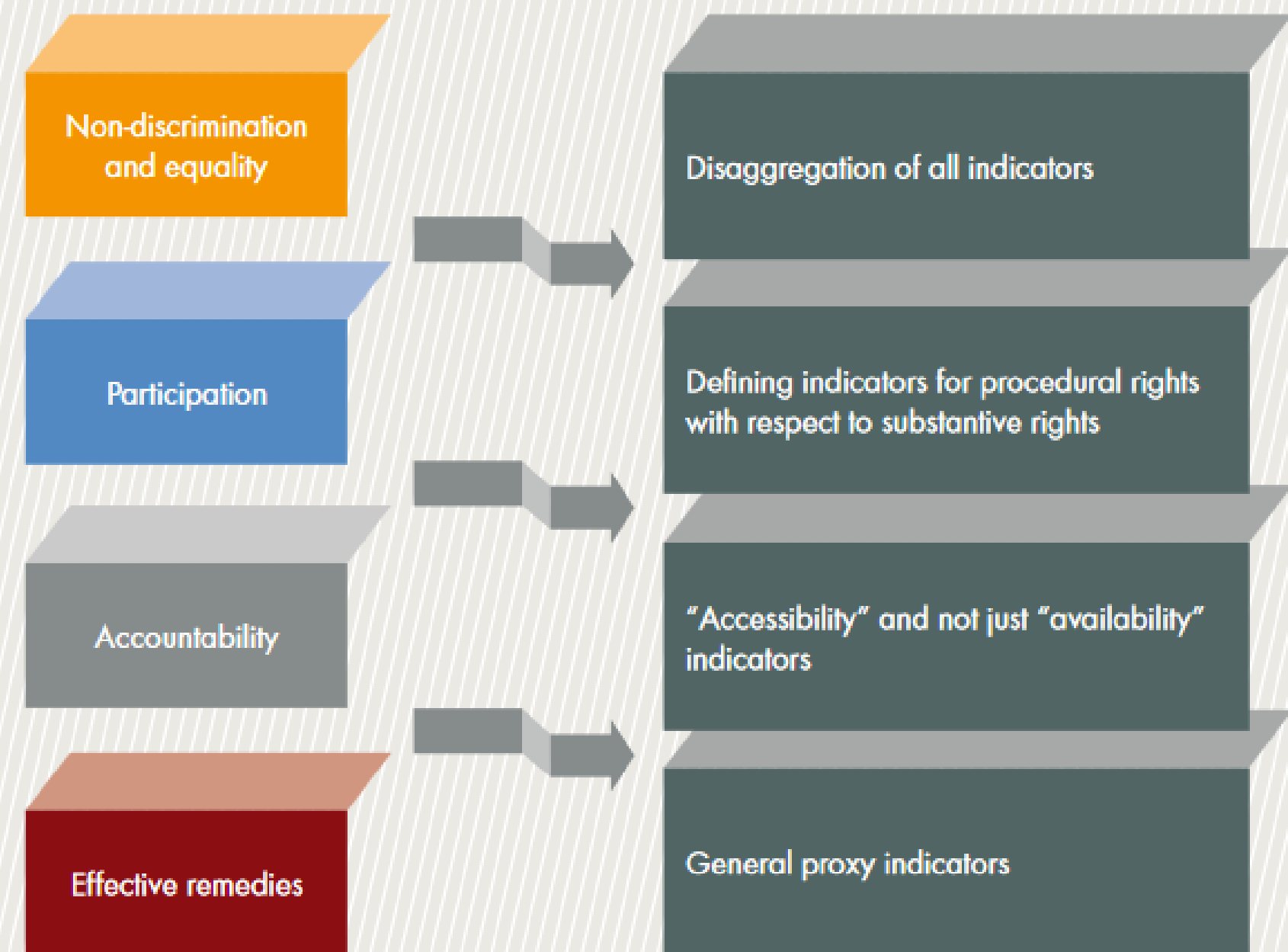
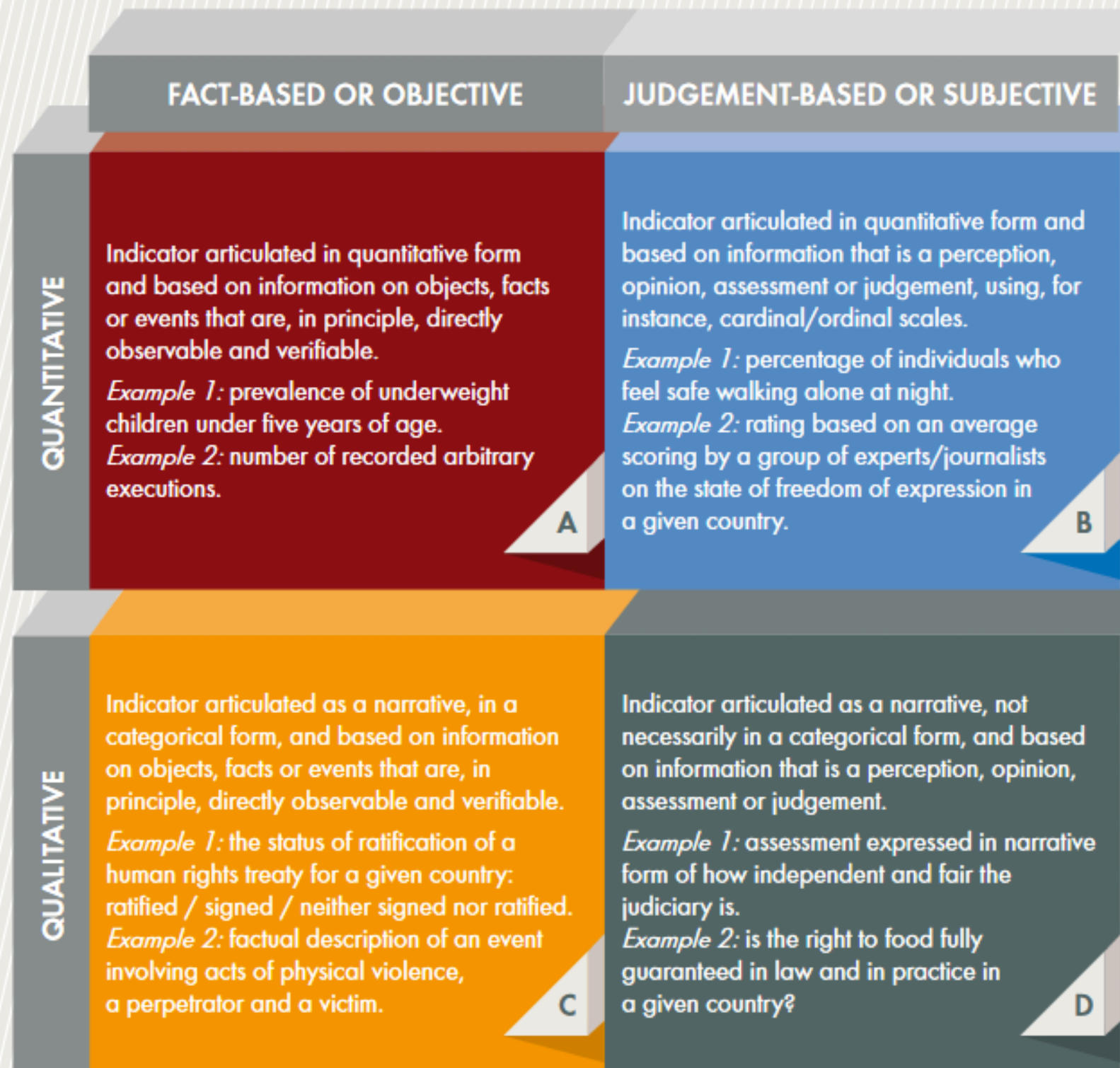


Fig. IV Categories of indicators used for human rights



A. Issues to address in human rights measurement

There are several issues to consider in order to identify indicators for use in human rights assessments:

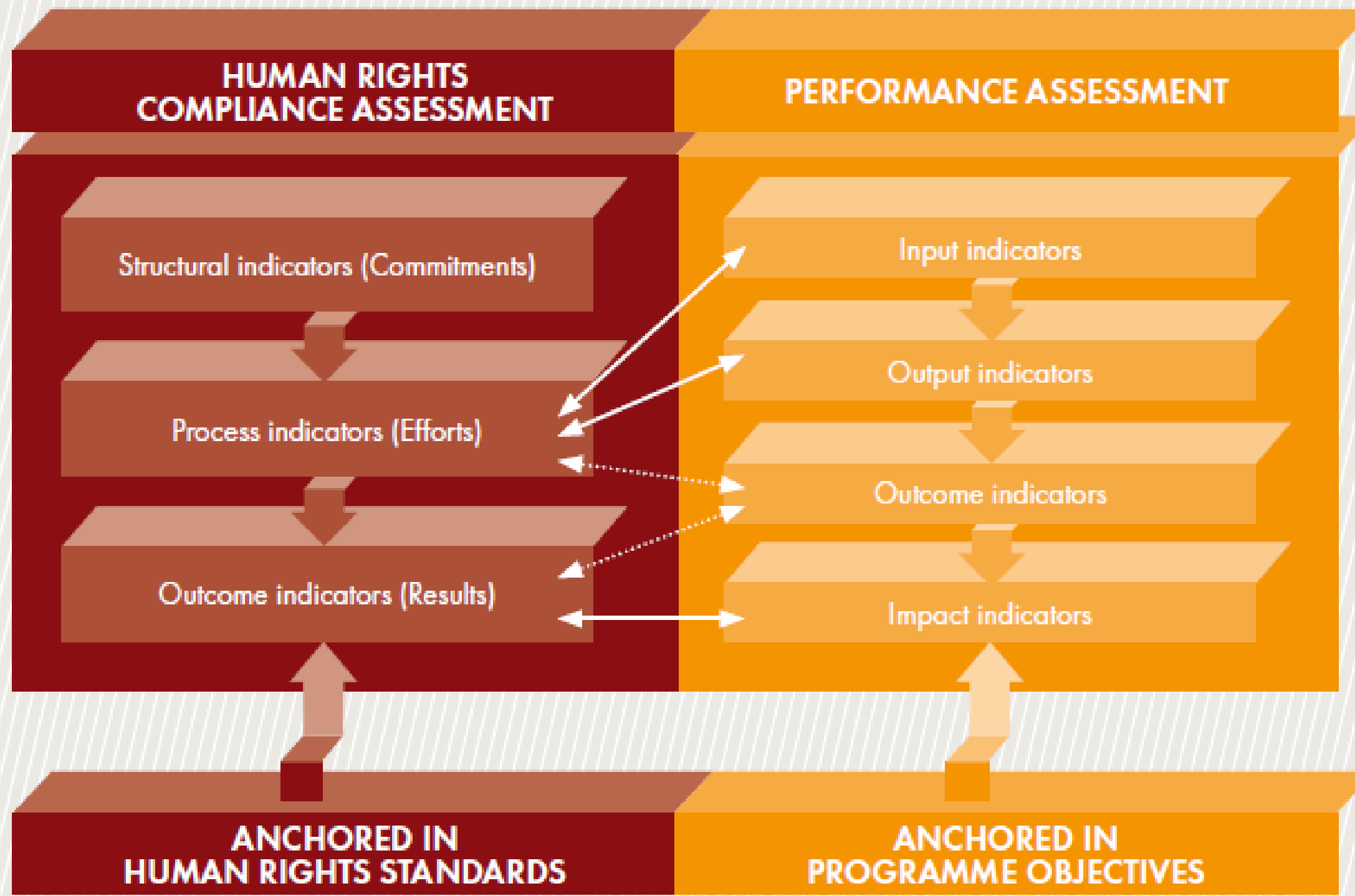
- What do we need to measure?
- How do we go about selecting potential indicators of what we want to measure?
- How many indicators are required to assess the implementation of a human right?

➤ Will the identified indicators be used to rank countries according to their human rights performance?

The approach to conceptualizing the indicators depends on how these issues are addressed and on the assumptions that are made.

Was ist da?
 Was ist möglich?
 Wie aufwändig?
 Wer muss eingebunden sein?
 Für wen welche Daten, welche Information?
 Desaggregation möglich? Für welche Gruppen?

Fig. XII Indicator framework - compliance and performance assessments



Box 5 Structural indicators

Structural indicators help in capturing the acceptance, intent and commitment of the State to undertake measures in keeping with its human rights obligations. Some common structural indicators are:

- International human rights treaties, relevant to the right to adequate housing, ratified by the State;
- Time frame and coverage of national policy on vocational and technical education; and
- Date of entry into force and coverage of formal procedure governing the inspection of police cells, detention centres and prisons by independent inspection entities.

Box 6 Process indicators

Process indicators help in assessing a State's efforts, through its implementation of policy measures and programmes of action, to transform its human rights commitments into the desired results. Some common process indicators are:

- Indicators based on budget allocations;
- Coverage of targeted population groups under public programmes;
- Human rights complaints received and the proportion redressed;
- Incentive and awareness measures extended by the duty bearer to address specific human rights issues; and
- Indicators reflecting functioning of specific institutions (e.g., NHRI, legal system).

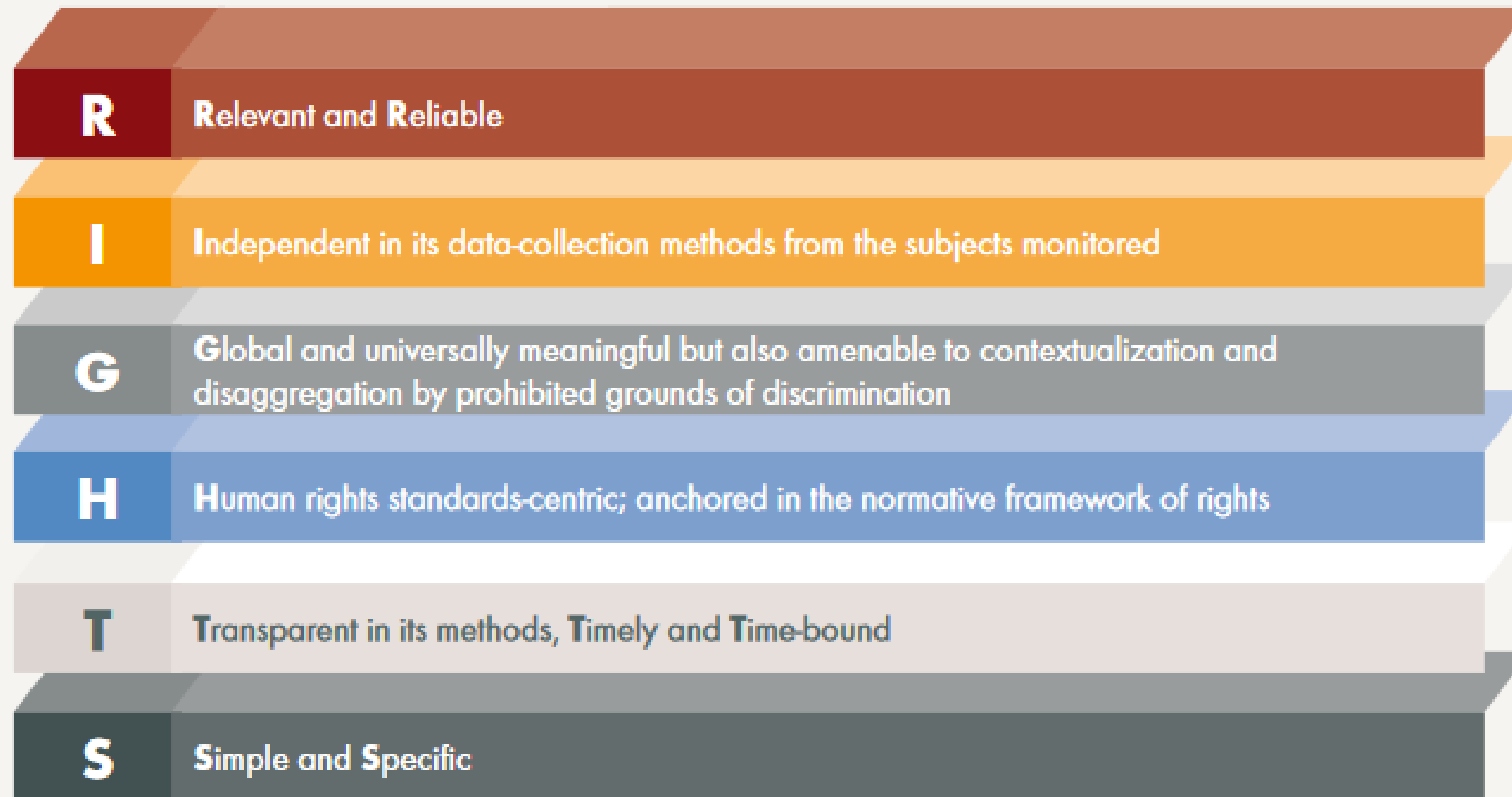
Box 7**Outcome indicators**

Outcome indicators help in assessing the results of State efforts in furthering the enjoyment of human rights. Some common examples are:

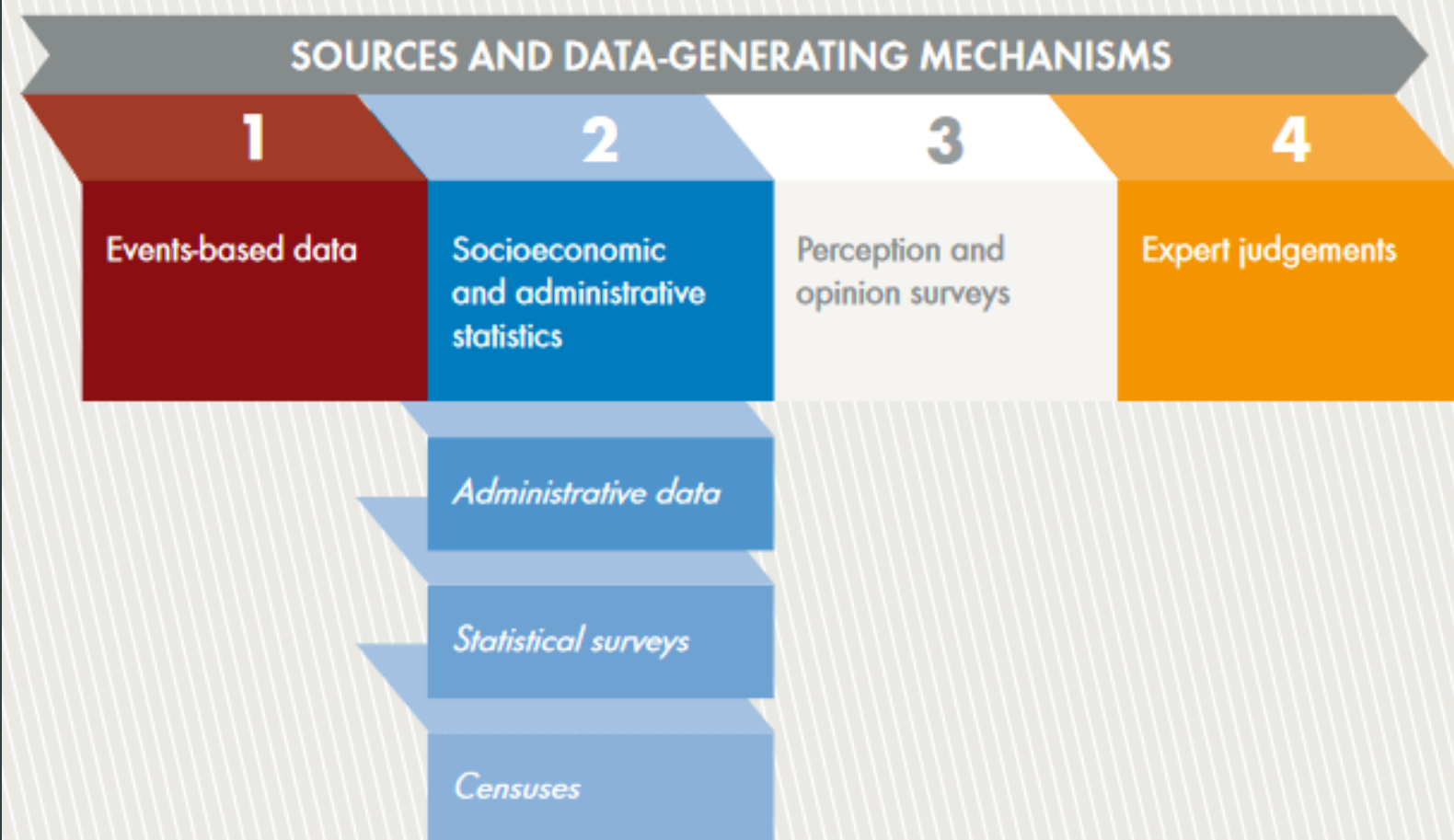
- Proportion of labour force participating in social security scheme(s);
- Reported cases of miscarriage of justice and proportion of victims who received compensation within a reasonable time; and
- Educational attainments (e.g., youth and adult literacy rates) by targeted population group.

Box 12 RIGHTS criteria for indicator selection

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



VII Sources and data-generating mechanisms for indicators



Box 20 Characteristics of sources of socioeconomic and administrative statistics

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

Fig. X Contextualizing indicators

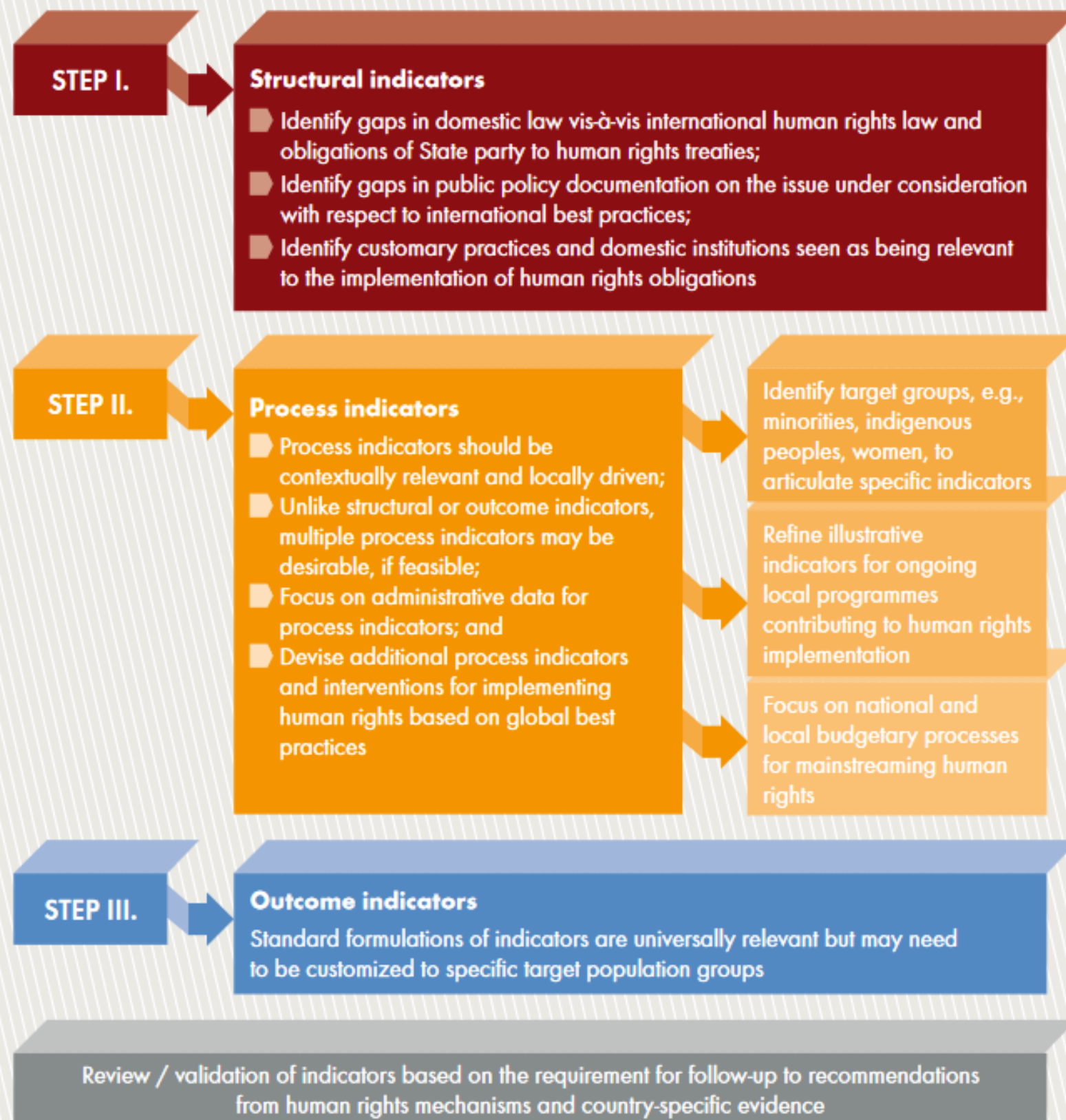


Table 2
Illustrative indicators on the right to adequate food (Universal Declaration of Human Rights, art. 25)

| | Nutrition | Food safety and consumer protection | Food availability | Food accessibility |
|-------------------|--|---|---|---|
| | <ul style="list-style-type: none"> • International human rights treaties relevant to the right to adequate food ratified by the State • Date of entry into force and coverage of the right to adequate food in the constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to adequate food • Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to adequate food | | | |
| Structural | <ul style="list-style-type: none"> • Time frame and coverage of national policy on nutrition and nutrition adequacy norms | <ul style="list-style-type: none"> • Time frame and coverage of national policy on food safety and consumer protection • Number of registered and/or active civil society organizations working on food safety and consumer protection | <ul style="list-style-type: none"> • Time frame and coverage of national policy on agricultural production and food availability • Time frame and coverage of national policy on drought, crop failure and disaster management | |
| | <ul style="list-style-type: none"> • Proportion of received complaints on the right to adequate food investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government • Net official development assistance for food security received or provided as a proportion of public expenditure on food security or gross national income | | | |
| Process | <ul style="list-style-type: none"> • Proportion of targeted population that was brought above the minimum level of dietary energy consumption* in the reporting period • Proportion of targeted population covered under public nutrition supplement programmes • Coverage of targeted population under public programmes on nutrition education and awareness • Proportion of targeted population that was extended access to an improved drinking water source* in the reporting period | <ul style="list-style-type: none"> • Disposal rate or average time to adjudicate a case registered in a consumer court • Share of public social sector budget spent on food safety and consumer protection advocacy, education, research and implementation of laws and regulations relevant to the right to adequate food • Proportion of food producing and distributing establishments inspected for food quality standards and frequency of inspections • Proportion of cases adjudicated under food safety and consumer protection law in the reporting period | <ul style="list-style-type: none"> • Proportion of female-headed households or targeted population with legal title to agricultural land • Arable irrigated land per person • Proportion of farmers using extension services • Share of public budget spent on strengthening domestic agricultural production (e.g., agricultural extension, irrigation, credit, marketing) • Proportion of per capita availability of major food items sourced through domestic production, import and food aid • Cereal import dependency ratio in the reporting period | <ul style="list-style-type: none"> • Share of household consumption of major food items for targeted population groups met through publicly assisted programmes • Unemployment rate or average wage rate of targeted segments of labour force • Proportion of targeted population that was brought above the poverty line in the reporting period • Work participation rates, by sex and target group • Estimated access of women and girls to adequate food within household • Coverage of programmes to secure access to productive resources for target groups |
| Outcome | <ul style="list-style-type: none"> • Prevalence of underweight and stunted children under five years of age* • Proportion of adults with body mass index (BMI) <18.5 | <ul style="list-style-type: none"> • Number of recorded deaths and incidence of food poisoning related to adulterated food | <ul style="list-style-type: none"> • Per capita availability of major food items for local consumption | <ul style="list-style-type: none"> • Proportion of population below minimum level of dietary energy consumption* / proportion of undernourished population • Average household expenditure on food for the bottom three deciles of population or targeted population |
| | <ul style="list-style-type: none"> • Death rates, including infant and under-five mortality rates, associated with malnutrition and prevalence of malnutrition (including under, overnutrition and inadequate intake of nutrients) | | | |

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

* MDG-related indicators

Table 12

Illustrative indicators on violence against women (Universal Declaration of Human Rights, arts. 1-5 and 16)

| | Sexual and reproductive health and harmful traditional practices | Domestic violence | Violence at work, forced labour and trafficking | Community violence and abuse by law enforcement officials | Violence and (post-)conflict and emergency situations |
|-------------------|---|---|--|--|---|
| Structural | <ul style="list-style-type: none"> International human rights treaties relevant to the elimination of discrimination against women, including all forms of violence against women, ratified by the State without reservations Date of entry into force and coverage of the principle of non-discrimination between men and women and prohibition of all forms of violence against women in the constitution or other forms of superior law Date of entry into force and coverage of domestic law(s) criminalizing violence against women, including rape, domestic violence, trafficking, traditional harmful practices, stalking and sexual abuse of children Date of entry into force and coverage of legal act instituting an independent oversight body with specific mandate to protect women against violence (e.g., accredited NHRI) Time frame and coverage of policy or action plan for the elimination of discrimination and all forms of violence against women and including data collection and dissemination programme Number of registered or active NGOs and full-time equivalent employment (per 100,000 persons) involved in the protection of women against violence | | | | |
| | <ul style="list-style-type: none"> Time frame and coverage of policy to eliminate harmful traditional practices, including female genital mutilation, early or forced marriage, honour killing or maiming and foetal sex determination Legally stipulated minimum age for marriage | <ul style="list-style-type: none"> Date of entry into force and coverage of legislation criminalizing marital rape and incest Date of entry into force and coverage of legislation protecting gender equality and women's ability to leave abusive relationships (e.g., equal inheritance, asset ownership, divorce) | <ul style="list-style-type: none"> Time frame and coverage of policy or programme against sexual harassment in the workplace Time frame and coverage of policy to combat trafficking, sexual exploitation and forced labour and provide protection and access to remedy for victims | <ul style="list-style-type: none"> Date of entry into force and coverage of legislation defining rape in relation to a lack of consent rather than use of force Time frame and coverage of policy to combat community violence and abuse by police forces | <ul style="list-style-type: none"> Time frame and coverage of policy or programme to prevent or address sexual violence in conflict, post-conflict or emergency situations Time frame and coverage of special measures for participation of women in peace processes |
| Process | <ul style="list-style-type: none"> Proportion of received complaints on all forms of violence against women investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the Government Proportion of public social sector expenditure on national awarenessraising campaign on all forms of violence against women (including harmful traditional practices) and on national prevention programme integrated into school curriculum Number of perpetrators of violence against women (including harmful traditional practices, domestic violence, trafficking, sexual exploitation and forced labour) arrested, adjudicated, convicted and serving sentences (by type of sentence) | | | | |
| | <ul style="list-style-type: none"> Proportion of women of reproductive age using or whose partner is using contraception and effective preventive measures against sexually transmitted diseases (e.g., HIV/AIDS)* Unmet need for family planning* Number of safe and unsafe abortions per 1,000 women of reproductive age Proportion of women whose age at marriage is below 18 years** Proportion of managerial and other leader positions (e.g., religious leader) occupied by women | <ul style="list-style-type: none"> Proportion of women reporting forms of domestic violence to law enforcement officials or initiating legal action Number of available places in shelters and refuges per 1000 population (urban and rural) Number of adopted restraining orders Proportion of men and women who think that abuse or violence against women is acceptable or tolerable | <ul style="list-style-type: none"> Proportion of and frequency of business organizations inspected for conformity with labour standards Proportion of migrants working in the sex industry Proportion of informal sector workers (e.g., domestic workers) shifted to formal sector employment | <ul style="list-style-type: none"> Proportion of new recruits to police, social work, psychology, health (doctors, nurses and others), education (teachers) completing a core curriculum on all forms of violence against women Proportion of victims of rape who had access to emergency contraception or safe abortion, prophylaxis for sexually transmitted infections/HIV Proportion of sexual crimes (e.g., rape) reported to the police (population survey) Proportion of formal investigations of law enforcement officials for cases of violence against women resulting in disciplinary action or prosecution | <ul style="list-style-type: none"> Proportion of health staff trained in medical management and support for victims of sexual and other violence Proportion of victims of sexual and other violence accessing appropriate medical, psychosocial and legal services Proportion of reported cases of sexual or other violence where victims (or related third parties) initiated legal action Proportion of expenditure on relief and emergency assistance devoted to women and child welfare |
| Outcome | <ul style="list-style-type: none"> Proportion of women subjected to female genital mutilation** Sex ratio at birth and age 5-9 years Maternal mortality ratio* and proportion of deaths due to unsafe abortions | <ul style="list-style-type: none"> Proportion of women who have experienced physical and/or sexual violence by current or former partner in the past 12 months / during lifetime** Proportion of women subjected to psychological and/or economic violence by their intimate partner** | <ul style="list-style-type: none"> Reported cases of women/ men victims of trafficking (within and across countries), sexual exploitation or forced labour Proportion of working women who have been victims of sexual abuse/ harassment in the workplace | <ul style="list-style-type: none"> Proportion of women/men who report feeling unsafe in public places or limiting their activities because of safety or harassment Proportion of women who have experienced physical violence or rape / sexual assault during the past year [lifetime]** | <ul style="list-style-type: none"> Reported cases of death, rape (attempted or completed) and other incidents of violence against women that occurred in conflict, post-conflict or emergency situations |
| | <ul style="list-style-type: none"> femicide rates (e.g., murder by intimate partner, sexual murder, killing of prostitutes, honour killing, female infanticide, dowry deaths) Proportion of women who have experienced physical, sexual and psychological violence during the past year [lifetime], by severity of violence, relationship to the perpetrator and frequency** Proportion of victim-survivors of physical, sexual or mental violence, including trafficking and forced labour, who received assistance, compensation and rehabilitation services Suicide rates by sex | | | | |

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

* MDG-related indicators ** UNECE indicator

Porzessindikatoren?

Outcomeindikatoren?

Fig. XIV Indicator framework and national human rights action plan

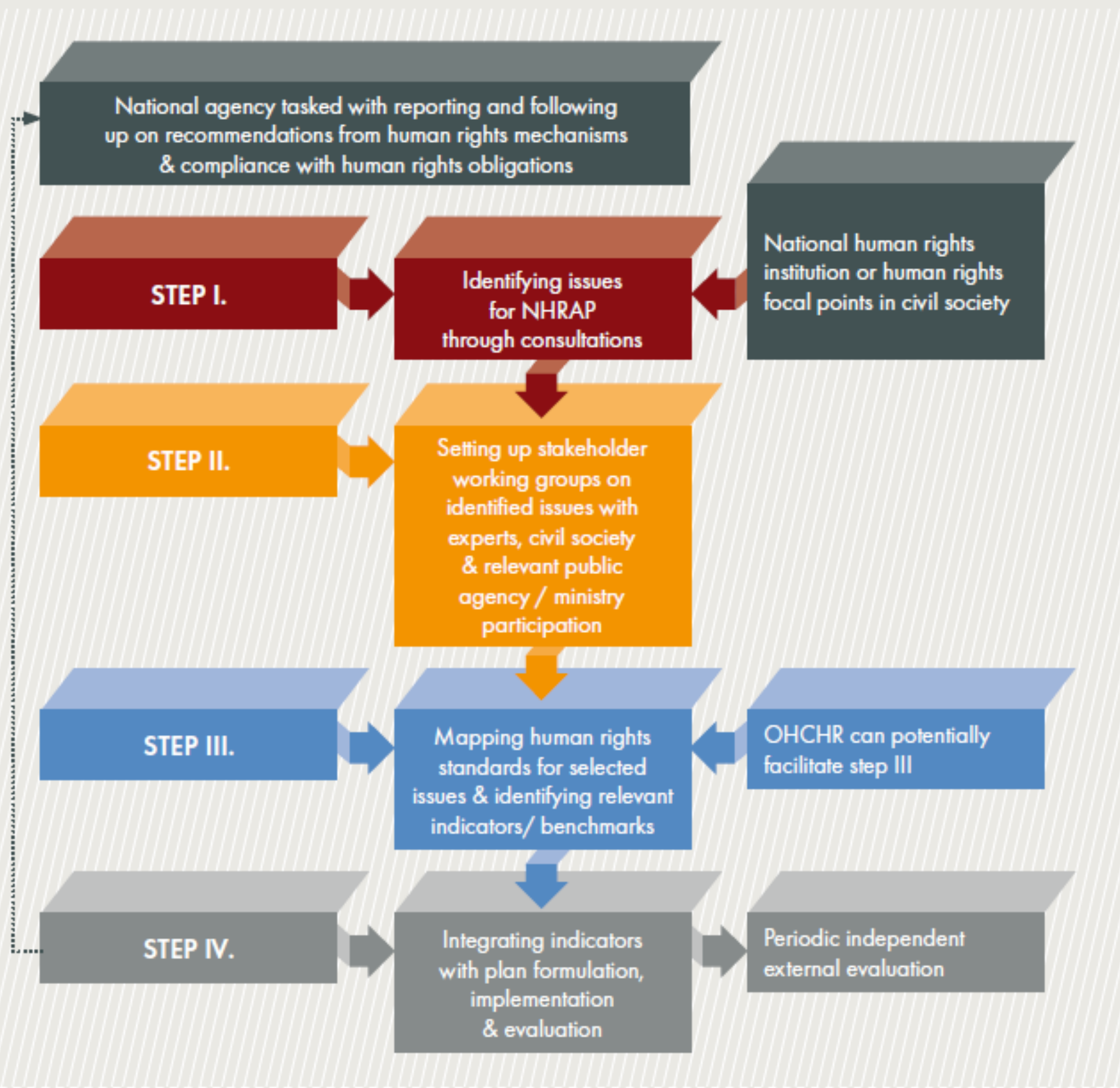
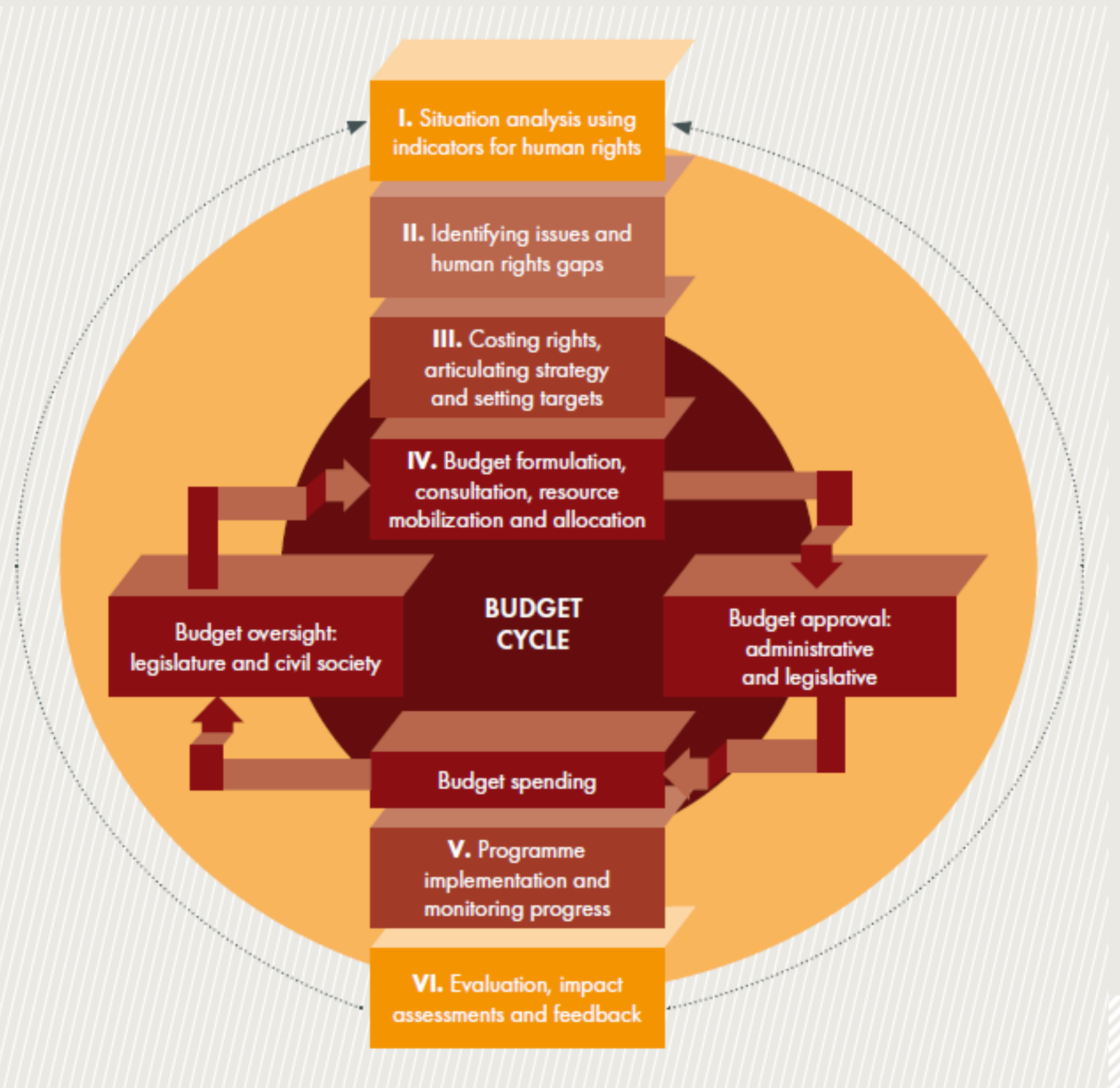


Fig. XV Human rights indicators, programme and budget cycle



Herzlichen Dank für Ihr Interesse!

Kontakt:

johannes.waldmueller@univie.ac.at bzw

johannes.waldmueller@diakonie.at

Für Leistungsangebot und Services:

<https://www.johanneswaldmuller.net/professional-services.html>