22/02/2019

Guidance Note for Implementation of Survey Module on SDG Indicator 16.b.1 & 10.3.1 (Discrimination)

This document provides guidance for the implementation of a data collection module for SDG indicator 16.b.1 & 10.3.1: "Proportion of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law" (A/RES/71/313).

Contents

Proposed Survey Module for SDG Indicator 10.3.1 & 16.3.1 2

1. How should this module be used? 4
2. Why implement this module? 4
3. What data is this module collecting? 4
4. Why does the module include specific grounds? 4
5. What is discrimination and harassment? 5
6. What are the prohibited grounds of discrimination? 5
7. How should the grounds and their formulations be contextualised? 6
8. Where should data collectors start when identifying relevant grounds? 6
9. What is the correct terminology for listing grounds of discrimination? 7
10. How does the module account for there being more relevant grounds than those selected for inclusion? 7
11. What data will this module produce? 7
12. Is this data about experiences or perceptions? 8
13. How should interviewers approach these questions? 8
14. How will the data collected with this module inform governments' responses to discrimination and harassment? 9

For further information about the module or sharing information on its implementation, please contact OHCHR at hrindicators@ohchr.org

Proposed Survey Module for SDG Indicator 10.3.1 & 16.3.1

*Interviewer: ensure privacy, check for the presence of others. Read the following introductory text and then ask **Question 1.***

Let me assure you again that your answers are completely confidential.

I will now ask you about discrimination. Discrimination happens when you are treated less favourably compared to others or harassed because of the way you look, where you come from, what you believe or for other reasons. You may be refused equal access to work, housing, healthcare, education, marriage or family life, the police or justice system, shops, restaurants, or any other services or opportunities. You may also encounter comments, gestures or other behaviours that make you feel offended, threatened or insulted, or have to stay away from places or activities to avoid such behaviours.

Question 1: In [COUNTRY], do you feel that you personally experienced any form of discrimination or harassment during the last 5 years, namely since [YEAR OF INTERVIEW MINUS 5] (or since you have been in the country), on the following grounds?

*Interviewer: Show the attached card (**Showcard**) to the respondent or read it if the respondent has difficulty to read. Go through the list of grounds one by one. If necessary, help the respondent to establish the recall period and make sure that you allow adequate time for the recall. You may reassure: "*It can be difficult to remember this sort of incidents, so please take your time while you think about your answers". *Code "YES", "NO" or "NR" (No Response, in case the respondent prefers not to say or does not know). If the respondent answered at least with one "YES" to any of the grounds, including "other grounds" under **Question 1** (Q1.1 to Q1.12), then ask **Question 2**.*

Question 2: In [COUNTRY], do you feel that you personally experienced any form of discrimination or harassment during the past 12 months, namely since [MONTH OF INTERVIEW] [YEAR OF INTERVIEW MINUS 1], on any of these grounds?

*Interviewer: only for the ground(s) to which the respondent said (YES) under **Question 1**, select either "YES", "NO" or "NR" based on respondent's answer to **Question 2**. Repeat the ground(s) mentioned by the respondent under the preceding question to facilitate recall and answer.*

		Question1 IN THE LAST 5 YEARS				Question 2 IN THE LAST 12 MONTHS		
		YES	NO	NR		YES	NO	NR
Q1.1	Sex	1	2	8	Q2.1	1	2	8
Q1.2	Age	1	2	8	Q2.2	1	2	8
Q1.3	Disability or health status	1	2	8	Q2.3	1	2	8
Q1.4	Ethnicity, colour, language	1	2	8	Q2.4	1	2	8
Q1.5	Migration status	1	2	8	Q2.5	1	2	8
Q1.6	Socio-economic status	1	2	8	Q2.6	1	2	8
Q1.7	Geographic location or place of residence	1	2	8	Q2.7	1	2	8
Q1.8	Religion	1	2	8	Q2.8	1	2	8
Q1.9	Marital and family status	1	2	8	Q2.9	1	2	8
Q1.10	Sexual orientation or gender identity	1	2	8	Q2.10	1	2	8
Q1.11	Political opinion	1	2	8	Q2.11	1	2	8
Q1.12	Other grounds	1	2	8	Q2.12	1	2	8

SHOWCARD

Discrimination happens when you are treated less favourably compared to others or harassed because of the way you look, where you come from, what you believe or for other reasons. You may be refused equal access to work, housing, healthcare, education, marriage or family life, the police or justice system, shops, restaurants, or any other services or opportunities. You may also encounter comments, gestures or other behaviours that make you feel offended, threatened or insulted, or have to stay away from places or activities to avoid such behaviours.

1. SEX: *such as being a woman or a man*

2. AGE: *such as being perceived to be too young or too old*

3. DISABILITY OR HEALTH STATUS: *such as having difficulty in seeing, hearing, walking or moving, concentrating or communicating, having a disease or other health conditions and no reasonable accommodation provided for it*

4. ETHNICITY, COLOUR OR LANGUAGE: *such as skin colour or physical appearance, ethnic origin or way of dressing, culture, traditions, native language, indigenous status, or being of African descent*

5. MIGRATION STATUS: *such as nationality or national origin, country of birth, refugees, asylum seekers, migrant status, undocumented migrants or stateless persons*

6. SOCIO-ECONOMIC STATUS: *such as wealth or education level, being perceived to be from a lower or different social or economic group or class, land or home ownership or not*

7. GEOGRAPHIC LOCATION OR PLACE OF RESIDENCE: *such as living in urban or rural areas, formal or informal settlements*

8. RELIGION: *such as having or not a religion or religious beliefs*

9. MARITAL AND FAMILY STATUS: *such as being single, married, divorced, widowed, pregnant, with or without children, orphan or born from unmarried parents*

10. SEXUAL ORIENTATION OR GENDER IDENTITY: *such as being attracted to person of the same sex, self-identifying differently from sex assigned at birth or as being either sexually, bodily and/or gender diverse*

11. POLITICAL OPINION: *such as expressing political views, defending the rights of others, being a member or not of a political party or trade union*

12. OTHER GROUNDS

1. How should this module be used?

This module is designed to be incorporated into existing household survey instruments. Existing household survey instruments with relevant content (for example, crime victimisation, community engagement and other social survey content) should be amended to include the proposed questions. Data should be regularly collected to allow for reporting in line with the global indicator framework of the 2030 Agenda for Sustainable Development. Data should be collected and made available to data users in accordance with international statistical, ethical and human rights standards, principles and safeguards, including the Fundamental Principles of Official Statistics[i] and the Human Rights-Based Approaches to Data (see question 7). Upholding these norms and principles is essential to do no harm and protect the rights of respondents and concerned population groups in the process

2. Why implement this module?

Discrimination is at the core of inequalities in terms of attainment and enjoyment of human rights. The elimination of discrimination is enshrined in the Universal Declaration of Human Rights and in the core international human rights treaties. In the 2030 Agenda for Sustainable Development, heads of States and Governments have made resounding commitments to 'leave no-one behind', 'eliminate discrimination' and implement the Agenda 'in a manner that is consistent with the rights and obligations of states under international law'.[ii] Without good quality data, States and other actors are unable to develop evidence-based analysis, advocacy and policy responses aimed at eliminating discrimination and harassment.

3. What data is this module collecting?

This module is designed to collect the population's self-experience of discrimination or harassment that occurred during the 12 months preceding the data collection. To ensure the data is relevant for national-level policymakers, the module is designed to collect data on experiences that have occurred in the country of data collection. Where the survey questions contain '[COUNTRY]', this should be replaced with the country in which the data is being collected. The resulting indicator helps measure the impact of laws, policy and programmes seeking to eliminate discrimination directly at the level of the concerned population. It can be considered as an *outcome* indicator.[iii] To minimize the effect of *forward telescoping,*[iv] the module asks about the respondents' experience of discrimination and harassment during the last 5 years, before asking the same question for the last 12 months.

4. Why does the module include specific grounds?

Compared to questions that ask about discrimination in the abstract, questions which provide specific grounds of discrimination for the respondent to consider were found to increase recall of relevant incidents. Listing grounds of discrimination is also useful to assess prevalence rates

across different grounds of discrimination and to provide information for more targeted policy responses (see question 11).

5. What is discrimination and harassment?

In the international human rights normative framework, discrimination is any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination (see question 6), and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. [v] Harassment is also considered a form of discrimination.[vi]

Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive environment. Harassment can be of a sexual nature. While typically involving a pattern of behaviour, harassment can take the form of a single incident.[vii] In the present survey module, we are interested however in assessing harassment based on the prohibited grounds of discrimination.

Given the overlapping aspects of discrimination and harassment, both normatively and in practice, and a natural difficulty of respondents to dissociate clearly the two concepts, this module proposes to group them in one question.[viii] This is also consistent with the formulation of the indicator agreed at international level.

6. What are the prohibited grounds of discrimination?

The internationally agreed formulation of the indicator refers to 'any ground of discrimination prohibited by international human rights law'. Based on the international human rights normative framework, starting with the Universal Declaration of Human Rights and international human rights treaties, [ix] data collectors may consider a list of over 20 grounds, including *race, colour, sex, language, religion, political or other opinion, national origin, social origin, property, birth status, disability, age, nationality, marital and family status, sexual orientation, gender identity, health status, place of residence, economic and social situation, pregnancy, indigenous status, and other status*.[x] The inclusion of "other status" in international human rights law indicates that the list is not exhaustive and other grounds may be incorporated.[xi]

OHCHR recommends that data collectors use the list and formulations of grounds provided in the proposed module as a starting point and contextualize them based on national or regional realities, in consultation with human rights and other partner organisations (see question 7). It is also recommended adding an "other grounds" item to reflect grounds that may not have been listed explicitly. If feasible, an *open text box* option allowing respondents to specify the ground(s) in question, if they wish so, could be added.

Based on good practices, the use of a *showcard or prompt card* providing respondents with the list of grounds and the definition of discrimination/harassment is also recommended.[xii]

7. How should the grounds and their formulations be contextualised?

Under the proposed module, OHCHR recommends that data collectors engage in participatory processes to identify contextually relevant grounds and formulations. This process should be informed by the principles outlined in OHCHR's Human Rights-Based Approaches to Data (HRBAD), which stems from internationally agreed human rights and statistics standards. National Institutions with mandates related to human rights or non-discrimination and equality are ideal partners for these activities.[1] Data collectors may also be able to identify civil society organisations or other government agencies with relevant expertise.

Critically, participatory approaches to selection of grounds of discrimination should consider:

- A comprehensive review of groups at risk of being discriminated
- Any sensitivities related to engaging with and collecting data on groups at risk of being discriminated
- The need for effective community engagement and relationship-building to facilitate participation in data collection activities and coverage of the groups concerned

As outlined in the HRBAD, data collectors should be transparent about the decision-making process undertaken to identify the selected list of grounds of discrimination for the module.

The implementation of the survey may also serve to raise awareness of respondents/victims about the existence of support services available to victims of discrimination or harassment.

8. Where should data collectors start when identifying relevant grounds?

OHCHR recommends that national stakeholders start with the list and formulations of grounds provided in the proposed survey module and with a review of recommendations of international human rights mechanisms[xiii] and other relevant entities at the regional and national level. International human rights mechanisms include the:

- Human Rights Committee
- Committee on Economic, Social and Cultural Rights
- Committee on the Elimination of Racial Discrimination
- Committee on the Elimination of Discrimination against Women
- Committee against Torture
- Committee on the Rights of the Child
- Committee on Migrant Workers

[1] The existence of internationally accredited National Human Rights Institutions is part of the internationally agreed SDG indicator framework (SDG indicator 16.a.1).

- Committee on the Rights of Persons with Disabilities
- Human Rights Council and the Universal Periodic Review
- Special procedures mandates (analysis by Special Rapporteurs on relevant issues)

These recommendations, formulated after a dialogue with the State concerned, are based on a range of information including countries' self-reporting and other stakeholders' information (e.g. national human rights institutions, UN agencies and civil society organisations) with knowledge about specific human rights issues, including discrimination. These mechanisms and their recommendations are therefore authoritative sources of information about groups at risk of discrimination. The Universal Human Rights Index collates the recommendations of these different mechanisms.

9. What is the correct terminology for listing grounds of discrimination?

Grounds should be expressed in plain, descriptive language to ensure clarity for respondents. In this respect, wording around grounds may differ from wording used in international human rights law instruments while covering the same concepts. An example may be with 'race' or 'ethnicity.' The groups for whom these grounds are relevant are often distinguished by more accessible characteristics.[xiv] In this case, a more 'plain language' wording may be helpful to respondents, for example: 'the colour of your skin, your physical appearance, way of dressing, culture, traditions or language'.

10. How does the module account for there being more relevant grounds than those selected for inclusion?

The list of selected grounds should be followed by an 'other' option, preferably with a free-response space for respondents to specify the ground/s on which they were discriminated against/harassed.

11. What data will this module produce?

The indicator as prescribed calls for a total population prevalence measure. The resulting data will inform on an overall prevalence of discrimination or harassment (against prohibited grounds) in the total population at the national level. The indicator will not necessarily inform on the prevalence of discrimination within specific population groups. This will depend on the target population, sampling frame and sample design. For example, if disability is included within the selected grounds, the resulting data for discrimination on the ground of disability will represent only the proportion of the total population who feel that they had personally experienced discrimination against on the ground of disability. Unless the sample provides adequate coverage of people with disability to allow disaggregation on this characteristic, the data cannot be understood as an indication of the prevalence of discrimination (on the ground of disability) within the population of people with a disability.[xv]

The implementation of the internationally made commitment to improve disaggregation of SDG indicators (target 17.18 of the 2030 Agenda for Sustainable Development) should provide data collectors with additional capacity to measure prevalence of discrimination within specific population groups.

12. Is this data about experiences or perceptions?

Many measures of discrimination consider discriminatory attitudes, or perceptions of specific groups who may be at risk of discrimination. Building on the experience of national statistical offices, human rights institutions and other relevant organizations that have implemented discrimination survey questions at national and regional levels,[xvi] this measure considers respondents self-reported experiences of discrimination or harassment. As a self-report measure, this indicator naturally relies on respondents having perceived the act/s of discrimination or harassment as such. The critical focus of the indicator, however, is the respondent's experience. In keeping with the desired indicator's properties of validity and reliability, the text provided in introduction of the questions in this module is designed to offer a sufficiently common understanding of both discrimination and harassment, and prompt respondents' recall of relevant incidents to contribute to the validity and reliability of the indicator.

As for any crime victimisation survey, the experiences addressed by this indicator are not verified incidents, nor are necessarily reports to police or complaints mechanisms identified as a data source. The focus of this indicator is individuals who have felt or believes that they personally experienced discrimination or harassment. The wording of the introductory text and questions has drawn on previously implemented surveys,[xvii] additional expert inputs received during consultations specifically conducted for the development of the present module and complementary cognitive testing carried out by OHCHR.

13. How should interviewers approach these questions?

Interviewers play a key role in ensuring optimal data quality. A few simple measures to improve data quality may include:

- Providing interviewer instructions/guidelines that include prompts, showcards, and additional examples to assist with respondent comprehension/recall. However, in order to ensure comparability all prompts and examples used must be the same and used consistently by interviewers.
- Ensuring respondents are alone when they answer these questions and assuring respondents of the confidentiality of their responses.
- Considering the appropriateness of the profiles and training of interviewers in light of the priority grounds of discrimination identified. For instance, if discrimination on a certain ground is expected to be a prevalent issue, it may be appropriate to include in the interviewers or interviewing teams members of the concerned groups (e.g. to provide female interviewers for female respondents). Interviewers should be trained before collecting data of this nature. They should have a thorough understanding of the concepts

involved and the potential sensitivity of the questions. Training may include observation, role play and practical examples, in addition to training on the survey instrument and data collection methodology.

14. How will the data collected with this module inform governments' responses to discrimination and harassment?

Broadly, the data collected using this module should be used to inform states on the overall population prevalence of discrimination or harassment (based on prohibited grounds). This data should be a starting point for further efforts to understand discrimination and harassment and for examining potential policy and legislative responses and impact. Governments should consider this data alongside other information about the nature, types and impacts of discrimination in their jurisdictions. Information and data from a range of sources should be considered to allow detailed examination of discrimination and harassment. Governments are also encouraged to collect further data that would inform analysis, advocacy and policy responses in this area. Surveys more directly dedicated to the measurement of discrimination would be particularly useful. In this regard, a follow-up question that could be particularly informative for policy purposes will ask where or in which context discrimination or harassment take place (e.g. applying for work/jobs; at work; applying for or keeping a flat/apartment or housing of any kind; at school or university; dealing with the police; dealing with the courts; dealing with government officials; dealing with people involved in health care; on public transport; at the shop; in a restaurant / bar; on the street or in a public place; at home; or online).[xviii]

---

[i] General Assembly resolution 68/261, *Fundamental Principles of Official Statistics,* A/RES/68/261 (29 January 2014). Available from http://undocs.org/A/RES/68/261

[ii] General Assembly resolution 70/1, *Transforming our world: the 2030 Agenda for Sustainable Development* A/RES/70/1 (25 September 2015).

[iii] See Human Rights Indicators, A Guide to Measurement and Implementation, OHCHR, 2012, HR/PUB/12/5.

[iv] Forward telescoping describes a pattern of reporting events as having occurred more recently that they actually did. This is a phenomenon commonly observed in the context of crime victimisation surveys.

[v] For similar definitions see art. 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); art. 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); art. 2 of the Convention on the Rights of Persons with Disabilities (CRPD); General Comment 18 of the Human Rights Committee (paragraphs 6 and 7) and General Comment 20 of the Committee on Economic, Social and Cultural Rights (paragraph 7).

[vi] See General Comment 20 of the Committee on Economic, Social and Cultural Rights (paragraph 7).

[vii] See United Nations Secretary-General's bulletin (ST/SGB/2008/5): Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority.

[viii] While it could be informative from a policy perspective to dissociate discrimination and harassment, cognitive testing carried out by OHCHR on different survey modules (combining or separating concepts of discrimination and harassment) revealed that there was no difference in the results obtained for the purpose of the compilation of SDG indicator 16.b.1 / 10.3.1. The feedback received by OHCHR from national statistical offices, with experience in related discrimination surveys/questions, confirmed this result.

[ix] Universal Declaration of Human Rights (UDHR), 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". Further to the UDHR, international human rights treaties were adopted by the General Assembly, including treaties on specific population groups: the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on

the Rights of the Child (CRC), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), and the Convention on the Rights of Persons with Disabilities (CRPD).

[x] More detailed information on the grounds of discrimination prohibited by international human rights law is accessible at: http://www.ohchr.org/Documents/Issues/HRIndicators/HumanRightsStandards.pdf

[xi] See also paragraph 19 of the 2030 Agenda for Sustainable Development (A/RES/70/1) where Member States declared: "We reaffirm the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status."

[xii] A showcard in face-to-face surveys is generally used for closed questions, to provide a number of response categories from which respondents can choose the most appropriate option(s). The main use of showcards is to allow respondents to read through the response option categories at their own pace, repetitively if necessary, so that they are able to evaluate and consider all options adequately. Showcards can also be useful for the delivery of sensitive questions.

[xiii] For a list of the latest recommendation of the international human rights mechanism on collecting data on the different grounds of discrimination, see http://www.ohchr.org/Documents/Issues/HRIndicators/HumanRightsStandards.pdf

[xiv] The use of the term "race" in international human rights treaties does not imply the acceptance of theories which attempt to determine the existence of separate human races. See the outcome document of the Durban Review Conference, para. 6: "Reaffirms that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free and equal in dignity and rights; and strongly rejects any doctrine of racial superiority along with theories which attempt to determine the existence of so-called distinct human races."

[xv] For more guidance on target population, survey sample frames and sample design see, for instance, UNODC-UNECE Manual on Victimisation Surveys, 2010, ECE/CES/4.

[xvi]Similar discrimination survey questions have been implemented in more than 70 countries (as identified by OHCHR in October 2018), including, for instance, the experience of the National Institute of Statistics and Geography of Mexico (INEGI, National survey on Discrimination, 2017); Statistics South Africa (national discrimination survey, 2017); Central Statistics Office of Ireland (Quarterly National Household Survey Equality Module); Italian National Institute of Statistics (ISTAT, Survey on discriminations by gender, sexual orientation and ethnic origin, 2015); Statistics Canada (General Social Survey, 2014); Australian Bureau of Statistics (General Social Survey, 2014); 15 African countries (Benin, Burundi, Burkina Faso, Cameroon, Cabo Verde, Côte d'Ivoire, Kenya, Madagascar, Malawi, Mali, Niger, Senegal, Togo, Tunisia and Uganda) as part of the Strategy for the Harmonization of Statistics in Africa (SHaSA) and its module on Governance, Peace and Security; Bolivia, Colombia, Ecuador, Peru and Vietnam implemented similar discrimination module; the European Commission's Eurobarometer covering 28 countries (discrimination survey modules in 2006, 2009, 2012 and 2015; more than 20 countries covered by UNICEF-MICS; and the Fundamental Rights Agency (EU-MIDIS II, Second European Union Minorities and Discrimination Survey, 2016).

[xvii] See for instance the list of initiatives mentioned in the previous footnote.

[xviii] The example is derived from a question applied by the Australian Bureau of Statistics as part of the General Social Survey implemented in 2014.