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Expert Group Meeting on Data Disaggregation  
27-29 June 2016  
New York

*To disaggregate or not to disaggregate...  
By Nicolas Fasel, OHCHR*



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# To disaggregate or not to disaggregate...



## Data disaggregation is a human rights issue

***Producing - or not - disaggregated data is not a norm or value neutral exercise and bears substantial opportunities as well as risks for the respect, protection and fulfillment of people's rights.***



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# A Human Rights Perspective to Data Disaggregation

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# Outline

- Data disaggregation and HR in 2030 Agenda
- Data disaggregation: HR obligation
- Data disaggregation and grounds of discrimination prohibited by IHRL
- Need for HRBA to data disaggregation practices

## HR and Data Disaggregation in 2030 Agenda

- *2030 Agenda is to be implemented in line with the rights and obligations of States under international law*
- *leave no one behind, ..., reach the furthest behind first, ...eliminate discrimination, ... reduce inequality*
- Target 17.18: disaggregation by *income, gender, age, race, ethnicity, migratory status, disability, geographic location and other relevant characteristics*

(A/RES/70/1)

# Data Disaggregation: a Human Rights Obligation

- International human rights instruments, including ratified treaties, compel to data disaggregation to monitor inequalities and discrimination
- CRPD (Art. 31): *Statistics and data collected shall be disaggregated, as appropriate, to help assess implementation of obligations under the Convention and identify and address the barriers faced by persons with disabilities in exercising their rights*
- International human rights mechanisms urge data disaggregation by grounds of discrimination prohibited by IHRL

# Prohibited grounds of discrimination



## THE UNIVERSAL DECLARATION OF Human Rights

**PREAMBLE** recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

**ARTICLE 1** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**ARTICLE 2** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**ARTICLE 3** Everyone has the right to life, liberty and security of person.

**ARTICLE 4** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**ARTICLE 5** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**ARTICLE 6** Everyone has the right to recognition everywhere as a person before the law.

**ARTICLE 7** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**ARTICLE 8** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**ARTICLE 9** No one shall be subjected to arbitrary arrest, detention or exile.

**ARTICLE 10** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

**ARTICLE 11** (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has all the guarantees necessary for his defence.

(2) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the general offence was committed.

**ARTICLE 12** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**ARTICLE 13** (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

joined to promote social progress and better standards of life in larger freedom.

**PREAMBLE** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

**PREAMBLE** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

**ARTICLE 14** THE GENERAL ASSEMBLY PROCLAIMS This Universal Declaration Of Human Rights as a common standard of achievement for all peoples and all nations. To the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

- All human beings are born free and equal in dignity and rights (Art. 1)
- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion,

**ARTICLE 14** (1) Everyone has the right to seek and to enjoy in another country asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crime or from acts contrary to the purposes and principles of the United Nations.

**ARTICLE 15** (1) Everyone has the right to marry and to join the matrimonial bond in freedom.

(2) Everyone has the right to free and full consent to marriage and to full equality in marriage and during marriage and at its dissolution.

(3) Marriage shall be entered into only with the free and full consent of the intending spouses.

**ARTICLE 16** (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection, respect and assistance.

**ARTICLE 17** (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

**ARTICLE 18** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**ARTICLE 19** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without fear and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**ARTICLE 20** (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

**ARTICLE 21** (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**ARTICLE 22** Everyone, as a member of society, has the right to social security and to economic, social and cultural rights and to participate in the development and advancement of his country.

**ARTICLE 23** (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence adequate to the dignity of man and supplemented if necessary by other means of social security.

**ARTICLE 24** Everyone has the right to rest and to join trade unions for the protection of his interests.

**ARTICLE 25** Everyone has the right to rest and vacations, including reasonable limitation of working hours and periodic holidays with pay.

**ARTICLE 26** (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education their children shall receive.

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(3) Parents have a prior right to choose the kind of education their children shall receive.

**ARTICLE 28** Everyone has the right to participate in the culture of his country, to enjoy the arts and to share in scientific advancement and his benefits.

**ARTICLE 29** Everyone has the rights to the moral and material wealth created by his society, liberty in which production of his own is the basis.

**ARTICLE 30** Everyone is entitled to social and international order and to the peaceful enjoyment of his rights. No one shall be arbitrarily deprived of his rights and freedoms set forth in this Declaration, nor shall he be subjected to such discrimination as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of a democratic society.

(3) These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations.

**ARTICLE 31** Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act which would frustrate the enjoyment of any of the rights and freedoms herein set forth.



# Grounds of discrimination & disaggregation

## SDG Target 17.18

- Income
  - Gender/sex
  - Age
  - Race
  - Ethnicity
  - Migratory status
  - Disability
  - Geographic location
  - And **other relevant characteristics...**
- Indigenous peoples
  - People of African Descent
  - Religion
  - Minorities
  - Youth/older persons
  - Undocumented migrants
  - Refugees, IDPs
  - LGBTI
  - Persons living with HIV/AIDS
  - Homeless persons
  - Street children
  - People living in slums
  - Nomadic populations
  - Prisoners
  - sex workers
  - (...)

# Human rights guidance for data disaggregation and collection efforts

- “vulnerable groups” are those more at risk of not enjoying their human rights or being left behind
- International human rights instruments and recommendations from human rights mechanisms (Universal Periodic Review, Treaty Bodies and Special Procedures) provide authoritative guidance to identify vulnerable groups
- Data disaggregation efforts supported by **Human Rights-Based Approach to Data (HRBD)**

# Human Rights-Based Approach to Data to leave no one behind in the 2030 Agenda

“The Agenda’s promise to leave no-one behind means dismantling the structural injustice that holds back women, minorities, indigenous people, and so many millions of others... The solutions for these people, embodied in the 2030 Agenda, lie in rights-based approaches”

United Nations Secretary General, Ban Ki-Moon



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# Human Rights-Based Approach to Data to leave no one behind in the 2030 Agenda



# Human Rights-Based Approach to Data to leave no one behind in the 2030 Agenda

## Participation

- “Nothing about us without us”
- In indicators definition, data collection and dissemination
- Retain trust in official statistic
- Do no harm



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# Human Rights-Based Approach to Data to leave no one behind in the 2030 Agenda

- **Data disaggregation** in reference to grounds of discrimination prohibited by international human rights law
- **Self-identification:** freedom to self-identify or not, in particular when touching personal identity



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## Human Rights-Based Approach to Data to leave no one behind in the 2030 Agenda

- **Transparency:** people's right to information (freedom of expression, ICCP, Art. 19 ; Principle 1 of FPOS) and transparency in methods
- **Privacy:** data protection and confidentiality (Art. 17)
- **Accountability:** data collection for accountability, and accountability in data collection

# COUNT ME IN

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<http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

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*The essential trust of the public in the integrity of official statistical systems and confidence in statistics depend to a large extent on respect for the fundamental values and principles that are the basis of any society seeking to understand itself and respect the rights of its members, and in this context that professional independence and accountability of statistical agencies are crucial*

Fundamental Principles of Official Statistics (A/RES/68/261)



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