

Ensuring a human rights-based approach in the follow-up and review of the 2030 Sustainable Development Agenda

Nicolas Fasel

Sixth Global Forum on Gender Statistics, Helsinki, Finland,
24-25 October 2016



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

...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...

[Extract from the preamble of the Fundamental Principles for Official Statistics (A/RES/68/261)]



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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 human rights

[See OHCHR guide on human rights indicators and note on a human rights-based approach to data]



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Human rights, gender equality and data disaggregation in the 2030 Agenda (A/RES/70/1)

- *The 17 SDGs and 169 targets seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls*
- *leave no one behind,..., reach the furthest behind first,...eliminate discrimination,... reduce inequality*
- *The Agenda is to be implemented in a manner consistent with the rights and obligations of States under international law*
- *Target 17.18: disaggregation by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other relevant characteristics*

Data disaggregation: human rights obligation

- International human rights instruments, including ratified treaties, compel to data disaggregation to monitor inequalities and discrimination
- International Convention on the Rights of Persons with Disabilities (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 prohibited grounds of discrimination

Data disaggregation: human rights obligation

General recommendation No. 9: Statistical data concerning the situation of women

The Committee on the Elimination of Discrimination against Women,

Considering that statistical information is absolutely necessary in order to understand the real situation of women in each of the States parties to the Convention,

Having observed that many of the States parties that present their reports for consideration by the Committee do not provide statistics,

Recommends that States parties should make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.

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 denial of its benefits.

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 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 penal offence on account of any act or omission which did not constitute a penal 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 penal offence was committed.

ARTICLE 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor 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.

...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 It is 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.

ARTICLE 15 (1) Everyone has the right to marry and to enjoy a peaceful marriage with full equality, without discrimination, as regards race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) In the exercise of this right and in the enjoyment of the marriage, husband and wife shall be equal in rights, responsibilities and authority within the family. Marriage shall be based on the full and free consent of the intending spouses.

ARTICLE 16 (1) Men and women of full age, without any restriction due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights in 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 by society and the law.

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, 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 restriction 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 the realization of economic, social and cultural rights indispensable for his dignity and the free development of his personality.

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 human beings and supplemented if necessary by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, old age, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

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 vocational education shall be made generally accessible and higher education shall be equally open to all on the basis of ability.

(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 foster the peace of the United Nations by the maintenance of peace.

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

ARTICLE 27 (1) Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29 (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are imposed by law 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 shall not be exercised subjectively to the rights and freedoms of the United Nations.

ARTICLE 30 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 aimed at the destruction of any rights and freedoms here proclaimed.

ARTICLE 31 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected to medical or scientific experimentation without his free consent.

ARTICLE 32 No one shall be held responsible for acts committed by another person, whether or not he has authorized, aided, abetted or procured in any way the commission of the offence.

ARTICLE 33 (1) No one shall be held responsible for crimes which he has committed by virtue of his status or of the position which he has assumed or on the basis of his political opinions, his race, his religion or his wealth, birth or other status, or his wealth, birth or other status, or his political opinions, his race, his religion or his wealth.

(2) No one shall be held responsible for crimes which he has committed by virtue of his status or of the position which he has assumed or on the basis of his political opinions, his race, his religion or his wealth.

ARTICLE 34 The organs of the United Nations shall promote the realization of the rights set forth in this Declaration and, in cooperation with the States, shall see that these rights are fully realized.

ARTICLE 35 No one shall be subjected to oppression or to arbitrary arrest or detention. No one shall be deprived of his property.

ARTICLE 36 The rights and freedoms set forth in this Declaration shall be exercised without discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- 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, national or social origin,

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
 - Homeless persons
 - People living in slums
 - Nomadic populations
 - Religion
 - Minorities
 - Youth/older persons
 - Undocumented migrants
 - Refugees, IDPs
 - LGBTI
 - Persons living with HIV/AIDS
 - Street children
 - Prisoners
 - sex workers
 - (...)

Human rights guidance for data disaggregation and collection efforts

- “vulnerable/marginalized groups” are those more at risk of not enjoying their human rights (civil, cultural, economic, political and social), of “being left behind”

How to identify these groups? What process?

- **Relevance of a Human Rights-Based Approach to Data (HRBD)**, whose focus is on issues of data disaggregation and inclusive data collection

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”
- Relates to indicators definition, data collection and dissemination
- Retain trust in official statistic
- Do no harm



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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

- **Transparency:** people's right to (statistical) information (freedom of expression, International Covenant on Civil and Political Rights, Art. 19 ; Principle 1 of Fundamental Principles for Official Statistics) and transparency in methods
- **Privacy:** data protection and confidentiality (ICCPR, Art. 17)
- **Accountability:** accountability in data collection, and data collection for accountability



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Considerations in moving forward on a human rights and gender-based approach to statistics

- Looking beyond national averages and traditional binary disaggregation, and mapping data gaps
- Measuring multiple/intersectional discrimination or inequality
- Applying gender perspective to data collection on other characteristics for data disaggregation (e.g. disabilities, migratory status, ethnic background, homeless persons, etc.)
- Involving multiple data sources, including targeted population surveys



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Considerations in moving forward on a human rights and gender based approach to statistics

- Strengthening cooperation/partnership with data producers/users, in particular organizations or representatives who could have better access to “the left behinds”, national human rights institutions (SDG indicator 16.a.1) and relevant civil society organizations
- Referring to international human rights standards and recommendations, in particular those relevant to human rights / gender-based data collection
- Strengthening capacity of data providers/users on human rights and gender statistics (e.g. gender/human rights statistics focal points)

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



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

COUNT ME IN

FOR HUMAN RIGHTS



<http://indicators.ohchr.org>

hrindicators@ohchr.org



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER