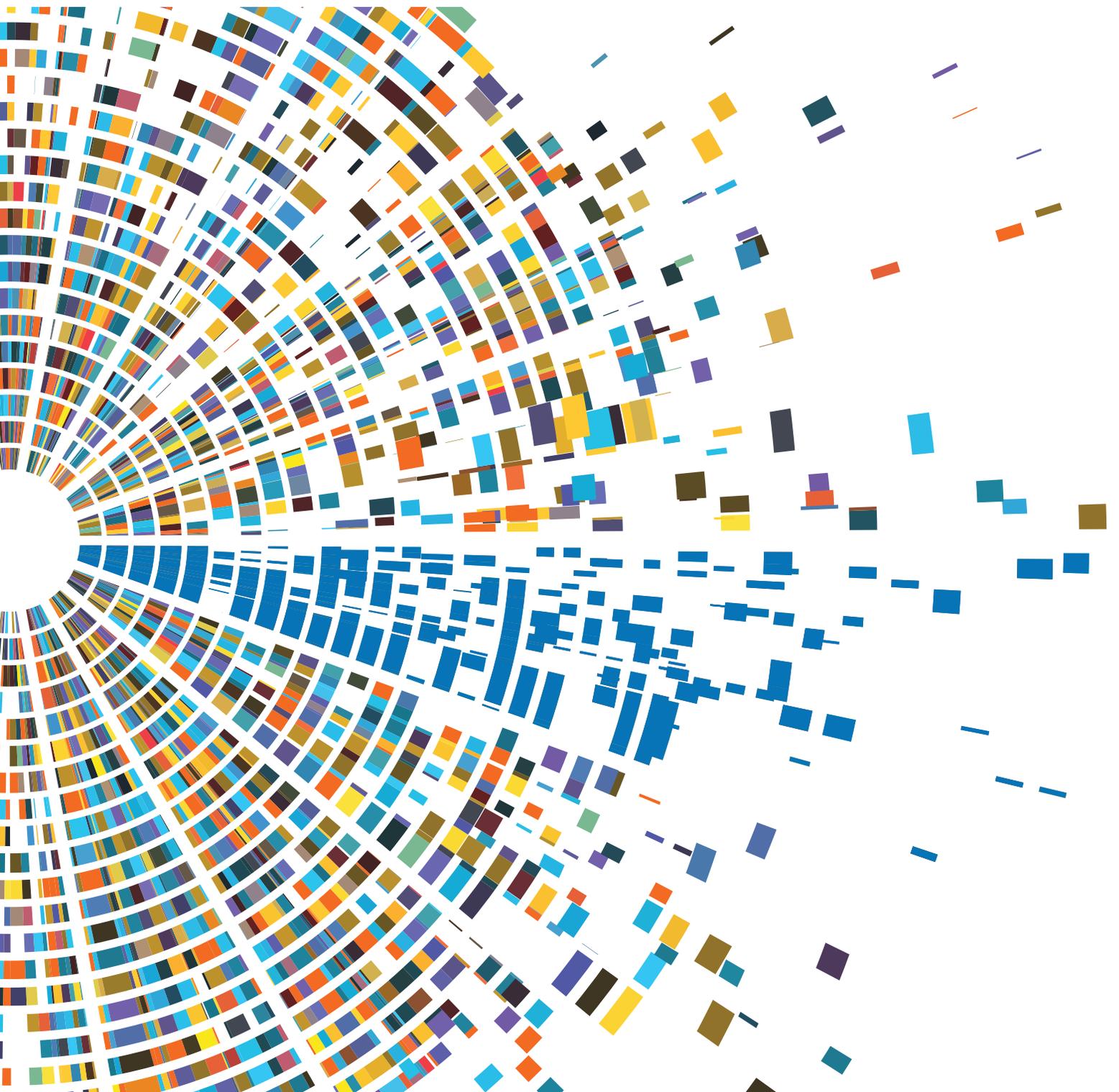




**GOVERNANCE  
STATISTICS**  
PRAIA CITY GROUP

# HANDBOOK ON **GOVERNANCE STATISTICS**





# HANDBOOK ON **GOVERNANCE STATISTICS**

(DRAFT FOR GLOBAL CONSULTATION)





# EXECUTIVE SUMMARY

Governance statistics are fundamental to ensuring that the relationship between the State and its peoples is inclusive, transparent and accountable. They assist in monitoring the performance of government and in better understanding the contribution of governance in its various dimensions to development. Governance statistics contribute to the measurement and realization of human rights. They can help to identify groups or sub-groups in the population that are most affected by the dysfunctions of governance systems, with a view to putting in place appropriately targeted policies, as pledged in the 2030 Agenda “Leaving no one behind”. Governance statistics can also contribute to preventing and managing conflict and violence, when used as early warning systems, and they can help foster peace, by periodically informing on State-society relations, which lie at the centre of sustainable peace.

This *Handbook* was developed under the auspices of the Praia Group on Governance Statistics, which was established in 2015 by the UN Statistical Commission and mandated to develop “a handbook on governance statistics for national statistical offices”. It is a collaborative effort of national statistical offices, international organizations and civil society organizations. The **purpose of this Handbook** is to provide a foundation for the development of international statistical guidance and standards in all areas of governance statistics. To this end, it conceptualizes and systematizes the various dimensions of governance statistics, takes stock of and qualifies existing practices in governance data collection, highlights the most important metrics in each dimension of governance statistics, and discusses the way forward required to achieve international statistical standards in each dimension. It is intended as a guide for those wishing to understand, produce and analyse governance statistics, and is primarily targeted towards national statistical agencies. Whilst this *Handbook* aims to contribute to the development of international standards on governance statistics, its purpose is not to promulgate such standards. Likewise, the key indicators recommended in this *Handbook* do not constitute or imply a reporting obligation for national statistical systems.

This *Handbook* is based on a framework for governance statistics that includes **eight dimensions of governance**:

- 1) Non-discrimination and equality: This dimension focuses on any distinction, exclusion, restriction or preference or other differential treatment based on grounds such as colour, sex, language, religion, national or social origin, disability or other status that has the intention or effect of nullifying or impairing human rights and fundamental freedoms.
- 2) Participation: This dimension focuses on the ways in which individuals take part in the conduct of political and public affairs, including by registering to vote, voting or standing as a candidate in elections; being members of legislative, executive and judicial bodies at all levels of government; accessing positions in the public service; and engaging, individually or as members of political parties and other non-governmental organizations, in political activities.

- 3) Openness: This dimension focuses on the extent to which public institutions provide access to information and are transparent in their decision- and policy-making processes. More specifically, the dimension covers access to information, open government provisions, freedom of expression and media pluralism.
- 4) Access to and quality of justice: This dimension focuses on the ability of people to defend and enforce their rights and obtain just resolution of justiciable problems — if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.
- 5) Responsiveness: This chapter focuses on whether people have a say in what government does and whether they are satisfied with the government's performance.
- 6) Absence of corruption: This chapter focuses on levels of intolerance to corruption; the levels and patterns of observable corrupt practices; and the State response to corruption.
- 7) Trust: This dimension focuses on people's trust in institutions as well as in other people, with a primary focus on the former, e.g. the parliament, the national government and the justice system.
- 8) Safety and security: This dimension focuses on levels and patterns of crime, perceptions of safety, measurement of casualties directly provoked by armed operations, and the quality of law enforcement and criminal justice institutions.

The *Handbook* has **two main parts**. Part A discusses cross-cutting issues that are applicable to all or most dimensions of governance statistics. It provides an overarching framework with common analytical underpinnings informed by international human rights norms and principles, which are applicable to all governance dimensions chapters. Part B examines in detail each of the eight dimensions of governance, including a conceptualization of the dimension, a discussion of its relevance, a presentation of data and best practices that currently exist, recommended key indicators (including but not limited to SDG indicators), and a suggested way forward to achieve international statistical standards in the respective dimension.

The *Handbook* provides key insights about the **current state of play** and a call for action on the **way forward** in the field of governance statistics, in particular with regard to: methodological development; data production and use; engaging new actors and exploring new data sources.

In terms of **methodological development** across the eight dimensions, the *Handbook* shows that only a limited number of statistical standards and international technical guidelines/recommendations and tools exist at this point in time – notable examples being a number of manuals and an international classification in the area of crime and victimization statistics, a manual on corruption surveys, a guide for legal needs surveys, a guideline on measuring trust, a set of technical documents for harmonizing governance statistics in Africa, guidance material on a human rights based approach to data, and the various metadata documents that exist for SDG indicators falling into the remit of this *Handbook*. In consequence, statistical methodologies can be considered to be more advanced for the measurement of bribery, crime prevalence/victimization, access to criminal justice, system responsiveness (i.e. political efficacy) and trust in institutions. In contrast, substantial further methodological work and/or harmonization is required in the areas of measuring discrimination experiences, participation in political and public affairs, openness, access to civil justice, satisfaction with services, “grand” corruption, nepotism, and other forms of corruption. Further methodological work in the above-mentioned thematic areas is encouraged both in the realm of surveys and administrative data systems. Various chapters emphasize the potential benefits of consolidating governance-themed survey modules in an integrated way, and

the limited usability of the many composite indices that exist in the field of governance for generating actionable insights.

When it comes to **data production and use**, the *Handbook* showcases that governance statistics are already a matter of reality in a variety of countries and – to a varying extent – for all eight dimensions. The current state of play closely mirrors that of methodological development discussed above. In areas where more advanced guidance exists, there tends to be more widespread data collection and use, and in more comparable/harmonized ways. As a general observation, governance statistics – perhaps more often than other more established fields of statistics – are not yet routinely or comprehensively produced at the national level and, all too often, are left to international and/or non-public institutions. For some dimensions of governance, considerable regional variations in data production and use can be observed. The need for better coverage of hard-to-reach population groups in all relevant data collection exercises has been identified as a common challenge across countries and regions. The need for extensive capacity development in the area of governance statistics is a key prerequisite to facilitate more widespread data collection and use.

In terms of **engaging new actors and exploring new data sources**, several chapters emphasize the benefits of strengthening the collaboration between National Statistical Offices and other entities, both inside and outside government. National Statistical Offices have a central role to play as a coordinating and harmonizing centrepiece of the national statistical system. This includes the better integration of often-underutilized administrative data systems across government institutions and the exploration of unofficial data sources to complement more traditional ones. Relevant actors listed across the various chapters include electoral management bodies, public service commissions, ministries of public administration, parliamentary and ministerial secretariats, judicial service commissions, ministries of justice, health and education institutions, national human rights institutions, equality bodies, civil society organisations, academia and representatives of groups at risk of discrimination. Finally, the majority of chapters identify potential benefits from further exploring and integrating insights from “big data” sources and experimental data.

# ACKNOWLEDGEMENTS

This *Handbook* was developed under the leadership and co-ordination of the Praia City Group on Governance Statistics, whose main objective is to promote and enable the production of governance statistics based on sound and internationally agreed methodologies as part of the official statistical system. It is one of the nine (at time of writing) city groups created by the UN Statistical Commission as platforms of experts to address select issues in statistical methods. The chairman of the Praia City Group is Osvaldo Borges, president of the National Statistical Institute of Cabo Verde, who heads the City Group's secretariat, comprising INECV staff including Celso Soares, Carlos Mendes, Elina dos Santos, João Mendes and Malene Almeida, who led in the coordination of the *Handbook*, and a Steering Committee comprising AfDB, IRD-DIAL, INEGI, OHCHR, PARIS21, PRIO and UNDP.

The development of this *Handbook* would not have been possible without generous contributions from a wide range of organizations and stakeholders.

The development of the substantive chapters of this *Handbook* was led by:

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<sup>1</sup> The contents of these chapters can in no way be taken to reflect the views of the European Union.

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# ABBREVIATIONS / ACRONYMS

AD	Administrative data
ADR	Alternative dispute resolution
ATI	Access to information
AU	African Union
CARICOM	Caribbean Community
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEPEJ	Council of Europe European Commission for the Efficiency of Justice
CSO	Civil society organization
DANE	Colombia National Administrative Department of Statistics
DFID	United Kingdom Department for International Development
DIAL	Développement, Institutions et Mondialisation (France)
EA	Expert assessment
EBS	Establishment and business survey
EMB	Electoral management body
FRA	Fundamental Rights Agency of the European Union
HRBAD	Human rights-based approach to data
HRMIS	Human Resource Management Information System
HS	Household surveys
IAEG	Inter-Agency and Expert Group on SDGs
IBGE	Brazil national statistics office
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCS	International Classification of Crime for Statistical Purposes
ILO	International Labour Organization
INECV	National Institute of Statistics, Cabo Verde
INE	Spain national statistics office
INEGI	Mexico national statistics office
INEI	Peru national statistics office
IRD	Institut de recherche pour le développement, France
KDI	Korea Development Institute
LAC	Latin America and Caribbean region
MDG	Millennium Development Goal

MENA	Middle East and North Africa
MICS	Multiple indicator cluster survey
NHRI	National human rights institution
NGO	Non-governmental organization
NSO	National statistics office
NSS	National statistical system
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
OSJI	Open Society Justice Initiative
PCBS	Palestinian Central Board of Statistics
PRIO	Peace Research Institute of Oslo
PSA	Qatar Planning and Statistics Authority
SDG	Sustainable Development Goal
SHaSA-GPS	Strategy for Harmonization of Statistics in Africa on Governance, Peace and Security
TSM	Temporary special measure
TURKSTAT	Turkey national statistics office
UDHR	Universal Declaration of Human Rights
UNCAC	United Nations Convention against Corruption
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNECLAC	United Nations Economic Commission for Latin America and the Caribbean
UNESC	United Nations Economic and Social Council
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Statistical Commission
UNTS	United Nations Treaty Series
WJP	World Justice Project
WVS	World Values Survey



# INTRODUCTION

## Background

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1. Governance statistics are fundamental to ensuring that the relationship between the State and its citizenry is transparent and accountable. They assist in monitoring the performance of government and in better understanding the contribution of governance in its various dimensions to development. Governance statistics contribute to the measurement and realization of human rights. They can help to identify groups or sub-groups in the population that are most affected by the dysfunctions of governance systems, with a view to putting in place appropriately targeted policies, as pledged in the 2030 Agenda “Leaving no one behind”. Governance statistics can also contribute to preventing and managing conflict, when used as early warning systems, and can help foster peace, by periodically informing on State-society relations, which lie at the centre of sustainable peace.

2. The last three decades have seen many organizations and scholars working on the development of measures of governance. The first efforts in integrating new modules in traditional socio-economic surveys appeared in the mid-1990s as add-on modules to traditional socioeconomic surveys in developing countries, Madagascar being the first country to carry out such project. Many countries followed this approach, like Benin, Vietnam and Peru, among others. In parallel, Transparency International placed corruption measurements on the agenda by publishing the first Corruption Perceptions Index in 1995. Subsequently, international organizations such as the Kellogg Institute, the World Justice Project and the Bertelsmann Foundation summarized many governance-related concepts into composite indices, of which the most emblematic are the World Bank’s World Governance Indicators. Although governance featured prominently in the values and principles of the United Nations Millennium Declaration,<sup>1</sup> it was not included in the monitoring framework for the Millennium Development Goals, owing to a lack of consensus at the time on how and by whom it was to be defined and measured. In 2012, international guidance for human rights measurement was published by the UN Human Rights Office (UN High Commissioner for Human Rights, 2012). The next milestone of governance statistics was the approval of the 2030 Agenda for Sustainable Development in 2015 in which the international community, through the leadership of the United Nations, recognized the role of governance, peace and security as crucial prerequisites for achieving sustainable development. It is worth noting that developing countries have led much of the progress in governance measurement over the last 25 years (Razafrindakoto and Roubaud, 2015), and more countries are joining these efforts, thereby furthering a better understanding of the current state of governance at a global level.

<sup>1</sup> Governance measurement before 2000 is well covered in the earlier part of Wilde, “The democratization of governance assessments”, in Hyden and Samuel, eds. (2011).

## About the Praia Group and this *Handbook*

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3. Following the conference of the International Association for Official Statistics held in 2000,<sup>2</sup> the Friends of the Chair of the United Nations Statistical Commission (UNSC) stated in its report that the development of statistical indicators on governance would not be easy and would take time. It recommended that the Commission establish a mechanism to develop statistical indicators of human rights and good governance (UN Social and Economic Council, 2001). To this end, the National Institute of Statistics of Cabo Verde (INECV) — having successfully piloted the “Strategy for Harmonization of Statistics in Africa on Governance, Peace and Security” (SHaSA-GPS) initiative in 2013 — proposed the creation of a new city group, the “Praia Group on Governance, Peace and Security Statistics” (the Praia Group) at the forty-fifth session of the UNSC in 2014.<sup>3</sup> Subsequently, the vast majority of actors consulted expressed the view that peace and security are in fact constitutive dimensions of governance and should be investigated under the broad conceptual framework of governance. Therefore, the proposed group was renamed the “Praia Group on Governance Statistics”. In March 2015, during the forty-sixth session of the UNSC, the Praia Group was established to “contribute to establishing international standards and methods for the compilation of statistics on the major dimensions of governance”. To this end, the Group was charged to develop “a handbook on governance statistics for national statistical offices, which will cover the conceptualization, measurement methodology and dissemination of governance statistics”.<sup>4</sup>

4. Whilst the Praia Group aims to contribute to the development of international standards on governance statistics, the purpose of the *Handbook* itself is not to promulgate such standards. The development of such standards is a more substantial endeavour that requires extensive pilot-testing and in-depth examination of the validity and reliability of proposed standardized methodologies across time and space, and as such will unfold over a longer time frame. Likewise, the key indicators recommended in this *Handbook* do not constitute or imply a reporting obligation for national statistical systems. However, this *Handbook* is considered an important stepping stone in eventually achieving international statistical standards in all areas of governance statistics. To this end, it conceptualizes and systematizes the various dimensions of governance statistics, takes stock of and qualifies existing practices in governance data collection, highlights the most important metrics in each dimension of governance statistics, and discusses the way forward required to achieve international statistical standards in each dimension.

5. Given that governance statistics are a “work in progress”, this *Handbook* is considered a “living document” that will be updated in the future to reflect the latest developments in the eventful field of governance statistics. Each of the substantive chapters of this *Handbook* outlines a way forward in terms of furthering the methodological development in the respective area with a view to eventually achieving internationally-agreed statistical standards. The Praia Group will continuously monitor all major accomplishments made on this way forward, and produce revised editions of this *Handbook* when this is justified.

<sup>2</sup> <http://www.portal-stat.admin.ch/iaos2000>.

<sup>3</sup> Specifically, ongoing work on crime statistics led by the National Institute of Statistics and Geography of Mexico (INEGI) and UNODC include the road map to improve the quality and availability of crime statistics at national and international levels (see UN, E/CN.3/2013/11); the International Classification of Crimes for Statistical Purposes (see UN, E/CN.3/2015/7); and the Manual on Victimization Surveys (Geneva, UNODC and Economic Commission for Europe, 2010), available from <https://www.unodc.org/unodc/en/data-and-analysis/Manual-on-victimim-surveys.html>.

<sup>4</sup> Cabo Verde Report on governance, peace and security statistics to the UN Statistical Commission 46th Session – Annex: “Proposed Terms of Reference for the Praia group on governance statistics”.

## Who is this *Handbook* for?

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6. Demands for governance statistics are increasing. Governments, municipalities, academia, civil society, private sector entities, scientific communities, media organizations, youth groups and regional human rights and international organizations are currently the main users of governance statistics. This *Handbook* is intended as a tool for those wishing to understand, produce and analyse governance statistics, and is primarily targeted towards national statistical agencies. National statistical offices offer important comparative advantages for the production of official statistics on governance. They have the official mandate to coordinate national statistical production, they hold ample methodological expertise to do so, and they are best placed to ensure the sustainability of national data collection systems. Furthermore, since governance is a public good, there are important benefits to be gained if public bodies produce statistics on these issues.

## Conceptualizing governance

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7. While the concept of “good governance” has been around in both political and academic discourse for a long time, it does not have a widely agreed single definition. This is not surprising: it is a multifaceted concept; its various terrains – market, state and society – are emphasized by different actors with particular purposes; and the operationalization of the concept has altered significantly over time, with processes like globalization, devolution and outsourcing, and the digital age.<sup>5</sup>

8. Beginning in the broadest terms, “governance” is generally understood to concern the various institutions, mechanisms and established practices through which a country exercises governmental authority, discharges its responsibilities and manages its public resources. While there is a consensus on this basic concept, different authors and institutions tend to have specific focuses within this universe — indeed, the same institution may define “governance” differently over time and for different purposes.<sup>6</sup>

9. Examples of definitions of governance suggested by international organizations include:

- The United Nations Development Programme (UNDP) in 1995 defined governance as the exercise of political, economic and administrative authority at all levels in the management of a country’s affairs. It comprises the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their legal rights and obligations and mediate their differences. Subsequent UNDP documents have expanded and elaborated the concept and, since 2002, UNDP has been using the term “democratic governance” to refer to a system of governance that allows people’s rights and freedoms to be respected and for them to have a say in the decisions that affect their lives.<sup>7</sup>
- The Office of the United Nations High Commissioner for Human Rights (OHCHR) provided a working definition of good governance: “the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in

<sup>5</sup> Useful overviews of the various definitions of governance, including those discussed in academia, are provided in UNDESA (2007) as well as in INEGI (2017).

<sup>6</sup> The United Nations Economic and Social Council conducted an extensive review of the literature defining governance in 2006 (UNESCO, 2006). For further examples of approaches to defining governance in different organizations see Center for Global Development (2013), International Fund for Agricultural Development (IFAD, 2016), United Nations Economic and Social Commission for Asia and the Pacific (2009), United States Institute of Peace (USIP, 2010), and World Bank (2011).

<sup>7</sup> UNDP Human Development Report, 2002, “Deepening democracy in a fragmented world”. See page p. 51 for a full explanation of the term “democratic governance”.

a manner essentially free of abuse and corruption, and with due regard for the rule of law (OHCHR, 2000).”

- OECD brings in a political aspect with the following definition: “the use of political authority and the exercise of control in a society in relation to the management of its resources for social and economic development (OECD, 2015a).”

10. In the face of multiple definitions, a 2016 in-depth review of governance statistics undertaken by the OECD, INEGI and TURKSTAT (the CES Report, UNECE, 2016) — and which played a particularly central role in informing and inspiring the Praia Group’s early work — concluded that “the only option for operationalizing complex concepts such as governance is to ‘deconstruct’ them” (González, Fleischer and Mira d’Ercole, 2017). This *Handbook* does the same. In a pragmatic effort to simplify the conceptual framework, the primary conceptualization of governance is limited to eight dimensions.<sup>8</sup> These eight dimensions have been reformulated to be consonant with current usage in many of the available governance definitions, and to meet the needs of users in policy, popular and academic areas.<sup>9</sup> However, the eight dimensions proposed here are by no means considered a comprehensive or closed set, and do not have the ambition to cover all that is relevant to the concept of governance. Additional chapters may be needed in future editions of this *Handbook* with the advance of statistical research and practice.

11. The eight dimensions of governance used by this *Handbook* are:

- 1) Non-discrimination and equality: This dimension focuses on any distinction, exclusion, restriction or preference or other differential treatment that is based on grounds such as colour, sex, language, religion, national or social origin, disability or other status, with the intention or effect of nullifying or impairing human rights and fundamental freedoms.
- 2) Participation: This dimension focuses on the ways in which citizens take part in the conduct of political and public affairs, including by registering to vote, voting and standing as a candidate in elections; being members of legislative, executive and judicial bodies at all levels of government; accessing positions in the public service; and engaging, individually or as members of political parties and other non-governmental organizations, in political activities.
- 3) Openness: This dimension focuses on the extent to which public institutions provide access to information and are transparent in their decision- and policy-making processes. More specifically, the dimension covers access to information, open government provisions, freedom of expression and media pluralism.
- 4) Access to and quality of justice: This dimension focuses on the ability of people to defend and enforce their rights and obtain just resolution of justiciable problems — if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.

<sup>8</sup> Also drawing on the CES report, the conceptualization presented here uses as its starting point two decisions taken by the CES report to restrict the scope of its review: first, it is agreed to focus on “public institutions serving the common good of a community of people”, which implies excluding corporations and other private institutions; second, it is further specified that the focus is on public institutions operating at the national level (i.e. excluding international or supranational ones).

<sup>9</sup> The conceptualization presented here also draws critically on the conceptualization endorsed by the UN Statistical Commission, and as outlined in the foundational report of the Praia Group (<https://undocs.org/E/CN.3/2015/17>). The report underlines the “important conceptual consensus reached in the course of the [international] deliberations” on the proposed City Group held in 2014 prior to its creation, on two aspects. First, the inception report of the Praia Group notes “the vast majority of actors consulted were of the view that peace and security are in fact constitutive dimensions of governance and should be investigated under the broad conceptual framework of governance. It is in that context that the present proposal refers to establishing a Praia group on governance statistics.” Second, the same report acknowledges the important ongoing work in the area of crime statistics led by the National Institute of Statistics and Geography of Mexico (INEGI) and UNODC, and stresses the importance for the Praia Group to “avoid duplication of efforts” in this area.

- 5) Responsiveness: This chapter focuses on whether people have a say in what government does and whether they are satisfied with the government's performance.
- 6) Absence of corruption: This chapter focuses on the levels of intolerance to corruption; the levels and patterns of observable corrupt practices; and the State response to corruption.
- 7) Trust: This dimension focuses on people's trust in institutions as well as in other people, with a primary focus on the former, e.g. the parliament, the national government and the justice system.
- 8) Safety and security: This dimension focuses on levels and patterns of crime, perceptions of safety, measurement of casualties directly provoked by armed operations, and the quality of law enforcement and criminal justice institutions.

## **Structure of the *Handbook***

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12. Following this introduction, the Handbook has two main parts. Part A discusses cross-cutting issues that are applicable to all or most dimensions of governance statistics, including the fundamental cross-cutting normative framework for governance statistics, overarching frameworks that allow all subsequent chapters to be based in common analytical underpinnings and provided by the international human rights norms and principles. Part B examines in detail each of the eight dimensions of governance listed above, along the following structure:

- Concepts and definitions
- Why is this dimension important?
- Data sources and good practices
- Recommended key indicators
- Way forward

## **Alignment of the *Handbook* with the 2030 Agenda**

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13. The inclusion of governance in the indicator framework of the 2030 Agenda constituted a major milestone in the evolution of governance statistics. It reinforced worldwide attention on this area of statistics, and will undoubtedly be a major driver of demand for such data over the coming years. Acknowledging the centrality of monitoring Sustainable Development Goal (SDG) 16 in users' interest in this *Handbook* over the coming decade, SDG 16 indicators play an important role in the discussions found across the book's dimensions.

14. However, governance statistics did not begin with the SDGs and will not end with their consummation in 2030. As outlined above, the primary objective of this *Handbook* is to be a stepping stone in the development of international statistical standards on governance statistics, whose conceptual scope and lifetime will exceed the 2030 Agenda. Moreover, it is widely understood that the SDG indicators provide only a basic set of indicators for monitoring in the various interconnected fields of sustainable development, but cannot comprehensively measure all issues of concern to the international community. Hence, this *Handbook* goes well beyond the global SDG 16 indicators. Considering that the SDG indicator framework explicitly encourages the complementing of the

global indicator set through additional indicators that are highly relevant at the national level, this *Handbook* may thereby also play a role in aiding National Statistical Systems to identify and select such “localized SDG indicators” to monitor progress on SDG 16.

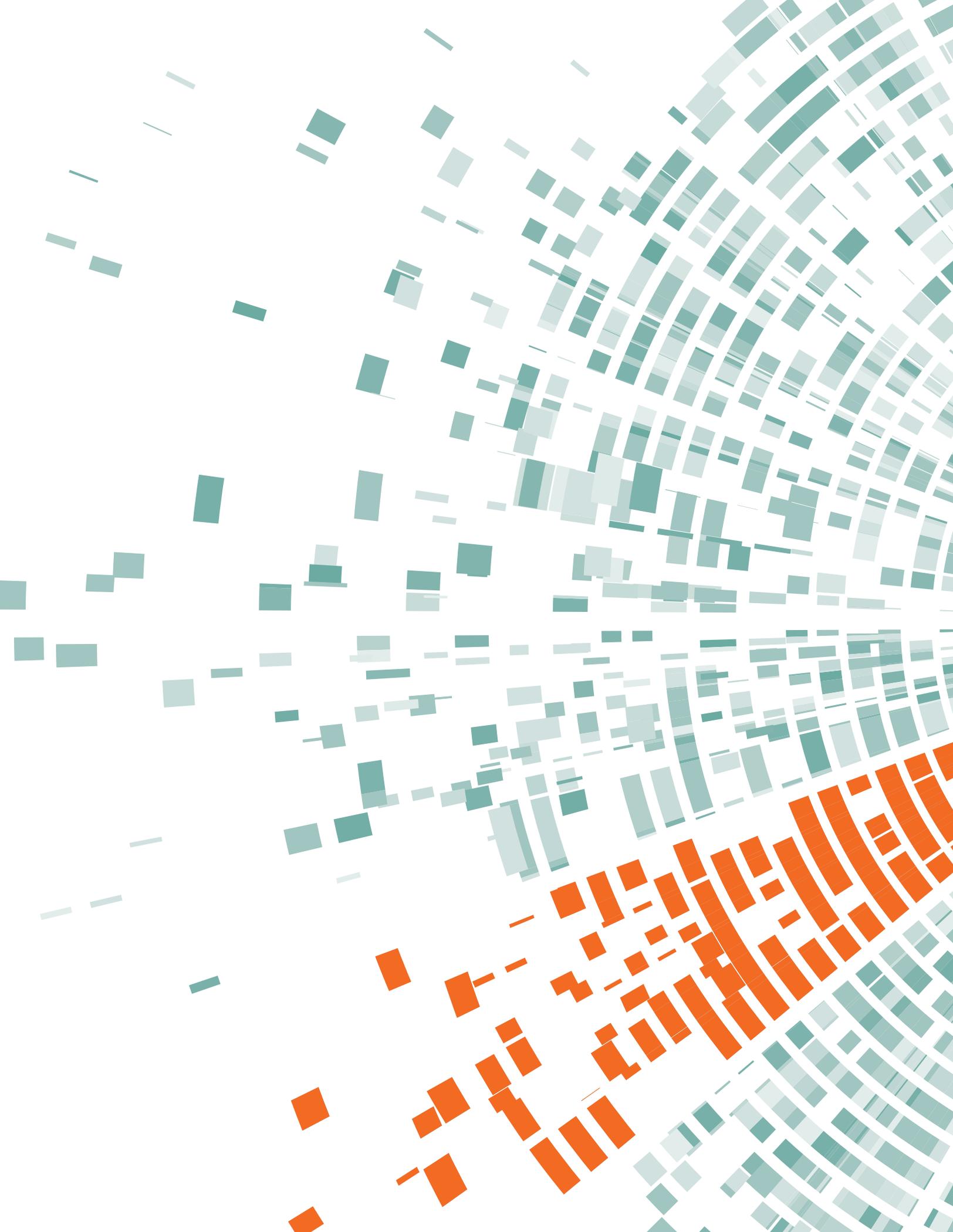
15. Four<sup>10</sup> of the global indicators are not covered by this *Handbook*, due to the fact that they did not fit naturally under any of the eight dimensions along which the Praia Group decided to conceptualize it; future editions may include them as part of an expanded conceptual scope.

16. The mapping below shows where SDG 16 indicators are discussed in this Handbook.

<sup>10</sup> The four indicators not covered are: 16.4.1 Total value of inward and outward illicit financial flows (in current United States dollars); 16.6.1 Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar); 16.8.1 Proportion of members and voting rights of developing countries in international organizations and 16.9.1 Proportion of children under 5 years of age whose births have been registered with a civil authority, by age.

**TABLE 0 SDG 16 indicators discussed in this Handbook**

<b>SDG indicator</b>	<b>Primary discussion</b>	<b>Further mentions</b>
16.1.1 Number of victims of intentional homicide per 100,000 population, by sex and age	Safety and security	
16.1.2 Conflict-related deaths per 100,000 population, by sex, age and cause	Safety and security	
16.1.3 Proportion of population subjected to (a) physical violence, (b) psychological violence and (c) sexual violence in the previous 12 months	Safety and security	
16.1.4 Proportion of population that feel safe walking alone around the area they live	Safety and security	
16.2.1 Proportion of children aged 1–17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month	Safety and security	
16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation	Safety and security	
16.2.3 Proportion of young women and men aged 18–29 years who experienced sexual violence by age 18	Safety and security	
16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms	Access to and quality of justice	
16.3.2 Unsensenced detainees as a proportion of overall prison population	Access to and quality of justice	
16.4.1 Total value of inward and outward illicit financial flows (in current United States dollars)	Not applicable	
16.4.2 Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments	Safety and security	
16.5.1 Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months	Absence of corruption	
16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months	Absence of corruption	
16.6.1 Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar)	Not applicable	
16.6.2 Proportion of population satisfied with their last experience of public services	System responsiveness and satisfaction with services	
16.7.1 Proportions of positions in national and local institutions, including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups	Participation in political and public affairs	Safety and security (16.7.1 c)
16.7.2 Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group	System responsiveness and satisfaction with services	Participation in political and public affairs
16.8.1 Proportion of members and voting rights of developing countries in international organizations	Not applicable	
16.9.1 Proportion of children under 5 years of age whose births have been registered with a civil authority, by age	Not applicable	
16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months	Openness	
16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information	Openness	
16.a.1 Existence of independent national human rights institutions in compliance with the Paris Principles	Safety and security [tbc]	
16.b.1 Proportion of 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	Non-discrimination and equality	





PART A  
CROSS-CUTTING ISSUES

CHAPTER I

# **Cross-cutting principles and considerations**

17. As discussed in the introduction, this handbook conceptualizes governance statistics along eight different dimensions. While subsequent chapters of this book will discuss each of those specific dimensions in detail, this chapter introduces a set of considerations, principles and frameworks that are applicable across dimensions and that provide a common underpinning for subsequent elaborations of this book: first, basic principles for producing, analyzing and disseminating governance statistics; second, implications regarding the cost of producing governance statistics; third, an approach for distinguishing between different types of statistical indicators; fourth, a framework for assessing data quality; and fifth, a brief overview of the different types of data sources that are most relevant for measuring governance.

## **I.1 Basic principles for producing, analysing and disseminating governance statistics**

### **I.1.1 User focus**

18. Data needs to be generated first and foremost with users in mind. As with any other field of statistics, it is essential to remember that the production of governance statistics is not an end in itself, rather, it must serve those who put the data to use for better policy and better outcomes. Accordingly, data producers should invest in identifying and engaging those in a position to use data to drive action (IAEG-SDGs, 2014).

### **I.1.2 Methodological consistency and comparability**

19. Data must be produced with congruency. If different institutions apply different counting rules and different methods, then data is not equivalent and direct comparison is not possible. Moreover, contextual factors such as culturally different notions of concepts like satisfaction or trust, or the particularities of a country's political system, pose challenges for the international comparability of governance statistics. The good news is that there is a priori no reason why governance statistics cannot be generated and adhere to the same standards as metrics in other disciplines such as economics or social or environmental statistics (González, Fleischer and Mira d'Ercole, 2017; OECD, 2017a), although this requires significant efforts in terms of developing and consistently applying statistical standards and building statistical capacity around them.

### **I.1.3 Importance of data production at country level and through national statistical systems**

20. Governance statistics are at current not routinely or comprehensively produced at the national level. A study on governance statistics in the OECD-UNECE area found that, of the 29 countries considered, only about half collected statistics in the various dimensions of governance. Recent reports on data availability for SDG 16 indicators also revealed that many indicators are not regularly produced at country level (e.g. IAEG, 2019). All too often, the production of governance statistics is left to international and/or non-public institutions (UNECE, 2016). This contrasts sharply with the unique advantages that national statistical offices and systems offer when it comes to the production of statistics on governance. As pointed out in the introduction of this *Handbook*, they hold ample methodological expertise and are well placed to ensure the sustainability of national data collection efforts. Furthermore, since governance is a public good, there are important benefits to be gained if public bodies produce statistics on these issues.

21. A commonly stated concern is that sensitive data on governance collected by government institutions are potentially biased due to self-censorship by respondents. However, recent evidence suggests that such an effect is not observed, and thereby confirms the legitimacy of government-led data collection on governance (Calvo and others, 2019).<sup>1</sup>

1 The Calvo paper studies the potential bias in responses to what are seen as sensitive questions, here governance issues, in surveys conducted by public organizations. It compares Afrobarometer (AB) survey data, collected in eight African countries by self-professed independent institutions, with other survey data collected by National Statistics Offices (NSOs). The paper first compares responses from AB survey respondents based on who they believe the survey sponsor to be. No systematic response bias is found between respondents who believe the government to be behind the AB survey and those who consider it to be conducted by an independent institution. The absence of a systematic self-censorship or attenuation bias is further evidenced by means of an experimental design, whereby responses from surveys conducted by NSOs are compared with AB surveys sponsored by reportedly independent bodies.

#### **I.1.4 Importance of data disaggregation**

22. In our world, there are rising inequalities within and among countries, many of them associated with the outcomes of governance, which translate to disparities of opportunity, wealth and power (A/Res/70/1 by the United Nations General Assembly). Hence, the measurement of governance dimensions requires representative and meaningful disaggregation to understand differences within and between population groups. Moreover, disaggregated data allow us to better understand the differences in everyday life and in the interactions with government of vulnerable or marginalized groups (IAEG-SDGs, 2017). In accordance with the principle of “Leaving no one behind” of the 2030 Agenda, it is important to pay special attention to those who are furthest behind and who too often are invisible to official data (IAEG-SDGs, 2014).<sup>2</sup> In order to fulfill this commitment, however, NSOs must make significant efforts to overcome the challenges of collecting disaggregated data, such as those relevant to methodological issues and prioritization.

#### **I.1.5 Objective and subjective data go hand-in-hand in governance statistics**

23. In governance statistics, frequent use is and should be made of both objective and subjective data. On the one hand, objective data refer to the existence of tangible concepts such as the number of workers, a budget, items found in a public office, or the number of processes carried out by an institution in a given year. Objective data also comprises the experiences of respondents based on real events. On the other hand, subjective data concern the respondent’s personal perspective and appreciation regarding an issue, such as people’s feelings of trust or fear. While objective measures look to approximate reality, subjective data reflect the assessment society makes of institutions, structures or certain behaviours, as well as whether governance “works” for the people.

### **I.2 Managing the cost implications of producing governance statistics**

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24. Generating high-quality governance statistics can come with considerable cost implications. These costs may be particularly high in countries that do not have a tradition of measuring governance indicators (González and others, 2017). However, there are ways to manage the cost implications of collecting governance statistics without compromising data quality. On the one hand, countries can focus attention on the improvement and expansion of existing administrative data systems, which can be an important source of governance statistics. On the other hand, where measuring governance phenomena requires the use of surveys, such operations can be made less burdensome through integrating governance modules into existing surveys. Various countries in Africa and Latin America have followed this approach, e.g. when introducing the SHaSA-GPS module (African Union-United Nations Development Programme, 2017). Italy and France also integrated questions on corruption experiences into existing victimization surveys. Hence, surveys related to governance need not be stand-alone surveys. The modular approach represents a lower burden not only for NSOs, but also for respondents, by limiting the questions to be answered. This approach also provides the possibility to link data on governance with other information included in the main survey (UNODC-UNDP, 2018), sometimes even increasing levels of disaggregation for sociodemographic variables (Razafrindakoto and Roubaud, 2015). Despite these advantages, covering a variety of topics within the same survey can also have negative effects, e.g. on the attitude and attention of respondents, pressure to reduce the number of questions to explore each dimension of interest, or reduced flexibility in terms of sample design. Data producers need to weigh these and other aspects when deciding for or against an integrated survey approach (UNODC-UNDP, 2018).

<sup>2</sup> As mentioned by the Inter-Agency and Expert Group on SDG indicators, this is something especially important in developing countries (2014).

### I.3 Differentiating between structural, process and outcome indicators

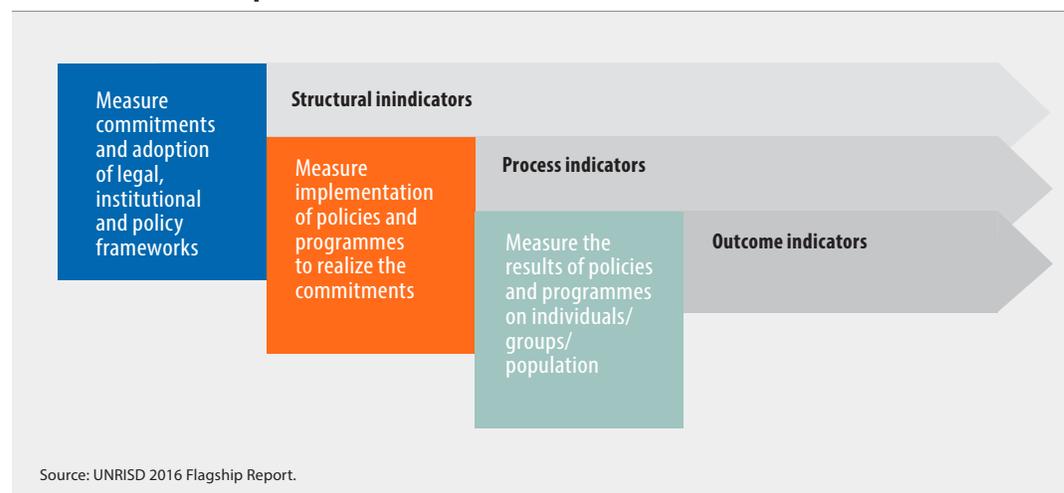
25. When discussing and developing statistical indicators, it can be useful to systematically consider the indicators' nature by broad categories or types, in order to ensure a balanced and comprehensive approach. Measurement can be enhanced when different angles of a single governance dimension are explored and linkages between them are examined.

26. Building on methodological work in the area of human rights, the various chapters of this *Handbook* categorize indicators as structural, process or outcome indicators, as outlined in Figure I.1.<sup>3</sup>

27. An example of a structural indicator is the existence of independent national human rights institutions in compliance with the Paris Principles<sup>4</sup> (SDG indicator 16.a.1). An example of a process indicator is the proportion of children under 5 years of age whose births have been registered with a civil authority (SDG indicator 16.9.1). An example of an outcome indicator is the percentage of the population satisfied with their last experience with public services (SDG indicator 16.6.2).

28. The categorization of indicators suggested here does not imply that any measurement or data collection initiative in the field of governance statistics should necessarily produce indicators within each of these categories. In practice, a comprehensive compilation of structural, process and outcome indicators may not always be feasible, since the relevant metrics in one dimension may fall predominantly under one or the other category. However, data producers and users can use this categorization as a tool to further inform their choices of potentially relevant indicators.

FIGURE I.1 **Structural, process and outcome indicators**

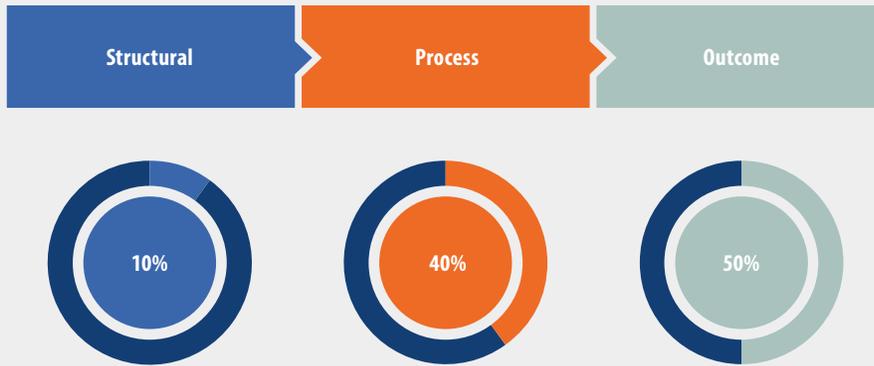


<sup>3</sup> This conceptual framework and terminology was endorsed by the international human rights treaty bodies, following two years of research and validation work involving human rights experts and statisticians from national and international organizations, including civil society organizations (UN High Commissioner for Human Rights, 2008).

<sup>4</sup> "Principles relating to the status of national institutions" (The Paris Principles). Adopted by General Assembly resolution 48/134 of 20 December 1993 (A/RES/48/134).

#### BOX I.1 Structural, process and outcome indicators in the SDG indicators framework

OHCHR analysed about two thirds of the indicators in the SDG framework (which were considered relevant to the measurement of human rights). Out of these, about 50% of indicators can be categorized as *outcome* indicators, 40% as *process* indicators and 10% as *structural* indicators.



#### I.4 A framework for discussing data quality in governance statistics

29. As stated in the introduction, one of the key objectives of this Handbook is to take stock of existing data and best practices in governance data collection. While subsequent chapters do make occasional reference to data quality, it is beyond the scope of this *Handbook* to provide a comprehensive data quality assessment of such existing data. Nevertheless, where a discussion of quality does occur, the terminology applied will follow loosely the OECD quality framework for statistics (OECD, 2012). While various other internationally agreed data quality frameworks exist and may have provided an equally suitable basis for the subsequent elaborations, this framework was chosen because it is explicitly applicable to both official and non-official data (as mentioned above, the latter remain highly prevalent in the field of governance statistics). Box I.2 briefly outlines the terminology and meaning of the different dimensions of the framework.

## BOX 1.2 Quality framework for OECD statistics<sup>5</sup>

1. **Relevance:** a qualitative assessment of the value contributed by these data.
2. **Accuracy:** the degree to which the data correctly estimate or describe the quantities or characteristics they are designed to measure, and the closeness between the values provided and the (unknown) true values.
  - a. **Reliability:** the degree to which the measure produces consistent results over time and across different measurement vehicles;
  - b. **Validity:** the degree to which a measurement reflects the underlying concept looking to be estimated. This may include face-validity (a qualitative assessment based on intuitive plausibility), construct validity (assessment of the degree to which a measure behaves in a way that is consistent with expectations), and convergent validity (a measure bears statistical resemblance with other measures of the same construct).
3. **Credibility:** the confidence that users place in the data, based simply on their image of the data producer.
4. **Timeliness:** the length of time between data availability and the event or phenomenon they describe.
5. **Accessibility:** how readily the data can be located and accessed by users.
6. **Interpretability:** the ease with which the user can understand and properly use and analyse the data
7. **Coherence:** the degree to which data products are logically connected and mutually consistent. This includes coherence within a dataset, across datasets, over time and across countries.

Source: Adapted from OECD, *Quality framework and guidelines for OECD statistical activities*, Statistics Directorate STD/QFS (2011) 1.

## I.5 Data sources to measure governance

30. The recent growth in the demand for governance statistics has led to an increased focus on quantitative country-level data related to these topics. Consequently, NSOs and other governmental agencies have resorted mainly to five “conventional” statistical sources for the measurement of governance. The following briefly outlines – at a general level – what the subsequent chapters are referring to when discussing each of these sources.

- **Household surveys:** These focus on a representative sample of the general population, especially convenient for gathering data on what people feel/perceive or experience about a specific phenomenon. With a sufficient sample size, survey results may be representative of the population of a country, of a specific area (such as a province or a small locality) or a specific group (e.g. urban/rural populations). However, such disaggregations for governance statistics are not commonly found in national statistical systems and will require special attention from the statistical community. Household surveys are particularly useful to give voice to marginalized populations in contexts in which the mechanisms to respond to citizens’ demands are not yet consolidated (AU and UNDP, 2017).
- **Business surveys:** These are like household surveys in the sense that they collect statistically representative data for a population directly from the informants, although their sampling population are companies.<sup>6</sup> However, they do not necessarily raise the same considerations or issues (methodological or regarding disaggregation, for example) and must be understood as independent sources.
- **Censuses:** A census produces statistics by collecting data from each unit within the scope of the study (INEGI, 2012). These units of analysis are varied and may include, for example, individuals, businesses or government units. Data from censuses can be highly disaggregated.

<sup>5</sup> The quality framework presented in the 2011 publication does not further differentiate the accuracy component into reliability and validity. However, in recent years this has become an established practice, see e.g. González, Fleischer and Mira d’Ercole (2017) or OECD (2013).

<sup>6</sup> See, for instance, World Bank Group, *Enterprise Surveys, What Businesses Experience*, available at: <https://www.enterprisesurveys.org/data>

- Administrative records: Unlike censuses and surveys that are specifically designed to meet statistical needs, administrative records are part of the procedures that government agencies routinely follow as part of their operations (UNECE, 2016). Administrative records are particularly relevant in assessing the coverage and quality of services provided by the government.
- Expert assessments: These typically refer to professionals such as academics, lawyers or civil servants who answer a questionnaire in the area of interest (UNECE, 2016). The resort to experts is thought to be advantageous because they can assess complex topics related to governance through an informed judgment (UNECE, 2016). Expert assessments are frequently combined to create composite governance indexes that summarize multi-concept and complex phenomena into rankings and reference data. There are, however, reasonable concerns on how representative a sample of experts is of the universe of people with knowledge in the matter of interest (González, Fleischer and Mira d'Ercole, 2017) as well as the degree of validity and reliability of data obtained through expert assessments (Kaufmann and Kray, 2007).<sup>7</sup>

31. In addition to the conventional sources described above that are regularly employed by statisticians to measure governance, technological advancements have given rise to new data sources that are of high volume, velocity and variety. This information is commonly generated by a considerable number of data producers of a great heterogeneity (MacFeely, 2019). These sources are often referred to simply as “big data”, but in fact include a variety of different sources and techniques, such as satellite and aerial images, crowdsourcing and web scraping (see the UN Big Data Working Group inventory for a rich set of examples). The common and differentiating feature of these sources is their high reliance on technologies not frequently employed in the statistical field a few years ago. Overall, sources based on new technologies bring opportunities for tackling challenges associated with more conventional sources of governance statistics. For instance, since the underlying data is often automatically collected, the focus shifts from spending resources on raw data generation to managing and curating the data (IAEG, 2014). Not surprisingly, national and international statistical organizations are dedicating more resources to the development of these projects. However, data sources based on new technologies have shortcomings of their own, often associated with their accessibility and the representativeness of the population that they cover. Thus, they are not yet at a stage where they can replace conventional statistical sources.

32. Finally, as has been noted above, data from non-official sources (which may come in any of the above data types) remains highly prevalent in the field of governance statistics. While this *Handbook* is clear in that it encourages more government-led production of governance statistics, it also acknowledges the value and usefulness of many of the non-official data sources. Needless to say, all sources of governance data, whoever produces them, should be assessed for their quality based on common criteria. In the case of non-official statistics, statistical offices should try to review their methodological standards and explore the possibility of working jointly with NGOs in the collection of data. In that sense, non-official governance statistics have more of a complementary rather than a substitutive role. The case of the Netherlands is illustrative of good practice in the adoption of this data following these guidelines. Starting with a coverage of 30% of the SDG indicators in 2016, the Dutch National Statistics Office (CBS) embarked on an extensive process of consultation with 30 different data-producing organizations, many coming from civil society with a record of independence and being responsible with data protection. This consultation led to a significant number of supplementary data that met a set of criteria and guaranteed compliance with standards of data produced by CBS. The result of this process was a rise to 51% in coverage of the SDG indicators (Statistics Netherlands, 2018).

<sup>7</sup> For instance, a comparison of household surveys in eight African countries on experiences on corruption with a mirror survey conducted among experts shows a systematic overestimation of corruption by the experts compared to the everyday experiences of the population as well as a lack of a significant correlation in the aggregate country results (Razafrindrakoto and Roubaud, 2010).

33. Needless to add, the above data sources do not necessarily present an either-or decision. Good statistical practice suggests the use of multiple sources where possible, as a way of data triangulation and enhancing measurement. For instance, a comparison of statistics from victimization surveys to administrative data on crime may not only lead to a better understanding and validation of one's data, but also contribute to greater conceptual harmonization between both sources. An illustrative case of multi-source data use is provided in Box I.3.

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**BOX I.3 Public transportation in Mexico City:  
A successful case for the complementarity of sources**

An example of how a multitude of sources coming from various data producers works to guarantee robust governance statistics and innovative public policy is public transportation in Mexico City. Mexico City is one of the largest cities in the world (almost 21 million population according to the Mexican NSO – INEGI - estimation of 2017). An estimated 34 million trips are done every day in Mexico's capital by people over age six. Obtaining a complete and interdisciplinary picture of public problems related to urban mobility motivated the local government to open a public "hackathon", in which administrative records of trips (both historical and in real-time) were made available for various forms of public transportation. In addition, a private insurance company published in open-data format its records on traffic incidents through the hackathon platform. In addition to this information, there is an existing origin-destination survey of households as well as a survey that estimates levels of satisfaction with public transportation (both carried out by INEGI).

The initiative motivated interesting bottom-up public policy recommendations by participants, which were designed to improve the mobile application of the police, to provide incentives for the use of green-transport alternatives and to enhance the timely communication of delays in public transportation.

The case of Mexico City is illustrative of similar efforts undertaken in countries such as Colombia, which has organized hackathons in several cities for a few years. There is also a strong potential for other countries to employ this multi-method approach, considering both the availability of origin-destination surveys and that transport and mobility were until 2018 the third most common topic for big-data projects registered by national and international organizations in the Big Data Project Inventory of the UN Working Group.

Source: MacFeely, 2019 "The (Big) Data Bang: Opportunities and challenges for compiling SDG indicators". In *Global Policy*, Vol. 10, Supp.1, January.

34. Table I.1 summarizes the main practical and methodological strengths and limitations of the different data source types. The fourth column also shows which specific sources are best suited to produce indicators according to the categorization of the structures, processes and outcomes.

TABLE I.1 Sources for Governance Statistics (strengths, limitations, indicators and examples)

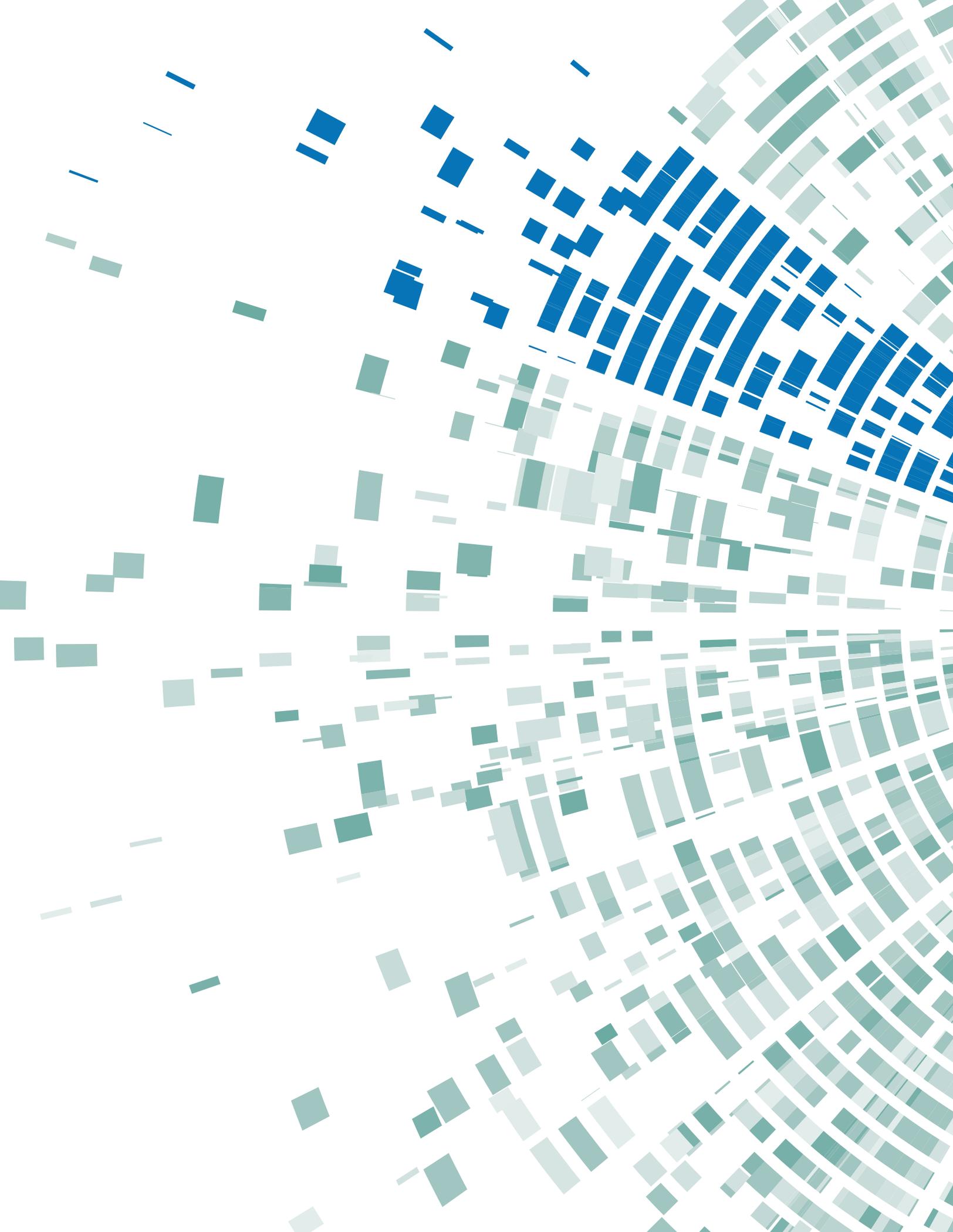
Source	Strengths	Limitations	Best fit for measuring	Example
Surveys (household and business)	<ol style="list-style-type: none"> <li>Often the most efficient way to obtain a representative sample of a population of interest (people or businesses).</li> <li>Surveys can register events not present in government records (e.g., unreported crime).</li> <li>Ideal for perception-measurement (reduced bias in comparison with other sources), but also fit for obtaining objective data (i.e., the prevalence of crime or corruption experiences).</li> <li>The sample of a survey can be designed to provide multiple levels of disaggregation and still be representative.</li> <li>Household surveys provide a voice for the weak, especially in developing countries where mechanisms for representation are not yet consolidated.</li> <li>Flexibility, surveys can change according to different policy interests (unlike, say, administrative data)</li> </ol>	<ol style="list-style-type: none"> <li>Social desirability bias: people often answer what is expected (i.e., corruption involvement, electoral participation).</li> <li>Memory-decay reporting bias (based on the experiences remembered by the respondent, not the actual number of events).</li> <li>Not everyone interprets questions the same way, social constructs and their perception and interpretation can vary across a wide variety of people, especially for those phenomena where judgments may be most culture-bound such as satisfaction, trust and government effectiveness.</li> <li>There are worldwide and differentiated response rates for surveys. Causing a fall in accuracy and possible bias in results.</li> <li>Costs: surveys are expensive compared to administrative records,<sup>8</sup> expert assessments or new technology-based methods and need specialized human capital to assure their quality.</li> <li>Several levels of data disaggregation can cause a loss of statistical representativeness when samples are of moderate size.</li> <li>Possible bias if the sampling frame excludes unusual residence groups (e.g., student living in university halls, migrants living in temporary accommodation, military personnel living in barracks).</li> </ol>	<p><b>Structures</b> May estimate endorsement by society to principles such as democracy/Rule of Law and rejection of practices such as corruption.</p> <p><b>Outcomes</b> Only citizens can judge the actual coverage of government programmes and how these goods and services affect their lives and shape their decisions.</p> <p><b>Perceptions.</b> Surveys provide an unfiltered channel to attain opinions towards a specific topic.</p>	<p>Corruption surveys as a rigorous source to estimate certain forms of corruption, such as bribes (chapter VIII).</p> <p>Trust in institutions and in other people (chapter IX).</p>
Administrative records	<ol style="list-style-type: none"> <li>Reduce the burden on respondents.</li> <li>Low-cost. Once in place, the generation of statistics depends only on the regular operation of government and not ad-hoc programs.</li> <li>They are in a privileged position to control and identify government procedures.</li> <li>They facilitate obtaining disaggregated statistics (thanks to larger “samples”).</li> </ol>	<ol style="list-style-type: none"> <li>May reflect underreporting to governments (e.g., high levels of non-reported crime).</li> <li>Recorded data may change because of legal or administrative changes (e.g. definition of certain types of crime)</li> <li>Demand high levels of statistical capacity from institutions across the State (not just NSOs) or a specialized agency in charge of quality control.</li> <li>Having harmonized definitions across countries might be problematic. Building classifications for international purposes tends to be lengthy and costly.</li> </ol>	<p><b>Processes.</b> Objective data on government operations.</p>	<p>Measures on open data, public requests for information received and processed are based on reviews of administrative data (chapter V).</p> <p>Caseload- Issues, events and outcomes in the justice system (chapter VI).</p>

<sup>8</sup> Assuming statistical systems for the operation of government services that comply with minimum quality requirements are already in place.

Source	Strengths	Limitations	Best fit for measuring	Example
Censuses	<ol style="list-style-type: none"> <li>1. Universal coverage of unit of analysis.</li> <li>2. Data disaggregation can be done extensively without worries of losing representativeness.</li> <li>3. Some census specifically in areas of government are less costly than administrative data when statistical systems are non-existent or not reliable.</li> </ol>	<ol style="list-style-type: none"> <li>1. Due to its universality, costs are high compared to surveys and administrative records. For this reason, the collection of information is usually more time-sparse.</li> <li>2. Commonly lengthy and burdensome for the informant.</li> <li>3. They tend to be less frequent and more lengthy operations reducing the availability of data and its timeliness.</li> </ol>	<p><b>Structures</b> Can measure the official adoption of norms and frameworks.</p> <p><b>Processes</b> Estimate regular operation of governments in a precise way.</p> <p><b>Outcomes</b> Measure the delivery of government programmes according to official records.</p>	<ol style="list-style-type: none"> <li>5. Socio-economic and demographic data of the national population collected from a census can then be used as a benchmark when assessing the representation in public service and administration of traditionally excluded groups (chapter IV).</li> </ol>
Expert Assessments	<ol style="list-style-type: none"> <li>1. For certain aspects of governance, experts are best placed to provide an informed opinion.</li> <li>2. Experts assessment can provide qualitative information of interest (e.g. all possible reasons for an event, or knowledgeable explanations)</li> <li>3. Indicators based on expert assessments from a standard template facilitate better cross-country comparisons.</li> <li>4. Less costly to collect, especially when compared to data collected through household/business surveys or census.</li> <li>5. They synthesize complex concepts into simple figures. Thus, they excel to raise awareness or provide benchmarks.</li> </ol>	<ol style="list-style-type: none"> <li>1. More often than household surveys, they can reflect ideological biases, the agenda of a sponsoring organization or irrelevant considerations for governance (i.e., economic performance of a country may have pervasive effects in other dimensions).</li> <li>2. There is no comprehensive sampling frame of all potential experts in a subject, therefore cannot be considered as statistical indicators.</li> <li>3. Their results are based on the strong assumption that there is no correlation between the errors (in simple terms, that there is no "herd behavior").</li> <li>4. Issues with reliability and validity when compared with other sources.</li> <li>5. Lack of transparency in the criteria to choose experts.</li> </ol>	<p><b>Structures</b> Experts tend to have expertise evaluating elements that form complex concepts.</p> <p><b>Processes.</b> To measure processes often requires expertise that only experts or civil servants of a certain rank may have.</p>	<p>Compliance of national legal frameworks with internationally agreed standards on civil and political rights (chapter III).</p> <p>Corruption country rankings such as the Corruption Perceptions Index (chapter VIII).</p>
Sources based on new technologies Crowdsourcing/ Web scraping/ Big Data/ Satellite and aerial sources	<ol style="list-style-type: none"> <li>1. Enable lower-cost monitoring of public services demands by citizens and delivers more systematized information in terms of data.</li> <li>2. Facilitates data reports in real-time. Thus, data timeliness represents an advantage.</li> <li>3. Fewer resources are needed to produce data in favor of more for managing and curating statistics.</li> </ol>	<ol style="list-style-type: none"> <li>1. It is not always feasible to assess the relationships between the covered population and the target population on the internet. Thus, it is challenging to estimate bias for this kind of sources.</li> <li>2. Risks regarding privacy and security.</li> <li>3. Data quality and representativeness are highly dependent on the specific application domain.</li> <li>4. Much of it is proprietary and not accessible by the public.</li> <li>5. There might be a lack of skill on how to benefit from big data or other sources related to new technologies.</li> </ol>	<p><b>Processes &amp; Outcomes</b> These sources may estimate the operation of government and the delivery of goods and services in automatized ways.</p>	<p>(Web-based) systematic gathering of media and other reports on conflict-related fatalities (chapter X).</p>

Source: Own elaboration from various sources.





CHAPTER II

**Human rights:  
A cross-cutting  
normative  
framework for  
governance  
statistics**

## II.1 Why do human rights matter for the development of governance statistics?

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35. The international concept of governance has evolved over time from a narrow focus on economic growth and efficiency towards policies and institutions that can best promote fundamental freedoms, genuine peoples' participation and the realization of civil, economic, political and social rights, without discrimination. A number of declarations and outcome documents of global conferences adopted by Member States confirm this evolution and recognize the nexus and mutually reinforcing relationship between good governance and human rights.<sup>1</sup> The connection between human rights and governance also lies at the heart of the Praia City Group that developed this *Handbook*. The recommendations formulated under the auspices of the United Nations Statistical Commission (2002) that led to the creation of this City Group called for developing statistical indicators on both human rights and good governance.<sup>2</sup>

36. International recognition of the overlapping nature of the two concepts is the first reason for placing human rights at the centre of the development of governance statistics. The second reason is that human rights, as defined and elaborated in international law, provide an adequate basis for further development of definitional and methodological frameworks of governance statistics. Moreover, bridging human rights helps to expand the range of data producers and users, and to create new partnerships, such as between National Statistical Offices (NSOs) and National Human Rights Institutions (NHRI). Finally, given the risks associated with data (e.g. violation of the right to privacy), human rights provide legal safeguards in the compilation and dissemination of statistical information.

## II.2 What are human rights?

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37. Human rights are legal entitlements considered inherent in all human beings, whatever their sex, colour, national or ethnic origin, religion, language, place of residence or any other status. Their aim is to protect the dignity of the person. They stem from human values that are common across societies and must be respected regardless of economic, political or cultural systems. They have been enshrined in the Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948.<sup>3</sup> They cover civil, cultural, economic, political and social rights, such as: the right to life, the right to food, the right to liberty and security, the right to the enjoyment of the highest attainable standards of physical and mental health, the right to participate in public affairs, the right to education, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to adequate housing, the right to freedom of opinion and expression, the right to work and fair conditions of work, the right to a fair trial, the rights to peaceful assembly and association, the rights to water and sanitation, or the right to non-discrimination and equality.

38. Human rights have also been codified in international human rights treaties, adopted by the General Assembly of the United Nations and ratified by member States across all regions:

- International Convention on the Elimination of All Forms of Racial Discrimination, 1969
- International Covenant on Civil and Political Rights, 1976
- International Covenant on Economic, Social and Cultural Rights, 1976

<sup>1</sup> For instance, the UN Human Rights Council's resolutions 7/11 and 25/8 both recognize the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights, and also that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, including women and members of vulnerable and marginalized groups, is the foundation on which good governance rests and that such a foundation is an indispensable condition for the full realization of human rights, including the right to development (2008).

<sup>2</sup> <https://unstats.un.org/unsd/statcom/doc02/2002-26e.pdf>

<sup>3</sup> The UDHR is one of the most translated documents in the world. In April 2019, there were 520 different translations officially available on the website of the Office of the United Nations High Commissioner for Human Rights (see <https://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx>).

- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987
- Convention on the Rights of the Child, 1990
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2003
- Convention on the Rights of Persons with Disabilities, 2008
- International Convention for the Protection of All Persons from Enforced Disappearance, 2010

39. Each of these treaties has a Committee of independent and regionally representative experts (the so-called Treaty Bodies) to monitor States parties' implementation of the treaty.<sup>4</sup> These international human rights treaties, together with interpretative practice by the Treaty Bodies, form the backbone of international human rights law. General comments and other recommendations adopted by these bodies provide both authoritative and practical guidance for the definition and operationalization of the rights and obligations enunciated in international human rights instruments. There are other international instruments (e.g. declarations, guidelines, principles), such as the Declaration on the Right to Development,<sup>5</sup> that also contribute to the understanding, implementation and development of international human rights law (UN General Assembly, 1986). There are also regional human rights instruments, and most States have adopted constitutions or other laws that formally protect human rights and freedoms.

40. The primary characteristics of human rights are their universality, indivisibility, interrelatedness, interdependence and inalienability. In other words, all human rights are to be realized for all people and at all times. Improvement in the enjoyment of a right should not be at the expense of the enjoyment of other rights.<sup>6</sup> For instance, the right to vote might be of little or no immediate interest to someone who has nothing to eat. Similarly, the enjoyment of the right to education will also be of less value for someone who will be discriminated against because of her sex, colour or disability on the labour market.

41. Each right corresponds to one or several State obligations. For instance, enjoyment of the right to free and compulsory primary education (UDHR, art. 26) requires States to adopt a plan of action and non-discriminatory measures, allocate appropriate resources and monitor the quality of education. Freedom from torture (UDHR, art. 5) requires among other things the formal prohibition by the authorities of any act of torture, the establishment of accountability mechanisms and appropriate conditions of detention. Given the importance of these obligations for human rights and their nexus with governance or the conduct of public affairs, it is worth elaborating on their content.

42. Distinction is made between obligations that are immediate and obligations that may be discharged progressively if resources are lacking. The obligation not to discriminate between different population groups is considered an immediate obligation, requiring no resources. Realizing the rights to water and sanitation to all will however usually require the provision of adequate resources to ensure accessibility, affordability, safety, acceptability, sufficiency and continuity.<sup>7</sup> Whereas the full realization of economic and social rights is likely to be achieved only progressively, States have an immediate obligation to satisfy a "minimum essential level" of these rights and to take tangible steps towards their full realization. States have a legal duty to demonstrate that all available resources, including, if

4 A type of treaty called an optional protocol supplements some of these treaties. Further information on the list of international human rights treaties and optional protocols is accessible at <https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx>

5 <https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>

6 For a more detailed description of human rights characteristics and obligations, see OHCHR (2012), *Human Rights Indicators: A Guide to Measurement* (pp. 10-11). [https://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

7 See, for instance, General Comment 15 on the right to water adopted by the UN Committee for Economic, Social and Cultural Rights (E/C.12/2002/11).

need be, resources obtained through international cooperation, are being used to realize these rights. This fundamental principle is referred to as the “use of maximum available resources”.<sup>8</sup> Similarly, any retrogressive measures (e.g. halting adjustment for cost-of-living increases for pensions of the elderly) would have to be duly justified and assessed from a perspective of maximum available resources.

43. Three main obligations are distinguished in international human rights law. These are the obligations to respect, protect and fulfil. The obligations to respect and protect are seen essentially as immediate obligations. A violation of the obligation to respect would be for instance the use of unnecessary or disproportionate force by the police against demonstrators. An example of a breach of the obligation to protect would be a State failing to ensure that private employers comply with the right to just and favourable conditions of work. The obligation to fulfil relates to obligations to promote (e.g. adoption of legal, institutional and policy instruments, awareness-raising campaigns) and to provide (e.g. allocation of appropriate resources and provision of public or private services). Table II.1 summarizes the three main human rights obligations.

**BOX II.1 Obligations to respect, protect and fulfil Human Rights**



**II.3 Statistics and the international human rights normative framework**

44. The link between human rights and statistics is multifaceted indeed. Sound statistics are essential to the measurement of human rights. For a long time, statisticians, sometimes without knowing it, have helped measure the realization of economic and social rights (e.g. the right to education, the right to health, the right to work). Conversely, their role in the measurement of rights more traditionally referred to as civil and political rights (e.g. the right to participate in public affairs, the right to personal security and the right to a fair trial) has been more recent.

45. In addition to statisticians measuring the realization of rights “incidentally” through their work, statistics are also produced and reported on specifically with the aim of assessing the implementation of human rights standards. The role and relevance of statistical information in the measurement and realization of human rights has long been recognized in international human rights law and in the work of international human rights mechanisms, such as the Treaty Bodies, the Universal Periodic Review

8 See article 2 of the International Covenant on Economic, Social and Cultural Rights: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures” (UN General Assembly, 1966).

(a peer review of the human rights performance of all UN Member States under the auspices of the Human Rights Council) and Special Procedures (independent human rights experts with a mandate to report and advise the Human Rights Council on human rights from a thematic or country-specific perspective).<sup>9</sup> States provide statistical information to these mechanisms and other interlocutors, like civil society organizations, which is then used by all stakeholders for assessing progress of human rights compliance over time and across population groups. Statistical information is explicitly referred to in international human rights treaties. For instance, article 31 of the Convention on the Rights of Persons with Disabilities (A/RES/61/106), entitled “Statistics and data collection”, clearly spells out the role and manner of producing and disseminating statistical information for the realization of human rights:

- 1) States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information 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.
- 2) 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.
- 3) States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

46. International human rights mechanisms have issued recommendations to States about the need for using statistical indicators, including data that are disaggregated according to grounds of discrimination prohibited by human rights law, monitoring and reporting human rights compliance. It is easy to find these recommendations online in the Universal Human Rights Index.<sup>10</sup>

47. People's entitlement to statistical information, treasured in the first principle of the Fundamental Principles of Official Statistics,<sup>11</sup> is also an attribute of a broader right to information and freedom of expression enshrined in article 19 of the Universal Declaration of Human Rights. In short, **statistics matter for human rights, and human rights matter for statistics.**

48. According to its Charter, human rights are one of the pillars of the United Nations, along with development, peace and security.<sup>12</sup> The 2030 Agenda for Sustainable Development,<sup>13</sup> adopted by all heads of States and Governments in 2015, explicitly seeks to realize the human rights of all, and member States have committed to implement the Agenda in a manner consistent with the rights and obligations of States under international law.<sup>14</sup> The overarching calls in the Agenda to leave no one behind, eliminate discrimination and reduce inequality, including gender inequality, and the related commitment to improve the disaggregation of indicators – by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts – open new opportunities as well as new challenges for upholding human rights. It requires therefore novel approaches and partnerships in statistics that can be brought together under the framework of a Human rights-based approach to data (HRBAD).

<sup>9</sup> To see all human rights bodies and their functions, see <https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

<sup>10</sup> <https://uhri.ohchr.org/en>. Using this tool, a “basic search”, applying the “Statistics and Indicators” theme, revealed not less than 2218 recommendations/observations, namely an average of more than 10 by country (extract made on 13 June 2019).

<sup>11</sup> Principle 1 of the Fundamental Principles of Official Statistics (A/RES/68/261), accessible at: <https://unstats.un.org/unsd/dnss/gp/fundprinciples.aspx>

<sup>12</sup> The late Kofi Annan, former Secretary-General of the United Nations (1997-2006), said that his experience taught him that “there can be no long-term development without security and no long-term security without development. Nor will any society remain prosperous for long without the rule of law and respect for human rights” (“The next steps for Africa to meet its potential”, *The Washington Post*, 13 August 2014. Retrieved 2 April 2019).

<sup>13</sup> A/RES/70/1 accessible at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>

<sup>14</sup> *Ibid.*, paragraph 18.

## BOX II.2 Human rights and the data revolution

*“Any legal or regulatory mechanisms, or networks or partnerships, set up to mobilize the data revolution for sustainable development should have the protection of human rights as a core part of their activities, specify who is responsible for upholding those rights, and should support the protection, respect and fulfilment of human rights”*

- UN Report on the Data Revolution for Sustainable Development (IEAG, 2017)

## II.4 Human rights-based approach to data

49. International human rights norms and principles provide legal safeguards and guidance for the development of statistical information and national and international statistical systems more generally. The UN guidance on HRBAD outlines the main human rights norms and principles relevant to the development and use of indicators, in particular for data collection and disaggregation. HRBAD provides timely guidance for supporting efforts in the 2030 Agenda for Sustainable Development to leave no one behind and ensure the protection of human rights in doing so.

50. Statisticians working at national and international levels have pointed out the consistency of HRBAD with the fundamental principles of official statistics. They have also underlined the value of the international human rights normative framework to strengthen the implementation of the UN Fundamental Principles of Official Statistics (A/RES/68/261). The link between human rights and statistics has been explicitly recognized in both international human rights treaties (as described above) and these Principles. Concerning the latter, they state that “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”. The references to people’s entitlement to public information (principle 1) and to data confidentiality (principle 6) have direct anchorages in international human rights law.

FIGURE II.1 Main principles of the Human Rights-Based Approach to Data



**TABLE II.1 Main principles of the Human Rights-Based Approach to Data<sup>15</sup>**

PARTICIPATION	<ul style="list-style-type: none"> <li>• Participation of relevant population groups in data collection exercises, including the planning, collection, dissemination and analysis of data, is central to HRBAD.</li> <li>• Participation is instrumental to the realization of the other components of the approach and in increasing trust and use of relevant statistics.</li> <li>• “Nothing about us without us” is a well-known motto in human rights approaches and is enshrined in international human rights treaties (e.g. article 31 of the Convention on the Rights of Persons with Disabilities).</li> <li>• Groups left behind or at risk of discrimination, civil society organizations, National Human Rights Institutions (see SDG indicator 16.a.1) and other relevant organisations, provided they are competent to represent the group’s interest, should be able to participate in data collection efforts.</li> <li>• Participation, in particular for the most vulnerable, marginalized or discriminated groups, should be free, active and meaningful.<sup>16</sup></li> </ul>
DISAGGREGATION	<ul style="list-style-type: none"> <li>• Inclusive data collection and disaggregation that allows for comparison of population groups are central to HRBAD and forms part of human rights obligations to monitor the extent of possible inequality and discrimination, including multiple and intersecting forms.</li> <li>• Disaggregation by grounds of discrimination prohibited by international human rights law such as: sex, age, colour, ethnicity, migration or displacement status, disability, religion, civil status, socio-economic status, sexual orientation, gender identity, place of residence and other status.</li> <li>• Going beyond traditional data collection to cover the homeless population (including street children), travellers or nomadic populations, undocumented migrants and persons in institutions (e.g. orphans, elderly, prisoners).</li> <li>• Measuring national averages and revealing the most deprived population groups and quantifying the extent of inequality.</li> </ul>
SELF-IDENTIFICATION	<ul style="list-style-type: none"> <li>• Overriding “do no harm” principle to be always respected.</li> <li>• Respect and protection of personal identity is central to human dignity.</li> <li>• Questions about personal identity characteristics (e.g. ethnicity, religion, sexual orientation and gender identity) should be voluntary. “Other” or “non-response” options should also be provided.</li> <li>• Applying gender and culturally sensitive data collection approaches.</li> </ul>
TRANSPARENCY	<ul style="list-style-type: none"> <li>• Official statistics are part of the public’s right to information, including of relevant statistical information (see article 19 on freedom of expression in the International Covenant on Civil and Political Rights and principle 1 of the Fundamental Principle of Official Statistics).</li> <li>• Information about how data is collected should be publicly available (e.g. metadata).</li> <li>• Data should be disseminated as quickly as possible after collection.</li> <li>• Data should be accessible, considering disabilities, language, literacy/numeracy levels and diverse cultural backgrounds.</li> </ul>
PRIVACY	<ul style="list-style-type: none"> <li>• Individual data collected to produce statistical information must be strictly confidential and used exclusively for statistical purposes and regulated by law (see article 17 of the International Covenant on Civil and Political Rights and principle 6 of the Fundamental Principles of Official Statistics).</li> <li>• Data should not be published or publicly accessible in a manner that permits identification of individual data subjects, either directly or indirectly.</li> <li>• Data should be secured against both natural and human dangers and disposed of appropriately when no longer required.</li> <li>• Data protection should also be ensured in the context of big data and other data collection by non-State actors.</li> </ul>
ACCOUNTABILITY	<ul style="list-style-type: none"> <li>• Accountability in HRBAD refers to data collection for accountability as well as accountability in data collection.</li> <li>• National Statistical Offices are human rights duty-bearers and are accountable for respecting, protecting and fulfilling human rights.</li> <li>• Data can, and should, be used to hold human rights actors to account.</li> <li>• Putting collected data back in the hands of disadvantaged population groups and strengthening their capacity to use them is essential for accountability.</li> </ul>

<sup>15</sup> Further information on HRBAD is accessible at [www.ohchr.org/HRBAD](http://www.ohchr.org/HRBAD)

<sup>16</sup> In a manner consistent with the Declaration on the Right to Development adopted by UN General Assembly resolution 41/128. See: <https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>

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**BOX II.3 Examples of initiatives to operationalize a HRBAD at country level**

Cooperation agreements were signed between the statistics office and the national human rights institution of Kenya and the State of Palestine, respectively, to support the operationalization of the HRBAD. The primary objective of this collaboration is to systematize identification and data collection on groups potentially left behind.

“Our signing of a Memorandum of Understanding (MoU) with the Kenya National Commission on Human Rights (NCHR) is a great milestone in the development of official statistics. We look forward to ensuring that the official statistics we generate allow for effective identification, planning and evidence-based policymaking for all groups,”

Zachary Mwangi, Director General of the Kenya National Bureau of Statistics.

“Human rights advocacy is the primary mandate of national human rights institutions and entails persuading governments to act in compliance with their human rights obligations. This work is advanced when advocacy is backed up with credible data. A partnership guarantees that the NCHR builds its capacity in terms of collecting credible data and that the statistics body expands the lens that it uses to collect data to incorporate traditionally marginalized groups.”

Patricia Nyaundi, the former Secretary of Kenya’s National Commission on Human Rights.

“Signing the MoU with the Independent Commission for Human Rights (ICHR) is part of our strategy to strengthen the national statistical system and provide the data needed to realize the commitment to leaving no one behind in the implementation of the 2030 Agenda. It is absolutely crucial for us to join forces to address the data challenges of revealing the situation of the most vulnerable and marginalized groups in Palestine.”

Dr. Ola Awad, President of the Palestinian Central Bureau of Statistics.

“Since the signing of the MoU, ICHR has played an important role in providing guidance on the development of the planned domestic violence survey and the identification and development of human rights indicators and related SDG indicators for measuring Palestine’s implementation of the Convention for the Elimination of Discrimination Against Women.”

Dr. Ammar Dweik, General Director of the Independent Commission for Human Rights







PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER III

**Non-  
discrimination  
and equality**

## III.1 Conceptualizing this dimension

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### III.1.1 What is discrimination?

51. Non-discrimination and equality are fundamental standards of international human rights law and a core dimension of good governance. Negative forms of discrimination undermine the realization of civil, cultural, economic, political and social rights for many population groups. Economic growth, by itself, does not ensure sustainable development, and individuals and groups continue to face various inequalities, often resulting from or contributing to the entrenchment of certain forms of discrimination.

52. Under international human rights law, discrimination is any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination (e.g. colour, sex, language, religion, national or social origin, disability), 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 or cultural fields or any other field of public life.<sup>1</sup>

53. Elimination of discrimination is enshrined in the Universal Declaration of Human Rights and in all international human rights treaties. Under the 2030 Agenda for Sustainable Development, Heads of States and Governments have made resounding commitments to leave no one behind and eliminate discriminatory laws, policies and practices and all forms of discrimination against women and girls. The Agenda also emphasizes 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.<sup>2</sup>

54. Discrimination can occur both formally and substantively. Formal discrimination or *de jure* discrimination may be found in laws and policy documents (e.g. a law denying equal social security benefits to women on the basis of their marital status). Substantive discrimination refers to discrimination in practice or *de facto*. This refers to behaviours, attitudes and conditions against individuals or groups, preventing them from having equal access to adequate housing, health care, judicial mechanisms, education, employment and other services or opportunities.<sup>3</sup>

55. Discrimination also encompasses direct and indirect discrimination. Direct discrimination occurs when an individual is treated less favourably than another person in a similar situation for a reason related to a prohibited ground (e.g. job applicants with a certain skin colour or ethnic origin are systematically excluded). Indirect discrimination refers to laws, policies or practices that appear neutral at face value, yet are discriminatory for population groups with certain characteristics (e.g. requirement of a birth registration certificate for school enrolment may discriminate against ethnic minorities or non-nationals who do not possess, or have been denied, such certificates).<sup>4</sup>

1 UNESCO (2009), General Comment 20, Non-discrimination in economic, social and cultural rights (E/C.12/GC/20).

2 A/RES/70/1, paragraph 19. The combined reference to the principles of non-discrimination and equality in this chapter is consistent with the international human rights normative framework and draws upon existing measurement practices. Non-discrimination and equality are fundamental components of international human rights law and are essential to the exercise and enjoyment of human rights by everyone (see, for instance, General Comment No 20 of the Committee of Economic, Social and Cultural Rights, E/C.12/GC/20). Paragraph 19 of the 2030 Agenda replicates article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and article 2, paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR). In terms of measurement practices, inequality indicators, using for instance data disaggregated by sex, income, disability and other relevant characteristics, are essential for assessing disparities resulting (even if only partly) from historical or contemporaneous, direct or indirect, forms of discrimination.

3 See General Comment 20 (*ibid.*) and General recommendation No. 28 of the Committee on the Elimination of Discrimination against Women (CEDAW/C/GC/28) on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.

4 *Ibid.*

56. Harassment because of some real or perceived characteristics (e.g. sex, gender identity, social origins) of the victim is also considered a form of discrimination by international human rights mechanisms. Harassment can be defined as 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 that tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or that 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<sup>5</sup>.

57. There are important ramifications flowing from the concept and measurement of discrimination and other thematic domains that are also the subject of statistical investigations, such as hate crime, hate speech, gender-based violence, stigma, stereotypes or bias. Hate crimes refer to crimes (e.g. homicide, assault, theft) in which victims are specifically targeted because of their characteristics, ascribed attributes, beliefs or values (e.g. race, religion, ethnic origins, sexual orientation or disabilities). Hate speech can be broadly defined as derogatory, attacking, prejudiced or otherwise negative comments about individuals because of some traits (e.g. religious or other beliefs or absence of beliefs, national origin or disability).<sup>6</sup> Violence against women or gender-based violence is also a form of discrimination. The Committee on the Elimination of Discrimination against Women defines gender-based violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately”.<sup>7</sup> Stigma, bias and negative stereotypes relate to prejudicial views, attitudes, beliefs or assumptions held by an individual toward a particular population group and which may consciously or unconsciously influence the individual’s behaviour towards members of that group. The existence of stigma, stereotypes and bias are generally factors of discriminatory acts.

58. It is important to keep in mind that discrimination may be permissible under certain circumstances (e.g. positive discrimination to remedy the historical, systemic or embedded marginalization of discrete minorities). However, justification for differential treatment based on prohibited grounds has to be reasonable, objective and conform with human rights standards. For instance, international human rights mechanisms recommend the adoption of temporary special measures (e.g. quotas) to eliminate discrimination and accelerate equality.<sup>8</sup>

### III.1.2 What are the prohibited grounds of discrimination?

59. Lists of prohibited grounds of discrimination can be found in the international human rights normative framework, starting with the Universal Declaration of Human Rights. The Declaration lists race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as prohibited grounds of discrimination. The list is not complete and ends with a mention of “other status”. It recognized and anticipated that other grounds of discrimination can prevail and should also be prohibited (e.g. persons with albinism, HIV/AIDS, etc.). Based on the review of international human rights law, a more complete, albeit non-exhaustive, list of prohibited grounds of discrimination includes: race,<sup>9</sup> colour, sex, language, religion, political or other opinion, national origin, social origin, property, birth status, disability, age, nationality, marital and family status, sexual

5 Websites of national human rights institutions or other equality bodies often provide examples of incidents of discrimination and harassment typically occurring in their countries (see, for instance, the examples provided by the Equality and Human Rights Commission of Great Britain: <https://www.equalityhumanrights.com/en>).

6 Definition provided in the International Classification of Crime for Statistical Purposes (ICCS), version 1.0.

7 General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, Committee on the Elimination of Discrimination against Women, CEDAW/C/GC/35.

8 See temporary special measures in, for example, article 4 of the Convention on the Elimination of Discrimination against Women, and General recommendation No. 25 of the Committee on the Elimination of Discrimination against Women on article 4, paragraph 1, of the Convention.

9 Importantly, the use of the term “race” in the international human rights normative framework does not imply the acceptance of theories that attempt to determine the existence of separate human races. In this regard, the 2009 outcome document of the Durban Review Conference (para. 6) did reaffirm “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.”

orientation, gender identity, health status, place of residence, economic and social situation, pregnancy, indigenous status and other status.<sup>10</sup>

### III.2 Why is this dimension important?

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60. Consistent with an international concept of governance that evolved from a narrow economic focus to broader human rights-related issues, non-discrimination and equality is a fundamental dimension of (good) governance. The commitments to “leave no one behind”, “eliminate discrimination” and “achieve gender equality” in the 2030 Agenda for Sustainable Development call for the development and use of indicators helping to measure direct and indirect discrimination. Also, several targets of the Agenda are about non-discrimination and equality, including:

- Target 4.5 “Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations”;
- Target 5.1 “End all forms of discrimination against all women and girls everywhere”;
- Target 10.3 “Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard”.
- Target 16.b “Promote and enforce non-discriminatory laws and policies for sustainable development”.

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#### BOX III.1 **The Universal Declaration of Human Rights, 1948 (excerpts)**

**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.

61. Non-discrimination and equality are really at the heart of international human rights law, starting with the Universal Declaration of Human Rights stating that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind. Discrimination prevents victims from fully enjoying their human rights and fundamental freedoms. Against this background, there is a legal requirement to monitor and report on discrimination and equality, paying attention to the populations most at risk. One good example is the Convention on the Rights of Persons with Disabilities, ratified or signed by 189 States,<sup>11</sup> that stipulates that appropriate information, including statistical and research data, is to be collected to formulate and implement policies to give effect to the treaty.<sup>12</sup>

<sup>10</sup> Further to the UDHR, international human rights treaties adopted by the United Nations General Assembly, include treaties on specific population groups: the International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of Persons with Disabilities <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. For more information on prohibited grounds of discrimination: <http://www.ohchr.org/Documents/Issues/HRIndicators/HumanRightsStandards.pdf>

<sup>11</sup> Information on 19 June 2019, accessible at: <http://indicators.ohchr.org/>

<sup>12</sup> Convention on the Rights of Persons with Disabilities, Article 31, available at: <https://www.un.org/development/desa/disabilities/>

### III.3 Data and best practices currently available

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62. Measuring discrimination calls for the use of multiple indicators, data sources and methods. For example, an indicator of the number of convictions for discrimination in courts will be useful, yet not sufficient for assessing the prevalence of discrimination in a country, since victims often do not report discrimination or may even be unable to identify the discrimination that they were or are still subjected to.

#### III.3.1 Understanding discrimination requires a comprehensive view of both direct and indirect discrimination

63. As detailed above, non-discrimination and equality are complex issues that go well beyond the existence of legislation or the absence of harassment. Hence, taking a comprehensive approach to measuring and understanding non-discrimination and equality is an important best practice. Comprehensively identifying all indicators relevant to non-discrimination at the national level may often involve a consultation and contextualization processes, as illustrated in Box III.1 on Bolivia.

64. Table III.1 provides an illustrative list of statistical indicators, including but not limited to SDG indicators, that can be relevant when measuring non-discrimination and equality (see also the subsequent discussion in this chapter of the prioritization of non-discrimination indicators). The table thereby showcases the importance of considering both direct and indirect discrimination, as elaborated further in subsequent sections.<sup>13</sup>

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#### BOX III.2 Identifying non-discrimination indicators in Bolivia

In Bolivia, the Ministry of Justice and the national statistical office (INE) led a process of identification of indicators relevant to human rights, including indicators relevant to non-discrimination. Drawing on the list of illustrative tables of human rights indicators developed at international level, nationally relevant and available indicators on several rights were identified through participatory processes. National statistical offices of other countries have also engaged in similar national processes of contextualizing the tables of illustrative human rights indicators developed internationally. These processes are often led by national human rights institutions or mechanisms.

<sup>13</sup> Further examples of indicators relevant to the measurement of discrimination are provided in other tables of OHCHR human rights indicators: [https://www.ohchr.org/Documents/Issues/HRIIndicators/SDG\\_Indicators\\_Tables.pdf](https://www.ohchr.org/Documents/Issues/HRIIndicators/SDG_Indicators_Tables.pdf)

**TABLE III.1 List of illustrative indicators on non-discrimination and equality (Universal Declaration of Human Rights, arts. 1, 2 and 7)**

	Equality before the law and protection of the person	Direct or indirect discrimination by public and private actors nullifying or impairing		Special measures, including for participation in decision-making
		Access to an adequate standard of living, health and education	Equality of livelihood opportunities	
Structural	<ul style="list-style-type: none"> <li>International human rights treaties relevant to the right to non-discrimination and equality (right to non-discrimination) ratified by the State</li> <li>Date of entry into force and coverage of the right to non-discrimination, including the list of prohibited grounds of discrimination, in the Constitution or other forms of superior law</li> <li>Date of entry into force and coverage of domestic laws for implementing the right to non-discrimination, including on the prohibition of advocacy constituting incitement to discrimination and hatred</li> <li>Date of entry into force and coverage of legal act constituting a body responsible for promoting and protecting the right to non-discrimination</li> <li>Periodicity and coverage of the collection and dissemination of data relevant to assessing the implementation of the right to non-discrimination</li> <li>Number of registered or active NGOs and full-time equivalent employment (per 100,000 persons) involved in the promotion and protection of the right to non-discrimination</li> </ul>			
	<ul style="list-style-type: none"> <li>Time frame and coverage of policy and programmes to ensure equal protection, security and handling of crimes (including hate crimes and abuse by law enforcement officials)</li> <li>Date of entry into force and coverage of domestic laws ensuring equal access to justice and treatment including for married, unmarried couples, single parents and other target groups</li> </ul>	<ul style="list-style-type: none"> <li>Time frame and coverage of policy or programme for equal access to education at all levels</li> <li>Time frame and coverage of policy and programmes to provide protection from discriminatory practices interfering with access to food, health, social security and housing</li> </ul>	<ul style="list-style-type: none"> <li>Time frame and coverage of policies for equal access to decent work</li> <li>Time frame and coverage of policy for the elimination of forced labour and other abuse at work, including domestic work</li> <li>Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control [5.a.2]</li> </ul>	<ul style="list-style-type: none"> <li>Time frame and coverage of policy to implement special and temporary measures to ensure or accelerate equality in the enjoyment of human rights</li> <li>Date of entry into force and coverage of quotas or other special measures for targeted populations in legislative, executive, judicial and other appointed bodies</li> <li>Date of entry into force and coverage of legal frameworks to promote, enforce and monitor equality and non-discrimination on the basis of sex [5.1.1]</li> </ul>
Process	<ul style="list-style-type: none"> <li>Proportion of received complaints on cases of direct and indirect discrimination investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms (e.g. equal opportunity commission) and the proportion responded to effectively by the Government</li> <li>Proportion of targeted population (e.g. law enforcement officials) trained on implementing a code of conduct for the elimination of discriminatory practices</li> <li>Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment [5.c.1]</li> </ul>			

	Equality before the law and protection of the person	Direct or indirect discrimination by public and private actors nullifying or impairing		Special measures, including for participation in decision-making
		access to an adequate standard of living, health and education	equality of livelihood opportunities	
Process	<ul style="list-style-type: none"> <li>Proportion of victims of discrimination and bias-driven violence provided with legal aid</li> <li>Number of persons (including law enforcement officials) arrested, adjudicated, convicted or serving a sentence for discrimination and bias-driven violence per 100,000 population</li> <li>Proportion of women reporting forms of violence against themselves or their children initiating legal action or seeking help from police or counselling centres</li> <li>Proportion of requests for legal assistance and free interpreters being met (criminal and civil proceedings)</li> <li>Proportion of lawsuits related to property where women appear in person or through counsel as plaintiff or respondent</li> </ul>	<ul style="list-style-type: none"> <li>Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and conflict-affected, other target group) in primary and higher education and by kind of school (e.g., public, private, special school) [4.5.1]</li> <li>Proportion of health-care professionals [landlords] handling requests from potential patients [tenants] in a non-discriminatory manner (source: discrimination testing survey)</li> <li>Proportion of public buildings with facilities for persons with physical disabilities</li> <li>Proportion of population using safely managed drinking water [6.1.1], sanitation services [6.2.1], electricity [7.1.1] and waste disposal [11.6.1]</li> <li>Number of countries that have implemented well-managed migration policies [10.7.2]</li> </ul>	<ul style="list-style-type: none"> <li>Proportion of enterprises (e.g., government contractors) that conform with certified discrimination-free business and workplace practices (e.g., no HIV test requirements)</li> <li>Proportion of job vacancy announcements stipulating that among equally qualified (or comparable) candidates a person from a targeted population group will be selected (e.g. women, minority)</li> <li>Proportion of employers handling applications of candidates in a non-discriminatory manner (e.g. ILO discrimination testing survey)</li> <li>Proportion of employees (e.g. migrant workers) reporting discrimination or abuse at work who initiated legal or administrative action</li> <li>Proportion of time spent on unpaid domestic and care work, by sex, age and location [5.4.1]</li> </ul>	<ul style="list-style-type: none"> <li>Proportion of targeted population groups accessing positive action or preferential treatment measures aiming to promote de facto equality (e.g., financial assistance, training)</li> <li>Proportion of education institutions at all levels teaching human rights and promoting understanding among population groups (e.g. ethnic groups)</li> <li>Proportion of members of trade unions and political parties who are women or from other targeted population groups and the proportion thereof presented as candidates for election</li> </ul>
Outcome	<ul style="list-style-type: none"> <li>Prevalence/incidence of crimes, including hate crime and domestic violence, by target population group</li> <li>Reported cases of arbitrary killing, detention, disappearance or torture from population groups ordinarily subject to risk of discriminatory treatment</li> <li>Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyer of their own choice</li> </ul>	<ul style="list-style-type: none"> <li>Proportion of population in a given age group achieving at least a fixed level of proficiency in functional (a) literacy and (b) numeracy skills, by sex [4.6.1]</li> <li>Birth, mortality and life expectancy rates disaggregated by targeted population group</li> </ul>	<ul style="list-style-type: none"> <li>Unemployment rate, by sex, age and persons with disabilities [8.5.2]</li> <li>Average hourly earnings of female and male employees, by occupation, age, persons with disabilities, and other target groups</li> </ul>	<ul style="list-style-type: none"> <li>Proportion of relevant positions (e.g. managerial) in the public and private sectors held by targeted population groups [5.5.2]</li> <li>Proportion of seats in elected and appointed bodies at subnational and local level held by targeted population groups [5.5.1]</li> </ul>
	<ul style="list-style-type: none"> <li>Reported number of victims of direct and indirect discrimination and hate crimes and proportion of victims (or relatives) who received compensation and rehabilitation in the reporting period</li> <li>Proportion of 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 [10.3.1/16.b.1]</li> </ul>			

### III.3.2 Measuring direct discrimination

#### III.3.2.1 Administrative data and victimization surveys to measure hate crimes

65. Hate crime statistics are compiled through administrative records and victimization surveys. The availability of robust crimes statistics from administrative sources means that law enforcement officials (e.g. police officers) are systematically recording crime motives. They record cases where victims were specifically targeted because of their characteristics, perceived attributes or beliefs. The quality of hate statistics rests on the quality of recording by law enforcement officials. To this end, mechanisms for recording hate crime should follow standard operating procedures that provide law enforcement officials with the tools to flag and record possible bias motivations, and require that they are used. Practices vary significantly across countries, and evidence has shown that hate crimes are constantly underreported (see also the access to and quality of justice chapter of this *Handbook*). Victims encounter difficulties in reporting, and law enforcement officials may be reluctant to record and acknowledge hate crime. An international initiative (European Commission, 2017) seeking to improve the recording of hate crime by law enforcement authorities identified key guiding organizational, structural and operational principles, including:

- Cultivating a human rights culture within law enforcement agencies;
- Developing or adapting recording mechanisms corresponding to national needs and capacities;
- Cooperating actively with civil society organizations;
- Using indicators to identify bias motivation when recording hate crime; and
- Flagging potential hate crimes when they are reported.

66. Underreporting of administrative data is one of the reasons for using additional data sources, especially in contexts where the main law enforcement officials (e.g. the police) may not be immune from committing hate crime themselves or from being complicit in such crimes. Alternative sources include data collected by national human rights institutions and civil society organizations as well as crime victimization surveys conducted by NSOs or other relevant entities. Surveys can include hate crime-specific questions enhancing the measurement of the prevalence of hate crimes. Survey respondents are asked if they think that the incident(s) they were victim of happened partly or completely because of their characteristics or perceived attributes.<sup>14</sup> These and other related household surveys allow policy makers and civil society to have a more comprehensive picture of the discrimination problem.

#### III.3.2.2 Household surveys to measure experiences, awareness and attitudes about discrimination and equality

67. Surveys of individuals or households are an essential tool to assess directly experiences, awareness and attitudes regarding discrimination. A range of questions have been included in social surveys, victimization surveys and increasingly discrimination-dedicated surveys implemented by NSOs, human rights institutions (see SDG indicator 16.a.1) and civil society organizations. Such surveys may target or oversample population groups more at risk of discrimination, which are often not sufficiently covered by traditional surveys. For instance, the Fundamental Rights Agency (FRA) of the European Union has been conducting surveys on a variety of minorities, such as immigrant or ethnic minorities,

<sup>14</sup> See, for instance, questionnaires designed by the European Union Agency for Fundamental Rights used in surveys on immigrants and ethnic minorities (2008) ([https://fra.europa.eu/sites/default/files/eu-midis\\_questionnaire.pdf](https://fra.europa.eu/sites/default/files/eu-midis_questionnaire.pdf)) and on LGBT people (2012) ([https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf))

Roma, lesbian, gay, bisexual, trans and intersex people.<sup>15</sup> Disaggregation is highly desirable for surveys seeking to measure discrimination. <sup>16</sup> This concern also guided the design of a targeted discrimination survey in Mexico, undertaken with the national human rights commission as well as other relevant stakeholders (see Box III.2).

**BOX III.3 Measuring discrimination through household surveys in Mexico**

In 2017, INEGI-Mexico, in collaboration with the National Human Rights Commission and the National Council for Discrimination Prevention, conducted the National Survey on Discrimination, ENADIS. Overall, its purpose was to recognize the extent of discrimination and its various manifestations in daily life, deepening knowledge about who discriminates, in which areas of life this problem occurs more frequently, and the socio-cultural factors that are related to it. In order to precisely approach the phenomenon, the ENADIS studies the following populations:



The ENADIS focuses on the following key goals:

- Assessing discrimination prevalence and its main expressions and characteristics
- Collecting information about attitudes, prejudices, social stigmas and stereotypes faced by the different groups suffering discrimination regarding ethnicity, age and sexual orientation, among others
- Gathering data concerning discrimination experiences within different aspects of social life
- Strengthening awareness among different populations regarding the respect of human rights

Source: INEGI. ENADIS 2017

68. SDG indicator 10.3.1 and 16.b.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) is an important example of an indicator seeking to assess discrimination prevalence by asking individuals directly via surveys about their personal experience. The internationally agreed module for the compilation of this SDG indicator recommends that data collectors engage in participatory processes to identify and formulate contextually relevant grounds. A Human Rights-Based Approach to Data (HRBAD) is necessary for this process (see the chapter in this *Handbook* "Human rights: A cross-cutting normative framework for governance statistics"). National Institutions with mandates related to human rights or non-discrimination and equality are ideal partners for these activities. Data collectors may also be able to identify civil society organizations or other government agencies with relevant expertise. Critically, participatory approaches to the selection of grounds of discrimination should consider: a comprehensive review of groups at risk of

<sup>15</sup> Each release of survey results by FRA is accompanied with a detailed technical documentation to allow a transparent assessment of the sampling and data collection methods. The technical documentation of the surveys can also assist countries in and outside the EU to replicate FRA's surveys or further develop their national data collection tools to improve data on minorities. Several survey microdata sets of FRA's surveys are also available for researchers to carry out further analysis to allow for the collected data to reach maximum impact. For more information: <http://fra.europa.eu>

<sup>16</sup> Careful consideration of the population coverage is also necessary to achieve a high level of accuracy of statistics for eradicating poverty to ensure that people and groups who are at risk of poverty are included in the data collection efforts, as highlighted in UNECE (2017).

### BOX III.4 Measuring discrimination experiences in the European Union

The sample of the second European Union Minorities and Discrimination Survey (EU-MIDIS II) covered persons belonging to ethnic or national minorities, Roma and Russians, as well as persons born outside the EU (first-generation respondents) and individuals with at least one parent born outside the EU (second-generation respondents). Similar to SDG indicator 10.3.1/16.b.1, the survey included a question on experience of felt discrimination. The question was posed for different domains and activities, such as in (access to) employment, education, housing, health, and when using public or private services; on experiences of police stops, criminal victimization (including hate crime); on awareness of rights and redress mechanisms; and on societal participation and integration, including trust in public institutions. For instance, the question on discrimination when looking for work was: When looking for work in the past 5 years in [COUNTRY] (or since you have been in [COUNTRY]), have you ever felt discriminated against for any of the following reasons? Based on a showcard, the respondent could then select one or more grounds (skin colour, ethnic origin or immigrant background, religion or religious beliefs, sex, age, disability, sexual orientation) as well as “other” grounds.

The survey revealed that descendants of immigrants and minority ethnic groups faced extensive discrimination in all areas of life. Four out of 10 respondents (38%) felt discriminated against in the five years before the survey because of their ethnic or immigrant background in one or more areas of daily life, and one in four (24%) experienced this in the 12 months preceding the survey. The highest rate of discrimination based on ethnic or immigrant background concerned access to work. Almost a third (29%) of respondents who looked for work in the five years preceding the survey felt discriminated against, and one in 10 (12%) experienced this in the year before the survey. The results also showed that only 12% of respondents who felt discriminated against reported the most recent incident. One in four respondents (24%) experienced hate-motivated harassment, and 3% experienced a hate-motivated physical attack in the 12 months before the survey.

being discriminated; any sensitivities related to engaging with and collecting data on groups at risk of being discriminated; and the need for effective community engagement and relationship-building to facilitate participation in data collection activities and coverage of the groups concerned. The survey module recommends the use of a showcard or prompt card with a definition of discrimination/harassment and listing of prohibited grounds to facilitate the respondent’s comprehension and recall. Box III.4 showcases the survey module. This indicator provides a total population prevalence measure of experience of perceived discrimination/harassment. The indicator will not necessarily inform on the prevalence of discrimination within specific population groups. This will depend on the covered populations. 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 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.<sup>17</sup> Against this background, the module recommends oversampling population groups at risk of discrimination.<sup>18</sup>

69. Surveys on violence against women, beyond the measurement, can be useful instruments for strengthening awareness-raising and support to victims.<sup>19</sup> Measuring stigma, stereotypes, bias, values or awareness, whether at the level of possible perpetrator or victim of discriminatory acts, complements the measurement of direct experience of discrimination. For instance, Multiple Indicator Cluster Surveys (MICS) implemented by national statistical offices, with the support of UNICEF, include a victimization module asking women and men if they consider that a husband is justified in hitting or beating his wife in situations that make him annoyed or angered by things his wife does (i.e. if she goes out without telling him; if she neglects the children; if she argues with him; if she refuses to have sex with him; if she burns the food).<sup>20</sup>

70. In 2017, the OECD released Guidelines on Measuring Quality of the Working Environment, focusing on non-pecuniary aspects of work. The guidelines considered intimidation and discrimination at the workplace as one of the fundamental issues affecting the physical and social environment of work. Based on survey questions used in OECD countries, they recommended a question to assess discrimination at the workplace (“I feel unfairly treated through discrimination at work”). Comparing experience versus perception of discrimination can provide interesting information on the correlation between

17 A similar listing of grounds is used as part of the Strategy for Harmonization of Statistics in Africa (SHaSA) and its harmonized module on Governance, Peace and Security (GPS). Its question on discrimination experience relates to ethnicity, regional origin, religion, economic situation (poverty), gender, disability and sexual orientation (<https://au.int/pt/node/32847>). A question on discrimination perception for the same grounds is also included in the module.

18 For more information about SDG indicator 10.3.1 and 16.b.1, see [www.ohchr.org](http://www.ohchr.org)

19 See also United Nations Guidelines for Producing Statistics on Violence against Women — Statistical Surveys, ST/ESA/STAT/SER.F/110, [https://unstats.un.org/unsd/gender/docs/Guidelines\\_Statistics\\_VAW.pdf](https://unstats.un.org/unsd/gender/docs/Guidelines_Statistics_VAW.pdf)

20 See MICS6 tools, including survey questionnaires, available at: <http://mics.unicef.org/tools>.

## BOX III.5 Recommended survey module for SDG indicator 10.3.1 and 16.b.1 on discrimination

*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, to 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 incident, 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**.

### [Multiple responses]

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. SOCIOECONOMIC 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 persons 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

different measurements concerning the prevalence of discrimination (i.e. an actual versus perceived or assumed prevalence of discrimination by comparing survey responses to questions like "have you been personally a victim of discrimination?" and "how often do you think there is discrimination in your country?"). An example of a comparative analysis for countries in Africa is provided in Box III.6.

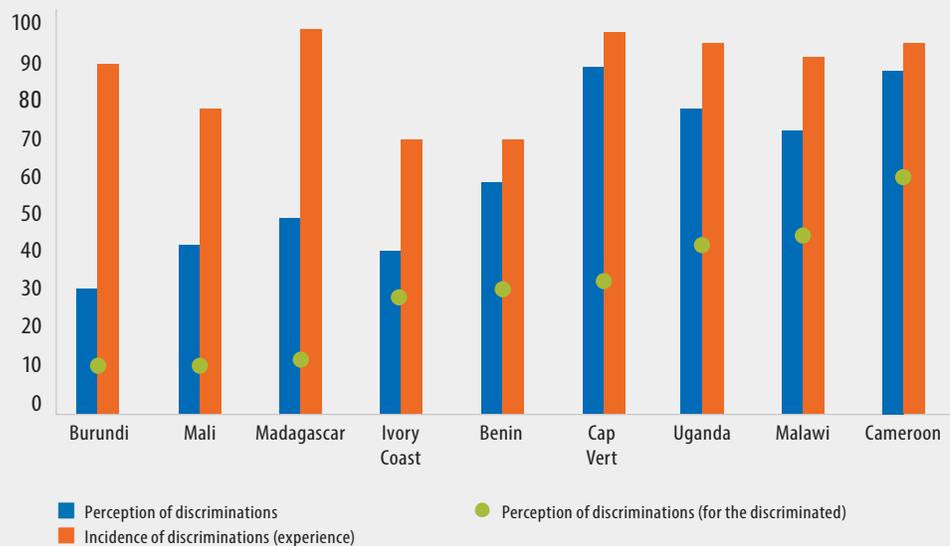
### BOX III.6 The impact of data on violence against women in the European Union

Results of the survey on violence against women – carried out by the European Union Agency for Fundamental Rights (FRA) – have been used extensively by policy makers at the EU level, as well as in the 28 EU Member States for which the survey provided for the first time comparable data concerning the extent, nature and consequences of violence against women. Recognising the gravity of the situation in the EU Member States, the European Commission used the survey results to justify the use of EU funds to support awareness-raising campaigns as well as the work of civil society organizations that support victims of violence. The survey results have been frequently quoted in the work of GREVIO, an expert body monitoring the implementation of the Council of Europe Convention on Preventing and Combating violence against women and domestic violence, the first legally binding instrument of its kind in Europe. The survey also had an impact outside the EU, leading the Organization for Security and Co-operation in Europe (OSCE) to apply the methodology developed by FRA to collect comparable data in countries beyond the EU.

Greivio, [www.coe.int/en/web/istanbul-convention/grevio](http://www.coe.int/en/web/istanbul-convention/grevio);  
 FRA: <https://fra.europa.eu/en/publications-and-resources/publications>;  
 OSCE: <https://www.osce.org/projects/survey-on-the-well-being-and-safety-of-women>

### BOX III.7 Comparing perception and experience of discrimination in Africa

Looking at the results of the first round of the GPS-SHaSa surveys conducted in nine African countries between 2013 and 2016, it appeared that the prevalence of experienced discrimination on ten grounds (e.g. ethnic, sex/gender, religion, disability) ranged from 10% to 61%. Compared to the perceived or assumed prevalence of discrimination (i.e. percentage of the population considering that there is “always” or “often” discrimination), the results showed an overall positive correlation with the prevalence of experienced discrimination. Not surprisingly, the perceived or assumed prevalence is also always lower for self-declared non-victims than it is for self-declared victims.



Sources: GPS-SHaSA modules, 2013-2016, NSOs; see also Razafindrakoto and Roubaud (2018), “Responding to the SDG 16 measurement challenge: the governance, peace and security survey modules in Africa”, *Global Policy*, 20, pp. 146-182.

### III.3.2.3 Discrimination testing surveys

71. Inspired by incidents of discrimination reported by victims and related testing of potential discriminatory behaviours by civil society organizations (e.g. testing if entrance to a restaurant or bar is systematically refused to individuals of a certain skin colour), discrimination testing methods have been developed and applied by institutional actors. For instance, discrimination testing surveys on access to employment were developed by ILO and implemented in several countries (e.g. Belgium, Germany, France, Italy, the Netherlands, Spain, Sweden, and the United States). The surveys measure the treatment by employers of two applications submitted for job vacancies in different economic sectors and for different levels of skills. The profiles of the two applicants are rigorously equivalent (i.e. same educational background and working experience, both born in the country and nationals, etc.), except for one criterion, such as “origins or migrant background”, revealed by names. The survey tests then statistically the number of times a person with rigorously equivalent profiles needs to apply before being invited for an interview. The employers tested are not aware of the experiment, but their anonymity is strictly protected. ILO testing showed discrimination in access to employment to be a major issue. Candidates of immigrant origin generally needed to make three to four times as many applications as candidates of “national extraction” in order to get to the next step of the hiring process (see, for instance, Attström, 2007, and Cediey and Foroni, 2008).

### III.3.3 Measuring indirect discrimination

72. As discussed above, discrimination extends well beyond direct discrimination. Any socioeconomic and other relevant statistics disaggregated by grounds of discrimination prohibited by human rights law are also essential to the measurement of discrimination, in particular indirect discrimination. Collecting and disseminating disaggregated data is not a norm- or value-neutral exercise and provides an opportunity to make groups visible and enhance the realization of their human rights. Given the associated risks and possible misuse of data, these efforts should be guided by the principles of the Human Rights-Based Approach to Data (see the chapter in this *Handbook* on human rights).

73. Listing all potentially relevant socioeconomic indicators to the measurement of non-discrimination and equality would go much beyond the scope of this *Handbook*. In complement to the table of illustrative indicators provided above, this chapter limits itself to providing some pointers regarding how best to derive meaningful insights.

74. A useful approach beyond simple disaggregation of descriptive statistics to revealing possible indirect discrimination is the average, deprivation and inequality approach:<sup>21</sup>

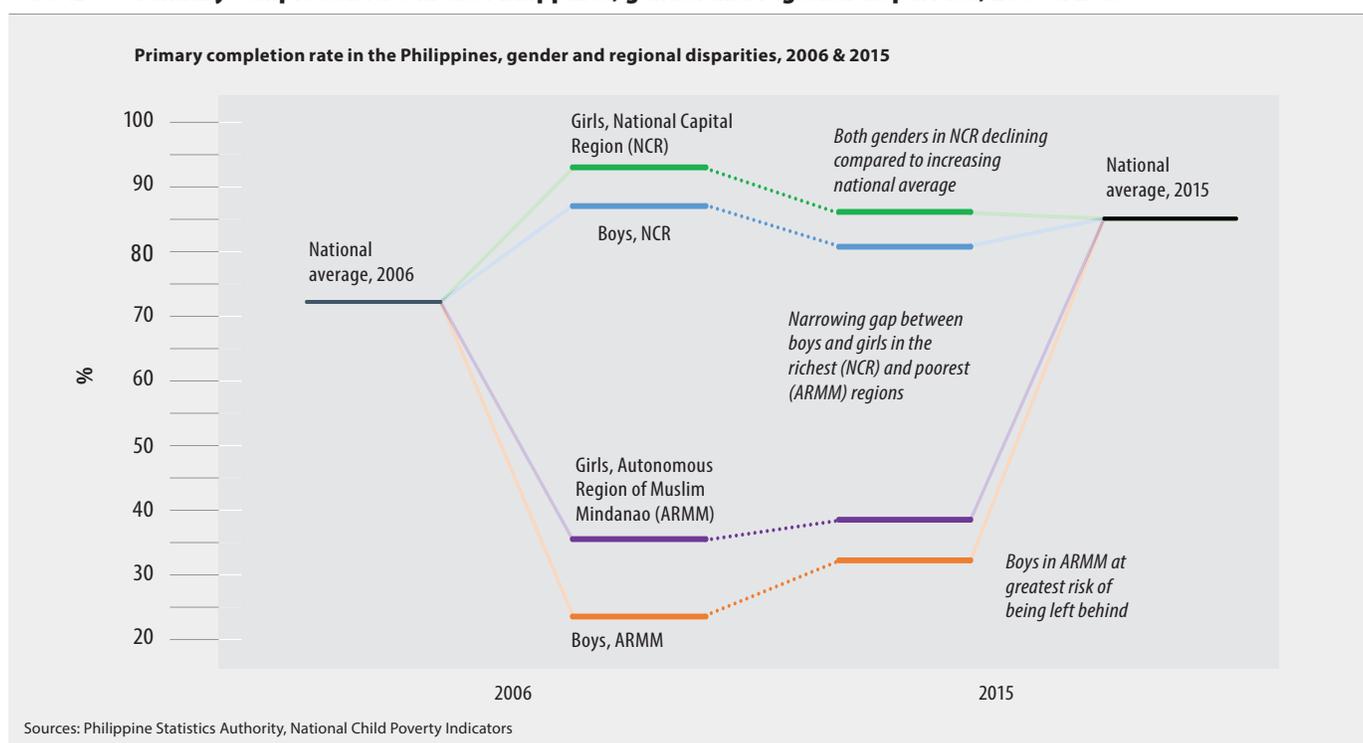
TABLE III.2 **Average, deprivation and inequality perspectives**

Time horizon	Average	Deprivation	Inequality
One period	What is the national average?	Who are the most deprived? (e.g. by sex, income quintile, ethnic groups)	What is the disparity between the groups? (e.g. women/men, bottom and top income quintiles)
Two or more periods	How has the national average changed?	How has the situation evolved for the most deprived?	How have the disparities evolved (widened or narrowed)?

<sup>21</sup> There are efforts emerging to develop new statistical practices to enhance data disaggregation, including on characteristics that may still be considered sensitive in country contexts. For instance, the OECD released studies on data collection practices regarding disaggregation by race and ethnicity, sexual orientation and gender identity. See OECD (2018) and OECD (2017).

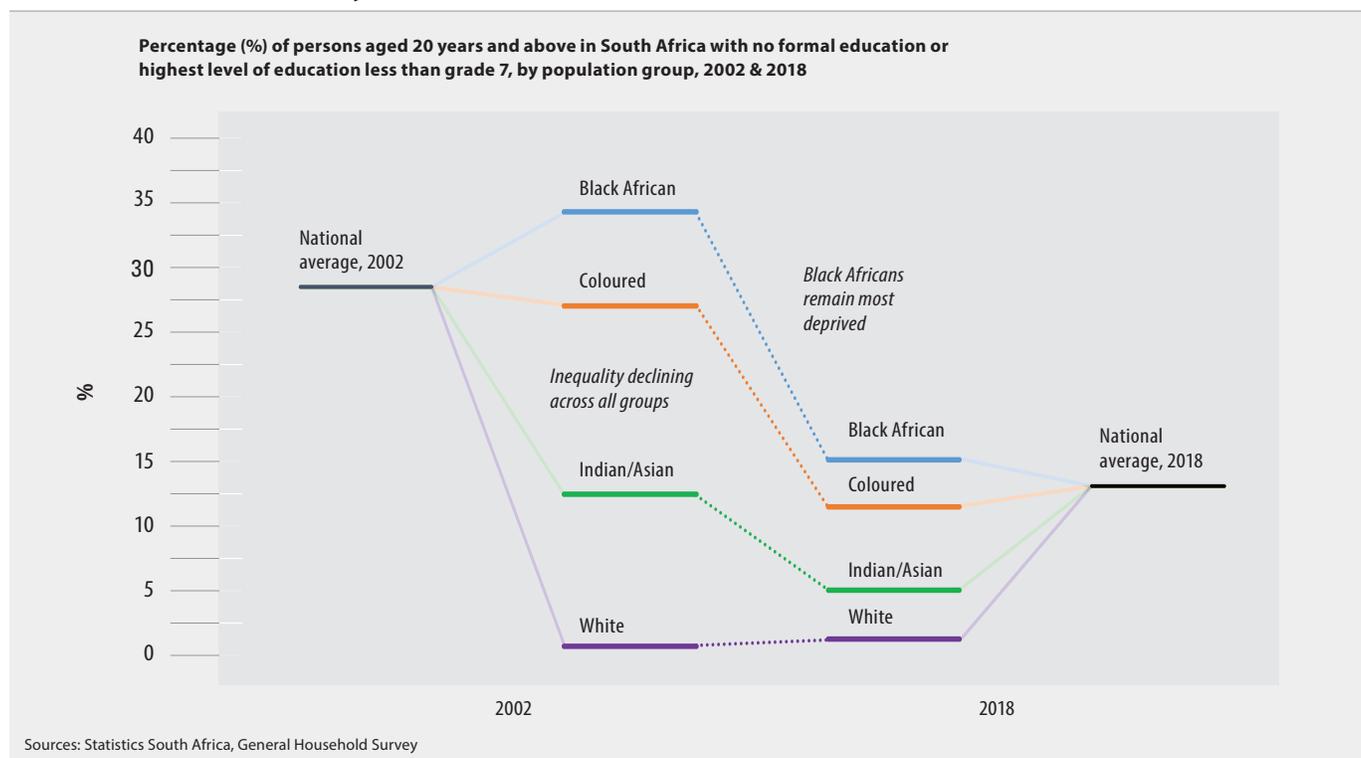
75. The following examples from the Philippines, South Africa and India illustrate applications of the average, deprivation and inequality approach. In the Philippines, the percentage of learners completing the last year of primary school (Figure III.1) has on average risen 12.3 percentage points between 2005 and 2015. Disaggregated data, however, reveals the gender and regional dimensions of disparity. In the same period, the gap between the National Capital Region (NCR) and in the Autonomous Region of Muslim Mindanao (ARMM) – the country's richest and poorest regions in terms of family income – has narrowed by 11.9 percentage points. That more boys and girls are completing primary grade in ARMM, whereas the primary completion rates for both gender categories in NCR has fallen, explains both the increase in the national average and the narrowing gap. Among the groups, the boys in ARMM remain the most deprived while girls in NCR are the most advantaged.

FIGURE III.1 **Primary completion rate in the Philippines, gender and regional disparities, 2006 & 2015**



76. As shown in Figure III.2, inequality in respect of South Africans over 20 years old considered functionally illiterate (defined as having no formal education or education below Grade 7) has declined on average for all non-white populations. Between 2002 and 2018, functional illiteracy has dramatically fallen among Black Africans, Coloureds (persons of mixed racial descent) and people of Asian or Indian descent. The incidence of functional illiteracy has declined the highest amongst Black Africans (by 19.3 percentage points, from 34.3 per cent in 2002 to 15.0 per cent in 2018), followed by Coloured (15.6 percentage points), whilst the gap between Black Africans and whites decreased from 33.8 percentage points in 2002 to 14 percentage points in 2018. From a deprivation perspective, Black Africans were still the most behind in 2018.

FIGURE III.2 **Functional illiteracy in South Africa between 2002 and 2018**



77. In India, a young woman aged 20–24 from a poor, rural household was 5.1 times as likely as one from a rich urban household to marry before the age of 18, 21.8 times as likely to have never attended school, 5.8 times as likely to become an adolescent mother, 1.3 times as likely to have no access to money for her own use, and 2.3 times as likely to report she has no say in how money is spent (UN Women, 2018).

78. Another advanced approach to uncovering differences in outcomes is statistical modelling, e.g. of the wage differential between men and women, potentially attributable to discrimination. Using the Blinder-Oaxaca decomposition method, multiple regression analysis can be performed to decompose the pay gap into elements that are more easily observed (Blinder, 1973; Oaxaca, 1973).

### III.3.4 Quality of available statistics

79. The accuracy of the available statistics outlined above depends on their respective data sources, the methodology applied for data collection and the nature of the information capture (e.g. verifiable/observable incidents or opinion).

80. Structural indicators, like the proportion of international treaties relevant to non-discrimination and equality ratified by States, have high accuracy.<sup>22</sup> They are based on comprehensive administrative records, the binary nature of information captured (i.e. ratified or not ratified) ensure their reliability. These structural indicators demonstrate validity as long as they are used to measure de jure acceptance of standards or commitments, and not the actual implementation of non-discrimination standards in practice.

<sup>22</sup> See <http://indicators.ohchr.org/>

81. Hate crime statistics based on administrative records usually underestimate the prevalence of hate crimes. Victims do not systematically report incidents to law enforcement officials. Moreover, the latter do not always rigorously assess and record possible motives behind crimes. The use of additional data sources, such as data collected by national human rights institutions and relevant civil society organizations, can help improve the accuracy of such incidents-based data. The credibility of data producers affects trust in hate crime statistics. It will be particularly problematic when the data producer, for instance, police officers, are themselves known or perceived as perpetrators of hate crimes.

82. The accuracy of discrimination statistics obtained through household surveys can be measured or assessed in terms of the error associated with sampling, non-response, questionnaire quality, interviewer skills and other data collection and dissemination issues. The possibility to cover population groups particularly at risk of discrimination will affect the accuracy and interpretation of statistics about discrimination prevalence, attitudes or opinions. Research has shown that lack of awareness or understanding of “discrimination” among the population affects the validity of the measurement. This calls therefore for spelling out the concept, by providing respondents with the same definition before asking about their experience, or by enumerating specific discriminatory acts and asking them if one of these happened to them. There are pros and cons in these approaches. While helping to identify the prevalence of specific discriminatory acts, the second approach will hardly be able to list all possible acts of direct as well as indirect discrimination. In addition, this approach, requiring more extensive survey modules, can discourage potential data collectors with limited capacity. These were among the main considerations behind the development of the relatively short survey module for SDG indicator 10.3.1/16.b.1. The combination of discrimination and harassment in the same survey module reflects the overlapping character of the two concepts, both at the level of respondents’ own understanding and, as mentioned earlier, in the international normative framework. It was also guided by the need to mitigate a telescoping risk, requiring the inclusion of an additional question in the module.<sup>23</sup> Cognitive testing on the module has revealed that providing respondents with the same definition of discrimination/harassment, highlighting possible areas, places or incidents, even in a succinct manner, helps to recall relevant incidents. A similar observation was made on the need for providing contextually relevant and accessible formulations of grounds of discrimination.<sup>24</sup>

83. Accessibility to statistics and related data on discrimination should be, if anything, non-discriminatory as well. People with disabilities, minorities speaking other languages and groups with limited resources, all at risk of discrimination, should have access to the statistics, the related data and the analysis. Proper interpretability of the statistics in this field calls for further collaboration between NSOs with national human rights institutions, non-discrimination and equality bodies and other relevant stakeholders.

84. For SDG indicator 10.3.1/16.3.1, achieving coherence across datasets, countries and over time depends on the extent to which methodologies applied at country level are consistent with the internationally agreed methodology, including consistent use of general definitions of discrimination/

<sup>23</sup> “Forward telescoping” describes a pattern of reporting events as having occurred more recently than they actually did. This phenomenon is commonly observed in the context of crime victimization surveys.

<sup>24</sup> For instance, rather than referring to ethnicity, more “plain language” may be helpful to respondents (e.g. the colour of your skin, your physical appearance or way of dressing, culture, traditions or language).

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**BOX III.8 Identifying and sharing good practices in collecting and on using equality data**

In February 2018, the European Union High Level Group on Non-discrimination, Equality and Diversity set up the Subgroup on Equality Data which is facilitated by the EU Fundamental Rights Agency (FRA). The subgroup provides a forum for relevant national authorities and EU institutions to discuss challenges and opportunities in improving the collection and use of equality data. Member States' representatives are experts from national statistical institutes, governmental departments dealing with non-discrimination policies, and equality bodies.

The subgroup combines thematic discussions on issues related to data collection on different grounds of discrimination with the work on specific outputs that can support EU Member States in their efforts to improve the collection and use of equality data: Guidelines on improving the collection and use of equality data (European Commission, 2018); an on-line compendium of practices related to equality data collection and use; and a diagnostic mapping tool. Furthermore, the subgroup supports the Member States by organizing study visits to countries with advanced structures and instruments in place to allow other Member States to get a deeper understanding of how these structures and instruments function and cooperate with each other.

harassment and the listing of prohibited grounds of discrimination (see Box III.7<sup>25</sup>). Differences should be appropriately documented to support interpretation and comparability assessment.

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**III.4 Recommended key indicators**

85. The chapter has shown that there are many statistical indicators relevant to the measurement of non-discrimination and equality. Given the importance of analysing common socioeconomic indicators by groups or grounds of discrimination prohibited by international human rights standards, it is not possible to provide an exhaustive list of all potentially relevant indicators. Therefore, the indicators listed in this section were selected primarily for their contribution to the measurement of direct discrimination, the existence of available methods and data collection practices (particularly in relation to the SDGs), and the role and contribution of NSOs in their compilation (Table III.3).

86. To also support the measurement of indirect discrimination, a more systematic dissemination and analysis of disaggregated socioeconomic and other relevant statistics drawing on the average, deprivation and inequality approach outlined in this chapter is also recommended.

<sup>25</sup> For more on the EU High Level Group, see: [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/network-experts-field-anti-discrimination\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/network-experts-field-anti-discrimination_en); on the Sub-group, see: <https://fra.europa.eu/en/project/2019/subgroup-equality-data>; for the Compendium of Practices, see: <https://fra.europa.eu/en/theme/racism-related-intolerances/racism-compendium-practices>; for the diagnostic mapping tool, <https://fra.europa.eu/en/theme/racism-related-intolerances/racism-compendium-practices/about-compendium>.

TABLE III.3 **Recommended key indicators**

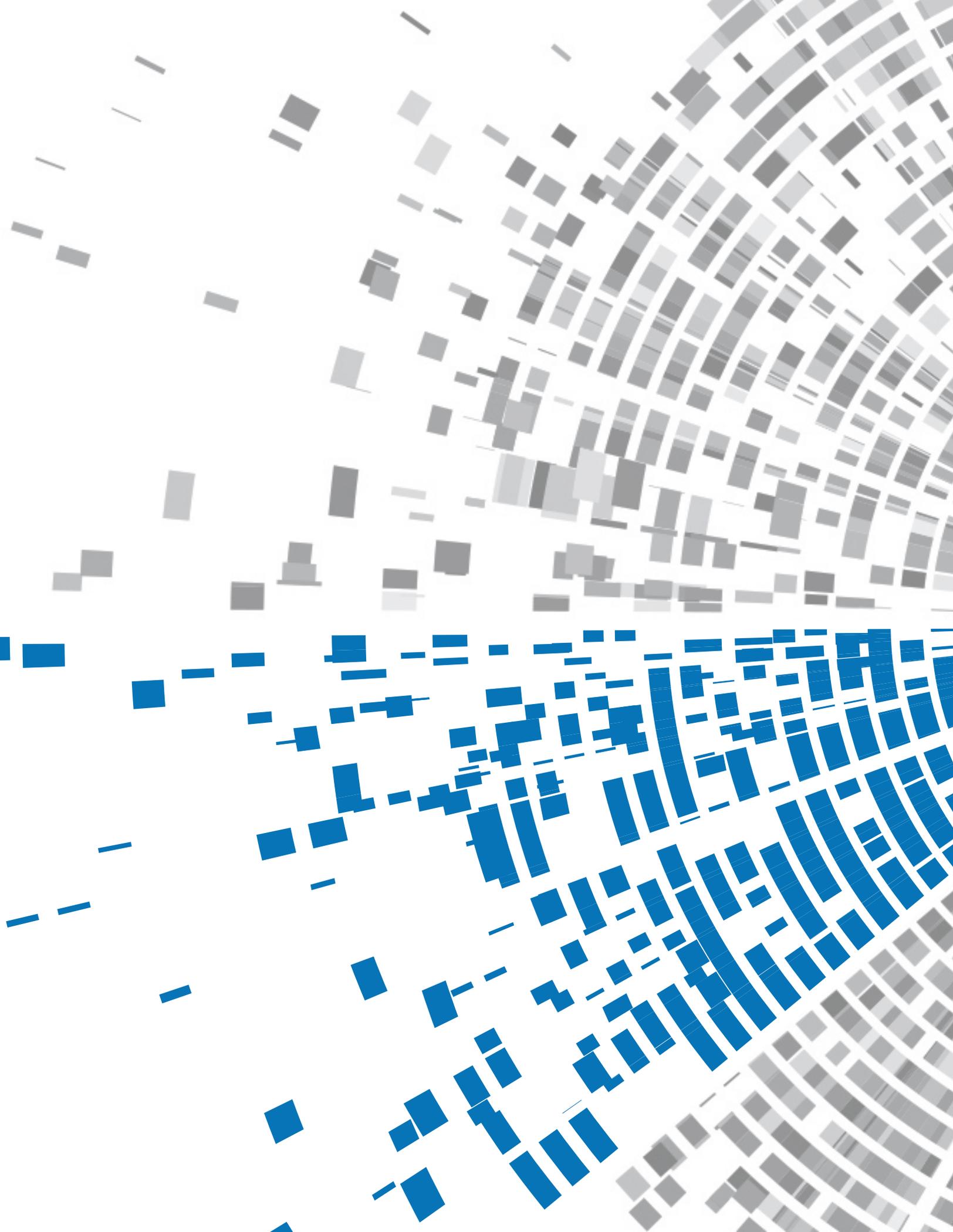
Sub-dimension	Indicator	Data source	Type
Direct discrimination	Proportion of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (SDG indicator 10.3.1/16.b.1)	Household surveys	Outcome
	Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex (SDG indicator 5.1.1)	Expert assessment	Structural
	Prevalence rates, disaggregated by the different domains where discrimination typically occurs, especially when people are seeking to access different opportunities and services – e.g. when looking for work, at work, in education or when in contact with their children’s school personnel, in access to healthcare, in connection with housing, when using public or private services (such as public transport, administrative offices, when entering a night club, restaurant or a hotel, and when being in or entering a shop)	Household surveys, discrimination testing surveys	Outcome
	Prevalence of hate crimes, namely crimes (e.g. homicide, assaults, theft) where victims are specifically targeted because of their characteristics, ascribed attributes, beliefs or values (e.g. race, religion, ethnic origins, sexual orientation or disabilities)	Administrative data, household surveys	Outcome
	Proportion of victims of discrimination/harassment/hate crime who reported the crime to relevant entities	Household surveys	Process/ outcome

### III.5 Way forward

87. The chapter outlined several concepts and definitions of non-discrimination and equality, based on international human rights standards and existing data collection practices. Referring to the 2030 Agenda for Sustainable Development and core international human rights treaties, the chapter highlighted the importance of measuring this dimension in support of States’ policy commitments and efforts to eliminate discrimination and reduce inequality at national level. Internationally agreed SDG indicators (SDG indicators 5.1.1, 10.3.1/16.b.1) and additional indicators contributing to the measurement of this dimension were recommended. Examples of related methodology and existing data collection practices from NSOs and other organizations (e.g. NHRIs and CSOs) from different regions have provided a solid basis for the further development of methodological tools and data collection using surveys and administrative records.

88. Moving forward, there is a need to prioritize the further development and piloting of surveys or survey modules and related guidance to measure discrimination at national level, particularly in connection with the implementation of the 2030 Agenda. Guidance on how to collect data on hard-to-reach and more-at-risk population groups should also continue to be developed, while also strengthening the review of practices in the compilation of hate crime statistics based on administrative sources. Given the opportunities and risks for human rights associated with the measurement of both direct and indirect discrimination along with the related data disaggregation challenges, there is a specific need for data collection and dissemination efforts to draw on the principles of the human rights-based approach to data (HRBAD). To meet these objectives, there is a need for mapping and strengthening collaboration between NSOs and other stakeholders, in particular NHRIs, equality

bodies, relevant CSOs and representatives of groups at risk of discrimination. This calls for further capacity-building activities and the sharing of best practices, both at national and international levels.





PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER IV

**Participation  
in political and  
public affairs**

## IV.1 Conceptualizing this dimension

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### IV.1.1 Normative framework and definition of “participation in political and public affairs”

89. Participation in political and public affairs is a universal human right and a key component of good governance. As a concept, it is grounded in various internationally agreed normative frameworks, particularly the 1966 International Covenant on Civil and Political Rights (ICCPR). Article 25 of the ICCPR provides for the right of every citizen – “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” – to participate in public affairs, including the following three elements:

- a) the right to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) the right to vote and to be elected; and
- c) the right to have access on general terms of equality to public service positions.<sup>1</sup>

90. General Comment no. 25 on article 25 of the ICCPR, adopted by the UN Human Rights Committee, explains that the conduct of public affairs referred to in paragraph (a) is a “broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels” (UN Human Rights Committee, 1966, para. 5).<sup>2</sup> The General Comment further specifies that the right to take part in the conduct of public affairs can also be realized “through public debate, dialogue with elected representatives, and people’s capacity to organize themselves” (GC, para. 8). In this regard, the Committee specifically refers to the “freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas (GC, para. 25)”.

91. Other human rights norms and standards refer to equal rights and opportunities to participate in political and public affairs for specific population groups. Figure IV.1 briefly illustrates internationally agreed normative frameworks emphasizing equal rights for women, ethnic, religious and linguistic minorities, indigenous people, youth and persons with disabilities, while Table ANX.IV.1 in Annex IV lists relevant regional human rights treaties.

92. Based on the above framework, this chapter proposes the following working definition of “participation in political and public affairs”:

Taking part in the conduct of public affairs, including by registering to vote, voting and standing as a candidate in elections; being members of legislative, executive and judicial bodies at all levels of government; accessing positions in the public service; and engaging, individually or as members of political parties and other non-governmental organizations, in political activities such as publicly expressing political opinions, campaigning, holding peaceful demonstrations or taking part in other forms of collective mobilization.

<sup>1</sup> ICCPR (1966), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>2</sup> General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service. Para. 5. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev)

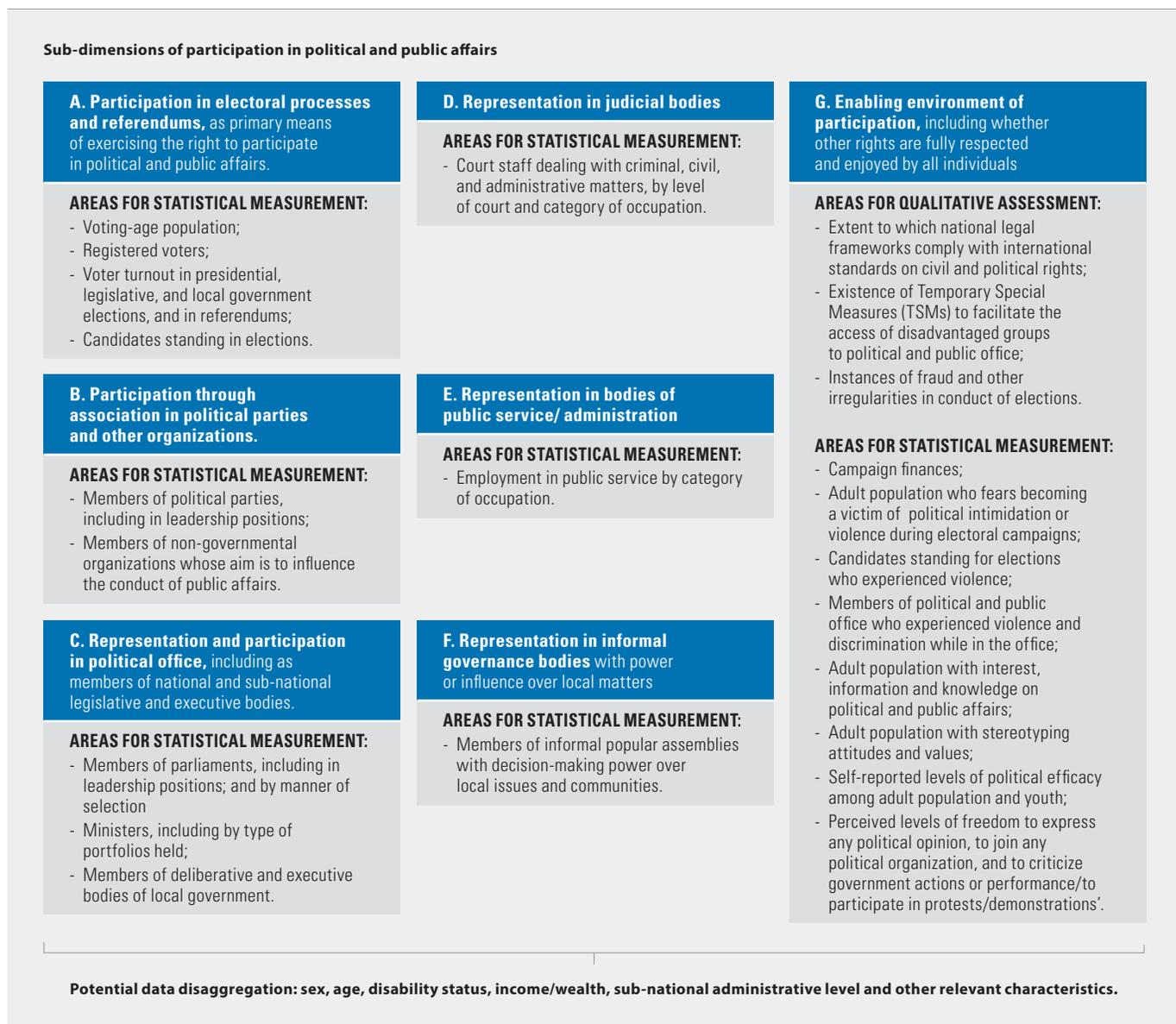
**TABLE IV.1 Internationally agreed normative frameworks on participation of specific groups in political and public affairs**

Participation of women	<p><b>UN General Assembly Resolution on Women and Political Participation (2011)</b> Article 2 calls on all States to eliminate laws, regulations and practices that, in a discriminatory manner, prevent or restrict women’s participation in the political process.</p> <p><b>Convention on the Political Rights of Women (1953)</b> Articles I-III state that women shall be entitled to vote in all elections, shall be eligible for election to all publicly elected bodies, and entitled to hold public office and exercise public functions on equal terms with men, without any discrimination.</p> <p><b>Convention on the Elimination of All Forms of Discrimination against Women (1979)</b> Article 7 protects women’s right, on equal terms with men, to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; to participate in the formulation of government policy and the implementation thereof; and to hold public office.</p>
Participation of minorities	<p><b>UN Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965)</b> Article 5 requires States Parties to... guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... (c) political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.</p> <p><b>Declaration on the Rights of Persons belonging to National or Ethnic, Religious &amp; Linguistic Minorities (1992)</b> Article 2 states that persons belonging to minorities have the right to participate effectively in public life, and in decisions on the national and, where appropriate, regional level.</p> <p><b>UN Declaration on the Rights of Indigenous Peoples (2007)</b> Article 5 states that indigenous peoples have the right to maintain and strengthen their distinct political... institutions, while retaining their right to participate fully, if they so choose, in the political... life of the State.</p>
Participation of youth	<p><b>Security Council Resolution 2250 (2015)</b> Article 1 urges Member States to consider ways to increase inclusive representation of youth in decision-making at all levels in local, national... institutions and in mechanisms for the prevention and resolution of conflict.</p>
Participation of persons with disabilities	<p><b>UN Convention on the Rights of Persons with Disabilities (2006)</b> Article 29 states that States Parties shall ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.</p>
Participation of migrants	<p><b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) (1990)</b> Article 41 states that Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.</p>

#### IV.1.2 Sub-dimensions of participation in political and public affairs

93. Participation in political and public affairs has several sub-dimensions, as derived from the normative framework and illustrated by Figure IV.2. Each sub-dimension entails one or more specific areas for statistical measurement. For instance, measuring participation in electoral processes requires statistical information on the voting-age population, registered voters, voter turnout and candidates standing in elections. As further shown in Figure IV.2 and explained in Box IV.1, capturing inclusive participation and realization of the right to participate for all individuals requires that statistics are disaggregated by sex, age, disability status, income/wealth, sub-national administrative level and other relevant characteristics and that this is looked at in relation to the environment of participation, including whether other rights are fully respected and enjoyed by all individuals.

FIGURE IV.1 **Conceptual and measurement framework for participation in political and public affairs**



94. The following sub-dimensions of participation in political and public affairs are noted:

95. Participation in electoral processes and referendums (sub-dimension A) is a crucial sub-dimension of participation considering that elections are “the primary means through which individuals exercise their right to participate in public affairs” (Guidelines, para. 25). Inclusive electoral processes enable the direct participation of eligible persons as voters or as candidates in elections and the exercise of governmental power by freely chosen and accountable representatives. Referendums also enable direct electoral participation, by giving people a say in “choos[ing] or chang[ing] their constitution or decid[ing] public issues” (GC, para. 6).

96. Participation through association in political parties and other organizations (sub-dimension B) allows citizens to “exert influence through public debate... or through their capacity to organize themselves” (GC, para. 8). The UN Human Rights Committee specifically refers to the “freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas” (GC, para. 25).

97. Representation and participation in political office (sub-dimension C) refers to representation and participation in political office including as members of legislative and executive bodies of government. The Office of the High Commissioner for Human Rights underlines that “adequate representation of the diversity within societies should be reflected, as appropriate, in State institutions and governmental bodies” (Guidelines, para. 20(d)).<sup>3</sup> Consistent with the 2008 SNA (System of National Accounts), this *Handbook* distinguishes between three spheres of government: central government, state (intermediate) government, and local government (2008 SNA, paras 4.129-4.130). Central government is the government sphere with legislative, judicial and executive authority over the entire territory of the country (paras 4.134 and 4.117). Its political responsibilities include national defence, the maintenance of law and order and relations with foreign governments, ensuring the efficient working of the social and economic system by means of appropriate legislation and regulation, and providing collective services for the benefit of the community as a whole (para 4.134). The state (intermediate) government sphere consists of multiple state government institutional units whose fiscal, legislative and executive authority extends only over the states (or equivalent largest geographical areas) into which the country as a whole may be divided for political or administrative purposes (paras 4.140 – 4.143). Considerable powers and responsibilities may be assigned to state (intermediate) governments, especially in countries with federal constitutions (para 4.141). In some countries, especially small countries, individual states and state governments may not exist (para 4.141). The local government sphere consists of multiple local government units whose fiscal, legislative and executive authority extends over the smallest geographical areas distinguished for administrative and political purposes (para 4.145). The scope of their authority is generally much less than that of central government and state governments, they are often heavily dependent on higher levels of government, and they may act as agents of central or state governments to some extent (paras 4.145-4.146).

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#### **BOX IV.1 On the importance of disaggregating data on participation in political and public affairs**

Systemic inequalities impact specific population groups differently and can limit their participation in political and public affairs. As such, collecting and disseminating disaggregated data on participation is fundamental to the development of adequate measures to strengthen the participation of individuals and groups that are marginalized or discriminated against. The Guidelines for States on the effective implementation of the right to participate in public affairs (A/HRC/39/28) specify that the adverse impact of discrimination (including multiple and intersecting forms of discrimination) on the right to participate in public affairs should be recognized ‘in particular for women and girls, young people, persons with disabilities, indigenous peoples, older persons, persons belonging to minority groups, persons with albinism, lesbian, gay, bisexual, transgender and intersex persons and other groups that are discriminated against’. Furthermore, disaggregation by wealth/income and occupational status is key in showing potential economic imbalances in the make-up of the public office and the political participation of the underprivileged. Disaggregation by migratory status may also be important, considering the growth of migration streams across the globe which has made the civic and political integration of migrants an increasingly important policy imperative. Finally, in most countries, participation in political and public affairs is not evenly distributed across administrative levels. As such, data on participation should also be disaggregated at relevant sub-national levels to enable policymakers and human rights bodies to more carefully target programmes aimed at expanding the effective exercise of the right to participation. In many countries, meaningful analysis may require disaggregation down to the level of individual municipalities, counties or wards.

<sup>3</sup> Guidelines for States on the effective implementation of the right to participate in public affairs, based on report UN Office of the High Commissioner for Human Rights A/HRC/39/28 and presented by the Human Rights Council to member states and other relevant stakeholders through Resolution 39/11. Available at: [https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs\\_web.pdf](https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf)

98. Representation in judicial bodies (sub-dimension D) refers to the extent to which various population groups have equal access to judicial positions and are equally represented in the judiciary, especially among judicial officials holding decision-making power. The judiciary is the system of courts that constitutes the branch of central authority in a country concerned with the administration of justice. In the judiciary, decision-making power and leadership roles are essentially held by individuals in two types of positions, namely judges and registrars. Judges play important roles in decision-making by carrying out their core functions of interpreting laws and adjudicating controversies over the application of laws to particular circumstances. Registrars assist judges in performing their functions and play an important role in case management, including by scheduling hearing dates, registering court documents, receiving fees emanating from court matters, preparing case files, drafting decisions and executing court decisions. Additionally, in certain circumstances, they can perform judicial or quasi-judicial functions themselves, including making decisions on interlocutory applications, assessment of damages, and applications for the entry of default judgments.

99. Representation in bodies of public service/administration (sub-dimension E) refers to the extent to which various population groups have equal access to public service positions and are equally represented in the public service. Article 25 of the ICCPR underlines people's right to access public service positions based on "equal opportunity and general principles of merit" (para. 23). This implies that "the criteria and processes for appointment, promotion, suspension and dismissal must be objective and reasonable", in order to minimize political interference. The UN Human Rights Committee further adds that "affirmative measures may be taken in appropriate cases to ensure that there is equal access to public service for all citizens (para. 23)."

100. Representation in informal governance bodies (sub-dimension F) refers to popular assemblies with power "to make decisions about local issues or about the affairs of a particular community (para. 6)" such as indigenous or custom-based local governance bodies.

101. An enabling environment for participation in political and public affairs (sub-dimension G) is grounded in the consideration that "the right to participate in public affairs cannot be considered in a vacuum (Guidelines, para. 14)": it requires an enabling environment where other rights are fully respected and enjoyed by all individuals. Particularly relevant are the freedom of expression (GC 25, para. 8),<sup>4</sup> "the right to form and join organizations and associations concerned with political and public affairs (Ibid.)";<sup>5</sup> "a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion (Ibid., paras. 12, 25, 26)", the right of access to information (Guidelines, para. 15) and the right to equality and non-discrimination (GC 25, paras. 15, 16, 21, 23, 24).

102. Furthermore, the right to participate in political and public affairs requires States to adopt legislative and other measures to ensure that individuals have an effective opportunity to enjoy the right (GC 25, para. 1), including, among others, temporary special measures to increase representation in political and public office among groups that are marginalized or discriminated against<sup>6</sup> and measures enabling electoral processes that are not distorted by disproportionate distribution of campaign finances and are free of violence or the threat of violence (GC 25, para 19). A prevalent form of violence in political context is violence against women in political life, defined as any act of, or threat of,

4 Note: Freedom of expression is guaranteed under article 19 of ICCPR.

5 Note: Freedom of assembly is guaranteed under article 21 of ICCPR and freedom of association is guaranteed under article 22 of ICCPR.

6 Guidelines, para 19 (e). Temporary special measures (TSMs) are specific targeted measures taken to accelerate the equal participation of women or other underrepresented population groups in the political, economic, social, cultural, civil or any other field. Examples of legislated TSMs in electoral processes include reserved seats and election candidate quotas (UN Women and UNDP, 2015).

gender-based violence, resulting in physical, sexual, psychological harm or suffering to women, that prevents them from exercising and realizing their political rights, whether in public or private spaces, including the right to vote and hold office, to vote in secret and to freely campaign, to associate and assemble, and to enjoy freedom of opinion and expression. Such violence can be perpetrated by a family member, community member and or by the State. Violence against women in elections is a form of violence against women intended to impact the realization of women's political rights in an electoral context (UN Women and UNDP, 2017).

103. Furthermore, States are required to “ensure that [all members of society] are empowered and equipped with the knowledge and capacity necessary to claim and exercise their rights” (Guidelines, para. 17). People must also perceive that they have abilities to understand politics and to participate in political processes (internal political efficacy) and feel that their views can impact on public decision-making for them to find it “worthwhile” to perform their civic duties (external political efficacy). When internal and external political efficacy are stronger, levels of political participation, including voting in elections, are also higher (see Condon and Holleque, 2013; Finkel, 1985; and Vecchione and Caprara, 2009).

## IV.2 Why is this dimension important?

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104. As mentioned above, participation in political and public affairs is a human right and nobody should be denied opportunities to realize this right. Furthermore, and as recognized by the UN Human Rights Council, equal and effective participation in political and public affairs is of “critical importance... for democracy, the rule of law, social inclusion, economic development and advancing gender equality and empowerment of women and girls, as well as for the realization of all human rights and fundamental freedoms”.<sup>7</sup> Empirical evidence shows that inclusive participation significantly benefits sustainable development, as summarized below:

- Inclusive participation in political and public affairs leads to more effective governance and more sustainable development outcomes. Research in OECD countries, for instance, shows that when citizens are able to participate in selecting their government and have freedom of expression, freedom of association and a free media, governments are more effective.<sup>8</sup> Allowing public participation in decision-making deepens the understanding by authorities of people's demands and preferences, helps them identify significant deprivations, and encourages them to better assess the impact of various policy and legislative options on population groups (Guidelines), with considerable payoffs for economic efficiency and social equity (OECD, 2017b).
- When political structures are more representative of society, the level of public trust in public institutions is higher. People feel closer to elected representatives and public servants who resemble them, and they perceive more representative political bodies to generate better quality and fairer policy decisions, and to be less prone to the influence of vested interests over decision-making. On the other hand, it has been shown that people or communities

<sup>7</sup> Human Rights Council, Thirty-ninth session, 10–28 September 2018, Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/39/L.14 <https://undocs.org/A/HRC/39/L.14/Rev.1>

<sup>8</sup> As measured by the World Bank's Worldwide Governance Indicators. OECD (2017); OECD Public Governance Reviews, available at: <https://doi.org/10.1787/9789264268920-en>

with low levels of trust in governing institutions are less likely to engage with them, including through voting in elections (OECD, 2017a).

- Inclusive decision-making is fundamental to sustaining peace. When women take leadership roles and participate meaningfully in peace negotiations, the resulting agreements tend to last longer and there is greater satisfaction with the outcomes. Similarly, societies that offer more opportunities for youth participation in the political realms tend to experience less violence (United Nations/World Bank, 2018; O’Reilly, O’Suilleabhain and Paffenholz, 2015).
- At a more holistic level, inclusive participation in political and public affairs increases people’s satisfaction with their life. It has been shown that people’s feeling of “having a say in what the government does” – people’s sense that their views can impact the political processes and therefore, that they can influence their living conditions – affects individual levels of life satisfaction (Flavin and Keane, 2011).

105. Accordingly, the 2030 Agenda for Sustainable Development places particular emphasis on the promotion and protection of the participation of all members of society in political and public affairs. This is well reflected in Goal 16 on Peaceful, Just and Inclusive Societies, which includes a target aimed at ensuring responsive, inclusive, participatory and representative decision-making at all levels (target 16.7), another aimed at promoting and enforcing non-discriminatory laws and policies (target 16.b), and another aimed at ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements (target 16.10). Ensuring equal opportunities to participate in political and public affairs is also at the heart of Goal 5 on Gender Equality (with target 5.1 aimed at ending all forms of discrimination against all women and girls everywhere, and target 5.5 aimed at ensuring women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life) and Goal 10 on Reducing Inequalities (with target 10.2 aimed at empowering and promoting the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status). Beyond Goals 16, 5 and 10, the implementation and monitoring of the 2030 Agenda as a whole rests on the meaningful participation of all actors in society, in particular those most at risk of discrimination and being left behind.

### **IV.3 Data and best practices currently available**

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106. Participation in political and public affairs is a multidimensional concept, and its measurement involves multiple sources of data – including administrative sources, censuses,<sup>9</sup> surveys and expert assessments – some of which can be used to measure the same sub-dimensions. For example, aspects of participation in electoral processes may be measured through administrative data produced by Electoral Management Bodies (EMBs)<sup>10</sup>, but also through survey data. Similarly, representation in the public service may be measured through administrative data, but also through surveys of government employees and population censuses.

<sup>9</sup> Censuses, because of their unparalleled coverage, remain the best source of baseline data on the demographic and socioeconomic characteristics of the population in general. This data is needed to measure the extent to which representation in political office, in the public service and in the judiciary resembles the make-up of the national population.

<sup>10</sup> An EMB is the body (or bodies) responsible for planning and administering the conduct of elections, and on occasion, referendums. Tasks of an EMB may include: voter registration, receiving and validating the nominations of electoral contestants; conducting polling; counting the votes; and tabulating the results.

107. Developing a coherent and cost-effective statistical system on participation in political and public affairs requires careful consideration of the strengths and pitfalls of each data source. This section provides basic information to guide users in selecting appropriate sources to measure the various sub-dimensions of participation covered in this chapter.

### **IV.3.1 Administrative data**

108. Administrative sources are cost-effective for statistics on (a) participation in electoral processes and referendums; (b) representation in legislative and executive bodies of government at national and sub-national levels; (c) representation in the public service; and (d) representation in the judiciary. This type of data may be produced by various governmental entities, including EMBs or equivalent, secretariats of national parliament and government, ministries of local government, Public Service Commissions/Ministries of Public Administration, and Judicial Services Commissions/Ministries of Justice, as described below. It is recommended that these entities be integrated into national statistical systems and that their mandate in producing official statistics on participation in political and public affairs be clearly defined.

#### **IV.3.1.1 Administrative data produced by Electoral Management Bodies (EMBs)**

109. EMBs are entities engaged in organizing formal elections and referendums through a series of core activities, including voter registration, registration of candidates, polling place management, counting, tabulation and dissemination of election results, and post-election assessments. Additional tasks – such as voter outreach and information, electoral boundary delimitations, campaign finances disclosure and adjudication of electoral disputes – may also be undertaken by some EMBs. The overall process involves managing a vast amount of information that is essential for election administration and accountability and can provide the basis for statistics on electoral and political participation.

110. Voter registration is a preparatory activity that involves recording eligible voters on a voters list. It may be generated through updating existing voter lists; extracting new lists from civil or population registries, national ID card databases or residency lists; or the targeted enumeration/registration of eligible persons for the purpose of elections. The outcome is a voter list or registry comprising the names and selected sociodemographic characteristics of the persons who are eligible to vote and the polling places where they are expected to cast their vote.

111. The criteria for voter eligibility are indicated in the legal framework of a country, and typically refer to age, citizenship and residence. In addition to these characteristics, it is recommended that the registration process integrates, at a minimum, information on the sex and age of registered voters. The information obtained can be used to generate statistics on voter registration, overall and disaggregated, at a minimum, by sex, age and place of residence. In countries where registration records are in electronic form, the disaggregation is straightforward and may inform, including in real time, targeted interventions and overall strategies for more inclusive registration.

112. Voter turnout refers to the number of registered voters casting a vote (whether valid or not) on election day(s). A key advantage of the EMBs as the source of data (by comparison with surveys as source of data) is their ability to provide data on the number of voters disaggregated at different geographical levels. Other possible disaggregations of EMB data on voter turnout include individual voter characteristics, such as sex and age. This information is directly accessible from the scanning of voter ID cards or from an electronic register. For instance, in South Africa, the Independent Electoral Commission uses the South African Identity document (ID) number as the basis for voter registration, verification of the voter's identity at the polling stations, and the record of voter turnout. The

ID number is issued for all citizens and individuals qualifying for South African residence status and incorporates numeric information on date of birth, sex (female or male), and citizen or permanent resident status. This enables obtaining data on registered voters and voter turnout disaggregated by sex, age and geographical area. ID numbers can further be used to link electoral data with data from other administrative sources. This has been done by Statistics Norway, which has developed a system to monitor the electoral participation of migrants in local and parliamentary elections, by using national ID numbers to link microdata from the electoral registers with microdata from population and other registers supplying information on the country of birth, reason for migration and length of residence (see Box IV.2).

#### **BOX IV.2 Statistics Norway's experience in producing voter turnout statistics disaggregated by immigrant background**

All foreign nationals with three years of legal residence in Norway were given the right to vote in local elections in 1983 and in parliamentary elections in 1997. Eligible voters in local elections can also stand as candidates for municipal and county councils. In order to facilitate the integration of immigrants into the country's democratic political processes and institutions, Statistics Norway has established a system to produce data disaggregated by immigrant status.<sup>11</sup> The system builds on a provision of the Statistics Act of Norway, which states that the country's national statistical office shall have access to all official registers. It is based on the unique identifier (national ID number) provided to each person living in Norway, which is also used to identify eligible voters in the electoral register. With this ID number, Statistics Norway can merge microdata from the municipal electoral registers with other population registers that provide data on the country of birth, the country of birth of the person's father and mother, and reasons for migration. Information about refugees' background is also available for linkage. This has enabled, since 1983, the production of official voter turnout statistics by reason for immigration (i.e. refugee background, labour immigration, education, other family immigration) and by length of residence in the country (i.e. 0-9 years, 10-19 years, 20-29 years, more than 30 years) (Statistics Norway, 2015, 2017).

These disaggregated statistics have revealed that voter turnout among immigrants is significantly lower than among the general population (by about 25 percentage points), and that it varies considerably according to what country an immigrant is from. They have also shown that longer periods of residence and older age groups are correlated with a higher turnout. Detailed statistics are also available to examine who among the immigrant population stood as a list candidate and who was elected as a representative (by country of origin, by reason for immigration, by length of residence, etc.). Based on these statistics, introduction programmes that teach immigrants about Norwegian society and the political system can now be designed with specific target groups in mind, thus making them more effective and helping to enhance levels of immigrant participation in the country's political life.

113. When voter turnout is manually recorded at polling stations, it is recommended that the tally or results form at polling places records the overall number of eligible voters on the list who voted. Polling staff should record the sex of the voters as they turn out during the polling period. Regardless of manual or electronic methods, voter turnout results (by sex and other characteristics) need to be aggregated at district or regional level, and then aggregated for the whole country.

114. Candidate registration refers to receiving and validating nominations for candidates to stand in elections, including candidate lists from political parties, coalitions of parties or individuals, and independent/non-affiliated individual candidacies. The submission of nominations for candidacies typically includes standardized forms covering information related to party affiliation, a ranking of candidates on a candidate list, and information on individual characteristics of the candidates as required by the electoral laws and regulations. These individual characteristics often refer to sex and age, and, less frequently, education and occupation. Information on the ranking of women and men on candidate lists is particularly relevant in contexts where existing legislated candidate quotas for women require

<sup>11</sup> This is in line with a provision in the Election Act of Norway which states that the electoral register should be used for election research and governmental planning (without jeopardizing the anonymity of the persons listed).

not only that a certain proportion of the total number of candidates are women, but also that women and men be distributed in a balanced manner across the list.

115. The systematic electronic registration of information on sex, age and other sociodemographic characteristics of candidates provides the basic information needed to generate statistics to measure whether different sub-groups of the population have equal chances to stand for elections. These statistics are key in informing political decisions on special measures to increase the participation of underrepresented groups and can only be generated in a cost-effective manner by EMBs or the bodies charged with registering parties and candidates.

116. The counting of votes and tabulation of results are sensitive and often complex processes during which the winners and losers of an electoral contest are determined according to the electoral law. Election results are recorded in official results forms and reported by individual polling stations to higher levels of the electoral administration. While public dissemination of election results often takes the form of lists of party names and/or candidates who won the elections and the number of votes obtained, it is recommended that the dissemination of information on election results goes a step further and provides short summary statistics about the composition of elected representatives in terms of sex, age, geographical areas and other characteristics relevant in the national context (see also Box IV.3).

#### **BOX IV.3 Institutionalizing the collection and dissemination of disaggregated data by EMBs**

Administrative data generated by EMBs can be one of the most cost-effective and timely data sources for monitoring progress towards inclusive political participation by people as voters, candidates and elected officials. This requires that a minimum of individual and geographical characteristics be systematically recorded during the electoral process and used as a basis for data processing/analysis and dissemination.

The following series of steps are recommended to be undertaken to institutionalize the collection and dissemination of disaggregated data by EMBs. Some of these steps are best taken in partnership with NSOs, given their role as coordinators of statistical activities within NSSs and in providing quality assurance for official statistics production.

1. The statistical mandate of the EMB is made clear in the electoral laws, rules or regulations guiding the work of EMBs. If changes need to be made to the legal framework, they should be incorporated and communicated before the new election period starts.
2. An assessment of existing potential disaggregations in electoral registration forms and electronic information systems is conducted to examine whether the following procedures are in place:
  - A geographic information system (GIS) is integrated in the information system of EMBs. This enables the recording of information on the geographical location of eligible voters, voters and polling stations in line with the geospatial standards used by NSSs, thus ensuring the coherence and integration of EMBs' information systems within the system of official statistics.
  - Paper and electronic forms for voter and candidate registration include, at a minimum, information on sex and age. For candidates, information on additional characteristics may be required by law, including education or occupation. However, information on sensitive aspects that may breach the privacy of persons in the public setting of elections – such as disability status, ethnicity or race, religion, income/wealth status – should be carefully considered before initiating data collection.
  - The information system used by EMBs to collect and store data electronically enables linkages between various types of data, particularly the information on registered voters with voter turnout, and information on candidates with elected candidates.
3. Post-election dissemination of information on electoral participation and election results is done in a statistical format that is easily accessible to ensure that data generated by EMBs – a valuable public good – is effectively used by all interested stakeholders. It is recommended that a brief statistical summary is prepared and includes data on registered voters, voter turnout, election candidates, and the winners of elections disaggregated by sex, age categories, other relevant individual characteristics and relevant territorial-administrative units.
4. Data-sharing agreements are developed to ensure that EMB data can easily be accessed by NSOs and other entities of the NSS. Such data may be tabulated / aggregated at the level of sub-national administrative units used for electoral management. Some data – such as data on candidates and elected candidates - may also be shared at individual level.

117. In addition to these core tasks, EMBs may also gather information on potential obstacles to inclusive electoral and political participation, including, for example, on campaign finances (including direct and indirect, as well as monetary and in-kind expenditures and contributions), and accessibility to polling stations for persons with physical disabilities.<sup>12</sup>

#### **IV.3.1.2 Parliamentary and ministerial secretariats**

118. Parliamentary and ministerial secretariats can provide data on representation and participation in national political office, including data on the sex, age, nationally relevant population groups, education, occupational categories and wealth of individuals holding positions in national legislative and executive bodies. While the format and scope of the information collected vary, nearly all parliamentary secretariats record the sex and date of birth (which enables disaggregation by age) of appointed and elected members of parliament (MPs). Information about the wealth and occupational background of MPs is less commonly documented but important for showing the imbalances in the make-up of MPs, typically to the advantage of white-collar professionals and above-average income groups.<sup>13</sup>

119. Information is also commonly recorded on the sex and age of parliamentarians in leadership positions (speakers and deputy speakers) and those who are members of committees and parliamentary groups. In the context of global reporting on SDG 16.7.1(a), which measures how representative of the general population are the individuals occupying key decision-making positions in national legislatures, information on the sex and age of MPs in three types of positions is to be collected, namely, (1) Members, (2) Speakers and (3) Chairs of permanent committees in charge of the following portfolios: Foreign Affairs, Defence, Finance, Human Rights and Gender Equality.

120. Similarly, ministerial secretariats (or, potentially the President or Prime minister's office) can provide data on senior members of the executive body, including ministerial positions and the head of government, by sex and age. Ministerial positions refer to the highest decision-making positions in the executive branch of government, immediately following the Head of Government, and generally leading key policy areas of governmental action. Ministerial positions typically include all members of the Council/Cabinet of Ministries (or equivalent) and the Deputy Prime Minister (in countries where applicable). Additional information on types of ministerial portfolios held by women and men ministers should also be provided.

121. Although sociodemographic information on MPs and senior government officials are usually publicly available and simple to process, parliamentary and ministerial secretariats need to be tasked with summarizing this information in a statistical format and reporting it regularly. It is recommended that NSOs provide them with guidance to this end and request the regular dissemination of information on the composition of these high-level decision-making bodies.

#### **IV.3.1.3 Public Service Commission/Ministry of Public Administration**

122. The most common and most comprehensive method for collecting public servant data (to measure representation in the public service) is a Human Resource Management Information System (HRMIS), which is typically maintained by a Public Service Commission (or related institution such as

<sup>12</sup> Further readings on EMB organization and their data collection functions: International Institute for Democracy and Electoral Assistance (IDEA) (2014); IDEA (2017); UN Women and UNDP (2015).

<sup>13</sup> Research has shown that imbalances in the occupational and income group make-up of MPs are common across countries with different political systems, and that these imbalances impact on the decisions taken by parliaments. See, for example, OECD, 2017, p.173.

a Ministry of Public Administration or a Ministry of Finance). In a global study conducted by UNDP's Gender Equality in Public Administration (GEPA) Initiative on the availability and quality of data on women in public service in over 130 countries, such systems were found to produce more robust data, in developing and developed countries alike (i.e. no sampling error compared to public service employment statistics derived from surveys), more up-to-date data (HRMIS are updated on a continuous basis, compared to surveys conducted once a year or once every two years) and to have the greatest potential for expansion on various disaggregations.

123. To measure the extent to which the composition of the public service is representative of the national population at various levels of decision-making (as requested by SDG global indicator 16.7.1.b.), public servant data needs to be disaggregated by occupation<sup>14</sup> ("job"). For purposes of international comparison, countries are encouraged to align national classifications of public service jobs with the International Standard Classification of Occupations (ISCO-08). Table ANX.IV.2 in Annex IV outlines the main categories of occupations of relevance to the public service, as defined by ISCO-08, namely among managers, professionals, technicians and associate professionals, and clerical support workers. Among front-line service workers, a particular focus is placed on police, education, health and front-desk administrative personnel. Such information can then be easily disaggregated by multiple individual characteristics – such as sex, age, nationally relevant population groups or disability status<sup>15</sup> – thus enabling an analysis of the representation of various population groups at various levels of decision-making across the public service.

124. National institution maintaining an HRMIS should collaborate with the NSO to ensure quality standards are followed in the production of data.

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#### **BOX IV.4 Measuring representation in the public service - SDG 16.7.1.b.**

SDG 16.7.1.b. aims to measure how representative of the general population are the individuals occupying decision-making positions in the public service. It has been found that when public servants resemble the people they provide services to, in respect to sex, age, nationally relevant population groups (e.g. ethnic, linguistic, indigenous or other groups) and disability status, levels of popular trust in public institutions are higher (see OECD, 2017a). Countries are encouraged to report data that is available, understanding that public servant data disaggregated for disability status and nationally-relevant population groups may not be currently available in many jurisdictions. Countries are encouraged to build additional capacities to disaggregate data by these demographic groups.

#### **IV.3.1.4 Judicial Service Commission/Ministry of Justice**

125. The administrative data needed to measure representation in the judiciary is commonly collected by a country's Judicial Services Commission, Ministry of Justice or a similar body managing human resources for the judiciary, handling appointments for judicial positions, or having an oversight role over the judiciary. Data collection should refer to court staff dealing with criminal, civil and administrative cases.

<sup>14</sup> "Occupation" refers to the kind of work performed in a job. More specifically, the concept of occupation is defined in ISCO-08 as a "set of jobs whose main tasks and duties are characterized by a high degree of similarity".

<sup>15</sup> Countries are encouraged to produce self-reported data on disability, using the Short Set of Questions on Disability elaborated by the Washington Group (<http://www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/>). This short questionnaire is best administered directly to public servants by a neutral sponsor, such as an NSO, which can provide adequate reassurances to respondents on the anonymity and confidentiality of their responses.

126. To measure representation in the judiciary, data on court staff need to be disaggregated by functionality, with a specific focus on staff holding decision-making power, such as judges and registrars – two positions prioritized for global reporting under SDG 16.7.1c. Additionally, it is critical to disaggregate court staff data by the level of court, including lower-level courts (i.e. first-instance or frontline courts of local jurisdiction), higher-level courts (e.g. courts of appeal) and the highest courts (including supreme courts and constitutional courts), and by the geographic location of courts. Court staff data should also be disaggregated by sex, age, disability status (OECD, 2017x Trust) and nationally-relevant population groups.

### **IV.3.2 Surveys**

127. Sub-dimensions of participation that require respondent self-reporting are best measured through surveys. These include the following: experiences of participation in electoral processes and referendums, and through political parties or other organizations; a wide range of sub-dimensions related to the enabling environment of participation, such as perceived levels of freedom of association and freedom of expression, social norms and stereotypes relative to participation, experiences of discrimination and violence by voters, candidates and individuals holding political or public office; and finally, public access to information and public knowledge on political and public affairs. Such surveys can be representative of a country's population (household and population-based surveys), or they can target specific governmental bodies (e.g. parliamentary surveys) or the voter population on election day (exit polls). In comparison with censuses and administrative sources, surveys are flexible instruments that can collect in-depth information on the topics covered, including on sensitive topics, while providing a range of demographic and socioeconomic individual characteristics that can be used for data disaggregation.

#### **IV.3.2.1 Household and population surveys**

128. Broadly speaking, household and population surveys can be used to measure:

- Self-reported experiences of participation, including experiences of registering to vote and voting in elections or in referendums, and being a member of a political party or of other organizations whose aim is to influence the conduct of public affairs. Other survey questions can ask whether people have attended meetings and/or activities organized by political parties or other civic organizations during an electoral campaign, taken part in peaceful demonstrations, signed a petition, posted or shared anything about public affairs online and/or on social media, or contacted a public official or a political actor (e.g. a local member of parliament) to voice an opinion about a matter of concern or to request assistance to solve a problem.
- Public perceptions related to the quality of the enabling environment of participation, including, for instance, regarding public perceptions about freedom of expression and freedom of association, the extent to which any candidates or parties are prevented from running in elections, whether the media are biased in reporting during elections, or whether voters are bribed or vote-buying occurs during elections. In non-electoral contexts, surveys can be used to measure the extent to which people feel there is media freedom in their country, or the extent to which they feel they have access to important information on political and public affairs.
- Self-reported experiences of, or fear of becoming a victim of, harassment and/or violence in elections, as part of voter registration processes, during the electoral campaign or at the polls. This may include intimidation or harassment of voters and family voting practices.

- The prevalence of social norms and stereotypes enabling or discouraging the exercise of participation in political and public affairs for certain groups, including harmful gender stereotypes, and negative assumptions around the capacity of women, young people, minorities, migrants and persons with disabilities to contribute to public affairs.
- Internal and external “political efficacy”: Surveys can be used to measure “individual beliefs in the responsiveness of the political system, that is the extent to which people think that politicians and/or political institutions will listen to and/or act on the opinions of ordinary citizens”<sup>16</sup> (typically called “external efficacy”) and “the confidence or belief that an individual has in his or her own abilities to understand politics and to participate in the political process”<sup>17</sup> (typically called “internal efficacy”).

129. The measurement of participation in political and public affairs in official surveys conducted by NSOs is a fairly recent practice, which often results from specific interests in individual countries or regional initiatives. For instance, the community of African statisticians, as part of the *Strategy for the Harmonization of Statistics in Africa* (SHaSA) adopted in 2012, has developed and successfully pilot-tested a survey module on governance, peace and security in 16 African countries, which includes several questions on participation in political and public affairs (Box IV.5). This experience<sup>18</sup> has demonstrated that official survey-based statistics on participation that are comparable across countries are feasible and methodologically robust in varied political contexts. Efforts are currently underway to institutionalize the production of harmonized official survey statistics on participation in political and public affairs across the African continent, under the auspices of the African Union.

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**BOX IV.5 Selected questions on political participation and its enabling environment in the African Union SHaSA module on Governance, Peace and Security**

- *How often do you think the following listen and act on issues that people like you raise?*  
a) Members of Parliament/Senate; b) Local elected officials; c) Traditional leaders (4-point answer scale)
- *How much information is provided by the national government to citizens on government decisions?* (4-point answer scale)
- *How well do you think your local authority is handling the following:* A. Reporting back to the people; B. Consulting people in decision-making; C. Consulting traditional/community leaders (4-point answer scale)
- *Which of these characteristics of democracy do you consider essential? Are they respected in this country?*  
A) Freedom of expression; B) Freedom of the press/media; C) Equality before the law; D) Political freedom; E) Free and fair elections; F) Freedom of Association; G) Absence of discrimination (among others) (4-point answer scale)
- *Overall, how satisfied are you with the way democracy works in this country?* (4-point answer scale)
- *Do you think that women should have the same chances as men of being elected to political office?* (4-point answer scale)
- *Do you think that women actually have the same chances as men of being elected to political office?* (4-point answer scale)

130. Integrating a battery of questions on participation in multi-topic household or population surveys conducted by NSOs, as was done by African NSOs using the SHaSA module on Governance, Peace and Security, is a cost-effective solution by comparison to conducting a stand-alone survey on

<sup>16</sup> Definition of “external political efficacy” used by the European Social Survey (2016), <https://www.europeansocialsurvey.org/>

<sup>17</sup> Definition of “internal political efficacy”, *ibid.*

<sup>18</sup> See “GPS-SHaSA Fact Sheets” here: <http://www.austat.org/fact-sheet/>. More information on the GPS-SHaSA experience available at UNDP (2017).

the topic. Household surveys on living conditions, such as the Living Standard Measurement Surveys (LSMS), labour force surveys, or the EU Statistics on Income and Living Conditions survey, may be particularly well-suited “survey vehicles” for incorporating questions on political participation.

131. Some EMBs and NSOs have also embarked on conducting pre- and post-election surveys.<sup>19</sup> Typically, pre-election surveys capture political attitudes, opinions and preferences; access to electoral information and knowledge; and information related to voter registration. For example, the Baseline Study on Gender Equity in the Electoral Process in Zimbabwe<sup>20</sup> undertaken by the Zimbabwe Electoral Commission with the support of the Zimbabwe National Statistics Agency collected data on media use and preferences, knowledge on electoral processes, and a series of characteristics related to voter registration (whether the respondents had the necessary documentation, reasons for not being registered, and voter roll-checking). The data were used to develop a targeted information and education campaign for women voters and strengthen the capacity of election officers to administer gender-sensitive elections.

132. Post-election surveys<sup>21</sup> can capture the profiles of voters and absentees and the impact of strategies for inclusive suffrage, perceptions of electoral processes, and obstacles faced when voting. For example, the US Census Bureau uses its Current Population Survey (a monthly labour force survey in which interviews are conducted in approximately 54,000 households across the country) to integrate a set of questions on reported voting and registration, preference for methods of voting, and reasons for not voting and not registering, immediately after national elections.<sup>22</sup> The data collected are disaggregated by multiple characteristics, including sex, age, race and educational attainment. While the voting estimates obtained tend to be higher than those based on administrative records, the survey is nevertheless considered “the most comprehensive data source available for examining the social and demographic composition of American voters in federal elections, particularly when examining broad historical results” (File, 2018).

133. Several non-NSS entities are also using surveys to measure people’s experiences, expectations and opinions on various sub-dimensions of participation. Such surveys have been implemented since the early 1980s by academic networks (e.g. International Social Survey Programme, World Values Survey, European Social Survey; with regional barometers – Afrobarometer, Arab barometer, Latinobarometro – following suit in the late 1990s). Others have been initiated by commercial providers (e.g. Gallup World Poll), and others still are conducted by public institutions (e.g. Eurobarometer) or in response to a specific mandate from a public agency (e.g. the European Quality of Life Survey and the European Quality of Governance Survey).

#### **IV.3.2.2 Surveys targeted to specific governmental bodies and public offices**

134. Surveys targeted to specific governmental bodies and public offices can be used to collect information on members’ experiences of discrimination and violence. For example, public service employee surveys can be used to measure public servants’ own experiences and perceptions about the inclusiveness of the public service, particularly workplace diversity issues and experiences of

<sup>19</sup> Some of the post-election surveys involve re-interviewing respondents from the pre-election surveys.

<sup>20</sup> Zimbabwe Election Commission, 2018. *Voice, Choice and Access to Information: Baseline Study on Gender Equity in the Electoral Process in Zimbabwe*

<sup>21</sup> Post-electoral surveys should be distinguished from exit polls, which cover samples of voters only. Exit polls are brief surveys of voters as they leave the polling station, no later than election day. They may be used to measure voter turnout, particularly whether the suffrage was inclusive, by collecting a range of sociodemographic data about voters. They may also be used to collect information on voting irregularities, including whether voters experienced or witnessed vote-buying, harassment, intimidation or other forms of violence during election day.

<sup>22</sup> <https://www.census.gov/topics/public-sector/voting.html>

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**BOX IV.6 Methodological issues to keep in mind when measuring sub-dimensions of participation in political and public affairs through a population survey**

“Social desirability bias” – when survey respondents do not reveal their true beliefs or behaviors but rather provide a response that they believe to be more socially acceptable – can affect responses on political participation, potentially to a larger extent than responses to typical demographic or economic questions. To increase the accuracy of data, statisticians may want to apply the list experiment method (see, for instance, Blair and Imai, 2012), enabling the calculation of reliable aggregate estimates of potentially sensitive survey items. By comparing the way people respond to a direct question on a potentially sensitive topic with the way they respond to the same question asked indirectly (i.e. in a way that does not require them to openly reveal their true opinion on the sensitive item), statisticians can infer the extent of the social desirability bias affecting the survey item of interest.<sup>23</sup> Other activities typically employed to ensure quality of data in a survey – including testing of the questionnaires and training of the enumerators – should also be systematically implemented.

Preventing non-response through training the interviewers is crucial. A number of aspects should be particularly emphasized when training the interviewers. First, explicit guarantees of confidentiality should be provided to respondents when introducing the survey, as well as a brief context on why their honest responses are important to improve opportunities for participation in the country. Also, enumerators should refrain from reading out loud to respondents the “don’t know” or “refuse to answer” options, as they provide an easy way for respondents to avoid engaging with the subject of the question. Finally, if respondents do not understand certain terms in a survey question, interviewers should refer to the alternative wording specifically provided to them for this purpose. Trying to explain the meaning of certain words in their own terms would jeopardize the consistency of data produced over time and across countries.

Enabling self-reporting through adequate respondent selection protocol is key to data quality. It is important to keep in mind that the respondent selection protocols of most household surveys differ from the protocol required for a governance survey. While for household surveys the head of household is often selected to act as an informant about the status and experiences of the entire household, in a governance survey all household members should be (or have an equal chance to be) interviewed, as a male household head has a different experience of governance than his wife, son or daughter. As such, if the survey vehicle used to administer the subset of questions on political participation targets household heads only, a different respondent selection protocol should be applied for that particular subset of questions.

Sample size and structure should respond to data disaggregation needs for capturing inclusive participation. One advantage of surveys is collecting information that can be used for data disaggregation, including by location (administrative level), age, sex, migration status, disability, education level and income level. Yet disaggregation places specific demands on sample design. For instance, collecting data that is representative of relevant sub-populations, for example older persons or migrants, may require increasing sample sizes or over-sampling in the particular sub-population of relevance. For some categories of population – such as the population living in institutions – a different sampling framework or a dedicated survey instrument administered specifically to these sub-populations may be considered.

discrimination (see Box IV.7 for examples of questions used in such surveys). While some of these surveys are conducted by NSOs, other countries choose to subcontract the exercise to a private survey firm, as this can make public servants more comfortable about providing honest responses to more sensitive questions.

<sup>23</sup> In a list experiment, when respondents are asked about a sensitive item indirectly, they are presented with a list of statements and asked to indicate the number of items they agree (or disagree) with, without specifying their opinion on each one of them. The list experiment method is based on the assumption that a reliable survey item should not show a statistically significant difference between the direct and indirect estimation techniques.

## BOX IV.7 Public Service Employee Survey of the Canadian Public Service

In its annual Public Service Employee Survey,<sup>24</sup> Canada's Office of the Chief Human Resources Officer asks public servants' opinion on the following statements on workplace diversity:

- *My department or agency implements activities and practices that support a diverse workplace.*
- *I think that my department or agency respects individual differences (e.g., culture, work styles, ideas).*
- *Overall, my department or agency treats me with respect.*

With respect to discrimination, the survey asks questions about the type of discrimination experienced by public servants (on the basis of sex, age, race, national or ethnic origin, disability, family status), the source of discrimination (co-workers, individuals with authority over them, etc.), the action taken (or not taken) by public servants to address discrimination (e.g. filed a grievance or formal complaint; discussed the matter with their supervisor or a senior manager; contacted their union representative; contacted a human resources advisor; resolved the matter informally on their own; etc.), and the respondent's satisfaction with the organization's response to discrimination and efforts to prevent it. For instance, public servants are asked to rate statements such as the following:

- *I am satisfied with how matters related to discrimination are resolved in my department or agency.*
- *My department or agency works hard to create a workplace that prevents discrimination.*

135. Similarly, parliamentary surveys can be used to ask MPs about their own experiences and perceptions of the inclusiveness of legislative bodies. For instance, an annual survey in Canada collects data on obstacles faced by MPs.<sup>25</sup> One survey question asks MPs, "What are the biggest obstacles you face doing the work of a Parliamentarian?", and one answer choice reads as follows: "Discriminatory attitudes toward me (e.g. racist, sexist, ageist attitudes)". The data are used to advocate for parliamentary reforms to "strengthen Canada's democracy, making it more accessible, responsive, and inclusive".

136. Surveys targeted to legislative bodies at national and local levels are also the recommended quantitative method to investigate participation in decision-making while in the office and the key challenges involved. In addition to the aforementioned issues of discrimination and inclusion, these surveys can collect data on violence against women in politics and access to leadership positions. These types of surveys have been pioneered by international entities working on democracy, electoral systems and parliaments, and are yet to be mainstreamed in the work of NSSs. For instance, the 2018 IPU and Council of Europe's survey on violence against women MPs and parliamentary staff in 45 European countries inquired about perceptions and experiences of psychological, sexual, physical and economic abuse during the parliamentary term or in the course of their work in parliament (IPU, Parliamentary Assembly and Council of Europe, 2018).

### IV.3.3 Expert assessments

137. Expert assessments may be used to investigate selected sub-dimensions of an enabling environment for participation, including the extent to which national legal frameworks comply with internationally agreed standards on civil and political rights, the existence of temporary special measures (TSMs) to facilitate the access of disadvantaged groups to political and public office, and observed irregularities in the conduct of elections. While measures based on expert assessment have not been typically undertaken by NSSs, they are becoming more relevant for national stakeholders, as such measures are being

<sup>24</sup> <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/public-service-employee-survey/2018/2018-public-service-employee-survey-summary-report-results.html>

<sup>25</sup> The survey is conducted by a non-governmental organization, the Samara Centre for Democracy, <https://www.samaracanada.com/research/political-leadership/the-2018-member-of-parliament-survey>

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**BOX IV.8 Using expert assessments to report on SDG 5.1.1 (“Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex”)**

Global reporting on SDG indicator 5.1.1 draws on an assessment of national legal frameworks carried out by national counterparts, including NSOs and/or National Women’s Machineries, and legal practitioners/researchers on gender equality, using a questionnaire comprising 45 yes/no questions under four areas of law: (i) overarching legal frameworks and public life; (ii) violence against women; (iii) employment and economic benefits; and (iv) marriage and family.

The first section of the questionnaire, which examines “overarching legal frameworks and public life”, includes three specific questions on key elements promoting women’s representation in political and public institutions, including through TSMs aimed at enhancing women’s participation in public and political office, and provisions for the enforcement and monitoring of such TSMs:

- *Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?*
- *Are there quotas for women (reserved seats) in, or quotas for women in candidate lists for, national parliament?*
- *Are there sanctions for non-compliance with mandated candidate list quotas, or incentives for political parties to field women candidates in national parliamentary elections?*

used by some global SDG indicators. One such example is SDG indicator 5.1.1 on discriminatory legal frameworks, which draws on an assessment of national legal frameworks (Box IV.8).

138. For certain sub-dimensions of participation in political and public affairs, experts may be best placed to provide the information required and to make informed judgements. For instance, in electoral contexts, experts can provide information on whether the electoral laws have been fully implemented. Information on such assessments, for example, are made available through international election observation reports.<sup>26</sup> Experts can also assess the compliance of national electoral laws and regulatory frameworks with international human rights obligations, media freedom<sup>27</sup> (including the extent to which contesting candidates and political parties have equitable access to the media – especially publicly funded media), the right of access to information (including public access to voter registration statistics, candidate nomination information, polling station locations, and political party finances and campaign expenditures, among others), and the right to equality and non-discrimination when people exercise their right to vote and to be elected, or when they try to access public service positions. This includes assessments of the quality and implementation of TSMs taken by States “to strengthen the representation and equal participation of women and groups that are discriminated against in electoral processes” (Guidelines, para. 31), such as legislated candidate quotas and reserved seats in elected bodies.

139. At national level, a key role may be played by National Human Rights Institutions (NHRIs), which can provide expert assessments on several sub-dimensions of participation. Through their periodic monitoring activities and reports on the status of national implementation of relevant international

<sup>26</sup> See, for example, election observation reports disseminated by: European External Action Service (EEAS) of EU at [https://eeas.europa.eu/topics/election-observation-missions-eueoms\\_en?page=1](https://eeas.europa.eu/topics/election-observation-missions-eueoms_en?page=1); OSCE office for Democratic Institutions and Human Rights at <https://www.osce.org/odihr/elections>; and the Carter Center at <https://electionstandards.cartercenter.org/category/recent-election-observation-mission-reports/>.

<sup>27</sup> This also includes looking at biased or unfair media reporting, especially by public media against opposition parties; the ability of the media to work freely and to operate without censorship (including self-censorship) or interference during electoral periods; incidents of violence, threats, detention of, criminal prosecution or sanctions against journalists and representatives of media organizations owing to their reporting on elections; and the existence of a pluralistic media environment that provides access to a broad range of political opinions.

human rights obligations, NHRIs can provide evidence-based analysis on the specific groups most at risk of not enjoying their right to participate in public affairs (OHCHR, 2018).<sup>28</sup> They can also play an active role in monitoring human rights violations during elections (as illustrated in Box IV.9 for the case of Zimbabwe). Finally, as promoted by the Merida Declaration on “The Role of National Human Rights Institutions in implementing the 2030 Agenda for Sustainable Development”,<sup>29</sup> some NHRIs are actively collaborating with NSOs to contribute data to the monitoring of the Agenda.<sup>30</sup> They do so by “disclos[ing] inequality and discrimination in [the implementation of the Agenda], including through innovative approaches to data-collection and partnerships with rights-holders, vulnerable and marginalized groups”.<sup>31</sup>

#### BOX IV.9 The role of NHRIs in monitoring elections in Zimbabwe

During the 2018 general elections in Zimbabwe, the Zimbabwe Human Rights Commission and the Zimbabwe Gender Commission – two independent commissions mandated by the country’s Constitution to protect and promote human rights – played an important observation and monitoring role.

The Zimbabwe Human Rights Commission (ZHRC) carried out a series of monitoring activities during the pre-election period, on the election day and in the post-election period. For instance, during the pre-election period, the ZHRC monitored the media coverage and whether the voter registration procedures and regulations were followed, while also receiving and investigating complaints on electoral processes. For the 2018 general elections, 77 pre-election complaints were received, investigated and referred to the police as needed, including 21 on instances of electoral interference, 39 on voter intimidation, 13 on vote-buying/partisan food distribution and 4 on violence. On election day, the ZHRC noted difficulties for disabled persons and older persons to access polling stations and some instances of forced assisted voting. The two categories of citizens who faced the greatest challenges in exercising their right to vote were prisoners and citizens living in the diaspora, as no logistical and administrative mechanisms were put in place to support the vote of these two groups. Finally, in the post-election period, the ZHRC documented violence related to the delay in announcing the winning presidential candidate, which resulted in the loss of lives, injuries and destruction of property (ZHRC, 2018).

Meanwhile, the Zimbabwe Gender Commission (ZGC) established a Gender Observatory, which brought together independent constitutional commissions and other relevant stakeholders from government, academia and civil society to document women’s experiences throughout the electoral cycle and coordinate responses to violence against women during elections. Some of the key components of this work involved field interviews with potential voters and candidates during the pre-election period, observing elections at selected polling stations, and monitoring media content in selected print publications, radio and TV stations and social media (Facebook and Twitter). The information gathered suggested that violence against women in elections is most prevalent and visible in the media, including a widespread negative portrayal of women in politics through social media, hate speech against women candidates and sexual harassment of women in leadership positions.<sup>32</sup>

28 At global level, another valuable source of “expert assessments” available to all countries to help identify particular groups most at risk of being left behind in relation to their participation in public affairs and/or related rights is the UPR-SDG Data Explorer (<http://upr.humanrights.dk>). This database was developed by the Danish Institute for Human Rights and categorizes all recommendations made by the UN Human Rights Council’s Universal Periodic Review (UPR) to individual countries by SDG Goal and by target. This database makes it possible to filter searches of SDG UPR recommendations by target and by particular population groups, so that the UPR recommendations that relate to participation-related targets, such as 16.7, 16.10, 5.5 and 10.2, can be quickly retrieved for specific groups, such as migrants, persons with disabilities or members of minorities.

29 The Merida Declaration was adopted at the twelfth International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) that took place in Mérida, Yucatán, Mexico from 8 to 10 October 2015. See <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>

30 See paragraph 17(5), Merida Declaration.

31 See paragraph 17(6), Merida Declaration.

32 Zimbabwe Gender Commission, 2018. Gender Observatory Election Report.

140. Expert assessments on participation in political and public affairs are often used in global composite indicators, on their own, or in combination with data from administrative sources and/or population surveys (see Table ANX.IV.3 in Annex IV for a selected list of composite indicators based on expert assessments and details on their measurement). Such global composite indicators can be used to obtain an overall picture of various sub-dimensions of participation across countries and over time, to call attention to challenging contexts, and to prompt additional national data collection efforts and further research around specific issues unveiled by such assessments.

#### **IV.4 Recommended key indicators**

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141. This section presents a minimum set of indicators for monitoring participation in political and public affairs and their recommended data sources. The indicators were selected based on the following criteria:

- Covering all sub-dimensions identified in the conceptual framework outlined in Figure IV.2, thus providing a comprehensive statistical picture of participation in political and public affairs;
- Being relevant for policymaking / strong links with specific policies and strategies;
- Being simple, clear and easy to understand by policymakers and other stakeholders;
- Providing a direct and unambiguous measure of progress;
- Being universal, relevant across all or most countries.

142. Relevant indicators already established in global monitoring frameworks, such as the SDG monitoring framework and the UN Minimum Set of Gender Indicators, are included and flagged accordingly.

143. Countries are advised to consider this minimum set of indicators for inclusion in national statistical plans and development plans for the purpose of monitoring trends in participation in political and public affairs. Additional statistics and indicators will nonetheless be needed for electoral planning and for managing the implementation of specific measures to strengthen the representation and participation of disadvantaged groups in public institutions.

TABLE IV.2 **Recommended key indicators**

Sub-dimensions and indicator areas	Indicators	Recommended data sources	Structure/ process/ outcome
<b>A. Participation in electoral processes and referendums</b>			
Registered voters	Proportion of registered voters in voting-age population by administrative divisions of the country, sex and age	Administrative data produced by EMBs or equivalent bodies and population censuses or registers.	Process/ outcome
Voter turnout	Proportion of registered voters who voted in previous elections by type of elections (presidential, legislative, local) and disaggregated by administrative divisions of the country, voters' sex and age <sup>33</sup>	Administrative data produced by EMBs or equivalent bodies	Process / outcome
Inclusive representation among electoral candidates	Proportion of candidates in elections for (a) national legislature and (b) local legislatures who are women, youth, in various educational/ occupational/ income categories or other specific relevant population group	Administrative data produced by EMBs	Process / outcome
<b>B. Participation through association in political parties and other organizations</b>			
Inclusive representation in political parties	Proportion of political party members, by sex, age, geographic area, nationally relevant population groups  Proportion of leadership positions of political parties (party leaders/ vice-leaders), by sex, age, nationally relevant population groups	Surveys targeted to political party secretariats / Registrar of political parties	Process/ outcome
Membership in non-governmental organizations whose aim is to influence the conduct of political and public affairs	Proportion of the population taking part in the activities or meetings of a trade union, political party or political action group, by sex, age, disability status and nationally relevant population groups.	Household/ population surveys	Process/ outcome
<b>C. Representation and participation in political office</b>			
Inclusive representation in parliament	Proportion of positions (by age, sex, persons with disabilities and nationally relevant population groups) in public institutions, including the legislatures, compared to national distributions ( <i>SDG indicator 16.7.1a</i> )  Proportion of MPs in high-income categories compared to national distributions	Administrative data from parliamentary secretariat	Outcome
Inclusive representation among ministers	Share of women among ministers ( <i>UN Minimum set of gender indicators</i> )	Administrative data	Outcome
Inclusive representation in local government	Proportion of elected seats held by women in deliberative bodies of local government ( <i>SDG indicator 5.5.1b</i> )	Administrative data / local government censuses/surveys	Outcome

33 For comparisons across countries, it is important to distinguish those with compulsory voting, where the voter turnout is expected to be higher.

Sub-dimensions and indicator areas	Indicators	Recommended data sources	Structure/ process/ outcome
Inclusive participation in national legislatures	Attrition rate (proportion of MPs who resigned, retired or died before the end of their mandate) in national legislatures, by sex and other relevant characteristics	Administrative data from parliamentary secretariat	Outcome
<b>D. Representation in judicial bodies</b>			
Inclusive representation in the judiciary	Proportion of positions (by age group, sex, persons with disabilities and population groups) in public institutions, including the judiciary, compared to national distributions ( <i>SDG indicator 16.7.1c</i> )	Administrative data	Outcome
<b>E. Representation in bodies of public service / administration</b>			
Inclusive representation in public service	Proportion of positions (by age, sex, persons with disabilities and population groups) in public institutions, including the public service, compared to national distributions ( <i>SDG indicator 16.7.1b</i> )	Administrative data / population censuses	Outcome
<b>F. Representation in informal governance bodies</b>			
Inclusive representation in informal bodies of local governance	Share of women and youth among members of informal popular assemblies with decision-making power over local issues and communities	Targeted surveys in relevant contexts	Outcome
<b>G. Enabling environment of participation</b>			
Compliance of national legal frameworks with internationally agreed standards on civil and political rights	Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex ( <i>SDG indicator 5.1.1</i> ) Ratification status of five core international conventions related to participation in political and public affairs <sup>34</sup> Compliance of national legal frameworks on civil and political rights with the five aforementioned core international conventions related to participation in political and public affairs	Expert assessments	Structure
Barriers to voter registration	Proportion of the population with access to documents required for voting (IDs, etc.)	Household/ population surveys	Process
Perception of freedom of expression and freedom of association	Perceived levels of freedom to express any political opinion, to join any political organization, and to criticize government actions or performance/ to participate in protests/demonstrations, disaggregated by sex, age, disability status, other nationally relevant population groups	Household/ population surveys	Process/ outcome
Stereotyping social norms	Proportion of people holding stereotyping attitudes and values discouraging the exercise of the right of participation, disaggregated by sex, age, nationally relevant population groups and geographic area – e.g. proportion of people who perceive women to be equally legitimate and effective political leaders as men	Household/ population surveys	Structure

34 Namely: 1) International Covenant on Civil and Political Rights (United Nations, *Treaty Series*, vol. 999, p. 171 and vol. 1057, p. 407); 2) Convention on the Political Rights of Women ([https://treaties.un.org/doc/Tr...707%2000-40%20AM/Ch\\_XVI\\_1p.pdf](https://treaties.un.org/doc/Tr...707%2000-40%20AM/Ch_XVI_1p.pdf)); 3) Convention on the Elimination of All Forms of Discrimination against Women (<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>); 4) International Convention on the Elimination of All Forms of Racial Discrimination (A\_RES\_2106(XX).pdf); 5) Convention on the Rights of Persons with Disabilities (A/RES/61/106).

Sub-dimensions and indicator areas	Indicators	Recommended data sources	Structure/ process/ outcome
External political efficacy <sup>35</sup>	Proportion of people who feel they have a say in what the government does / who feel the political system allows them to have an influence on politics (SDG indicator 16.7.2)	Household/ population surveys	Outcome
Equitable access to public funding for political campaigns	Proportion of parties with access to public funding for political campaigns Percentage distribution of campaign finances by age and sex of candidates	Register of political parties or equivalent administrative data	Process
Access to information and knowledge on political and public affairs	Proportion of people who say there is “some”/ “a lot” of information on the forthcoming (local/national) election, disaggregated by sex, age, nationally relevant population groups, geographic area <sup>36</sup>	Household/ population surveys	Process
Voter intimidation / violence during electoral processes	Proportion of voters who say they fear becoming a victim of political intimidation or violence during election campaigns	Household/ population surveys	Process
Experience of (a) violence and (b) discrimination by candidates standing for elections	Proportion of candidates who experienced physical, sexual or psychological violence and/or discrimination as candidate in elections, disaggregated by sex, age, disability status and nationally relevant population groups	Surveys targeted to election candidates in elections for national legislatures and local government	Process
Experience of gender-based (a) violence and (b) discrimination while in political office	Proportion of women members of national and local legislatures who experienced physical, sexual or psychological violence and/or discrimination, by age, disability status and nationally relevant population groups	Surveys targeted to members of national and local legislatures	Process

144. Some of these indicators, particularly the SDG indicators, have established global methodologies, and countries have started to produce and report the relevant data. Other indicators may currently be defined and agreed upon only at regional level, in the context of the work led by UN Regional Commissions and other regional statistical bodies. One such example is the data compilation on women’s decision-making power undertaken by the Gender Equality Observatory of ECLAC (see Box IV.10). Finally, for a set of indicators, methodological work will need to be undertaken from now on.

35 The chapter in this *Handbook* on “Responsiveness” provides the primary discussion on external efficacy, including on SDG indicator 16.7.2.

36 While this indicator has been used for 20 years by the Afrobarometer across the African continent, further research is required to identify and test-pilot other similar indicators in other regions of the world.

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**BOX IV.10 Regional initiatives in compiling and disseminating data on women's representation in positions of power and decision-making: the case of Latin American and the Caribbean**

In Latin America and the Caribbean, gender parity in positions of power and decision-making is recognized as one of the driving forces of democracy and for eradicating structural discrimination and exclusion of women. In 2007, member States of the Economic Commission for Latin America and the Caribbean (ECLAC) requested the creation of a Gender Equality Observatory that would compile and disseminate data on gender inequality and make available analytical tools for policymaking (ECLAC, 2007). The Observatory was established in 2009 and has since focused on three areas of women's autonomy: physical, economic and decision-making (<https://oig.cepal.org/en>). One of the focus areas – women's decision-making autonomy – refers to women's engagement in decision-making at various levels of government and is monitored through a set of seven indicators:

- National executive power: percentage of women in ministerial cabinet positions
- National legislative power: percentage of women among parliament members
- National judicial power: percentage of women judges in the highest court or Supreme Court
- Municipal executive power: percentage of elected mayors who are women
- Municipal deliberative power: percentage of elected city council members who are women
- Countries that have signed and ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Level of National Machineryes for the Advancement of Women within the governmental hierarchy

Data for most of these indicators are based on national administrative sources and are compiled from countries annually, with the support of the National Machineryes for the Advancement of Women. The result is a data series on women's representation in decision-making bodies dating back more than two decades. These data are complemented by qualitative contextual information and analytical tools for policymaking. A repository of national laws and public policies on quotas and gender parity has been developed and is available online. Analytical reports and studies are periodically published with the aim of analysing women's progress and setbacks and providing the region's countries with relevant information for developing public policies.

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## **IV.5 Way forward**

145. This final section outlines a longer-term agenda on measuring and monitoring participation in political and public affairs for the international statistical community and national statistical systems. Currently, data on participation in political and public affairs are collected by NSSs in many countries as well as by independent national, regional and global research organizations and other entities. However, in the absence of international standards on data collection methods and indicators, efforts to produce comparable official statistics in this thematic area have been fragmented. This chapter provides a conceptual and measurement framework for producing statistics on participation in political and public affairs, linking definitions to key dimensions of measurement, to recommended indicators and to potential data sources. Nevertheless, some elements of this framework will need to be further developed through international statistical guidelines before they can be applied consistently in the production of official statistics.

146. Further development in the following four key areas would contribute significantly to advancing the statistical measurement of participation in political and public affairs:

- 1) Developing guidelines on producing statistics on participation in political and public affairs based on administrative sources. Existing guidelines on using administrative data sources for official statistics do not provide in-depth guidance on how to use these sources specifically

for participation statistics (see, for example, United Nations, 2011). Such existing guidelines nonetheless do provide a good basis for developing focused guidance materials to this end.

- 2) Developing a survey module on participation in political and public affairs for integration into national multi-topic surveys. The design of such a module, with accompanying guidelines for NSOs on how to administer it, should be informed by the key sub-dimensions of participation reviewed in this chapter, including experiences of participation in electoral processes and referendums, and through political parties and other organizations, public perceptions around the enabling environment for participation, access to information and public knowledge on political and public affairs, stereotyping social norms, and experiences of discrimination and violence during electoral processes. The design of such a module should also build on the lessons learned from the SHaSA surveys on Governance, Peace and Security and from independent survey initiatives led by international and regional research institutions or consortia.
- 3) Measuring violence in electoral processes and violence against women in politics through targeted surveys. The design of such surveys or survey modules with accompanying guidelines would build on existing guidelines on crime and victimizations surveys and violence against women surveys and as well as on experimental approaches in measuring violence in political settings.
- 4) Measuring representation and participation in informal local governance bodies, including indigenous and custom-based decision-making bodies. Despite the high visibility of issues faced by indigenous populations, this area of measurement has long been neglected in official statistics.

147. More research is also needed on using new sources of data to measure participation in political and public affairs, including big data and social media data. In this regard, one particularly under-measured area relates to violence against political actors that takes place in traditional and social media, including through hate speech and intimidation through the web.

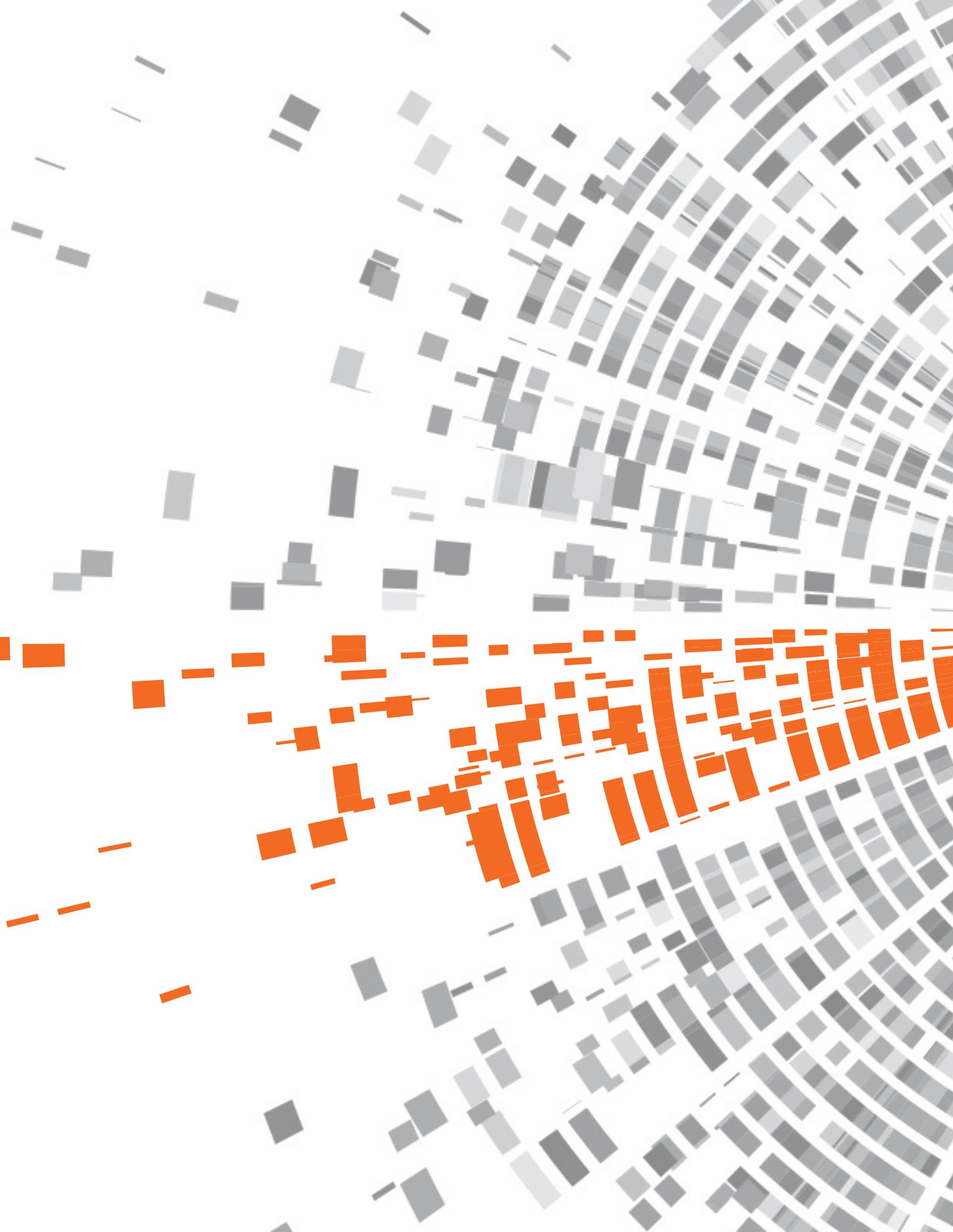
148. Furthermore, methodological work is needed to define headline indicators for all sub-dimensions of participation in political and public affairs. The development of the SDG indicator framework has provided a great opportunity to advance the methodologies of several key indicators of participation in political and public affairs – for instance, SDG indicators 5.5.1b, 16.7.1a, 16.7.1b, 16.7.1c and 16.7.2. However, many other indicators recommended in this chapter are at the stage of a blueprint of what needs to be measured and would need more clarification in terms of their exact scope, definitions and methods of calculation.

149. At national level, the measurement and monitoring of participation in political and public affairs is yet to be integrated by NSSs into regular programmes of official statistics. The following three steps are key in achieving this goal:

- 1) Governmental institutions producing administrative data on participation should be fully integrated into the NSS and their mandate in producing official statistics in this thematic area should be clearly defined, recognized, and put into practice. These institutions include EMBs, Parliamentary and Ministerial secretariats, Ministries of local government, Public Service Commissions/Ministries of public administration, and Judicial Services Commissions/Ministries of justice.
- 2) An assessment of existing statistics and available sources of data on participation in political and public affairs should be undertaken by NSOs, with the objective of identifying (a) data gaps; (b) “new” or underutilised sources of data that could be used in a cost-effective

manner, inclusive of existing multi-topic surveys that could integrate a module on political participation; and (c) needs for capacity-building assistance.

- 3) Measuring inclusive participation in line with the Agenda 2030 principle of “leaving no one behind” requires regular reporting of data disaggregated by various sociodemographic and economic characteristics of individuals. Information on some characteristics is currently collected but may not be disseminated on a regular basis (for instance, sex and age), while other information may not be currently collected (for instance, wealth/income group and disability status). Some sources are better suited than others for certain types of disaggregation, and it is important that NSOs keep these aspects in mind when developing statistical programmes to measure participation.





PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER V  
**Openness**

## V.1 Conceptualizing this dimension

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150. There are many definitions of government openness<sup>1</sup> that significantly vary in scope. Some definitions focus exclusively on the ability of citizens to access specific government data (Lathrop and Ruma, 2010), while other definitions are much broader and use government openness almost as a synonym of good governance (Wei, 1999). It is paramount to choose a widely endorsed definition of openness that is broad enough to include all relevant aspects, while being precise enough to indicate the key components of government openness.

151. The definition of openness used in this chapter has been drawn from commonalities among definitions from different international organizations and experts. Williamsson and Eisen (2016), from the Centre for Effective Public Management at Brookings, define openness by focusing on three governance processes, i.e. initiatives to increase transparency; interventions intended to expand public engagement and participation; and efforts to improve responsiveness and accountability. The World Bank also suggests that government openness implies “increased transparency, citizen participation and collaboration between government and citizens” (for more see World Bank, 2015). Similarly, the Organisation for Economic Co-operation and Development (OECD) defines “an open government” as “a culture of governance that promotes the principles of (1) transparency, (2) integrity, (3) accountability and (4) stakeholder participation in support of democracy and inclusive growth”<sup>2</sup> (OECD, 2016).

152. This chapter will focus on two components of openness as defined by the OECD: transparency (i.e. the disclosure and subsequent accessibility of relevant government data and information) and accountability (a government’s responsibility and duty to inform its citizens about the decisions it takes as well as to provide an account of the activities and performance of the entire government and its public officials) to avoid overlap with other chapters. This is because the concepts of integrity and stakeholder participation are already covered by chapter VIII (absence of corruption) and chapter IV (participation in political and public affairs).

153. Therefore, the working definition of openness adopted for this chapter is: the extent to which public institutions are transparent about their processes in decision-making and policy-making, and accountable for making sufficient information available to the media, members of the public and businesses. More specifically, the chapter will look into four sub-dimensions of government openness as defined below.

- **Access to information**, which refers to the right of citizens to request access to official records held by the government on a topic defined by the information user, subject to narrowly defined exceptions.
- **Open data**, which refers to the proactive disclosure of large datasets of information by the government that have been defined by law or policy.
- **Freedom of expression for the media**, which refers to the ability of media outlets to access and disseminate factual and objective information to the public, express an opinion on public policy- and decision-making, advocate for the public interest, as well as scrutinize and hold accountable public and private bodies, including their leaders and officials. The scope of this sub-dimension is limited to media outlets that are licensed to operate and hence subject to methodological and quality standards, as opposed to informal opinion makers, influencers

<sup>1</sup> For the purpose of this chapter, both the terms “government openness” and “openness” are used interchangeably and refer to the openness of public institutions.

<sup>2</sup> See also the recommendation at: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438>

and advocacy groups, which are covered by the chapter of this *Handbook* on participation in political and public affairs.

- **Media plurality**, which refers to the media ecosystem more broadly, including diversity of media ownership, financing models, relationship between governments and the media, and the media outlets' relationship with civil society.

154. Government openness is an essential building block for the implementation of several human rights, including the right to participation in public affairs, freedom of expression and the right to non-discrimination and equality. As such, this chapter's definition of openness is aligned with article 19 of the International Covenant on Civil and Political Rights (ICCPR) on freedom of expression. In this article, freedom of expression is framed not only as the right to hold opinions without interference, but also as the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, orally, in writing or in print, in the form of art, or through any other media of a person's choice. According to the ICCPR, freedom of expression may be restricted only under certain circumstances, as necessary, to respect the rights and reputations of others, and to protect national security, public order, public health or morals.

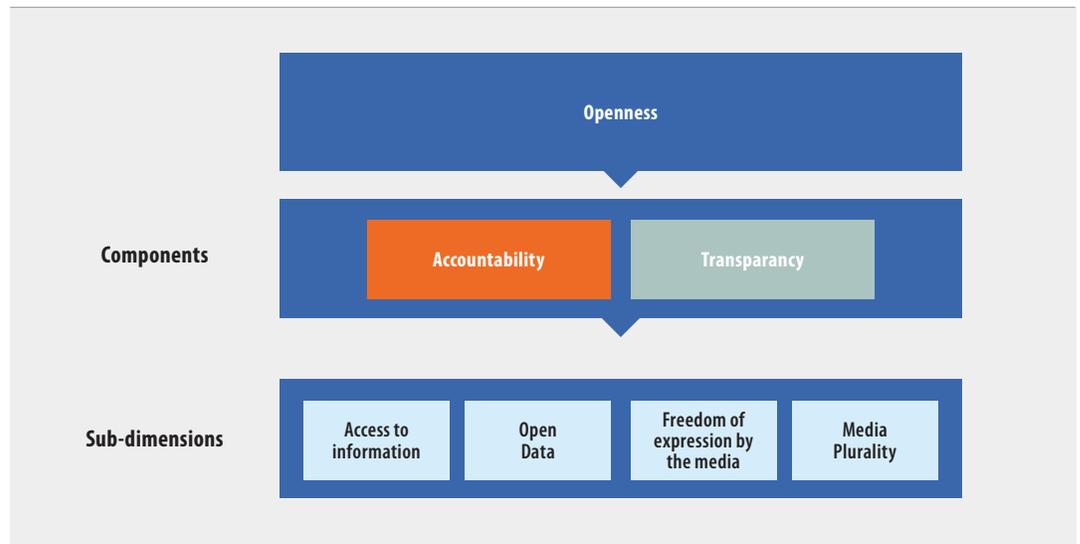
155. It is also worth noting that to allow for a more tailored approach to measuring openness, the concept of "accountability" in this chapter refers to processes that make governments accountable for sharing sufficient information with the public on their management of public affairs, as opposed to the broader processes for sanctioning elected and public officials for the exercise of their decision-making powers. Other issues concerning government and public service accountability are addressed in other chapters of this *Handbook* under different angles, including the chapters on participation, responsiveness and absence of corruption.

156. Each of the four sub-dimensions identified above is linked to different aspects of the OECD definition of openness this chapter focuses on, i.e. transparency and accountability:

- Access to information promotes transparency by allowing citizens and businesses to request access to specific information held by government, and accountability by providing the rationale for not sharing such information, the means to challenge government decisions and the appropriate oversight mechanisms.
- Open data promotes transparency by allowing citizens and businesses to access the vast quantity of data collected as part of government activities, and accountability by allowing for consultations and feedback on the relevance and usability of the information provided, as well as for the monitoring, assessment and oversight of relevant open data processes.
- Freedom of expression of the media promotes transparency by exposing poor decision-making or misconduct in government, and accountability by allowing for effective mechanisms to avoid interference with the work of media outlets.
- Media plurality promotes transparency by reflecting a diversified and representative range of opinions and political views, as well as accountability by allowing for fair procedures for both granting licences to media outlets and journalists and fairly assessing journalistic quality.

157. To sum up, this chapter's conceptual framework consists of two components of openness (transparency and accountability) and four sub-dimensions (access to information; open data; freedom of expression for the media; and media plurality) to give a comprehensive picture of the different mechanisms allowing for open government operations and decision-making (Figure V.1).

FIGURE V.1 **Sub-dimensions and components of openness**



158. In the last decade, more than 100 countries worldwide have passed access to information or freedom of information laws, including 65% of countries in the Latin America and Caribbean region (LAC) and 97% of OECD countries (OECD, 2016). While this undoubtedly constitutes important progress towards government accountability and transparency, there is a lack of systematic statistical data collection and analysis on what governments are doing to foster openness, and a significant dearth of hard evidence on the impact of practical measures for openness taken by governments.

159. The guidance developed in this *Handbook* is primarily developed for National Statistics Offices (NSOs) to address these data gaps. However, other monitoring and evaluation bodies (e.g. supreme audit institutions, internal control bodies, anti-corruption agencies and parliamentary oversight bodies) may also benefit from guidance on the measurement of openness.

## V.2 Why is this dimension important?

160. Populations, civil society organizations (CSOs), international organizations, policy makers and experts at large have advocated for greater government openness as a necessary condition for better government quality for a number of years (see UNODC, 2004; Stiglitz, 2002; Islam, 2006; Kosack and Fung, 2014; Bauhr and Grimes, 2014; Bauhr and Nasiritousi, 2012). A considerable and diverse community promotes the principles of government openness, including anticorruption activists, grassroots community-driven development associations, advocates of state modernization and public sector innovation, as well as advocates of liberalization.

161. The tangible benefits of government or institutional openness are by now well established, and there is substantial evidence that openness increases government performance (Alt, Lassen and Skilling, 2002; Besley and Burgess, 2002; Brunetti and Weder, 2003; Reinikka and Svensson, 2005; Winters and Weitz-Shapiro, 2013; Mitchell, 1998). Openness has been described as an important

condition for good governance, economic growth and effective environmental policies (IMF, 2010; Islam 2006; Kaufmann, Mehrez and Gurgur, 2002; Kurtzman, Yago and Phumiwasana, 2004; UNODC, 2004; and Wapner, 1996; Bauhr and Nasiritousi, 2012). Openness can also improve public service delivery (Bauhr and Carlitz, 2019), increase competition and reduce corruption risks in public procurement (Ochrana and Pavel, 2013). Incidentally, openness has been deemed effective in light of research both on negotiation and institutional design (Stasavage, 2004) and on ensuring that officials safeguard the public interest rather than their own private interests (Florini, 2002).

162. Beyond economic and administrative benefits, institutional openness is of intrinsic value for the well-being of citizens and how they relate to the country they live in. Freedom of expression and media plurality are fundamental for the formation of public opinion and for debate, and help democratic systems to flourish and people to declare their voice (Beetham, 2004; Rodriguez and Zechmeister, 2018). Open government practices, i.e. access to information, open data and citizen engagement, are linked to other important themes in this *Handbook*, as they can increase public satisfaction with government services, strengthen accountability, and enhance popular understanding of government processes and results (OECD, 2017). They hence play an important role in shaping people's trust both in government and in other members of society, a relationship that has been empirically documented (see Murtin and others, 2018, and chapter 10 in this *Handbook*).

163. The beneficial effect of openness shown in academic research is often derived from the logic of the principal-agent theory (Besley, 2006). In this context, information asymmetries are seen as an important obstacle for citizens (the principal) in holding the government or public officials (the agent) accountable. As a result, increasing transparency by removing information asymmetries is deemed to allow for greater opportunities for detecting and sanctioning abuses of public power and for enhancing the use of public resources for the greater good.

164. Finally, the extent of government openness will define how journalists and ultimately citizens and businesses will be able to influence their government's efforts to achieve the Sustainable Development Goals (SDGs). In particular, Goal 16 "Peace, Justice and Strong Institutions" reflects this consideration by promoting inclusive societies for sustainable development and seeking to build effective, accountable and inclusive institutions at all levels. Many of these objectives overlap with those included in the openness agenda (OECD, 2016). The substance of openness principles is particularly relevant to some of the substantive targets under Goal 16, including: the development of effective, accountable and transparent institutions (target 16.6); the promotion of responsive, inclusive, participatory decision-making (target 16.7); and the expansion of access to information (target 16.10). Government openness is also key to monitoring and evaluating progress towards the SDGs. Openness strategies and practices can inform both the pre-defined objective for achieving all of the SDGs, as well as the process to successfully achieve this objective. In other words, openness allows citizens and journalists to be aware of what their government intends to do to achieve the SDGs, as well as how it intends to achieve these objectives, including the evidence and rationale underlying each option. Openness also allows citizens to keep apprised of their government's progress towards the achievement of pre-defined objectives for the achievement of the SDGs.

### **V.3 Data and best practices currently available**

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165. The development of comprehensive metrics on openness is a relatively recent phenomenon, and it is taking place mostly outside of national statistical systems (NSS). Currently, the debate is dominated by composite indices produced by international organizations, CSOs, think tanks and private firms. Moreover, the vast majority of indicators found within these composite indices are sourced from expert assessments. While composite indices and expert assessments have unquestionable merit in the policy debate, a detailed technical discussion and suggestions for further statistical development – in particular in the field of official statistics – require the discussion to focus on stand-alone indicators derived from quantitative data sources such as surveys or administrative data. Hence, this section examines first the existing indices, then disentangles them into their respective building blocks, and lastly discusses opportunities for measuring increasingly more of the key stand-alone indicators through surveys and administrative data rather than expert assessments alone.

#### **V.3.1 Overview of the most established openness metrics**

166. Comprehensive efforts to measure government transparency and openness within and across countries have started to emerge only in recent years (Bauhr and Grimes, 2017). Such efforts include composite indexes building on a broad spectrum of indicators sourced mostly from expert assessments of legal frameworks and their effective implementation or from more qualitative data in government publications of norms, administrative processes and structures.

167. Table V.1 lists the most established indices and comparative assessment frameworks currently available on openness. These frameworks have been chosen as being most closely aligned with the sub-dimensions of this chapter's definition of government openness, i.e. access to information, open data, freedom of expression for the media, and media plurality.

168. It should be noted that beyond the list provided here, several additional frameworks or composite indices relating to openness exist in specific policy areas, such as open budgets, transparency in public procurement, and immigration / emigration flows, or even official statistics (Open Data Inventory - ODIN), just to name a few.

TABLE V.1 **Available indices and comparative assessment frameworks on openness**

Index / framework name	Organization	Sub-dimension measured	Link
Open Government Framework	OECD	Access to information and open data	<a href="https://www.oecd.org/publications/open-government-9789264268104-en.htm">https://www.oecd.org/publications/open-government-9789264268104-en.htm</a>
Open Government Guide	Open Government Partnership	Access to information and open data	<a href="https://www.opengovpartnership.org/sites/default/files/open-gov-guide_summary_all-topics.pdf">https://www.opengovpartnership.org/sites/default/files/open-gov-guide_summary_all-topics.pdf</a>
The Right to Information Rating Index	Centre for Law and Democracy and Access Info Europe	Access to information	<a href="https://www.rti-rating.org/">https://www.rti-rating.org/</a>
The Open Data Inventory (ODIN)	Open Data Watch	Open data	<a href="https://opendatawatch.com/">https://opendatawatch.com/</a>
Global Open Data Index	Open Knowledge Foundation	Open data	<a href="https://index.okfn.org">https://index.okfn.org</a>
World Press Freedom Index	Reporters Without Borders	Freedom of expression and media plurality	<a href="https://rsf.org/en/detailed-methodology">https://rsf.org/en/detailed-methodology</a>
Freedom of the Press Index	Freedom House	Freedom of expression and media plurality	<a href="https://freedomhouse.org/report/freedom-press-2017-methodology">https://freedomhouse.org/report/freedom-press-2017-methodology</a>
Open Governemnt Index	World Justice Project	Access to information, open data, freedom of expression	<a href="https://worldjusticeproject.org/sites/default/files/documents/variables%20used%20to%20construct%20open%20govt%20data.pdf">https://worldjusticeproject.org/sites/default/files/documents/variables%20used%20to%20construct%20open%20govt%20data.pdf</a>

### V.3.2 Deconstructing composite indices into stand-alone indicators

169. In order to allow for a deeper analysis of openness indicators and their potential measurement through NSOs, the composite indices identified in Table V.1 need to be deconstructed to identify their precise building blocks, i.e. stand-alone indicators.

170. Table V.2 lists these stand-alone indicators and categorizes them under both the four sub-dimensions of openness and the structures/process/outcome categorization used throughout this *Handbook*. Most of these indicators are derived from expert assessments (EA), but a few are from household surveys (HS), establishment and business surveys (EBS) and administrative data (AD). Each of the indicators identified in Table V.2 are linked to a subscript (e.g. EA, HS, EBS or AD) that identifies their main data source. This information is largely indicative.

171. Some of the outcome indicators listed in Table V.2 were added from other chapters in this *Handbook*, from the indicators under targets for SDG Goal 16, or they have been identified through academic research (Williamsson and Eisen, 2016).

172. Needless to say, not all the indicators identified in Table V.2 should form the basis of recommended key indicators to be considered by NSOs. Nevertheless, such a comprehensive list may help NSOs understand the current state of openness measurement and what their strategic role could be for collecting useful statistics on openness.

173. For a close look at how each composite index referred in Table V.1 links to Table V.2, Table ANX.V.3 links survey questions or components of assessment frameworks with recommended key indicators discussed in section V.4 of this chapter.

TABLE V.2 Openness indicators identified from composite indices and comparative frameworks

Type of indicator	Sub-dimension of openness			
	Access to information	Open data	Freedom of expression of the media	
			Media plurality	
Structural	<ul style="list-style-type: none"> <li>The State has developed an overarching openness strategy with a clear definition of openness, which promotes access to information requests, open data, freedom of expression and plurality of the media (EA).</li> <li>The openness strategy applies to regional, local and municipal governments, as well as to the legislative branch and the judiciary (EA).</li> <li>There is a government body that is responsible for coordinating the implementation of the openness strategy for different levels of government and different branches of government (EA).</li> <li>There is an awareness-raising, education and outreach campaign to promote the national openness strategy (EA).</li> <li>The government is showing support for the implementation of the national openness strategy (EA):               <ul style="list-style-type: none"> <li>o Statements by Cabinet Members and senior public officials;</li> <li>o Openness initiatives in the government's programme or platform;</li> <li>o Assignment of overall coordination mandate to a specific institution;</li> <li>o Discussions of openness issues in parliament;</li> <li>o Targeted communications to specific groups.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The law mandates the release of specific datasets and classes of information, along with a policy that defines the minimal requirements and procedures that must be met by public bodies (EA).</li> <li>There is a national coordinating body for the implementation of open data initiatives across the public sector (EA).</li> <li>An advisory body is established with members from within and outside the government to guide the elaboration and implementation of the open data policy (EA).</li> <li>There is an independent body responsible for exercising oversight, assessing performance, investigating complaints and resolving conflicts in relation to open data processes (EA).</li> <li>There is an open data officer with the relevant skill set who is responsible for defining and making available open data for each public body at all levels of government (EA).</li> <li>The law requires the coordinated and consistent disclosure of the following categories of information for each public institution (EA):               <ul style="list-style-type: none"> <li>o Institutional: Core legal documents, roles and functions;</li> <li>o Organisational: Information on personnel, names and contact;</li> <li>o Operational: Strategy and plans, policies, activities, procedures, reports and evaluations;</li> <li>o Decisions and formal acts: Decisions and acts along with background documents;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The Constitution or law contains provisions to protect freedom of the press and of expression (EA).</li> <li>The penal code or other laws do not prohibit journalists to report about specific issues (e.g. national security) or authorize State censorship (EA).</li> <li>Whether national laws include opinion crimes such as blasphemy or disrespect for authority (EA).</li> <li>Whether laws require a right of response to an individual or organization who is the subject of a media article (EA).</li> <li>Existence of adequate defense against libel charges (e.g. telling the truth) (EA).</li> <li>There are explicit legal guarantees protecting the independence of media regulatory bodies, as well as of public and private media (EA).</li> <li>The media has established a self-regulatory body (EA).</li> <li>Journalists are free to form associations and unions to represent their interests (EA).</li> <li>There are no legal restrictions on the freedom to become a journalist (EA).</li> <li>Access to foreign news is not censored or otherwise restricted (EA).</li> <li>There are restrictions on the ability of journalists to accept gifts, travel or other benefits that could impact on their objectivity (EA).</li> <li>There are protections for journalists against interference from media owners (EA).</li> <li>There are legal protections for the confidentiality of journalists' sources (EA).</li> <li>Laws on cybercrime, bullying and harassment are balanced with consideration for freedom of expression (EA).</li> </ul>	<ul style="list-style-type: none"> <li>There are privately owned print press, television networks and radio stations in the country (EA).</li> <li>The proportion of the media that is owned / controlled by government (EA).</li> <li>The concentration of media ownership (EA).</li> <li>The proportion of media owners that hold economic interests going beyond the information / communications industry (EA).</li> <li>There is an independent regulatory body with transparent procedures that is responsible for granting licenses / frequencies to media outlets (EA).</li> </ul>
	<ul style="list-style-type: none"> <li>The law mandates responses by the government to access to information (ATI) requests and warrants a broad interpretation of ATI law (EA).</li> <li>The law allows everyone to make ATI requests, including non-citizens and legal entities (EA).</li> <li>The law requires the appointment of information officials in each public body to ensure they comply with their obligations (EA).</li> <li>The law does not require motives for ATI requests (EA).</li> <li>The law protects the anonymity of the ATI process (EA).</li> <li>The law requires that ATI requests and reuse of information be free of charge, except for minimal costs for reproducing and sending the information (EA).</li> <li>A central body coordinates a process to gather information to produce an annual report on the implementation of the ATI process (EA).</li> <li>There is an independent oversight public body responsible for supporting and monitoring the implementation of ATI processes for each public body across the public sector, for all government levels and branches (EA).</li> <li>The oversight body is independent and has the necessary mandate to perform its powers and functions. It reports annually to parliament, which also determines the budget, the appointment / dismissal of senior officials, and conflict-of-interest due diligence of senior officials (EA).</li> <li>There are appropriate protections from liability for those who decide to release information according to ATI law (EA).</li> </ul>			

<p><b>Structural</b></p>		<ul style="list-style-type: none"> <li>o Public services: Descriptions of services, guidance, forms, fees and deadlines.</li> <li>o Budget: Projected budget, actual income and expenditure, audit reports;</li> <li>o Open meetings: Meetings that are open or not, and how to attend them.</li> <li>o Decision-making and participation: public consultation mechanisms;</li> <li>o Subsidies: Beneficiaries of subsidies, objectives, amounts and implementation.</li> <li>o Public procurement: Relevant details on processes, criteria, outcomes of tenders, contracts and contract implementation</li> <li>o Lists, registers, databases: Lists, registers and databases and how they are accessible online.</li> <li>o Publications: Publications, free of charge or with purchase price.</li> <li>o Dispute resolution: Mechanisms available for raising concerns or complaints and appealing decisions or actions by institutions.</li> <li>o Information about ATI requests: How to make requests, complaints and appeals, contact of information officer.</li> </ul>	<ul style="list-style-type: none"> <li>• The availability of journalism training at a professional level (e.g. developing the critical judgment capacity) (EA).</li> </ul>	
<p><b>Process</b></p>	<ul style="list-style-type: none"> <li>• Whether citizens believe they have sufficient access to public data and in-depth information to monitor management of the public service (HS).</li> <li>• Whether citizens believe they have sufficient means to hold the government and public services accountable for the information they share (HS).</li> <li>• Whether it is easy for businesses to obtain information about policy or regulatory changes that affect their activities (Global Competitiveness Index) (EBS).</li> <li>• A single institution monitors the implementation and impact of the openness strategy according to specific requirements across all branches and levels of government (EA).</li> <li>• The national openness strategy is communicated to promote its implementation across the public sector (EA).</li> <li>• Appropriate consultations with civil society, journalists, academia, sub-national governments and the private sector have been organized to develop the national strategy (EA, HS).</li> <li>• The impact of openness initiatives is measured based on the following (EA): <ul style="list-style-type: none"> <li>o Ad hoc mechanism focusing on impact;</li> <li>o Usual evaluation activities conducted by each public institution;</li> <li>o Surveys among citizens;</li> <li>o Surveys among stakeholders;</li> <li>o Surveys among government employees;</li> <li>o Government-conducted studies on the impact of openness initiatives in specific areas (e.g. quality of services);</li> <li>o Independent assessments conducted by academic or research institutions;</li> <li>o Independent assessments conducted by NGOs;</li> <li>o Independent assessments conducted by private companies.</li> </ul> </li> <li>• Measuring the impact of the openness strategy is achieved through indicators linked to pre-determined objectives (EA).</li> <li>• The extent to which the results of the monitoring activities are made publicly available (EA, HS).</li> <li>• The data derived from monitoring and evaluation are used to strengthen the openness strategy (EA).</li> </ul>			

Type of indicator	Sub-dimension of openness			
	Access to information	Open data	Freedom of expression of the media	
Process	<p><b>Clarity and effectiveness of ATI processes</b></p> <ul style="list-style-type: none"> <li>Members of the public are aware of their rights and of the processes to make ATI requests (HS).</li> <li>Central guidance assists public bodies to meet their obligations under the ATI Law, including in relation to (EA):               <ul style="list-style-type: none"> <li>Ensuring requests are received and processed in accordance with standards, including timelines;</li> <li>Ensuring that internal appeals are processed according to standards;</li> <li>Coordinating with all institutions that may have relevant data, as well as relevant third parties affected by the request.</li> </ul> </li> <li>ATI procedures are simple, can be supported by technical assistance (e.g. to precise requests) and can be made by any means of communication (e.g. mail, internet, phone) (EA).</li> <li>The information requested is made available in the preferred format for users, including those with disabilities (EA).</li> <li>The average delays to respond to ATI requests for each public body (HS, AD).</li> <li>Degree of satisfaction with the process of ATI requests (HS, EA).</li> <li>ATI requests and reuse of information are free except for minimal costs for reproducing and sending the information (EA).</li> <li>Evaluation of value-for-money of access to government initiatives (EA).</li> </ul> <p><b>Transparency of relevant information</b></p> <ul style="list-style-type: none"> <li>Ease of obtaining information on changes to policies, laws and regulations (Executive survey, EA);</li> <li>Whether the information provided by ATI requests is pertinent and complete (HS).</li> <li>Implementation of exceptions and other legal restrictions to ATI law are consistent with good international practices,<sup>3</sup> including a harm test and a public interest override (EA).</li> <li>When part of the information may not be released based on exceptions to ATI law, it is redacted to allow the rest of the document to be released (EA).</li> </ul>	<p><b>Clarity and effectiveness of open data processes</b></p> <ul style="list-style-type: none"> <li>Degree of satisfaction with processes for sharing open data (HS, EA).</li> <li>Open data is made available through digital, user-friendly, machine-readable formats in relevant languages without any restrictions on reuse, and it is regularly updated (EA, HS, AD).</li> <li>There is a central access point for government information that enables users to search for information across all public bodies (EA).</li> <li>There are unique identifiers for public organizations that allow for cross-referencing across data sets (EA).</li> <li>The data is available in non-proprietary format (EA).</li> <li>Whether users are able to select the specific data they are interested in (EA).</li> <li>Whether users are able to establish an API connection to the data and link it to other applications (EA).</li> <li>Whether metadata is available (EA).</li> <li>Evaluation of value-for-money of proactive disclosure of government data (EA).</li> </ul> <p><b>Transparency of relevant information</b></p> <ul style="list-style-type: none"> <li>Ease of obtaining information on changes to policies, laws and regulations (Executive survey, EA?);</li> <li>The disclosure of data for the categories of information identified in "structures" indicators is coordinated and consistent across public sector institutions, and disaggregations are available (EA).</li> <li>Public institutions help identify relevant data to be disclosed proactively (EA).</li> <li>The information deemed most useful or frequently subject to ATI requests is made publicly available by default in priority (EA, AD).</li> <li>The information released pursuant to ATI requests is made available proactively in a searchable database (EA, AD).</li> <li>The open data is available for the last 5 or 10 years (EA, AD).</li> <li>All public data disclosed are updated regularly / in real time (EA).</li> <li>There are public listings of public data available (EA).</li> </ul>	<p><b>Absence of reprisals against reporters / media outlets</b></p> <ul style="list-style-type: none"> <li>The media are generally free to publish revelations about (1) political power; (2) major economic interests; (3) religious or spiritual authorities; (4) the military; (5) police and law enforcement; and (6) organized crime (EA, other targeted surveys).</li> <li>Political or religious leaders do not contribute to create a hostile environment for the press (EA).</li> <li>Journalists and media owners are not prosecuted for what they write or broadcast (EA, other targeted surveys).</li> <li>The number of civil or criminal prosecution cases against journalists and whether they are subject to fair procedures (EA, other targeted surveys).</li> <li>Excessive monetary fines, criminal prosecutions and violence are used against journalists / bloggers for libeling officials or the State (EA, other targeted surveys).</li> <li>Local and foreign journalists are able to cover the news freely and safely in person (EA, other targeted surveys).</li> <li>Reported cases of media subject to intimidation or violence for their reporting (EA, other targeted surveys).</li> <li>The penalties that have been imposed on information providers in the last 12 months (EA, AD).</li> <li>Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention or torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months (EA, AD, other targeted surveys).</li> <li>The confidentiality of journalists' sources is not undermined (EA, other targeted surveys).</li> </ul> <p><b>Transparency of relevant information</b></p> <ul style="list-style-type: none"> <li>The extent to which the media provide substantive in-depth information on decision-making by the government (EA).</li> <li>The government holds regular press conferences that all media are able to attend (EA).</li> <li>Whether courts excessively impose gag orders or bans on the media (EA, AD).</li> </ul>	<p><b>Media plurality</b></p> <p><b>Diversified media</b></p> <ul style="list-style-type: none"> <li>Whether the State may be able to distort the media market by allocating subsidies or advertising (EA, AD).</li> <li>Whether the overall economic situation of traditional media negatively affects their sustainability (EA).</li> <li>Whether government advertising is distributed equally among different media (EA, AD).</li> <li>Perceived administrative or financial constraints to establish independent media (EA).</li> <li>Media ownership is transparent to allow consumers to judge their impartiality (EA).</li> <li>The costs associated with the establishment and operation of media outlets (EA).</li> </ul> <p><b>Transparency of information</b></p> <ul style="list-style-type: none"> <li>The media reflect the range of opinions and political views of the general public (EA).</li> <li>The media reflect the population's language diversity (EA).</li> <li>The extent to which media ownership is perceived as affecting news coverage / content (EA).</li> <li>The presence of a sufficient community of investigative journalists (EA).</li> <li>The extent to which news and information content is determined by vested interests (EA).</li> <li>Access to public officials granted equitably regardless of editorial lines (EA).</li> </ul> <p><b>Accountability for providing information</b></p> <ul style="list-style-type: none"> <li>The extent to which journalistic quality is assessed openly and transparently (EA).</li> <li>The extent to which political or religious factors prevent the establishment of independent media (EA).</li> <li>The transparency of the process for granting television and radio licenses (EA).</li> <li>The transparency of the process for appointing directors of TV and radio regulatory agencies (EA).</li> <li>The transparency of accreditation procedures of foreign journalists (EA).</li> <li>Reported cases of journalists being bribed to cover or not cover certain topics (AD).</li> </ul>

3. Standard exceptions include: national security; international relations; public health and safety; the prevention, investigation and prosecution of legal wrongs; privacy; legitimate commercial and other economic interests; management of the economy; fair administration of justice and legal advice privilege; conservation of the environment; and legitimate policy-making and other operations of public authorities.

<p>Process</p> <ul style="list-style-type: none"> <li>The right of access applies to all 3 branches of government with no classes of information excluded<sup>4</sup> (EA).</li> <li>There is a specific body responsible for promoting the right to ATI (EA).</li> <li>Appropriate training is provided for all relevant functions or public institutions (e.g. courts, information officers) (EA).</li> </ul> <p><b>Accountability for providing information</b></p> <ul style="list-style-type: none"> <li>Effectiveness of complaint mechanisms (EA, HS).</li> <li>Reasons given for not providing the information are satisfactory (HS).</li> <li>Feedback is requested from the public about access to information processes to strengthen government openness by both the government and oversight bodies (EA).</li> <li>Compliance with ATI law is part of the public service performance management systems at individual and institutional levels (EA).</li> <li>ATI law courses are integrated in school / university programmes to raise awareness and build capacity and accountability (EA).</li> <li>Feedback is requested to measure the relevance and usability of the information provided (EA).</li> <li>There is a simple, free internal appeal completed within clear timelines (20 days or less) (EA).</li> <li>There is a right to external appeal to an independent administrative or judicial body that is free, does not require legal assistance and is governed by clear timelines (EA).</li> <li>Grounds for not providing the information are clearly stated and the burden of proof is on public bodies to justify their decisions not to release the information (EA).</li> <li>Grounds for external remedies are broad (e.g. refusal to disclose data in requested format, lack of responsiveness, breach of timelines) (EA).</li> <li>The independent oversight body monitors the implementation of its recommendations by the relevant public bodies (EA).</li> <li>The decisions of the oversight body are binding, including remedies (e.g. release of information), structural measures on public authorities (e.g. training), or sanctions on those undermining ATI (EA).</li> </ul>	<ul style="list-style-type: none"> <li>Appropriate training is provided to public officials responsible with sharing open data.</li> <li>Civic education training is conducted to raise awareness about enhancing public sector accountability through open data.</li> </ul> <p><b>Accountability for providing information</b></p> <ul style="list-style-type: none"> <li>Regular consultations within the public service and with the public are conducted to define the information deemed most useful to be released, including for vulnerable communities (EA).</li> <li>Feedback is requested to measure the relevance and usability of the information provided (EA).</li> <li>Open government mechanisms are subject to internal audit or audits from supreme audit institutions to assess performance (EA).</li> <li>Each public institution periodically assesses how citizens use its information and how it may be more accessible (EA).</li> <li>Independent oversight authority has sufficient powers to address resistance and non-compliance with recommendations (EA).</li> <li>Effectiveness of complaint mechanisms (EA).</li> </ul>	<ul style="list-style-type: none"> <li>Whether defamation laws pose a threat to public debate (EA).</li> <li>Whether public and private media are perceived to conduct self-censorship on sensitive topics (EA).</li> <li>Whether public institutions exercise censorship on sensitive topics (EA).</li> </ul> <p><b>Accountability for providing information</b></p> <ul style="list-style-type: none"> <li>Whether broadcasting authorities and other relevant media authorities are able to operate independently (EA).</li> <li>Crimes against journalists are prosecuted (EA, AD).</li> <li>Whether the judiciary and high-level public officials uphold legal protections for media freedoms (EA).</li> <li>There are professional groups that support journalists' rights and interests (EA).</li> <li>Journalists are not subject to electronic or physical surveillance with the object of interfering in their work or ascertaining their sources (EA).</li> <li>There is a transparent process to assess the quality of media outlets and of journalists (EA).</li> <li>Whether the courts are perceived as independent in their decisions about the media (EA, other targeted surveys).</li> <li>Whether the practice of journalism is restricted based on nationality, ethnic origin, social class, religion, gender (EA, other targeted surveys).</li> </ul>	
<p>Outcome</p> <ul style="list-style-type: none"> <li>Whether citizens and businesses believe government officials show favouritism to well-connected firms and individuals when deciding on policies and contracts (EA, HS).</li> <li>Whether public officials and citizens believe the government is responsive to concerns expressed by citizens and businesses (HS).</li> <li>Whether citizens believe they have a role to play in exercising oversight over their government(s) and public services (HS).</li> <li>Whether public officials believe the government has achieved a culture of transparency in the public sector (HS).</li> <li>Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group (HS).</li> </ul>			

<sup>4</sup> These include : Cabinet, ministries, SOEs, sub-national government, public schools, health care bodies, police, army, intelligence services, independent oversight bodies, and private bodies performing public functions or receiving substantial public funding.

### V.3.3 Alternatives to openness data sourced only from expert assessments

174. As reflected in Table V.2, the vast majority of openness indicators found across the established composite indices on openness are based mostly on expert assessments. Moreover, all the predominant indices listed in Table V.1 and most indicators listed in Table V.2 are currently produced by international organizations, CSOs, think tanks and private firms. It is relatively infrequent that government agencies are themselves involved in the collection, production and dissemination of this data through NSS-led data sources such as surveys or administrative data.

175. In aiming to make openness more easily measurable also by NSOs, this section shines a light on the (few) cases where openness statistics are produced through sources other than expert assessments.

#### V.3.3.1 Administrative data

176. Few indicators identified in Table V.2 are drawn from administrative data. Indeed, this data source is largely untapped in relation to collecting data on government openness. Two factors largely explain this situation. First, the legal basis to access these administrative data sources is missing in many countries, making their use impossible. Second, when these sources are accessible and understandable, they are sometimes lacking some key quality and credibility criteria – making their analytical value dubious.

177. Nevertheless, governments and public agencies at large collect a wide range of administrative data that, if shared with relevant bodies, could be controlled for quality and used to measure different aspects of government openness. This kind of data collection may be mandated by law or done on an ad hoc basis for the purpose of good governance, transparency and efficiency.

178. An example of administrative data put to use for measuring openness:

- The Treasury Board of Canada is mandated by the Access to Information Act to collect statistics on an annual basis for the purpose of assessing the compliance of government institutions with the provisions of the Act and the regulations relating to access. The minister acting as the President of the Treasury Board of Canada also defines the information that must be included in the annual report that each head of a government institution must submit to Canada's Parliament on the administration of the Act. The information collected by the Treasury Board of Canada includes the following:
  - Number of requests made and completed each year;
  - Institution where the request was made;
  - Origin of the requests (e.g. private sector, citizens, media, academia);
  - Timeliness of responses and motives for extension;
  - Exceptions used not to disclose; and
  - Fees and costs associated with access to information regimes.

179. Some of the indicators currently proxied through expert assessments could be collected more systematically via administrative data sources if partnerships with relevant institutions are explored. These include: the number of appeals of decisions not to share government information following ATI requests; the penalties imposed on information providers in the last 12 months; the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention or torture of reporters, associated media personnel, trade unionists and human rights advocates in the previous 12 months in

connection with their profession; the number of gag orders or bans on the media; the prosecution of crimes against journalists; the reported cases of journalists being bribed for covering or not covering certain topics; the number of media licences issued per capita; and the proportion of media licences that have been denied and the motives.

### V.3.3.2 Household surveys

180. Household surveys and other surveys are also rarely used to assess government openness. Increasing the use of large-scale surveys for measuring openness would undoubtedly contribute to strengthening data collection and analysis, and ultimately, to use in building blocks for accountability systems in the area of public governance. Using NSO surveys to gather data on openness would improve statistical capacity and data availability in the area of openness and beyond, including by allowing multivariate analysis with other topics captured through the questionnaires.

181. Even though the concept of openness remains relatively rare in survey questionnaires, a small but growing number of surveys carried out by both international organizations and NSOs are introducing questions on openness, particularly at the outcome level. Below are a few examples of international surveys that include questions on openness:

- The World Justice Project Open Government Index. This index is derived from two data sources collected by the World Justice Project (WJP) in each country for the WJP Rule of Law Index: (1) a general population poll (GPP), conducted by leading local polling companies, using a representative sample of 1,000 respondents in the three largest cities per country; and (2) a qualified respondents' questionnaire (QRQ) consisting of close-ended questions completed by in-country practitioners and academic experts. The Open Government Index includes questions that contribute to measuring some of the key indicators for the purpose of this report, including:
  - The process for access to information requests is clear, simple, and user-friendly, and it is supported by appropriate technical assistance;
  - Up-to-date open data is available in user-friendly, machine-readable format on strategic issues for all public institutions;
  - There are no excessive civil / criminal sanctions, violence or other reprisals against reporters and media outlets in reaction to media reports;
  - Members of the public have substantive and in-depth information on government decision-making;
  - The relevant institutions are accountable for the amount of information shared with the public.
- 2012 OECD Survey of Adult Skills (PIAAC). This survey was fielded in large and representative samples of the adult population in 32 countries and subnational entities. For more details about the survey's methodology, please refer to the chapter of this Handbook on Responsiveness. The Responsiveness chapter also provides references to national surveys that seek to measure public perceptions of government responsiveness. The OECD PIAAC Survey measures one of the key indicators used for the purpose of this report:
  - Members of the public believe the government is responsive to their views and concerns.

182. At the national level, there is limited but growing NSO experience worldwide to engage in measuring openness via surveys, either as stand-alone dedicated surveys or as thematic modules embedded in a larger, multi-topic survey.

- In Mexico, the Instituto Nacional de Estadística y Geografía's (INEGI) conducts the National survey on access to public information and personal data protection (INEGI, 2016). The survey collects data on citizens' knowledge about their right to access government and its underlying mechanisms. The openness questions concern:
  - Trust in government information in different sectors such as security, budgeting, etc.;
  - Whether access to government information is user-friendly (e.g. government websites);
  - Whether citizens' information requests to a governmental institution were answered and how satisfactory the process was;
  - The regularity and clarity of bills for public services (e.g. water, electricity).
- The Governance, Peace and Security Surveys (GPS), under the Strategy for Harmonization of Statistics for Africa (SHaSA), are an initiative to add thematic sections to socioeconomic surveys at the national level (see Annex V, Tables ANX.V.1 and ANX.V.2). Under this initiative, since 1995 a few NSOs in West Africa have conducted GPS surveys to collect data on issues related to openness, including:
  - Freedom of expression;
  - Government transparency;
  - Contact with government administration;
  - Views on transparent elections.
- Although it was not led by an NSO, in 2016 the OECD and the Korean Development Institute undertook a survey about trust in public institutions in Korea. Some of the indicators on openness were:
  - Expected satisfactory answer to citizens' complaints;
  - Expected availability of relevant government information;
  - Expected incorporation of an opinion following a consultation process (OECD/KDI, 2018).
- Similarly, in Costa Rica, the General Comptroller Office runs three national surveys on transparency to collect information on access to information, information for accountability, and citizens' participation. The surveys include the following indicators:
  - The efficiency of access to government information processes;
  - Whether enough information is published by the government to hold its agencies accountable;
  - The existence of spaces for public participation (República, 2019).

### V.3.3.3 New data sources: social media

183. A relatively untapped data source is social media big data (tweets, Facebook posts, etc.), which could potentially generate insights into the public's perception of their government's openness, and its outcomes. The debate here is not over how government can use social media to improve openness, but how social media data can be used to measure government openness. While this type of text-mining analysis of big data is gaining momentum to inform specific research questions in other domains, including health, economics, migration, etc., the literature is scarce on how social media data analysis can be used to report on government openness. Social media could be a useful data source for measuring government accountability and transparency because of the global trends of

increased connectivity and digitalization, which lead many to join this online conversation. Big data techniques are also evolving to generate smart evidence from unstructured big data.

## V.4 Recommended key indicators

184. This section identifies indicators that may be prioritized by NSOs to fill some of the most urgent data gaps on openness, based on the indicators listed in Table V.2, i.e. the indicators already in use to measure the implementation of SDGs and academic work. The overall aim in recommending these indicators is to enhance systematic and coherent data collection through NSOs, based on the conceptual framework presented earlier in this chapter, in order to fully depict and understand the state of openness at national and global levels.

185. Many of the indicators recommended here are currently collected only through expert assessments and as part of composite indices. In line with the discussion throughout this chapter, the recommendation of this *Handbook* is to further develop these indicators so that they become more easily measurable through surveys or administrative data, and thereby by NSOs. Given the fact that many of these recommended indicators are not yet developed in this way, their specification may be less concrete – in statistical terms – than the key indicators recommended in other *Handbook* chapters. A more precise specification will evolve as they are developed methodologically.

TABLE V.3 Recommended key indicators

Sub-dimension	Indicator	Data source	Type
All four sub-dimensions	Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information (SDG indicator 16.10.2)	Expert assessment	Structural
All four sub-dimensions	Members of the public perceive public institutions are responsive to their concerns in a transparent manner	Surveys	Outcome
All four sub-dimensions	Members of the public perceive public institutions make objective, evidence-based decision-making without favouritism	Surveys	Outcome
All four sub-dimensions	Members of the public have substantive and in-depth information on decision-making by public institutions	Surveys	Outcome
All four sub-dimensions	Relevant institutions (including the media) are accountable for the nature and amount of information that is shared with the public	Surveys, administrative data, expert assessments	Outcome
Access to information	The process for access to information requests is clear, simple, and user-friendly, and is supported by appropriate technical assistance	Surveys, administrative data, expert assessments	Process
Open data	The availability of up-to-date open data in user-friendly, machine-readable format on strategic issues for all public institutions	Surveys, administrative data, expert assessments	Process
Freedom of expression	There are no excessive civil / criminal sanctions, violence or other reprisals against reporters and media outlets in reaction to media reports	Surveys, administrative data, expert assessments	Process
Freedom of expression	Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention or torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months (SDG indicator 16.10.1)	Administrative data, expert assessment	Outcome
Media plurality	News coverage is diversified and media ownership does not interfere with a comprehensive representation of public opinions and news coverage	Surveys, expert assessment	Process

186. For each of the indicators identified in Table V.3, examples of associated questions from existing data sources and instruments (surveys, expert assessment questionnaires or administrative forms) are provided in Annex V, Table ANX.V.3.

## V.5 Way forward

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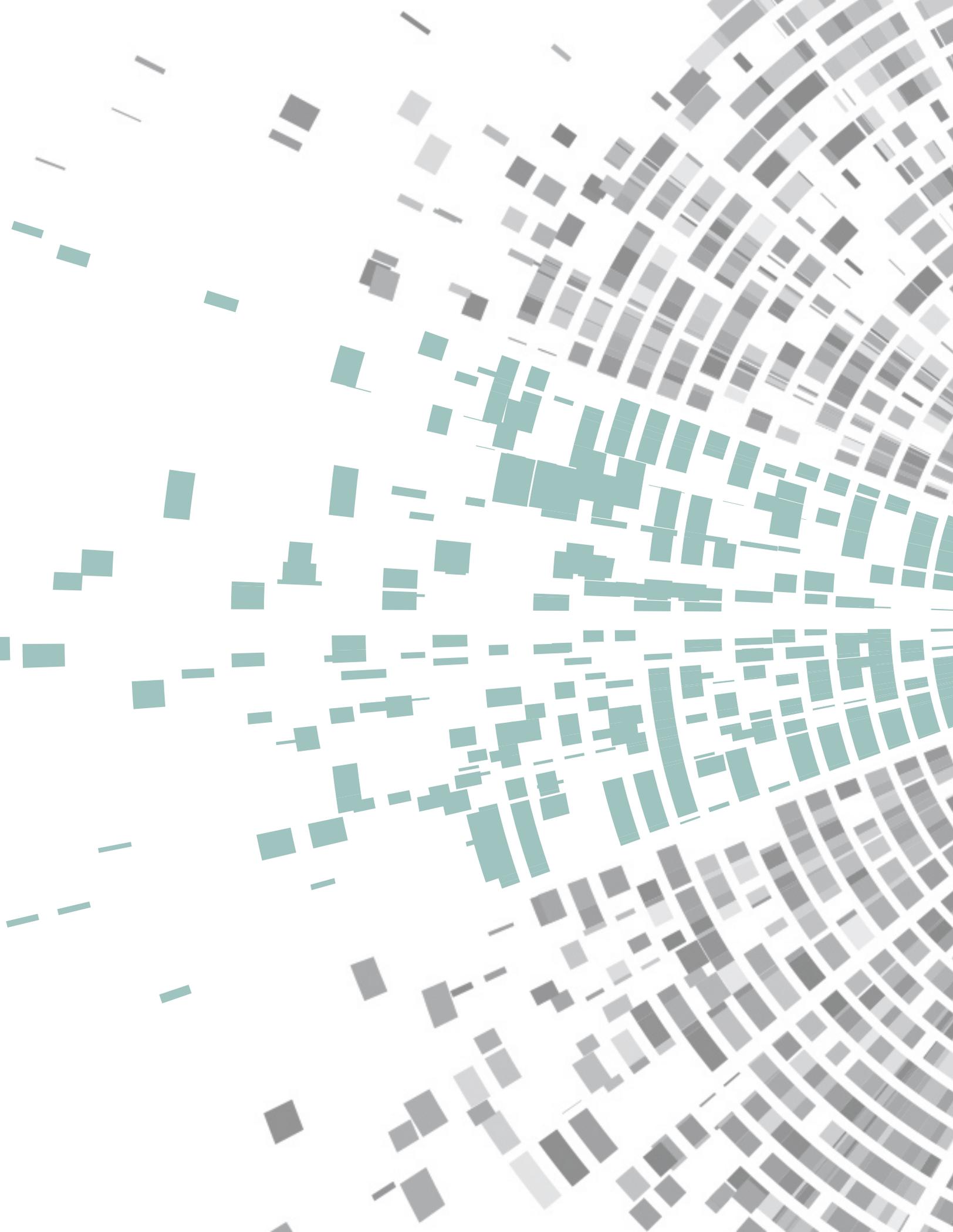
187. As discussed throughout this chapter, the development of metrics, tools and guidance that enable NSOs to measure government openness is still in its infancy. Many international organizations rely primarily on expert assessments to measure immediate outcomes of openness, and a great deal of methodological work will be needed to identify the key indicators among them and make them amenable to more quantitative measurement by NSOs.

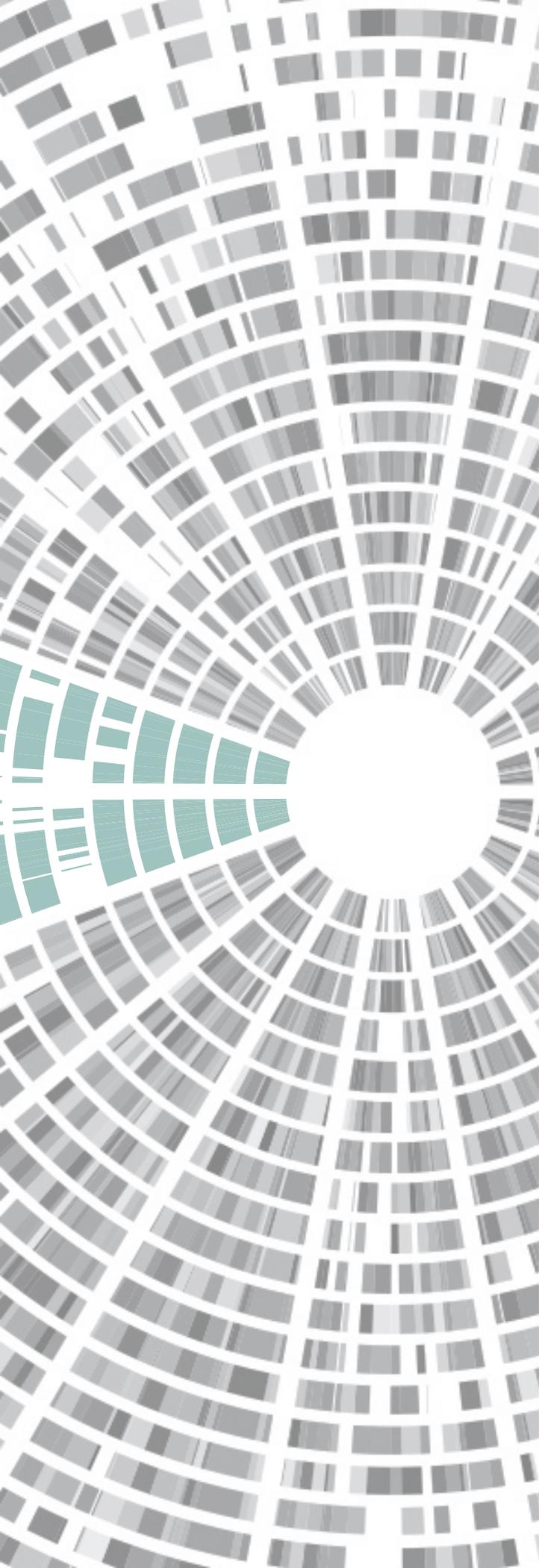
188. The following actions are recommended with a view to achieving robust, country-led and consistent measurement of openness:

- Designing and piloting a survey module on openness for integration into national, multi-topic household surveys. A survey module developed in collaboration with international organizations, subject-matter experts and NSOs would allow for the development of harmonized indicators of openness and consistent assessment methodologies across jurisdictions. Such a survey module should be built on anticipated outcomes of openness, as well as on process indicators such as the clarity and effectiveness of processes for sharing government information / data as well as on perceived intimidation and threats of media outlets and the perceived diversity of media outlets and news coverage in a given jurisdiction.
- Developing guidelines to support an increased use of administrative data for measuring openness. Administrative data is severely underused today to assess openness, in large part because this data is not accessible and/or readily available for use by NSOs and other State or non-State actors. Additional guidance on relevant administrative data sources as well as proposed frameworks (including quality frameworks) to make such data available to NSOs and other relevant organizations should be developed to ensure a greater and more consistent use of administrative data to assess openness.
- Improving how the concept of “accountability” is reflected in the assessment framework to measure openness. There is value in better reflecting the concept of “accountability” in the context of measuring government openness. This could be done by measuring (1) the accountability of the executive branch to an independent oversight institution; and (2) whether there is an open environment to raise potential issues or concerns in the public sector. Assessing the ongoing independent oversight by an independent institution over government policy-making and operations and the transparent management of breaches of established standards by public sector officials would provide significant insight into the state of government openness. Methodologies underlying the collection of this data already exist, as such data is collected through the Transparency International Corruption Perception Index and the Global Integrity Public Integrity Index.

189. These proposed next steps have the potential to generate greater investment in the statistical capacity to generate new types of data on openness. Indeed, the appropriate monitoring and

evaluation by a variety of actors, including NSOs, will be front and centre in defining the effectiveness and impact of openness policies, as well as in assessing progress towards the achievement of all the SDGs.





PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER VI  
**Access to  
and quality  
of justice**

## VI.1 Conceptualizing this dimension

### VI.1.1 Normative framework and definition of concepts

190. Several international and regional human rights norms concern access to and the quality of justice. For example, many articles of the Universal Declaration of Human Rights and the International Covenant on Political and Civil Rights — two cornerstones of international human rights norms — directly address access to justice, by articulating procedural due process safeguards necessary for people involved with the legal system, such as the right to legal assistance and the right to receive it for free, the right to a fair and public hearing, and the right to a competent judicial or administrative determination.<sup>1</sup> Other articles that are more substantive in nature, such as ones that guarantee the right to life, liberty, family, education and other basic needs, indirectly but firmly support a right to legal assistance.<sup>2</sup> Since its establishment, the United Nations (UN) Human Rights Committee has led the way among UN treaty bodies in interpreting concepts relating to access to justice. Access to justice is also safeguarded in UN conventions, such as the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the 2006 Convention on the Rights of Persons with Disabilities. In addition, the 1995 Beijing Declaration and Platform for Action provides guidelines for guaranteeing equal rights for women and girls, and confirms a determination to “ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms”. The “effective action” referenced in this Declaration includes access to justice as a mechanism for women and girls to realize their rights.

191. While there is no single definition of access to justice,<sup>3</sup> it is broadly concerned with the ability of people to defend and enforce their rights and obtain just resolution of their legal<sup>4</sup> problems in compliance with human rights standards,<sup>5</sup> if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.<sup>6</sup> While legal institutions and services are often a primary focus of access to justice measurement and policy, they are frequently peripheral to ensuring access to justice. Access to justice is concerned ultimately with lived experience. Approaches for people-centered justice measurement are expanding, and these sources of data will help deliver on the promise of the SDGs to “leave no one behind”.

192. Although the sub-dimensions of access to justice are best conceived as being universal across justice systems, for practical and institutional reasons a distinction is generally drawn between criminal and civil justice.<sup>7</sup>

1 International Covenant on Political and Civil Rights, entered into force Mar. 23, 1976, 999 U.N.T.S. 171, S. Exec. Doc. No. E, 95-2, Articles 2(3), 10 and 14(1) available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

2 Ibid., Article 14(3) available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

3 Garth and Cappelletti (1978, p182) observed the concept is “not easily defined”, but focused on “the system by which people may vindicate their rights and/or resolve their disputes under the general auspices of the state”. However, beyond this focus there are different theoretical, ideological, cultural and religious conceptualizations of access to justice. These can place different emphasis on “access” and “justice”, generally extend beyond formal process to informal dispute resolution and, sometimes, to social justice and the distribution of welfare, resources and opportunity (e.g. Maranlou, 2015; Cornford, 2016; OECD and Open Society Justice Initiative, 2019).

4 Legal, or “justiciable”, problems are those that raise legal issues, whether or not these are recognized as such by the individuals facing them, and whether or not action taken to deal with them involves lawyers or legal process (Genn, 1999).

5 United Nations Development Programme (2005). A reference to conformity with human rights standards is necessary to both extend the concept beyond local legal frameworks (which may conflict with accepted international norms) and indicate standards for independent adjudication.

6 The debate around access to justice “has many strands” (Paterson 2012) (including citizens’ behaviour in resolving legal problems, the availability and accessibility of legal services and state-sanctioned dispute resolution processes, the sustainable provision of legal aid, and the role of non-legal services in delivering justice outcomes) and ideological dimensions. While the concept of access to justice is generally discussed in relation to access to legal services and processes, debates frequently also extend to other human services that have utility in addressing problems existing within such frameworks.

7 Criminal justice generally involves State control and sanction, while civil justice concerns relationships and disputes between individuals, communities, organizations and government.

193. A fair, humane and efficient criminal justice system based on the rule of law must respect and protect the rights of all those affected by crime and/or involved in criminal justice processes. Effective access to criminal justice involves victims of crime being able to identify and report wrongdoing and see just outcomes obtained through processes that are fair and inclusive of all concerned.<sup>8</sup> Significant barriers to justice persist for victims of crime, particularly in the case of the poor and vulnerable. For example, more than one third of women worldwide have experienced intimate partner violence or sexual violence by a non-partner (WHO Department of Reproductive Health and Research and others, 2013), but only a tiny fraction report such violence to authorities (United Nations, 2015).

194. Effective access to criminal justice also involves protecting and enabling proper defence of the rights of those suspected, accused or convicted of crime (e.g. UNODC, 2013). This starts with appropriate law enforcement and prosecutorial behavior (e.g. UN Women, 2016; Green, 2016) and extends, vitally, to provision of legal assistance for those subjected to criminal processes and to proper judicial oversight of such processes (UNODC, 2013; EU Directive 2016/1919). Countless people are arrested and tens of millions prosecuted each year (Harrendorf and others, 2010). Globally, nearly one third of the world's total prisoners are held without trial (UN Statistical Division, 2017), which corresponds to more than three million people being held in pretrial detention.<sup>9</sup> All are at risk of having their rights ignored or violated. Many are detained for excessive periods, and an unknown number suffer ill-treatment, coerced confessions and wrongful convictions. The social, financial and health consequences of pretrial detention can be severe and disproportionately impact those already disadvantaged (e.g. those who can least afford bail), reinforcing disadvantage and compounding the underlying causes of crime within and across generations (Travis and others, 2014). Consequences extend beyond detainees, to "their families, communities, and even State" (Open Society Justice Initiative and UNDP, 2011).

195. As underscored by the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, legal aid is essential in ensuring equal access to criminal justice. It is a precondition to the exercise of rights and an important safeguard to fundamental fairness and public trust in the criminal justice process (UNODC, 2013). A functioning legal aid system, including both primary and secondary legal aid (UNDP and UNODC, 2016), can reduce the length of time suspects are held in detention, congestion in the courts, wrongful convictions, the prison population, prison overcrowding, reoffending and revictimization (UNODC, 2013).

196. Effective access to civil justice concerns the people and communities that the civil justice system is intended to benefit. It includes administrative justice, which is concerned with the laws surrounding decision-making and dispute resolution of government agencies. It involves enabling people, communities and organizations to resolve fairly and peacefully the vast number of civil and administrative legal problems faced in everyday life (OECD and Open Society Justice Initiative, 2019).<sup>10</sup> It also involves enabling people and communities to understand, use and shape the law. This is known as "legal empowerment" (e.g. Maru, 2019; Golub and McQuay, 2001; UN Commission on Legal Empowerment of the Poor, 2008). As well as giving meaning to the possession of rights (Garth

<sup>8</sup> Within a retributive criminal justice system, inclusivity can refer to, for example, victims being informed of progress or voice being given to victims through impact statements. In a restorative criminal justice system, it may refer to, for example, the involvement of victims and communities in processes aimed at restoring relationships broken by crime.

<sup>9</sup> Persons held in pretrial detention are "persons who, in connection with an alleged offence or offences, are deprived of liberty following a judicial or legal process but have not been definitively sentenced by a court for the offence(s)" (Walmsley, 2016). They can fall into one of four categories, although not all legal systems and not all cases will involve each category: (1) detainees who have been formally charged and are awaiting the commencement of their trial; (2) detainees whose trial has begun but has yet to conclude with a finding of guilt or innocence; (3) detainees who have been convicted but not sentenced; and (4) detainees who have been sentenced by a court of first instance but who have appealed against their sentence or are within the statutory time limit for doing so (Open Society Justice Initiative, 2014).

<sup>10</sup> Civil law here refers to all law that can be applied to or by individuals (or, in a business context, businesses) other than criminal law.

and Cappelletti, 1978), civil justice promotes general well-being, government accountability and inclusive and sustainable development. Although not always needed, legal assistance and legal aid can be essential, particularly for vulnerable groups.

197. Civil and administrative law touch on nearly all aspects of people's lives, with common legal problems concerning, for example, children, families, consumerism, education, employment, access to public services, housing, land, natural resources and welfare. These problems are ubiquitous and can disproportionately affect disadvantaged groups (OECD and Open Society Justice Initiative, 2019), which have fewer resources to avoid, mitigate and resolve problems. They also create and exacerbate disadvantage. Problems can affect whole communities, such as where a community's land is taken without any compensation or where a family is denied identity documents because of their ethnicity, making it impossible to apply for a job (Maru, 2019). They can substantially impact the lives of those facing them,<sup>11</sup> affecting health, relationships, income, employment, housing and confidence. This increases vulnerability to further problems, contributes to the phenomenon of problem clustering and can initiate vicious social cycles. Unaddressed, problems "can cause an economic or social shock that pushes vulnerable persons into poverty" (OECD and Open Society Justice Initiative, 2019). While difficult to estimate, the knock-on cost to public services is substantial.<sup>12</sup>

198. Each year, many millions of people, more often disadvantaged, take no action to resolve even serious civil legal problems. Many do not recognize their problems as having a legal dimension.<sup>13</sup> People are often ignorant of their rights, sources of assistance and options,<sup>14</sup> and/or believe action would make no difference, despite generally "making this judgment without the benefit of any advice" (Genn, 1999). They also worry about consequences on relationships and personal safety and, in some places, fairness of processes and corruption.<sup>15</sup> When people do act, many do so without assistance. This can be unproblematic, but many lack the legal capability to resolve problems effectively and perceive the processes of resolution to be unfair and complex.

199. The concept of access to justice is closely linked to the constituent concept of legal need. Legal need arises when a deficit of legal capability<sup>16</sup> necessitates legal assistance to enable a legal issue to be dealt with appropriately (OECD and Open Society Justice Initiative, 2019). Legal assistance is not always necessary to ensure access to justice but must be accessible for those who need it. Access to justice "is about just resolution, not legal services" (Sandefur, 2019). Appropriate assistance may be secured from beyond recognized legal professions, from government, independent civil society organizations and community-based paralegals and may constitute only information.

11 For example, in Macedonia, 32% of survey respondents described non-trivial problems as "destroying my life" (Srbijanko and others 2013, p. 82).

12 In Canada, the impact of legal problems has been estimated to cost public services "approximately \$800 million (and perhaps significantly more)" annually (Farrow and others, 2016). By comparison, the study noted that individuals were spending approximately \$6,100 on legal problems, which is "almost as much as Canadian households spent on average in 2012 on food (\$7,739)" and "almost half as much as Canadians spent on average in 2012 on shelter (\$15,811)." In the United Kingdom, a similar estimate of the cost to individuals and public services was put at US\$ 5 billion per year (Pleasence, 2006, p. i).

13 Adams and others (2017) found that only ~1 in 5 people in their 2018 survey identified their problem as being legal as opposed to bad luck, part of life, an economic problem, a family problem, etc.

14 Recent findings of legal needs surveys from England and Wales indicate that levels of understanding of legal rights and responsibilities are low (Pleasence and Balmer, 2012; Pleasence and others, 2015, 2017).

15 For example, in the case of Indonesia, Gramatikov and others (2014) reported that "a deeper look at three of the most frequent and serious categories of problems — land disputes, crimes and money-related disputes — reveal that people are concerned about the time it takes, the stress and negative emotions as well as the fairness of the process". And in Ukraine, Kobzin and others (2011) have categorized the broad barriers to access to justice as including emotional, informational, physical, financial, effectiveness, bureaucratic, corruption and secondary victimization barriers.

16 Legal capability refers to the capabilities necessary for a person — or, at a higher level, a household or community — to make and carry through informed decisions so as "to resolve legal problems effectively" (Coutarellos and others, 2012). Some elements include legal confidence, the ability to recognize legal issues and awareness of law, services and processes. The concept of legal capability links to Sen's (1980, 1999) capability approach to disadvantage. For a discussion of legal needs within the context of the concept of legal capability, see Pleasence and Balmer (2019).

200. Relatively few civil legal problems are resolved through formal legal processes. In some countries, traditional dispute resolution processes are more common than court processes.<sup>17</sup> Many problems are addressed through administrative processes, governance mechanisms and complementary justice mechanisms, such as Ombudsman programmes, national human rights institutions and national mechanisms for gender equality. Overall, most problems are addressed through informal methods, directly between parties, unilaterally or not at all. Thus, assessing the achievement of access to civil justice requires data that reaches beyond formal institutions.

### **VI.1.2 A possible taxonomy**

201. Access to justice is a complex concept with multiple sub-dimensions. Various taxonomies of its sub-dimensions have been proposed,<sup>18</sup> and several recent efforts have focused on putting people at the centre of this framework (Task Force on Justice, 2019). Access to justice is usually framed differently in criminal and civil spheres. However, there is much commonality between their sub-dimensions. Both extend to, for example, the substance of law, legal capability and empowerment, the accessibility and quality of legal assistance, the accessibility and quality of processes, and the effectiveness and quality of decisions and outcomes. It is therefore better to think of criminal and civil justice as requiring lower, rather than higher, level distinctions within a taxonomy such as that presented in Table VI.1.<sup>19</sup>

202. This taxonomy incorporates sub-dimensions from various frameworks for measuring access to justice (see, for example, Teehankee, 2003; Open Society Justice Initiative, 2015; UN Women, 2016; Dandurand and Jahn, 2017; Rangel, 2018; OECD and Open Society Justice Initiative, 2019) and accommodates different ideological and cultural conceptualizations of access to justice (e.g. retributive and restorative approaches to criminal justice), and both individual and systemic approaches to tackling rights violations (see, for example, Begiraj, Garahan and Shuttleworth, 2018). The domains of structure, process and outcome refer, respectively, to the resources that are within the justice system, the use of those resources and the outcomes that their use delivers.

<sup>17</sup> The World Justice Project's 2016 General Population Poll found this to be the case in Bangladesh, Thailand and Uganda (Adams and others, 2017). In many developing countries "legal pluralism is common" (Barendrecht, 2011).

<sup>18</sup> Often in the context of national, regional and global measurement frameworks.

<sup>19</sup> Particularly as the distinction between them will often not feature in customary and religious justice systems (Barendrecht, 2011).

TABLE VI.1 **Sub-dimensions of access to justice**

Domain	Primary Sub-dimension	Secondary Sub-dimension		Examples and areas of interest	
Structure	Environment	Favourability (i.e. factors outside system impacting on experience/outcomes)		IT and transport infrastructure, security, structural inequalities, etc.	
		Legal frameworks		Conformity (e.g. with international human rights standards, free of discrimination, etc.)	
		Population	Legal issues	Incidence, nature, seriousness, individual/collective, etc.	
	Capability	Legal capability and empowerment		Awareness of rights/rights violations/services, confidence, etc.	
		Public legal education resources		Government/civil society/community, funding, staffing, etc.	
	Legal assistance	State legal aid schemes		Type (lawyer/paralegal, government/independent), level/form of funding (incl. pro bono), level of staffing, level of experience/expertise, coverage, eligibility criteria/level, integration in other services, geographical accessibility, security (of staff, buildings, etc.), etc.	
		Independent legal assistance			
		Community level legal advice, assistance and empowerment			
	Justice institutions	Police/prosecutorial authorities			
		Formal courts, quasi-judicial bodies, etc.			
		Complementary bodies (Ombudsman schemes, human rights commissions, community-based monitoring systems, etc.) (see, for example, Begiraj, Garahan and Shuttleworth, 2018)			
		Traditional / religious / non-formal dispute resolution mechanisms			
	Process	Capability	Empowerment		Quality, independence, accessibility, efficiency, etc.
			Public legal education practice		
Legal assistance		Legal aid functioning		Caseload, quality (process, etc.), independence, timeliness, accessibility (legal issue, cost, language, etc.), unmet need, perception (trust, etc.), efficiency, protection of staff, monitoring, etc.	
		Other service functioning			
Justice institutions		Police/prosecutorial authorities		Caseload, quality (procedural, interpersonal, informational - see, for example, Klaming and Giesen, 2008), overall fairness, independence, duration, accessibility (cost, language, etc.), perception (trust, etc.), efficiency, protection of staff, monitoring, etc.	
		Formal courts, etc.			
		Community institutions, traditional bodies, etc.			
Other paths to justice		Complementary bodies (Ombudsman schemes, human rights commissions, etc.)		Volume, quality, duration, accessibility (cost, language, etc.), perception (trust, etc.), efficiency, alignment with other mechanisms, proximity, etc.	
		Individual	Community		
Detention (pretrial, etc.)		Frequency, legitimacy, etc.			
Outcome	Form	Resolved, ongoing, etc.			
	Quality	Case	Form	Retributive, restorative, distributive, etc.	
			Transparency	Reasoning, public record, etc.	
			Functionality	Attrition, compliance, enforcement, delay, etc.	
	System			Effectiveness, etc.	
				Accessibility/ reach of legal assistance and dispute resolution mechanisms, etc.	
	Perception	Trust, fairness, confidence, satisfaction, etc.			
	Impact	Individual outcomes		Conclusion, empowerment, social, economic, health, well-being, etc.	
Systemic outcomes		Change in law, process, policy, etc.			
Broader outcomes (community, etc.)		Empowerment, economic, social, health, well-being, etc.			

203. The taxonomy makes evident the broad range of sub-dimensions important within different parts of justice systems and to different stakeholders. The taxonomy exposes the core concerns with, on the one hand, the needs and capabilities of those who face legal problems and, on the other hand, the capacity and performance of justice institutions (broadly defined) and wider communities to deliver just and effective outcomes to such problems. This makes clear the importance of both demand and supply in the context of access to justice.

204. Any meaningful overall measurement of access to justice must capture the multiple sub-dimensions of access to justice and start from the perspective of people and communities. All of the key sub-dimensions of access to justice must be represented. To this end, the functioning of justice institutions and services (central to the process domain in Table VI.1) must be set within the context of the broad experience of those who need recourse to them (central to the structure domain in Table VI.1) and of the quality of the outcomes they deliver (central to the outcome domain in Table VI.1). A meaningful picture should expose the needs of individuals and communities, and how and whether these are met.

## **VI.2 Why is this dimension important?**

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205. Access to justice is a fundamental component of the rule of law and central to SDG target 16.3 (“promote the rule of law at the national and international levels, and ensure equal access to justice for all”). It is foundational for all governance dimensions addressed in this *Handbook* and is vital for securing an inclusive and free society. Legal empowerment is crucial. It enables people and communities to protect and make real their broad array of rights and entitlements — established by appropriate laws in compliance with human rights standards — and address grievances in a fair and non-violent manner. Effective access to justice provides checks to State power and promotes government accountability. It impacts the functioning and outcomes of public institutions and contributes to the building of trust in such institutions. Failure to ensure effective, timely and equal access to justice results in substantial individual and societal costs (spanning economic, social, environmental, and health and well-being costs), which disproportionately impact on the poor, women, children and other vulnerable groups (OECD and Open Society Justice Initiative, 2019). This means that access to justice and its key sub-dimensions are relevant not just in the context of SDG target 16.3 but also in the context of the other SDGs, for example, those concerning poverty (SDG 1), health and well-being (SDG 3), gender equality (SDG 5) and inequality (SDG 10). Such an intersectional approach is core to the SDGs.

206. Gaining a multi-dimensional perspective on access to justice as discussed in the preceding section can be transformative. Expanding focus to people, agency and outcomes, rather than just the functioning of institutions and services, allows reimagining of justice systems with the population, users and practical outcomes at their heart. The impact on policy and practice in countries that have expanded their focus in this way has been profound (Pleasence and others, 2014). Exposing unmet needs and systemic barriers at a level of disaggregation enables the targeting of resources and the development of strategies to ensure no group is left behind. Exposing obstacles that prevent people from acting or accessing assistance or processes promotes innovation to build on trusted intermediaries, remove obstacles, and empower people and communities to overcome them. Exposing inadequacies in outcomes enables policy makers to orient reform efforts towards what Amartya Sen calls “actual realizations and accomplishments, rather than only the establishment of what are identified as the right institutions and rules” (Sen, 2009). Moreover, a focus on people and outcomes enables

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**BOX VI.1 Mapping legal needs to better plan legal assistance services**

In Australia, evidence from legal needs surveys and other legal needs research has been used to guide the development of new indicators of the need for legal assistance services. Insights concerning the vulnerability of different groups and predictive factors for experiencing legal problems have been used to develop Census-based measures of the geographic distribution of potential demand for legal assistance services. Separate indicators serve as proxy measures of the minimum number of people likely to need the support of legal assistance services from different groups, including people with low legal capability, indigenous people and people from culturally and linguistically diverse backgrounds. Significantly, these indicators of legal need can be mapped down to various geographic levels — something that legal needs survey data and administrative data do not generally allow.

Having mapped the legal need indicators, policy makers can then assess whether services are available and delivered to meet needs. The Law and Justice Foundation's data digests allow the data from a number of legal assistance services to be combined and mapped to the same geographies as the legal needs indicator, thus allowing a comparison of services delivered to the need for those services. While not being a precise measure of which services were delivered to which person in need, it nevertheless provides a sound approximation for policy makers and service providers to identify the gaps in service delivery to meet legal need.

Source: Cain, M., 2007, *Data digest reports*, Law and Justice Foundation of NSW, Sydney.

integration of justice policies with wider social policies, highlighting connections between sectors and allowing upstream and downstream costs and benefits to be mapped.

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**VI.3 Data and best practices currently available**

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207. Insight into different sub-dimensions of access to justice requires the use of multiple data sources. Administrative data are essential for producing measures and indicators relating to institutions, formal processes, legal services and citizens' interactions with these. However, while administrative data provide important information about those who come into contact with institutions and services, they provide no information about those who do not. Thus, their reach is limited. In order to establish broad patterns of experience of, and responses to, criminal and civil legal problems, general population surveys are essential. However, the ability of population surveys to capture details of relatively rare processes is inherently limited and, in any event, respondents generally have only a superficial understanding of technical processes. Beyond administrative and general population survey data, user surveys and qualitative reviews, such as expert assessment, can provide information to assess the quality of processes and services and their outcomes. Expert review can also provide data concerning the legal and institutional framework within which justice is delivered, which constitutes essential context for any full picture of access to justice. Evidently, measuring access to justice requires triangulating data sources.

208. Because many actors are involved in enabling access to justice, data production is spread across a broad institutional landscape. Public institutions, civil society, the private sector and researchers all play important roles in the production, analysis and use of justice data. Sharing and linking such data can be important to addressing the complexity of access to justice. To build capacity and meet statistical needs, the 2017 Cape Town Global Action Plan for Sustainable Development Data recommends that efforts should be made to develop quality frameworks and strengthen partnerships that enable statistics from non-official sources to be used by national statistical systems, provided they are in full adherence with UN Fundamental Principles of Official Statistics.

### VI.3.1 Administrative data

209. Law enforcement and justice sector institutions routinely collect administrative data in the course of their everyday activities. Official data are usually collected by police and prosecutorial authorities, courts, prison administrations, Ombudsman schemes and regulators; other valuable data are produced by civil society organizations such as legal aid schemes, alternative dispute resolution (ADR) mechanisms, legal empowerment groups, legal services and lawyer associations. They are collected for management purposes and to fulfill accountability, regulatory and reporting requirements. They can relate to many sub-dimensions of access to justice but are particularly suited to providing three types of justice measures: operations of the justice systems, persons in contact with them, and the availability and distribution of resources.

210. Data on systems operations refer to events, activities, actions and outcomes of justice system procedures, both criminal and civil. Operations measures can include, for example: the number of arrests executed by law enforcement agencies, the volume of spending, active and concluded cases, and the length of proceedings. These data can reveal performance in processing cases through the system as well as systemic barriers and, when demographic data are available, challenges facing particular sections of the population. Data available across organizations can be used to create, for example, flow statistics (for example, the movement of people through different parts and stages of justice processes) and linkages across justice sector components (including between criminal, civil and broader administrative justice). Depending on the degree of standardization adopted by the various entities (including definitions and counting rules), these data can be used to analyse the flow of activities across the justice system, for example in relation to selected types of offences (for example, on analysing arrests, prosecutions and convictions on violence against women, corruption offences or environmental crime) or for selected sectors (for example, the number of legal issues taken to a legal aid scheme compared to the number of cases filed in court).

211. Data on people having contact with different parts of the justice system, especially when disaggregated by sociodemographic and other characteristics, can be very useful to reveal whether particular groups are over- or underrepresented within parts of the justice system, present different needs or receive different treatment. For example, data on persons arrested, convicted and then serving sentences or admitted to alternatives to incarceration can illustrate how different persons and different sectors of the society are treated by the criminal justice system. In the same vein, other data can provide valuable information concerning persons obtaining independent legal assistance, using forms of ADR, pursuing a particular administrative action or appearing in court with or without legal representation.

212. Various statistics on the resources allocated to the justice sector, along with their distribution, can provide information on how accessible and prepared the justice system is. Resource measures include, for example: the budgets of the justice system, such as courts and legal aid schemes. They also include the number, staffing, capacity, location and types of courts, tribunals, civil society providers, ADR services, legal aid and other legal services, prison staff and detention centres.

213. In addition to administrative data produced by the justice system, data from a range of other sectors — health, land and property, labour, etc. — can also potentially provide insight into legal needs, the accessibility of the justice system and the effectiveness of the justice system as regards the broader social outcomes it realizes, as well as identifying key areas for reform. Such data could concern, for example: reports of abuse within health services, exclusions from schools, accidents and failed safety inspections in workplaces, etc. These data can help identify the universe of issues that

can potentially involve the use of legal services and informal and formal justice processes. Thus, when combined with data from other sources, they flag areas of potential unavailability or inaccessibility of justice solutions. They can also, for example, reveal social patterns of experiencing legal problems and the impact of justice sector activity/interventions on social behaviour and organizational practice outside of the justice sector. However, the full potential of such data is far from realized.

### VI.3.1.1 Good practices and tools

214. Administrative data systems generate large quantities of records, but it is only when raw information is purposefully, accurately and congruently collated into statistical form that these records become valuable for policy makers, analysts, the media and advocates to understand meaningful progress.

215. An effective system of justice-related administrative data must be centred on clear responsibilities for data definition, collection and management. Such a system requires consistent data collection, to allow linking and comparison. It requires clear data management protocols and strictly adhering to relevant guidelines and regulations, and must be directed towards regular and accurate reporting of the working of the justice system. It must allow disaggregation by, for example, institution, issue and process. Data concerning people interacting with the justice system should allow disaggregation by variables such as age, sex, citizenship and ethnic affiliation. Such disaggregation can highlight disproportionate experiences and treatment faced by distinct population groups.

216. Operations of the justice system entail a multitude of registrations that — when compiled and properly assembled — is able to produce statistics that can be used to assess the effectiveness and accessibility of the justice system.

217. Guidance for collection of data on criminal justice systems (on system operations, persons passing through the system, and resources) is provided by the United Nations *Survey on Crime Trends and Operations of Criminal Justice Systems* (UN-CTS), which every year collects selected statistics on crime and criminal justice from national authorities through a network of national Focal Points and publishes derived indicators. In Europe, a dedicated data collection on the formal justice system is managed by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ), which also produces guidelines around “judicial maps” (2008).

218. To ensure data of high quality, the various components of the justice system should produce data in a coherent manner, using standardized procedures and concepts, and sharing data in a transparent manner.

219. To improve data consistency, the United Nations *Manual for the Development of a System of Criminal Justice Statistics* suggests that common concepts and classifications (e.g. offence classifications) should be developed for use across the different components of the criminal justice system, along with unique identifiers to enable persons and cases to be tracked through the system. Similar suggestions have also been made in relation to the civil justice system.<sup>20</sup> Standards such as those set out in the *International Classification of Crime for Statistical Purposes* (ICCS) provide frameworks and guidance for the collection of accurate, consistent and comparable data. The ICCS is a classification of criminal offences based on internationally agreed concepts, definitions and principles. In addition,

<sup>20</sup> See, for example, the Australian Government Productivity Commission’s (2014) recommendation that “Governments should work together, and with the legal services sector — including courts, tribunals, ombudsmen, private law firms and legal assistance providers — to develop and implement reforms to collect and report data that have common definitions, measures and collection protocols.”

CEPEJ has produced guidelines to promote quality, transparency, accountability and accessibility of justice statistics (2008) and the *Australian National Legal Assistance Data Standards Manual* offers best practice guidance to facilitate the collection of compatible civil and criminal data across disparate legal assistance services, ranging from public education to legal representation.

220. Key tools:

- OECD: Equal Access to Justice for Inclusive Growth (2019)
- CEPEJ: Guidelines, Strasbourg: Council of Europe (2008)
- UN: Manual for the Development of a System of Criminal Justice Statistics (2003)
- UNODC: International Classification of Crime for Statistical Purposes (2015)

### VI.3.1.2 Data quality

221. Administrative data are collected routinely as part of an organization's normal operations; they are generally up-to-date, and they are relatively inexpensive as they rely on administrative information systems that are, or should be, already in place. Furthermore, they tend to be comprehensive in their coverage and provide opportunities to report rare phenomena at a small area level (see, for example, Smith and others, 2004).

222. Data quality challenges often arise from the fact that administrative data are a by-product of administrative activities and follow operational or regulatory criteria rather than statistical principles, all of which change over time and differ between organizations and jurisdictions. Furthermore, the justice sector, in particular the civil justice sector, is composed of a plurality of entities often characterized by institutional independence and a diversity of organizational functions and responsibilities.

223. A specific issue may arise in relation to units of measurement, which can vary considerably across justice systems, reflecting different perspectives and operational concerns. Legal issues, processes and assistance can be counted in different ways. For example, a single victim might have experienced multiple offences, and the counts of crime victims and criminal offences may diverge significantly. Or the police may arrest and charge two suspects in relation to the same offence, or one suspect in relation to multiple offences. Similarly, a single civil dispute may involve one or many discrete legal problems. A person may seek help from a single adviser concerning multiple civil legal problems, or multiple advisers concerning a single problem, and a dispute may involve a single or multiple distinct dispute resolution processes (e.g. negotiation, mediation, litigation). If different organizations and jurisdictions apply different counting rules in relation to persons, offences, cases and the like, then data are not equivalent and direct comparison is not possible.

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#### BOX VI.2 Access to Justice Centres in Argentina

In 2016, the Government of Argentina began providing people-focused primary legal aid services through a network of 90 Access to Justice Centres around the country. One of the foundations of this strategy is that efforts are based on systemic evidence that can be used to inform other branches and levels of government. A case management system within the centres produces significant sociodemographic information about the populations served at the primary justice centres, the history of their legal needs (cases, evolution, etc.) and the services provided by the centres, most of which are addressed without engagement of the legal profession. Alongside Argentina's legal needs surveys, these administrative data are proving vital information for the centres to document the specific access to justice gaps affecting particular populations.

224. Increased inter-institutional coordination and the use of common statistical standards are ways to improve the quality and availability of administrative data from the justice sector. International statistical standards such as the ICCS and the metadata section of the UN-CTS provide guidance on how to produce standardized statistics on criminal offences across the various stages of the criminal justice system, while the UN-CTS suggests standards counting units and counting rules when producing data at the different stages of the criminal justice process.

225. Administrative data in the justice sector are usually subject to management oversight, and it is important that the statistical activities strictly follow the Fundamental Principles of Official Statistics. This is particularly important when the data produced by an institution are used — directly or indirectly — to assess its performance. In such cases, measures to promote data transparency and integrity are important to avoid any possible conflict of interest and to maintain trust in the data by external users and the public.

### **VI.3.2 Population survey data**

226. Population survey data are collected through surveys of the general population, whether of individuals, households or specific sub-populations, such as indigenous peoples or persons with disabilities, or through user surveys.

227. Population surveys related to access to justice are conducted for broad sector monitoring and strategic purposes. They are a very important data collection tool for capturing the lived experiences of particular populations. They are thus important for supporting people-centred access to justice policies. They may be implemented by NSOs, government departments, research organizations, civil society organizations or other stakeholders in the justice system.

228. Reflecting the common policy split between criminal and civil justice, the two main kinds of access to justice population survey are the “crime victimization survey” and the “legal needs survey”. In looking beyond specific institutions and services, these surveys provide a unique overview of the experience of, in the first case, crime and, in the second case, civil legal problems faced by individuals, groups and communities.

229. Crime victimization surveys are a standard source of crime statistics. As only a small proportion of criminal incidents are reported to the police, administrative data on its own cannot provide a comprehensive picture of crime (UNODC-UNECE, 2010). Crime victimization surveys capture criminal incidents, both reported and not reported to the police, by randomly selecting a sample of the population and asking them directly about their experiences of victimization. They allow estimation of the amount of unreported or undiscovered crime (see also the “Safety and Security” chapter of this *Handbook* for further information on crime victimization surveys).

230. As well as establishing the level and characteristics of a broad range of criminal offences, victimization surveys can also investigate, for example: perceptions of safety; characteristics of victims; the impact of crime on victims; patterns of crime reporting and reasons for non-reporting to competent authorities; attitudes towards the police; awareness/use of victim support services; and experiences of criminal justice processes. Thus, victimization surveys can identify at-risk populations, reveal barriers to crime reporting and the use of victim services, expose shortcomings in criminal justice processes from the victim’s perspective and, in general, assist with the prioritizing and targeting of resources.

231. Similarly, legal needs surveys are increasingly a standard source of civil justice statistics, with more than 60 national surveys conducted since the mid-1990s, in over 30 jurisdictions, along with many sub-national surveys (see, for example, OECD and Open Society Justice Initiative, 2019). Legal needs surveys investigate the experience of legal problems from the perspective of those who face them (“bottom-up”), rather than from that of justice professionals and institutions (“top-down”). Thus, they are able to identify and explore the full range of responses to problems and, within these, of sources of help and institutions utilized in problem resolution. They are also able to establish the manner of resolution of legal problems, whether or not they involve justice institutions or services. They are vital to measuring and monitoring the implementation of the SDG commitment (target 16.3) of leaving no one behind in accessing justice.

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### BOX VI.3 South Africa’s Governance, Peace, Security and Justice Survey

In 2018, Statistics South Africa adapted their victims of crime survey into a large-scale Governance, Peace, Security and Justice Survey (GPSJS) that aims to improve understanding of the scope of legal needs, sources of information and advice, and strategies that people rely on to resolve them. It is exploring ways to gather victimization data and legal needs data in rotating years to provide a more comprehensive picture of access to justice.

The 2018/19 GPSJS measured trends in various types of crime over the past five years. Respondents were asked about possible measures they took to protect themselves against crime.

About 31% of adults aged 16 and older took various physical protection measures such as installing burglar doors, 21% resolved to walk only during safe hours, 18% decided to be more alert about their surroundings and to use safer routes, 13% resolved not to walk alone and 7% procured the services of private security. However, 62% of adults aged 16 and older did not take any action to protect themselves from crime. About 27% of the total did not take any measures against crime because they felt that there was nothing they could do, 22% thought crime-fighting was the work of the police, 19% did not know what to do, 17% took no action because of a lack of money, 10% felt that their action would not make any difference, and 4% were still thinking about the action they would take.

Source: Governance, Public Safety and Justice Survey: 2018/2019, Statistics South Africa.

232. Legal needs surveys are distinct from victimization surveys, as their focus is on civil legal issues (family, commercial, administrative, etc.), although they sometimes inquire into the experience of crime. Beyond the nature of problems (including the parties involved, seriousness and impact), sources of help, and the processes employed to resolve problems (including reasons for use/non-use, modes of communication and quality), legal needs surveys routinely investigate problem impact, the costs and duration of problem resolution, “legal capability”,<sup>21</sup> and (although it is not their prime focus) perceptions and attitudes. Analysis of individual cases may point to structural problems. Legal needs surveys have had a profound impact on the direction of justice policy and forms of service delivery in countries in which they have become established, shifting the focus towards targeting, outreach, joined-up services, timeliness of service delivery and legal capability/empowerment (see, for example, Pleasence and others, 2014).

21 Relatively little scrutiny has been given to the quality of legal capability data more generally, although the psychometric properties of some scales have been tested. See, for example, Pleasence and Balmer (2019).

#### BOX VI.4 A Stand-alone Access to Justice Survey in South Korea

In 2018, a Nationwide Legal Needs and Access to Justice Survey was undertaken to support policy in South Korea. The survey piloted the illustrative longer form questionnaire contained in the OECD-OSJI *Legal Needs Surveys and Access to Justice*. Diverse methods were used, such as face-to-face and online. Among the general public, 15.2% (324 of 2,317 respondents) had experienced a legal problem/dispute in the last four years. Some key findings included: the most serious problems were related to housing, employment/labour and family; the highest source of information, advice or representation were family, friends or acquaintances, with 32%, followed by a lawyer, professional adviser, advice service or advice helpline (24.9%). A high percentage (61.2%) of people tried to resolve the problem by communicating with the other party; and the percentage of people resolving the problem on their own was high among well-educated and above middle-income people, with about 72.6% of respondents expressing their trust in the courts.

Source: Kim, S. and Choi, S. (2018) *Reflections and Lessons from the 2018 Nationwide Legal Needs and Access to Justice Survey in South Korea*, unpublished report prepared for the Judiciary of the Republic of Korea.

#### VI.3.2.1 Good practices and tools

233. *Surveys on access to justice should, first and foremost, follow best practice in the survey research field.*<sup>22</sup> Well-designed and implemented surveys can yield invaluable insight into the nature, extent and impact of people's experience of legal problems.

234. Beyond this, general guidance on victimization surveys is provided by the UNODC-UNECE *Manual on Victimization Surveys*, while the *International Classification of Crime for Statistical Purposes* (ICCS) provides global standards for classifying criminal offences and the OECD-OSJI *Legal Needs Surveys and Access to Justice* provides comprehensive guidance for the conduct of legal needs surveys.

235. Much literature also surrounds the many national crime victimization and legal needs surveys that have been undertaken across the world in recent years,<sup>23</sup> along with cross-national surveys such as the International Crime Victim Survey (ICVS)<sup>24</sup> and World Justice Project's General Population Poll. Further resources are also disseminated by, for example, the Center of Excellence in Statistical Information on Government, Crime, Victimization and Justice.<sup>25</sup>

236. Surveys related to access to justice need not be conducted annually. Periods between surveys need only reflect periods over which significant change is likely. Moreover, surveys need not be stand-alone. A number of countries have included victimization modules in broader surveys of social issues. Legal needs modules have also been adopted into seven broad national government surveys, as well as the World Justice Project's General Population Poll, routinely implemented in over 100 countries (Adams and others, 2017, 2018). See Annex VI.

237. *Key tools:*

<sup>22</sup> General guidance is readily available on survey research, including more particular guidance on its conduct in developing and transitional countries and in the justice sector. For general guidance see, for example, United Nations Department of Economic and Social Affairs (2005a), Groves and others (2009) and Wolf and others (2016). For guidance in the context of developing and transition countries see, for example, UN Department of Economic and Social Affairs (2005b). For guidance in the context of justice see, for example, Himelein and others (2010).

<sup>23</sup> Further insight into the design and use of legal needs surveys can also be found in the many publications coupled to the major repeated surveys in the field, including the English and Welsh Civil and Social Justice Survey and HiiL's Justice Needs and Satisfaction Survey.

<sup>24</sup> Details of the ICVS can be found at <http://wp.unil.ch/icvs/>

<sup>25</sup> <http://www.cdeunodc.inegi.org.mx/index.php/en-2/>

- OECD-OSJI Legal Needs Surveys and Access to Justice (2019)
- UNODC International Classification of Crime for Statistical Purposes (2015)
- UNODC-UNECE Manual on Victimization Surveys (2010)
- OECD Access to Justice for Inclusive Growth: Putting People at the Centre (2019)

### VI.3.2.2 Data quality and methodological considerations

238. Surveys on access to justice give rise to a variety of unique data quality and methodological considerations that are situated within a unique conceptual framework and concerned with a unique and broad range of issues.

239. Access to justice surveys often have as their subject matter issues that are sensitive, can create embarrassment, are potentially traumatic, and could place respondents in jeopardy if they are divulged. Thus, a key consideration in relation to survey mode and conduct must be to provide a safe situation for respondents to divulge accurate information.

240. Physical privacy is clearly an important consideration in the conduct of interviews about sensitive issues, and this is particularly important in relation to, for example, questioning about sexual assault, intimate partner violence, child protection and the like. Without adequate protocols and assurances of confidentiality, data quality may be poor. Furthermore, questions and interview settings should reduce the possible impact of social desirability bias on respondents' willingness to answer sensitive questions accurately.

241. Survey questions on access to justice often concern complex and/or technical concepts — such as the nature of criminal offences, civil legal problems and aspects of formal dispute resolution processes — so it can be difficult to formulate questions that clearly articulate the nature and/or scope of the information sought. If clear articulation is not achieved, error is inevitable. Small changes in the form of questions can affect the way in which they are understood and significantly alter findings (see, for example, Pleasence and others, 2016).

242. For example, people's understanding of criminal law precludes asking respondents whether they have been "victims of crime". Good practice is to ask simply whether respondents have experienced defined sets of circumstances that, for analytical purposes, can be taken to be equivalent to criminal victimization.

243. Similarly, people's poor understanding of law and legal concepts more generally precludes legal needs surveys from asking directly about legal problems. Moreover, people's generally narrow preconceptions of law are such that it has been found that simply referencing law in framing surveys significantly reduces problem reporting (Pleasence and others, 2016). Consequently, good practice is to avoid reference to all legal and technical terminology, both in framing surveys and within questions. The UNODC-UNECE *Manual on Victimization Surveys* provides comprehensive guidance on how to avoid common pitfalls. As with victimization surveys, the identification of legal problems ideally involves presenting respondents with sets of circumstances that equate to problems.

244. The technical nature of legal processes and service delivery also means that people often may not recognize or understand complex and/or technical aspects of dispute resolution processes. Thus, data concerning such aspects of dispute resolution tend to be poor.

245. A specific issue affecting surveys on access to justice is that legal issues extend to almost all aspects of life. Not only do types of criminal offences vary hugely, but the diversity of civil legal problems is also almost as broad as the diversity of people's behaviours. Population surveys are generally highly inefficient tools for collecting data concerning rarer legal issues. The prevalence, value, impact and cost of problems are common criteria for prioritizing issues for inclusion in surveys.<sup>26</sup>

246. Another specific issue affecting the comparability of survey results is that justice institutions and procedures, as well as possible sources of assistance and dispute resolution processes, vary between countries and over time. If comparison is important, data must be collected in a conceptually and methodologically consistent manner. As with other surveys, small differences can significantly impact on findings. Terminology is important, but may sometimes be difficult to translate between countries, cultures and languages.

247. In the case of crime, officially recognized authorities may include police, prosecutors, other criminal investigators and, in some jurisdictions, bodies involved in various informal justice or dispute resolution processes (e.g. tribal or religious leaders, village elders).

248. As with SDG indicator 16.3.1, victimization survey data offer the potential for comparison across countries and time, even if patterns of reporting to authorities vary. But comparisons between different countries "should always be approached with caution" (UNODC-UNECE, 2010). Beyond methodological differences, which can be controlled to a reasonable extent, there are also differences between populations as regards perceptions of crime or the cultural acceptances of criminal practices. It is difficult to control for these. Nevertheless, while flawless comparison may be impossible, "data from victim surveys are likely to be more easily internationally comparable than [administrative data, for example] police records" (UNODC-UNECE, 2010).

249. In the case of civil justice, more than 40 different terms have been used to describe lawyers in past surveys, and the term "mediation" is applied to various forms of intermediation, conciliation, arbitration and adjudication (OECD and Open Society Justice Initiative, 2019). To assist designers, taxonomies of sources of help and of dispute resolution processes, along with model questions, are included in the 2019 OECD-OSJI legal needs survey guidance, *Legal Needs Surveys and Access to Justice*.

250. Importantly, in the case of legal needs surveys, in order to generate a comprehensive picture of people's problem-resolving behaviour, three separate areas of activity must be addressed: help-seeking, the use of dispute resolution processes, and other activities that support problem resolution. It is important not to conflate help and process. The former is specific to the survey respondent, whereas the latter can occur with or without the respondent's initiation or engagement.<sup>27</sup>

251. Also, as with administrative data, for both victimization and legal needs surveys consideration must be given to units of measurement. As was detailed above, counting crimes and civil legal problems is far from straightforward. As well as potentially involving many different combinations of parties,

<sup>26</sup> See, for example, Barendrecht and others (2008). Surveys tend to focus on problems concerning family, employment, housing/land, neighbours, money, government services (including welfare), consumer issues and injuries (due to negligence)

<sup>27</sup> To maintain conceptual clarity, questions about help and process should clearly distinguish them and allow a distinction to be made between them.

crimes and civil legal problems may or may not be discrete events.<sup>28</sup> For example, harassment at work may transpire over a period of time and potentially be counted as a series of individual episodes or as one ongoing problem. Moreover, as surveys can be of households or individuals, prevalence and incidence rates can relate to either. The UNODC-UNECE *Manual on Victimisation Surveys* examines in depth how crimes and victims might be counted by victimization surveys.

252. Units of measurement must also be considered when comparing survey and administrative data to ensure that like is compared with like (at least as far as this is possible).<sup>29</sup>

253. Finally, legal needs surveys owe their name to the concept of legal needs, yet few have sought to operationalize the concept for the purposes of measurement. But unmet legal need is often a key policy concern. Looking at the definition of legal need in the first section in this chapter, proxy measures require data on the quality of process and/or outcome, legal capability, legal assistance and the appropriateness of assistance. Examples of questions for such measures and further discussion are set out in the OECD-OSJI *Legal Needs Surveys and Access to Justice*.

### VI.3.3 User surveys

254. User survey data can provide unique insight into the experience of and challenges faced by users of justice institutions and services. This includes surveys of those detained by the police, being tried for criminal offences (see, for example, Kemp and Balmer, 2008, and Open Society Justice Initiative and UNDP, 2011) or, as in the case of the Mexican National Survey of Population Deprived of Liberty, of inmates, as well as users of civil courts, alternative dispute resolution processes, legal information and assistance services, etc. Such surveys can be undertaken by institutions and services themselves but also frequently by external researchers.

255. User surveys generally benefit from complete sample frames, although access to users may need to be negotiated. Access to users can be problematic while processes are ongoing or during service use, as users are likely to be preoccupied with the justice issues at hand or otherwise be in an unfavourable state to provide information for other purposes.

256. As in the case of population surveys, data quality may be poor in relation to technical aspects of processes and service use. However, users can provide unique insight into, for example, the navigability and clarity of processes or perceptions of process and service quality. In the case of pretrial detainees, their perspectives help fill a gap in what is known about the socioeconomic consequences of pretrial detention. Survey framing and questions should avoid the use of technical language whenever possible.

257. CEPEJ have produced a handbook for conducting court user satisfaction surveys (2016). Guidance in relation to quality was discussed above in the context of population surveys. OECD has

28 Counting requires rules addressing such complexities. In broad terms, rules can be prevalence-based (e.g. the percentage of a population victimized during a given period) or incidence-based (e.g. the number of crimes occurring during a given period). The number of crimes can see multiple victim offences counted as single crimes or as a number of episodes of individual victimization. High-frequency repeat victimization, common in intimate partner violence, school violence and workplace violence, can be counted as multiple crimes or single crimes or, as is now the case for the US National Crime Victimization Survey, multiple crimes subject to a cap — in this case, ten (Lauritsen and others, 2012).

29 For example, adjustments should be made to ensure that geographical coverage, offences included and populations are the same. Plus, as emphasized by the most recent report of the South African Victims of Crime Survey, because victimization surveys use lay language to describe the circumstances of crime, “victim surveys deal with incidents that do not necessarily match the legal definition of crime” (Statistics South Africa, 2018).

helped develop user satisfaction surveys for ADR in some contexts. There are also many examples of user surveys available for reference.<sup>30</sup>

#### **VI.3.4 Expert assessments**

258. Together, administrative and population survey data can provide extensive insight into justice system resources, the operation of processes, and the experience of crime and civil legal problems. However, administrative and population survey data are less well suited to assess the quality of legal and political frameworks within which resource allocation, processes and experience unfold.

259. Expert assessment involves the collection of data from “experts” in a field (researchers, practitioners, responsible government officials, etc.) using, primarily, questionnaires structured to reflect the conceptual framework for assessment.

260. In the field of access to justice, expert assessment can provide otherwise valuable information concerning the quality of legal frameworks and policies supporting access to justice as well as about their implementation. This is a highly complex task, and experts can complement quantitative information with their informed and comprehensive evaluations.

261. Expert assessments are relatively low cost; they involve subjective appraisal and are generally non-statistical in nature. Nevertheless, they can provide critical information on the quality of legal/policy frameworks and on their implementation, and they are common in the context of governance (González, Fleischer and Mira d’Ercole, 2017).

262. Expert assessments can be implemented and overseen by international organizations, think-tanks and research networks — for example, the CEPEJ evaluation scheme for judicial systems (CEPEJ, 2018a) and the EU Justice Scoreboard (CEPEJ, 2018b). In some cases, expert assessments are consolidated in composite indicators, such as the World Justice Project’s Rule of Law Index, which references access to justice.

263. The type of expert best suited to assessment varies with the subject matter. In general, researchers and practitioners tend to be well placed to assess the quality of laws and manner of implementation, while responsible officials tend to be better placed to assess technical details about process and service functioning.

264. Data provided by individual experts are susceptible to bias, reflecting their political perspectives, and in some cases they are exposed to conflicts of interest in delivering assessments. Inevitably, different experts will sometimes have different opinions on the same matter. More generally, the validity and reliability of data obtained through expert assessment is unclear. Non-trivial differences between similarly constructed measures derived from expert assessments have been reported (Kaufmann and Kraay, 2007). Also, the opinions of experts may differ from those of the public. While this does not speak to their validity or reliability, it is important to recognize that such differences may exist.

265. No comprehensive guidance has yet been produced for the conduct of expert assessments. Nevertheless, methodological accounts of expert assessment are available in relation to various indicators on access to justice, such as the Rule of Law Index and Justice Index, that draw on expert

<sup>30</sup> See, for example, LaGratta and Jensen (2015), etc.

assessment. Although not specifically directed towards expert review, the UNODC Criminal Justice Assessment Toolkit also provides frameworks and guidance for assessing criminal justice systems and the implementation of criminal justice reform. The toolkit includes four sections on access to justice (the courts; the independence, impartiality and integrity of the judiciary; the prosecution service; and legal defence and legal aid). Each section sets out basic issues, a detailed conceptual framework and list of key documentary data sources. The *Global Study on Legal Aid* of the UNODC/UNDP also includes a framework and indication of data sources. (See also the chapter in this *Handbook* on “Cross-cutting considerations” for general guidance on expert assessments.)

266. As understanding the reliability and validity of expert assessment data on access to justice is as yet relatively limited, users of such data “should be cautious about relying overly on one set of expert assessments” (Kaufmann and Kraay, 2007).

#### **VI.4 Recommended key indicators**

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267. Illustrating the breadth of potential access to justice indicators, the British Columbian Access to Justice Measurement Framework incorporates 100 measures (Dandurand and Jahn, 2017), the UN Women Framework for Measuring Access to Justice Including Specific Challenges Facing Women incorporates almost 70 indicators (UN Women, 2016), and the Open Society Justice Initiative’s narrowly focused guide to the effective use of indicators in relation to pretrial justice incorporates nine indicators (Open Society Justice Initiative, 2015).

268. These examples illustrate that there is no optimal number of indicators to measure the wide range of potential access to justice priorities. Different countries will have different capacities to employ indicators and priorities to address. However, if an indication of the effectiveness of access to justice policy is required, then indicators should extend across the spectrum of sub-dimensions set out in Table VI.1 and address the key domains. Ideally, they should refer to: a population’s level of legal capability and empowerment; the level of need of those who experience civil legal problems; the level of need of those who experience crime or are suspected/prosecuted by criminal justice authorities; the accessibility of criminal justice institutions for those in need; the accessibility of independent legal advice through lawyers and non-lawyers; the quality and efficiency of resolution processes (including the safety/well-being of those involved in criminal processes); and the quality and effectiveness of outcomes. All indicators should also be disaggregated by issue, process type and participants’ demographic traits. Such indicators should demonstrate the extent to which the justice system delivers its objectives and meets the needs of those who rely on it.

TABLE VI.2 **Recommended key indicators**

Domain	Sub-dimension	Indicator	Data source(s)
Structure	Environment	The extent to which national law and practice concerning access to justice are in accordance with international human rights norms	Expert assessment
	Capability	Proportion of population aware of specific laws/ rights relevant in the national context	Population surveys
		Proportion of population confident in their ability to access legal information and assistance if needed	
		Annual expenditure for criminal and civil legal assistance and legal aid as a proportion of total justice budget, by expenditure type	Administrative data
		Number of legal aid providers [lawyers and community-based paralegals] per 100,000 general population / population in poverty, by type and practice area	
Process	Legal assistance	Proportion of those legal problems that were experienced in the last two years and for which people needed assistance and for which people were able to obtain it	Legal needs surveys
		Proportion of persons in police custody, in pretrial detention, and appearing before courts / tribunals who have legal representation / assistance, by type of proceeding	Administrative data / user surveys
		Quality of [legal aid service or other service or process]	Expert assessment / user surveys
	Justice institutions	Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (SDG indicator 16.3.1)	Crime victimization surveys
		Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism (proposed SDG indicator 16.3.3)	Legal needs surveys
		Existence of a system for monitoring and evaluating the justice system	Expert assessment
		Average length of process in days, by type of process	Administrative data
	Detention	Number of unsentenced detainees as a proportion of the overall prison population (SDG indicator 16.3.2)	
		Unsentenced detainees by length of detention	
		Number / proportion of pretrial detainees who are acquitted or receive a non-custodial sentence	
Outcome	Form	Proportion of those who experienced a legal problem in the last two years, could access appropriate information or expert help, and were able to resolve the problem	Legal needs surveys
	Form	Number / proportion of pretrial detainees who are acquitted or receive a non-custodial sentence	Administrative data
	Quality / Perception	Proportion of legal problems experienced in the last two years that were resolved within a reasonable period of time to the satisfaction of those facing them	Legal needs surveys
	Quality / Impact	Number of suicides in prison, per 100 of untried / unsentenced prison population, disaggregated by prisoner status	Administrative data
		Number of intentional homicides in prison, per 100 of prison population	
	Quality / System effectiveness	Ratio between number of persons convicted of intentional homicide and number of intentional homicides	Administrative data
Ratio between persons convicted and persons arrested/suspected (per 100 persons arrested/suspected), disaggregated by type of criminal offence			

269. Table VI.2 sets out a number of recommended indicators. Together, they provide the type of broad overview necessary to understand and implement people-centered access to justice policies. They also illustrate the diversity of forms and data sources of the many potential indicators that could provide insight across the wide spectra of access to justice sub-dimensions. Other relevant indicators, such as those found in the chapters on non-discrimination, absence of corruption and trust, can be taken into account, as can initiatives such as UN-CTS.

270. The first structural indicator is focused on the *de jure* legal frameworks that govern justice systems, along with the *de facto* reality of practice in them. The second and third structural indicators are survey-based indicators designed to capture aspects of legal capability and legal empowerment, a foundation for people-focused access to justice policy. The fourth structural indicator is focused on access to justice resources — specifically, the resources allocated to criminal and civil legal assistance and legal aid. This is routinely reported by CEPEJ. By using a denominator of overall justice system resources, the indicator points to the balance of resources within justice systems (European Commission for the Efficiency of Justice, 2018). Changes over time would suggest changes in the relative power of different players or institutions within systems. The final structural indicator focuses on access to justice personnel — specifically, lawyers and paralegals. A denominator of people in poverty, as employed in the National Center for Access to Justice *US Justice Index*, highlights cost barriers for securing legal assistance, particularly in civil cases (2016).

271. Central to thinking about people-centered justice, the first process indicator listed in Table VI.2 focuses on the experience and needs of those who face legal problems. It is of particular importance in the context of legal capability, legal aid and legal empowerment. It is similar in form to a government indicator used in England and Wales in the early 2000s, which drew on legal needs surveys (Her Majesty's Treasury, 2000). The second process indicator also concerns people's needs but focuses on experiences within institutions and draws on administrative data (or user surveys in the absence of such data). The third process indicator is focused on the quality of services and processes. In relation to service quality, documentation on quality assurance indicators for legal aid can provide a useful resource (see, for example, Sherr, Moorhead and Paterson, 1994, and Sherr and Paterson, 2008). In relation to process quality, the documentation for Hiil's Measuring Access to Justice in a Globalising World project and Justice Needs and Satisfaction Surveys provide valuable theoretical and practical guidance (see, for example, Barendrecht and others, 2010, and Klaming and Giesen, 2008). The fourth process indicator is the SDG 16.3.1 indicator of access to criminal justice by victims of crime, which looks beyond justice services and processes. The fifth process indicator is the similarly conceived proposed SDG 16.3.3 indicator of access to civil justice dispute resolution mechanisms. The sixth process

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#### BOX VI.5 **Index of Effective Access to Justice in Colombia**

The 2014–2018 Colombian National Development Plan included the measurement of people's legal needs as an objective in the Handbook chapter on strengthening access to justice. In 2017, the National Planning Department, as the technical state agency in charge of budget allocation, led the design of a composite indicator to measure the state of access to justice in the country. The survey measures progress towards access to justice associated with the implementation of the Ten Year Justice Plan 2017–2027. The initial results highlighted the importance of preventing the denial of access to healthcare services, which was the most declared legal need by Colombians, and generated new policy responses.

indicator concerns the infrastructure for monitoring access to justice, rather than access to justice itself. Such an indicator could identify specific elements required of a monitoring and evaluation system. The final four process indicators represent relatively simple and inexpensive indicators that could draw on administrative data. The seventh process indicator concerns process duration, an important dimension of access to justice, as recognized in the adage “justice delayed is justice denied”. The eighth process indicator is the SDG 16.3.2 indicator and is included in UN-CTS. It focuses on pretrial detention, about which comprehensive administrative data should generally be available. The ninth indicator is focused on the length of duration of pretrial detention. The tenth process indicator is focused on the extent to which pretrial detainees are convicted and receive custodial sentences. It is a reliable indicator of the excessive and arbitrary use of pretrial detention and can lead to inquiries to identify weaknesses in the criminal justice system (Open Society Justice Initiative, 2015).

272. The first outcome indicator listed in Table VI.2 focuses on whether people facing civil legal problems obtain legal information or assistance and are ultimately able to resolve their problems. The indicator is people-centred and so extends to justice issues occurring both inside and outside of formal institutions. It is feasible to implement, as it has only a small number of survey questions that have been tested using a comparable methodology in over 100 countries. Further guidance on the use of such survey-based indicators can be found in the OECD-OSJI’s *Legal Needs Survey and Access to Justice*. The third outcome indicator is a simple measure of whether people obtain outcomes to legal problems that they regard as satisfactory. This represents the simplest form of people-centred outcome indicator. The fourth outcome indicator focuses on suicides in prisons, which can be disaggregated by prisoner status. The fifth outcome indicator provides valuable information on prison conditions, for example, the rehabilitation of offenders and human rights safeguards, which are at the core of access to justice. The final two outcome indicators are focused on conviction rates and are important for assessing the effectiveness of the justice system and the functioning of its components. They represent simple indicators that should be possible to populate using administrative data and are included within UN-CTS. The first of those – the homicides indicator – is reliable, as “in many countries, most intentional homicides are brought to the attention of the police” (UN Commission on Crime Prevention and Criminal Justice, 2017).

273. Finally, it is worth noting that baskets of indicators (composite indices), which bring together single indicators to provide a combination of supplementary and complementary indicators, can offer a more holistic and balanced assessment of progress.<sup>31</sup> An example is the Colombian Index of Effective Access to Justice, which was conducted under agreement between the National Administrative Department of Statistics and the National Planning Department, and incorporates 24 indicators drawn from both administrative and survey data. However, given the nature and primary objectives of this *Handbook*, it generally refrains from recommending composite metrics.

## VI.5 Way forward

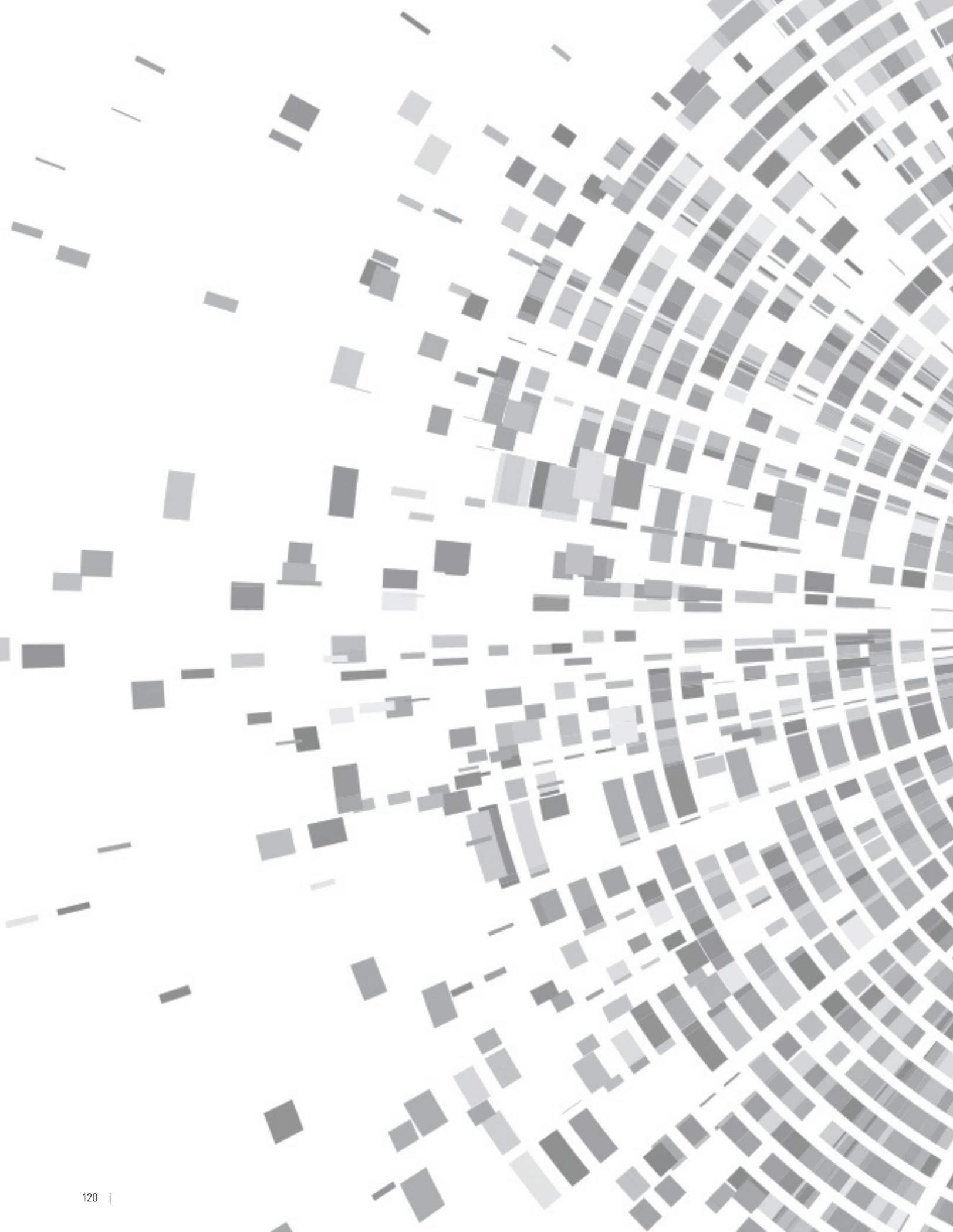
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274. Recent years have seen significant steps towards the measurement of a more holistic perspective of justice, with people and communities being at the core of the system. A key principle going forward will be to build on these achievements and to further strengthen approaches focused on

<sup>31</sup> The Virtual Network for the Development of Indicators on Peaceful, Just and Inclusive Societies for Goal 16 defined complementary indicators as “those that are necessary to complete measurement of a complex concept”, and supplementary indicators as those that “round out” measurement, to allow countries to “adapt the universal goals to their own contexts and identify other dimensions of the target that are important to them” (2015).

users/people, including a consistent focus on outcomes — on whether legal needs are met and the process is seen as fair and efficient. Some key steps in achieving further progress will be:

- Promote implementation of the ICCS: The adoption of this standard across all criminal justice institutions will dramatically improve the availability, quality and comparability of data stemming from the criminal justice system.
- Development of new statistical standards: There is a growing demand for standardized definitions, classifications and measurement tools — building on, for example, the ICCS and OECD-OSJI legal needs survey guidance — for use in the field of access to justice more broadly, and particularly within civil justice.
- Expand person-focused data: Promote the implementation of surveys, including on victimization, access to justice and legal needs so as to increase the availability and quality of data on persons directly or indirectly affected by justice problems.
- Better disaggregation of data: Better understand population and user-specific needs, by demographic pattern and type of need. This can then be compared to the differentiation of service providers by the range and extent of services. Strategies on how to close the gaps need to be informed by data linking users to the web of service providers in the public, community, civil society and private sectors to better appreciate unmet legal needs.
- Increased collaboration in data production: NSOs should seek ways to complement official statistics with data generated by civil society, academia, the private sector and global survey programmes. Many countries do not have the resources to measure some of the SDG 16 indicators related to access to justice.
- Raising awareness and strengthening demand for data: Investment by governments in access to justice measurement will occur only if there is robust demand and if data are used in the design of policies, strategies and interventions around this topic. Raising awareness can lead to sustainability and a lasting commitment from stakeholders.
- Further debate around data openness: There is a need to continue to balance data ownership rights, the right to confidentiality as guaranteed in many Statistics Acts, and issues around open access to data.
- Capacity building: Training materials and targeted interventions can help countries to implement international best practices and guidelines on access to justice measurement frameworks. Targeted regional workshops also contribute to sharing experiences and demonstrating the value of standardizing definitions, standards and measurement tools.
- Promote digitization: Increased digitization across administrative data sets increases the possibilities to link various data sets and the ability to mine aspects pertinent to improving services related to access to justice.





PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER VII  
**Responsiveness**

## VII.1 Conceptualizing this dimension

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275. Responsiveness, in general, has been defined as “how quickly and well a person or organization reacts to something”<sup>1</sup>. One insight from this general definition is that responsiveness implies a challenge or stimuli that triggers some type of reaction. The term has been used in several contexts as, for example, mothers’ response to the frequency and duration of an infant crying (Bell and Salter Ainsworth, 1972), the reaction of the human immune system to a specific substance (Piani and others, 2000) or the motivations that will make companies adopt an environmentally friendly approach (Bansal and Roth, 2017).

276. Political science and public management have analysed the responsiveness of public institutions. Yet these institutions could be different in nature; some authors focus on the political sphere and emphasize the role of political competition and to what extent a high degree of contestation influences policy responsiveness<sup>2</sup> (Hobolt and Klemmensen, 2008); others have emphasized the institutional aspects of responsiveness as the pursuit of collective interests while respecting formal (rule of law) and informal norms, by providing services that are aligned and could evolve according to citizens preferences (Ivanyna and Shah, 2018). Common to most uses in fields related to public governance is that institutional responsiveness is driven by people’s preferences and that public institutions react to those preferences. In turn, when referring to responsiveness, the OECD/Korea Development Institute (2018)<sup>3</sup> report emphasizes the role of expectations, but also signal their evolving nature and the role of institutions in coping with them. For the purpose of this Handbook, responsiveness is defined as the degree to which public institutions listen to what people want and act on that, i.e. whether public policies and institutions respond to the needs of citizens and uphold their rights.

277. The stimuli to which public institutions are subject are of a diverse nature and hard to encompass in a detailed taxonomy. This chapter will look at the general concept of system responsiveness and its measurement as well as one specific aspect or application, in the field of satisfaction with selected services (i.e. health and education). However, it recognizes that public institutions are expected to respond when other circumstances arise, for example the occurrence of a natural disaster. While still belonging to the overall responsiveness dimension, these stimuli will require different responses and may call for different measurement approaches, leaving the field open to the further development of this dimension.

278. System responsiveness or external political efficacy<sup>4</sup> refers to people’s feeling of having a say in what the government does. This is core to the legitimacy of public institutions that should be acting on behalf of and for people. As such, people expect that their views and needs will affect the decisions taken by public institutions. In turn, system responsiveness can be built and destroyed by people’s experiences when interacting with public institutions and also by institutions that are not perceived as being responsive to people’s needs (e.g. policy-making processes and government decisions that do not respond to public preferences). Participation and system responsiveness are intertwined, as both

1 Cambridge Dictionary.

2 The authors analyse two aspects of responsiveness: rhetorical responsiveness or the extent to which a government’s selective policy emphases in speeches reflect public issue preferences, and effective responsiveness, that is, the correspondence between public issues preferences and budgetary priorities.

3 The OECD has identified responsiveness as one of the drivers of trust in government institutions and has defined it as the provision of accessible, efficient and citizen-oriented public services that effectively address the needs and expectations of people, and evolve over time along with these needs.

4 Research on political efficacy often distinguishes between internal efficacy (i.e. having personal competence to participate in politics) and external efficacy or system responsiveness (i.e. a belief in the responsiveness of public institutions and government officials to citizens’ demands). Only the second concept will be treated in the chapter as it addresses perceptions of government responsiveness.

informal and formal channels of participation are crucial in shaping government responses at different levels (i.e. political, institutional); however, this chapter will focus exclusively on people's perception of those responses rather than on mechanisms of participation, which are treated in greater detail in the chapter on "Openness" in this *Handbook*.

279. The second aspect of people's expectations regarding public institutions analysed in this chapter refers to the performance of these institutions, or more precisely a narrow category of this: satisfaction with key services, reflecting among others the ability of institutions to respond to people's expectations. In many instances the performance of public institutions has been associated with the quality of public services, traditionally measured through user satisfaction (Van Ryzin, 2004; Roch and Poister, 2006). Public institutions are expected to perform according to citizens "expectations", with citizens expecting high returns for their tax payments, mainly in the form of service provision (Van de Walle, 2018). Finally, access to services on the basis of equality, as the basic precondition to assess performance, is grounded in international legal instruments: Article 25 (c) of the International Covenant on Civil and Political Rights<sup>5</sup> recognizes people's right "to have access, on general terms of equality, to public service in his country".

280. The scope of government action in different areas of service provision varies widely, and the extent to which government should be the main provider of services is a source of debate (Feldstein, 1996). Public services range from obtaining an identity record, a driver's licence or a marriage certificate to kids attending school or patients going to hospital. This chapter focus specifically on health and education services, as these represent a substantial share of government activity and spending (OECD, forthcoming) and have the longest tradition of measurement. However, and although at a lower level of maturity, it also acknowledges the relevance of general services and existing measurement efforts in the field. Overall, satisfaction with government services is an outcome of government activity that captures elements that are essential to people's lives (OECD, 2017a; OECD, 2017b). This satisfaction is shaped by people's expectations as well as by experience with these services and information about them from other sources (e.g. media, internet, acquaintances, etc.) (Jacobsen and others, 2015; James 2009).<sup>6</sup>

281. To sum up, this chapter covers two main aspects: the general concept of system responsiveness and one specific aspect of responsiveness as captured by satisfaction with services, particularly health and education.

282. It should be stressed that all indicators discussed in this chapter are considered as outcomes under this *Handbook's* cross-cutting framework. While reaching those outcomes is often dependent on the existence of structures (e.g. legal instruments guaranteeing participation opportunities) or processes (e.g. availability of information or the existence of feedback mechanisms), establishing these links is beyond the remit of this chapter.

5 UN Treaty Series, vol. 999, p. 171 and vol. 1057, p. 407.

6 An alternative approach consists of analysing the operational qualities – the actual performance – of public services including data from administrative records, and, if possible, explore their direct link to satisfaction. For example, the OECD's Serving Citizens framework evaluates three key public services – health, education and justice – along three fundamental dimensions – access, responsiveness, quality –, and nine sub dimensions. This approach recognizes that satisfaction with services is influenced by a variety of factors considering as unit of observation individuals with direct exposure to the services (e.g., patients, students.). However, sub dimensions for different services cannot be measured by the same metrics (e.g., timeliness cannot be measured by the same way in health or education, but can be to health and justice); comparing performance across services on the same dimensions is very challenging, if not impossible.

## VII.2 Why is this dimension important?

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283. System responsiveness, or the belief that people can influence what governments do, matters, as it captures the perception of people's capacity to influence policy formulation and policy making, often through participation and engagement opportunities in traditional or non-traditional channels (e.g. social media, online platforms). This is of paramount importance to democratic systems, as it relates to the belief that political and social change are possible and that people can play a part in bringing about this change. This belief is also associated with the idea that it is worthwhile to perform civic duties (OECD, 2017). In the academic literature, levels of system responsiveness are related to citizen engagement, satisfaction with democracy and trust in public institutions (González, 2019). Persistently low or diminishing levels of system responsiveness will raise doubts in people's minds about whether governments are working for the interests of the majority and not just a few. In turn, resulting disenchantment could erode the foundations of democratic systems and nurture the emergence of populist responses.

284. Benefitting from high-quality public services, such as education and health, is essential for people to develop capabilities, obtain skills and make economic and social progress. All public institutions owe their legitimacy to the presumption that, notwithstanding the existence of different delivery channels (e.g. direct provision or regulation of private providers), they act to secure the constitutional entitlements of those being governed by them (Nussbaum, 2011). While research has shown that reported satisfaction is a combination of experience and expectations (Oliver, 2010), comparative and consistent evidence is still missing on how these expectations and experiences are shaped (i.e. their constitutive elements). Developing that evidence alongside satisfaction metrics will allow reflecting on those links, which in turn are key for formulating and implementing policies that could improve these services and through this channel people's well-being.

285. Satisfaction with services also matters, as it shapes political attitudes and behaviours towards policies (Young Mok and others, 2017). People who are dissatisfied with public services are likely to demonstrate their dissatisfaction by raising their voice, filing a complaint, engaging in protest or opting out if private providers are available (Van de Walle, 2018). Improving the quality of public services can lead to more satisfied users, which, in turn, can increase trust in government institutions (see the chapter on "Trust" in this *Handbook*), a mechanism referred in the literature as the "micro-performance hypothesis" (Van de Walle and Bouckaert, 2003; Yang and Holzer, 2006).

## VII.3 Data and best practices currently available

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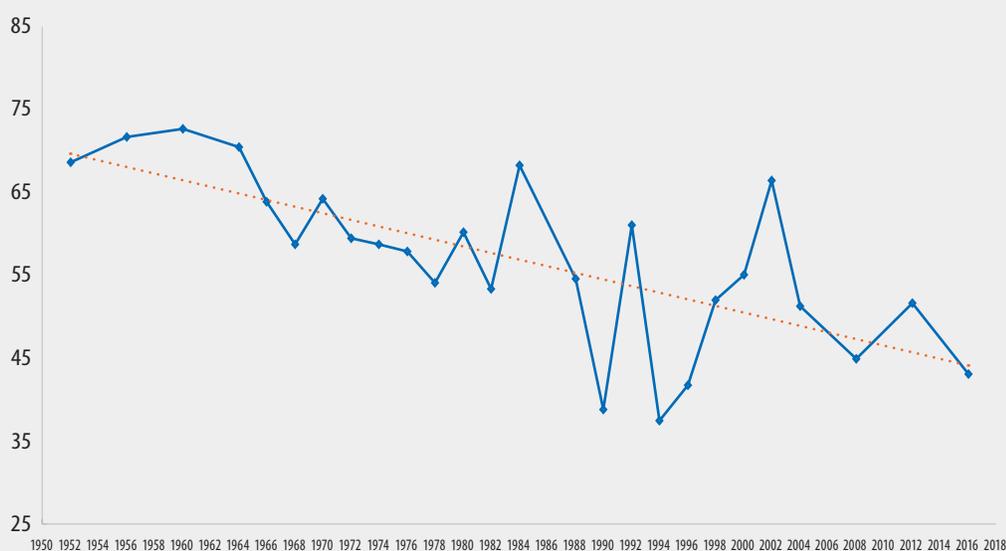
### VII.3.1 System responsiveness

286. Statistics in the field of system responsiveness are increasingly being collected, both by national statistics institutes and as part of non-official household surveys. In particular, the so-called NOSAY and INFLUENCE IN POLITICS questions stand out as those capturing the concept well. Furthermore, they have been incorporated as part of the indicators suggested for measuring SDG 16. Indicator 16.7.2 refers to the proportion of the population who believe that decision-making is inclusive and responsive.

### BOX VII.1 Perceptions of system responsiveness in the USA

The figure below shows that the percentage of the American population who feel they have a say in what the government does has declined by 25 percentage points from 68.5% in 1952 to 43% in 2016. Originally the question was asked using a dichotomous scale (“agree” and “disagree”) but since 1988 has included a third choice, “neither agree nor disagree”. The high levels of volatility of this measure suggest that this metric could be influenced by a range of factors, such as the political cycle or the type of policies implemented by governments, thus calling for cautious interpretation of the data. However, a long-term diminishing trend is consistent with the erosion of institutional trust and social capital documented for the US over similar long-term periods (OECD, 2017a; Putnam, 2005).

**Percentage of the voting age population who feel they have a say in what the government does, 1952-2016**



Note: The figure depicts the percentage of the population who disagree with the following statement: people like me don't have any say about what the government does. Before 1988, the question had only three answer choices (agree, disagree and don't know). Since then the answer choice "neither agree nor disagree" was added.  
Source: OECD calculations based on the American National Electoral Study combined dataset.

287. There is a long tradition of collecting political efficacy measures through household surveys, which started in 1952 with the inclusion of a battery of questions<sup>7</sup> in the American National Election Studies<sup>8</sup> (see Box VII.1). Originally, political efficacy was considered a unidimensional construct; however, researchers realized early on the existence of two distinct dimensions: internal efficacy (beliefs about one's own competence to understand and participate effectively in politics) and external efficacy (generally referred to as system responsiveness in this chapter) and tried to fit existing questions

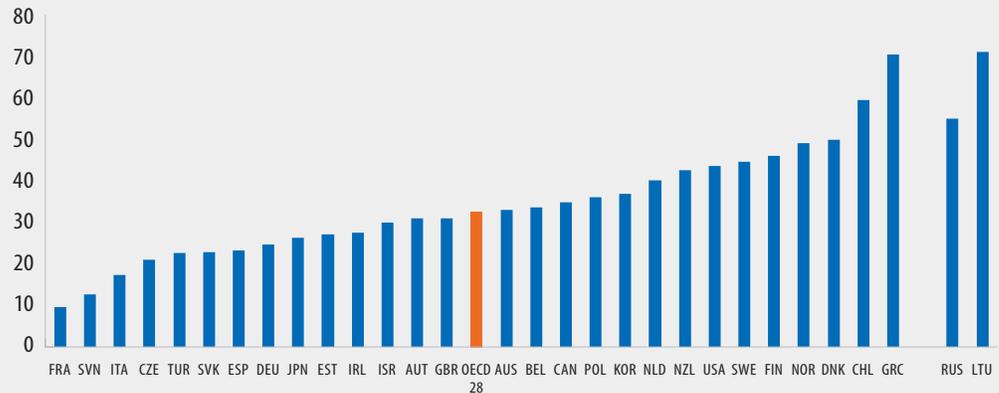
7 Before 1982, the Center For Political Studies (CPS) through its American National Election Studies (ANES) measured political efficacy, using an agreed/ disagreed scale, by asking survey respondents if they “agreed” or “disagreed” with several statements: 1) People like me don't have a say about what the government does, 2) Voting is the only way that people like me can have any say about how the government runs things, 3) Sometimes politics and government seem so complicated that a person like me can't really understand what's going on, 4) I don't think public officials care much about what people like me think, 5) Generally speaking, those we elect to Congress in Washington lose touch with the people pretty quickly, and 6) Parties are only interested in people's votes but not in their opinions.

8 The American National Election Studies (ANES) are academically-run national surveys of voters in the United States, conducted before and after every presidential election. The ANES was formally established by a National Science Foundation grant in 1977; however, the data are a continuation of studies going back to 1948. The study has been based at the University of Michigan since its origin and, since 2005, has been run in partnership with Stanford University.

## BOX VII.2 The NOSAY question in the PIAAC and ESS surveys

According to the latest available PIAAC data from 2012, one third of people in OECD countries believe having some influence on what government does, with the share ranging between 20% or less in Italy, Slovenia and France to 60% or more in Chile, Greece and Lithuania.

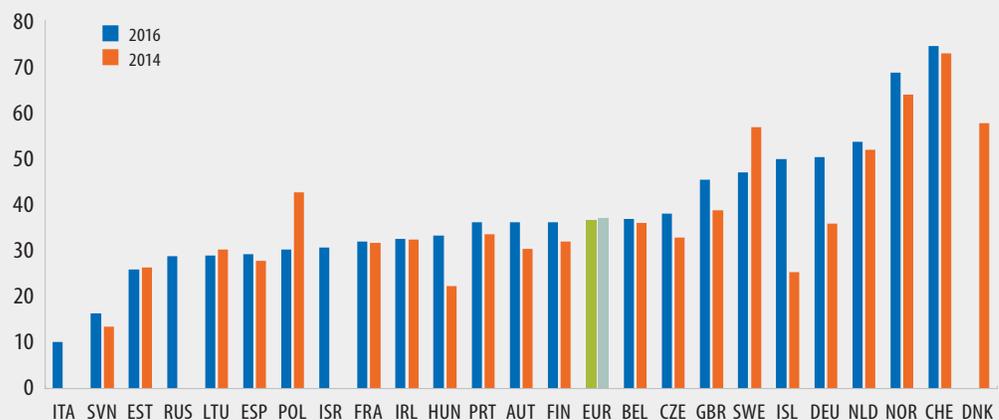
**Percentage of the voting age population who feel they have a say in what the government does, 1952-2016**



Source: OECD calculations based on data from the OECD Survey of Adult Skills (PIAAC database), <http://www.oecd.org/site/piaac/>

The ESS results show that about 37% of the population in European countries consider that the political system allows people to have a say in what the government does.

**Percentage of the population over age 15 who feel that the political system allows them to have a say in what the government does**



Source: OECD calculations based on data from the OECD Survey of Adult Skills (PIAAC database), <http://www.oecd.org/site/piaac/>

to those dimensions. Yet evidence on the reliability and validity of measures under this model was unsatisfactory (Morrell, 2003).

288. From the onset of efforts to measure political efficacy, the so-called NOSAY question (commonly formulated as “To what extent do you agree or disagree with the following statements? People like me don’t have any say in what the government does”) has been included in surveys. An early wave of research associated the NOSAY question to internal political efficacy (Miller and others, 1980; Craig and

Maggiotto, 1982; Acock and Clarke, 1990). However, additional research showed that the NOSAY question is actually a measure of external political efficacy, i.e. system responsiveness (Niemi and Mattei, 1991), a result confirmed empirically by subsequent waves of the survey and field experiments (Morrell 2003) as well as more recent research (Borgonovi and Pokropek, 2017; OECD, 2017a). Table ANX.VII.1 in Annex VII shows the questions on system responsiveness included in the different surveys analysed in this chapter.

289. The NOSAY question has also been included in the 2012 OECD Survey of Adult Skills (PIAAC). Since 2014, the European Social Survey (ESS) also collects responses on system responsiveness through the following two questions: 1) how much would you say the political system in [country] allows people like you to have a say in what the government does? and 2) how much would you say that the political system in [country] allows people like you to have an influence in politics. While the wording of the PIAAC questionnaire is identical to the ANES, PIAAC uses a 5-point Likert-type scale ranging from 1 (“strongly agree”) to 5 (“strongly disagree”). Differently from ANES and PIAAC, ESS formulates the NOSAY and INFLUENCE IN POLITICS questions in a positive way (have a say instead of don’t have a say) and asks about the political system instead of government, finally the items included are formulated as questions rather than agreement or disagreement with statements. According to researchers, the use of questions instead of statements leads to higher quality<sup>9</sup> of the data (Saris and Torcal, 2009).

290. Some countries have also included questions on system responsiveness in their official surveys. For example, the Mexican Ministry of Interior has conducted five rounds of a national survey on Political Culture and Citizenship (ENCUP), three of them in partnership with the Mexican National Statistical Office (INEGI). While the questions have varied, the topic of system responsiveness has been included in all waves of the survey. The most recent survey, fielded in 2012, included the following question: “Do you agree or disagree with this statement? People like me have influence on what the government does”,<sup>10</sup> with a three-point scale as response choices (see Table ANX.VII.1 in Annex VII). Previous versions of the survey in 2003, 2005 and 2008 included the NOSAY question<sup>11</sup>.

### VII.3.1.1 Accuracy of system responsiveness measures

291. The accuracy of a metric is the degree to which it captures the concept that it is intended to measure. Typically accuracy is thought of as having two dimensions: reliability and validity. The reliability of a metric is the degree to which repeated measurement of the same thing produces consistent results. Validity, on the other hand, is concerned with whether the measure in question is biased. Table VII.1 gives a snapshot of the different criteria for statistical quality considered in this chapter, indicating that the accuracy (i.e. reliability and validity) of measures of system responsiveness is generally robust, and a strong case exists to promote the collection of these statistics. For a detailed description of the procedure followed to reach this conclusion see González (2019) and UNDP (2019a).

9 According to these researchers the use of questions as opposed to statements improves the reliability of the tested model and provides a better representation of the system responsiveness concept.

10 The original question in Spanish is formulated in the following way: Para cada una de estas frases, por favor dígame, ¿está usted de acuerdo o en desacuerdo? La gente como yo tiene influencia sobre lo que hace el gobierno. a) muy de acuerdo b) algo de acuerdo c) ni de acuerdo ni desacuerdo d) algo en desacuerdo e) muy en desacuerdo.

11 The original question in Spanish is formulated in the following way: Dígame si usted está de acuerdo o no con cada una de las siguientes frases: Las personas como usted no tienen nada que opinar sobre lo que hace el gobierno. Sí esta de acuerdo, ni de acuerdo ni en desacuerdo, esta en desacuerdo.

TABLE VII.1 **Summary evaluation of the accuracy of survey measures of system responsiveness**

	Face validity	Construct validity	Convergent validity	Reliability
NOSAY question	√√	√√	√√	√

Source: González (2019).

### VII.3.1.2 Best practice for specifying survey questions on system responsiveness

292. Building on the long tradition of including system responsiveness metrics in political participation surveys outlined above, and the ample research that has gone into validating their statistical quality (González, 2019; UNDP, 2019a; ESS, 2016; Saris and Revillas, 2012; Saris and Torcal, 2009), two survey questions on system responsiveness have been adopted as part of the SDG indicator framework (SDG indicator 16.7.2, “Proportion of the population who believe decision-making is inclusive

#### BOX VII.3 **Questions on system responsiveness recommended as indicators of SDG indicator 16.7.2**

SDG indicator 16.7.2 “Proportion of population who believe decision-making is inclusive and responsive” aims to measure both the inclusiveness and the responsiveness of decision-making. As such, the methodology consists of two separate survey questions addressing these two distinct dimensions, namely:

To measure the inclusiveness of decision-making:

How much would you say the political system in [country X] allows people like you to have a say in what the government does?

- Not at all (1)
- Very little (2)
- Some (3)
- A lot (4)
- A great deal (5)
- Refusal
- Don’t know
- No answer

To measure the responsiveness of decision-making:

And how much would you say that the political system in [country] allows people like you to have an influence on politics?

- Not at all (1)
- Very little (2)
- Some (3)
- A lot (4)
- A great deal (5)
- Refusal
- Don’t know
- No answer

To derive a single combined estimate for the SDG indicator, data producers can simply calculate the cumulative rating on each question (on a scale of 1 to 5) and then calculate the average rating for the two questions.

and responsive”). Data producers wishing to gather data on system responsiveness are therefore recommended to use the questions detailed below<sup>12</sup> (see Box VII.3).

### VII.3.2 Satisfaction with services

293. Satisfaction with services is recognized as a key measure of government performance and is widely measured by many NSOs and in non-official household surveys. While general satisfaction questions could provide meaningful information, attributes-specific questions are more informative and meaningful for policy makers. The specificity of the information generated by such questions, as well as the focus on citizen experiences rather than simply perceptions, have greater policy use than stand-alone perception data on overall satisfaction, which may not reveal “what needs to be fixed”.

294. Public management researchers have long experience with specifically focused surveys to measure satisfaction with services conducted mainly at the local level and with varying degrees of representativeness (Bouckaert and Van de Walle, 2003).

295. Questions on satisfaction with services are included in various national data collection efforts (e.g. Mexico, Peru, Brazil, Germany, Norway and South Africa). A non-comprehensive review found that 11 NSOs<sup>13</sup> include questions about satisfaction with services, albeit with different scopes and frequencies (UNDP, 2017). Satisfaction with services is also captured in several cross-country comparative surveys (Gallup World Poll, European Quality of Life Surveys, European Social Survey, European Quality of Government Index, Latinobarometer — see Table ANX.VII.2 in Annex VII for more). However, both at the national and the cross-country level, no consensus exists on which services to cover.<sup>14</sup> Health and education services, those most commonly covered, are the focus of this chapter. Another chapter of this Handbook focuses specifically on access to justice.

296. In terms of how the issue is being measured, some surveys ask specifically about satisfaction in the respondent’s city or area (e.g. Gallup World Poll), while others ask about the state of the health and education systems in the respondent’s country (e.g. ESS). Some surveys (e.g. EQLS and QoG) ask generally to rate the quality of health and education, while Latinobarometer restricts the questions on health and education to the services respondents have access to (see Annex VII, Table ANX.VII.2 for the exact questions included in these cross-country comparative surveys).

297. Within the SDG framework, indicator 16.6.2 refers to the proportion of the population satisfied with their last experience of public services, specifically a) health-care services, b) education services and c) government services (i.e. services to obtain government-issued identification documents and services for the civil registration of life events such as births, marriages and deaths). A survey module

12 The proposed set of questions were piloted by seven NSOs across various regions and development contexts (Cabo Verde, Ghana, Kenya, Republic of Korea, Mexico, Palestine and Uganda). The World Values Survey Association (WVSA) also pilot-tested one of the two questions (i.e. How much would you say the political system in [country] allows people like you to have a say in what the government does?) as part of its 7th survey wave (2018-19), with results published for 15 countries (Andorra, Argentina, Australia, Bangladesh, Brazil, Egypt, Indonesia, Iraq, Jordan, Kazakhstan, Lebanon, Malaysia, Nigeria, Pakistan, Peru). Positive feedback was received from the WVSA as to the relevance and viability of the recommended questions, which have now been integrated into the core WVS questionnaire for future survey rounds. Piloting by CIVICUS at community level in 22 countries (in Africa: Ethiopia, Liberia, Togo, Uganda, Gambia, Cameroon, Nigeria, South Sudan, Zambia; in Europe: Albania, Spain; in Latin America: Argentina, Bolivia, Colombia, Mexico, Peru, Uruguay; in the MENA region: Syria, Iraq, Morocco, Turkey, Lebanon) also confirmed the high interest of local communities for the proposed questions and their willingness to answer them. Statistical analysis on the accuracy of these questions was also conducted by UNDP and piloting entities (UNDP, 2019a). The questions agreed for re-classification are presented below.

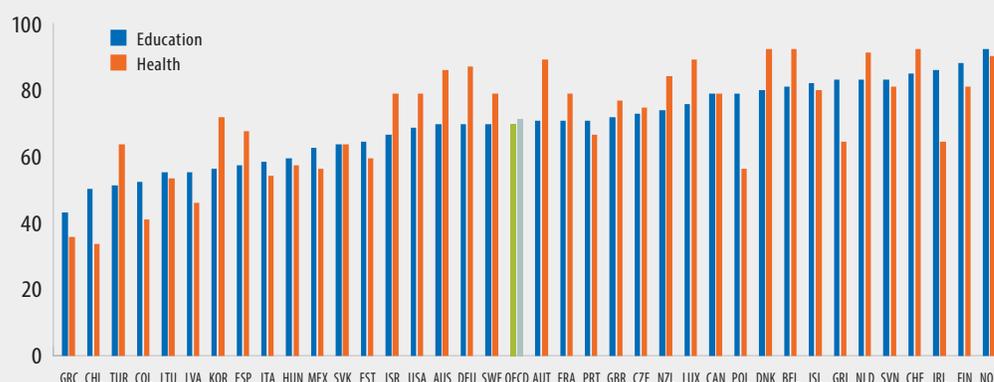
13 The countries are Cameroon, Germany, Kenya, Mexico, Viet Nam, the Philippines, South Africa, Latvia, Norway, Tunisia and New Zealand.

14 Different surveys include different services. For example, in addition to health and education the Gallup World Poll also asks about satisfaction with public transportation, air quality and water quality. In addition to health and education the European Quality of Life Survey also collects data on long-term care (e.g. nursing, etc). In several waves the Latinobarometer has included questions about satisfaction with administrative services (e.g. obtaining passports, licences, permits, etc).

#### BOX VII.4 Satisfaction with education and health services

Based on Gallup World Poll data, the figure shows the percentage of the population in OECD member and accession countries who are satisfied with the availability of health care and the education system or schools at the local level using a binary choice (i.e. satisfied/dissatisfied). According to the latest available data, 68% of the population in OECD countries are satisfied with the education system, while almost 70% are satisfied with the availability of health care.

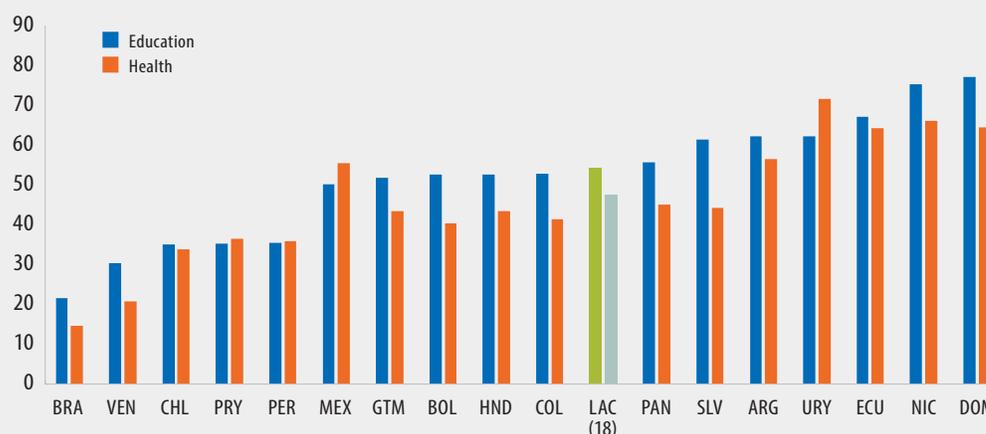
Percentage of the population who are satisfied with health and education in OECD member countries, 2017



Source: OECD calculations based on the Gallup World Poll.

Since 1995, Latinbarometer has collected annual data for eighteen LAC countries on citizen satisfaction with several services and since 2016 it has linked the question to having access to these services. In addition, the questionnaire also includes questions about specific experience with public hospitals and schools. According to the latest available data, 56% of the population in LAC countries are satisfied with the health system they have access to and slightly less than half with the education system.

Percentage of the population who are satisfied with the education and health they have access to, 2016



Source: OECD calculations based on Latinobarometer.

assessing education and health care (the two policy fields analysed in this chapter) as well as “government services” based on four general criteria (accessibility, affordability, quality of facilities, equal treatment for everyone; and a specific criterion for each service (courtesy and treatment for health care and effective delivery for education) has been put forward as a tool for measuring satisfaction with these services.

### VII.3.2.1 Accuracy of measures of satisfaction with services

298. The analysis of the statistical accuracy of existing satisfaction with services questions leads to mixed results (González, 2019). Questions about satisfaction with health care have higher statistical quality than questions on satisfaction with education. While the former perform well in terms of reliability, construct and face validity, the evidence for testing convergent validity (e.g. correlation with proxy measures of the same construct) is not available. The lower performance of questions on satisfaction with the education sector could be explained by respondents without direct exposure or reference answering these questions. Table VII.2 shows the summary of statistical quality criteria for questions on satisfaction with health and education services.

TABLE VII.2 **Summary evaluation of the accuracy of survey measures of satisfaction with services**

	Face validity	Construct validity	Convergent validity	Reliability
Satisfaction with services-health	√√	√√	√	√√
Satisfaction with services-education	√	√	√	√

Source: González (2019).

### VII.3.2.2 Best practice for specifying survey questions on satisfaction with services

299. Building on the existing experiences of capturing satisfaction with public services in surveys, and the recent body of research that allows for some preliminary conclusions about their quality (González, 2019; UNDP, 2019a), two sets of survey questions on satisfaction with services have been put forward for measuring SDG indicator 16.6.2 “Proportion of the population satisfied with their last experience of public services, specifically a) health-care services, b) education services and c) government services (i.e. services to obtain government-issued identification documents and services for the civil registration of life events such as births, marriages and deaths)”. Data producers wishing to gather data on satisfaction with services are therefore recommended to use the questions detailed below (see Boxes VII.5 and VII.6).

300. As previously discussed, properly capturing satisfaction with health and education requires taking into account a series of considerations on direct exposure to those services as well as the specific attributes pertaining to each of them. In the case of health services, the module is structured to start with a question on direct exposure to health examination or treatment over the past 12 months. Throughout the questionnaire, respondents are asked to answer for themselves as well as for children in their care who may have needed a medical examination or treatment. It continues with two questions on the existence and nature of access barriers. Question 4, composed of five sub-questions, asks respondents to rate the specific attributes of services to which they had access in the past 12 months, including geographic and financial access, state of the facilities, courtesy of treatment and time devoted to the patient. The questionnaire ends with a general satisfaction question, as previously explained. It is worth mentioning that the proposed questions do not enquire about specific health conditions or treatments and remain rather general in the approach to health goods and services.<sup>15</sup>

<sup>15</sup> In its *Health at a Glance* report the OECD regularly reports comparable measures of patient-related experiences (PREMs) such as the doctor spending enough time with patients in consultation. Patient-related outcome measures (PROMs) are also being increasingly used by countries.

**BOX VII.5 Questions on satisfaction with health care for the measurement of SDG indicator 16.6.2**

1. Was there any time *during the past 12 months* when you (or a child in your household) really needed a medical examination or treatment?
  - A. Yes (*There was at least one occasion in the past 12 months when I [or a child in my household] really needed medical examination or treatment*) [\[go to 2\]](#)
  - B. No (*There was no occasion in the past 12 months when I [or a child in my household] really needed medical examination or treatment*) [\[End here. Go to next service area\]](#)
  99. Refuse to answer
  
2. Did you [or a child in your household] have a medical examination or treatment *each time* you [or a child in your household] really needed it?
  - A. Yes (*I [or a child in my household] had a medical examination or treatment each time I [or a child in my household] needed it*) [\[go to 4\]](#)
  - B. No (*there was at least one occasion when I [or a child in my household] did not have a medical examination or treatment when I [or a child in my household] needed it*) [\[go to 3\]](#)
  99. Refuse to answer
  
3. What was *the main reason* for not having the medical examination or treatment?
  - A. Could not afford to (too expensive)
  - B. Long waiting list (to get an appointment, or when turning up to a health facility without an appointment)
  - C. Too far to travel or no means of transportation to get there
  - D. Didn't know any good medical doctor or health professional
  - E. Could not take time because of work, care for children or for other reasons
  - F. Wanted to wait and see if problem got better on its own
  - G. Fear of medical doctors, hospitals, examination or treatment
  - H. Health-care facilities are not clean
  - I. Health-care facilities are not adequately equipped or lack medicine
  - J. Other reasons: \_\_\_\_\_

4. I now want to ask you some questions about the last time you [or a child in your household] had a medical examination or treatment, in the past 12 months. Thinking about this last experience, would you say that:

		Strongly agree	Agree	Disagree	Strongly disagree	NA	DK	RA
4.1	It was easy to get to the place where I received medical treatment.	3	2	1	0	97	98	99
4.2	Expenses for health-care services were affordable to you/your household.	3	2	1	0	97	98	99
4.3	The health-care facilities were clean and in good condition.	3	2	1	0	97	98	99
4.4	All people are treated equally in receiving health-care services in your area.	3	2	1	0	97	98	99
4.5	The doctor or other health-care staff you saw spent enough time with you [or a child in your household] during the consultation.	3	2	1	0	97	98	99

5. Overall, how satisfied or dissatisfied were you with the quality of primary health-care services you [or a child in your household] received on that last consultation? (i.e. the last time you [or a child in your household] had a medical examination or treatment in the past 12 months)

Very satisfied	Satisfied	Dissatisfied	Very dissatisfied	NA	DK	RA
3	2	1	0	97	98	99

301. In the case of satisfaction with education services, where the statistical quality of existing indicators is considered generally lower (González, 2019), the module put forward should be considered a place-holder until further evidence is generated. The set of questions follows a similar structure as the one for health care. In order to reflect on respondents having a recent experience, the questionnaire is administered to households where there are children between age 4 and 16, a range that can be adapted to specific national contexts. The module further emphasizes that it enquires exclusively about public schools. The second question asks whether children attend education, and in the case of a negative answer the next question asks why this is the case. For subsequent questions, further clarification is required, as respondents should clarify if they are responding for primary or secondary school. If in the household there are children attending both levels they will be asked independently for both. Question 9 enquires about the specific attributes of the service (e.g. geographic and financial access, state of the facilities, fairness of treatment and perceived quality of treatment). The module ends with the question on the overall quality of the education system.

### **VII.3.3 How can survey design mitigate methodological issues in system responsiveness and satisfaction with services questions?**

302. System responsiveness and satisfaction with services measures are inherently subjective, i.e. only people themselves can report on them. Subjective measures are more sensitive to response biases and measurement error than more objective measures drawn from administrative sources (such as educational attainment or life expectancy) or from surveys (based on self-reports of, say, health or labour market status). However, these biases are not unique to system responsiveness and affect many of the other self-reported measures that are regularly collected by NSOs. While it is important to be aware of these biases, the existence of measurement error per se is not an argument against gathering data on system responsiveness; what is important is to understand what are the most appropriate strategies for question and survey design to mitigate these errors. No matter which approach to question design is adopted by data collectors, standardization is critical to ensure meaningful comparison over time, between population groups or countries. In order to expand the collection of these metrics to other contexts it is recommended to observe the following methodological considerations.

#### **VII.3.3.1 Question wording**

303. Evidence on question wording shows that good question wording improves the quality of results.

304. System responsiveness

- Using a split sample experiment in the Political Support in Canada (PSC) study, researchers have analysed the effects of having negatively worded questions (i.e. NO SAY) versus positive framing (SAY). Overall, results for both formulations are similar, and no evidence was found that negatively framing the statements led to acquiescence bias, though some mild evidence indicates that negative formulations were more stable over time in a highly contested election (Clark and others, 2010). In turn, the ESS has decided to include a positive formulation of the question and found evidence of high reliability and validity (Saris and Revilla, 2012; Saris and Torcal, 2009). As no conclusive evidence is found that either formulation induces meaningful changes, it is suggested that a positive formulation be used to adhere to generally good practice in survey design of avoiding any confusion generated by double negatives (Sheatsley, 1983).

**BOX VII.6 Questions on satisfaction with education for the measurement of SDG indicator 16.6.2**

The next few questions focus on your experience with the primary and secondary public school system. By this, we mean public schools that are funded by the State.

6. Are there children in your household whose age falls between 4 and 16 years old?
  - A. Yes (*There are children in my household whose age falls between 4 and 16 years old*)
  - B. No (*There are NO children in my household whose age falls between 4 and 16 years old*) [[End here. Go to next service area](#)]
  99. Refuse to answer
  
7. Does this child (do all of these children) attend a *public* school regularly?
  - A. Yes [[go to 9](#)] (*All children in in my household whose age falls between 4 and 16 years old attend a public school regularly*)
  - B. No [[go to 8](#)] (*There is at least one child in my household whose age falls between 4 and 16 years old who does NOT attend a public school regularly*)
  98. Don't know
  99. Refuse to answer
  
8. What is the *main reason* for this child/some children in your household *not* to attend a *public* school regularly?
  - A. Child/children in my household attend a private school [[End here. Go to next service area](#)]
  - B. Child/children in my household are home-schooled [[End here. Go to next service area](#)]
  - C. Cannot afford to (school-related expenses, including administrative fees, books, uniforms and transportation, are too expensive)
  - D. The nearest school is too far away and/or transportation is not available
  - E. School facilities are in poor conditions
  - F. The school and its compound are not safe
  - G. Teachers and other school staff do not treat children with respect
  - H. Teachers are ineffective/not adequately trained
  - I. Teachers are often absent
  - J. Child/children need to stay home to help with housework/farm work
  - K. No culturally or religiously appropriate educational programs available
  - L. School not equipped for children with special learning needs
  - M. Other reasons: \_\_\_\_\_
  
9. Please tell me more about the primary and/or secondary public schools attended by this child/children in your household:  
Are you reporting on:
  - A. Primary school in your area \_\_\_\_\_
  - B. Secondary school in your area \_\_\_\_\_

		Strongly agree	Agree	Disagree	Strongly disagree	NA	DK	RA
9.1	The school can be reached by public or private transportation, or by walk, in less than 30 minutes and without difficulties.	3	2	1	0	97	98	99
9.2	School-related expenses (including administrative fees, books, uniforms and transportation) are affordable to you/your household.	3	2	1	0	97	98	99
9.3	School facilities are in good condition.	3	2	1	0	97	98	99
9.4	All children are treated equally in the school attended by the child/children in your household.	3	2	1	0	97	98	99
9.5	The quality of teaching is good.	3	2	1	0	97	98	99

10. *Overall*, how satisfied or dissatisfied are you with the quality of education services provided by the primary and/or secondary public schools attended by this child/children in your household?

- Are you reporting on:
- A. Primary school in your area \_\_\_\_\_
  - B. Secondary school in your area \_\_\_\_\_

Very satisfied	Satisfied	Dissatisfied	Very dissatisfied	NA	DK	RA
3	2	1	0	97	98	99

- The NOSAY/SAY question has been formulated using two alternative framings: some surveys ask about influence in what government does, while others formulate the question in terms of influence in the political system. No direct testing has been conducted on the potential implications of the different wordings. Evidence on the reliability of system responsiveness questions using both formulations interchangeably shows no substantial difference between surveys (González, 2019). But in order to enhance the applicability of questions to different contexts, the use of references to the political system is recommended (see definition below).
- As the concepts encompassed by system responsiveness questions are complex, survey respondents may refer to the interviewer for additional guidance on the terminology. In turn, interviewers should refer to the specific wording provided below if respondents do not understand certain terms (UNDP, 2019a). In particular:
  - The political system: A particular form of government. For example, democracy is a political system in which citizens govern themselves through free and fair elections. Other political systems include republics, monarchies, communist systems and dictatorships or a combination of these (e.g. democratic/constitutional monarchy).
  - Having a say in what government does: This means having a channel to express one's demands, opinions or preferences about what the government does, and feeling listened to.
  - Have an influence on politics: This means feeling that decision makers listen to and act on one's demands, opinions or preferences.

### 305. *Satisfaction with services*

- Different question formulations are used to ask about an overall assessment of key services. While some surveys refer to satisfaction (e.g. Gallup), others enquire about the overall state of health or education in a given country (e.g. ESS), while others ask about the quality of services (e.g. EQLS, EQOG). Analysis conducted across surveys shows that these formulations are closely related (see González, 2019). Recently, a formulation based on the quality of public services, similar to that used by the EQLS, has been tested by several NSOs. This confirmed the technical feasibility and pertinence of these questions, which respondents found relevant and easy to understand (UNDP, 2019b). These questions are being proposed for measuring target 16.7.2 of SDG 16.
- People interact with service providers at several moments and for several purposes, yet service quality can evolve over time. In order to avoid telescoping effects (e.g. perception of distant events as being more recent, or conversely, recent events as being more distant than they are) and to minimize memory bias, satisfaction questions should refer to the last experience of public services and include a reference time frame; "the past 12 months" is commonly used and suggested. In turn, to improve the accuracy of the answers, it is advised that only respondents who used services should report on perceived quality or satisfaction (González, 2019; UNDP, 2019b).
- Question wording should be precise enough to be understood by respondents, without getting into subtle nuances that might also pose problems for translatability across countries. If the concepts that questions try to capture are closely related, respondents might have difficulty differentiating between them. Therefore it is recommended to keep consistency in terminology by, for example, avoiding references to the health services or the health system in the same questionnaire.

### VII.3.3.2 Response formats

306. Answers to survey questions are also affected by the response options available. Best practice in this field includes the following:

#### 307. System responsiveness

- System responsiveness questions have been asked using different response scales. While ANES uses a three-item scale (Agree/Disagree/Neither agree nor disagree), PIAAC opted for a five-point Likert-type ranging from 1 (strongly disagree) to 5 (strongly agree). In turn, the European Social Survey used a scale of 0 (not at all) to 10 (completely) in wave seven, fielded in 2014, and shifted to a five-point Likert-type scale ranging from 1 (not at all) to 5 (a great deal) in wave eight (2016). The results across both waves using the different response scales are consistent (González, 2019). Piloting by seven NSOs and an additional 18 jurisdictions by the World Values Survey has confirmed the plausibility of this scale for the implementation of political efficacy questions (UNDP, 2019a). Whatever format is used, consistency across countries is essential to guarantee the comparability of political efficacy measures.
- The response order used for different questions should be presented consistently (i.e. 1-5 instead of 5-1) in order to minimize mental switching by respondents between positive and negative normative outcomes.
- Verbal descriptions of the scale anchors should represent absolute responses either in the extremes 0 (not at all) to 10 (completely) or throughout the scale if a five-point scale is chosen (see Table ANX.VII.1, Annex VII) in order to minimize acquiescence bias and socially desirable responding, and to allow for the full spectrum of possible responses.
- The response options “don’t know”, “refuse to answer” or “not applicable” are possible; however, they should not be read out loud to respondents: Providing a “don’t know” or “refuse to answer” option provides an easy way for respondents to avoid engaging with the subject of the question. Even when respondents say they “don’t know”, enumerators should repeat the question and simply ask respondents to provide their best guess before selecting this option.
- *Satisfaction with services*

308. Several response scales have been used for questions on satisfaction with services, for example, the Gallup World Poll uses a binary YES/NO scale. At the other end, the European Social Survey uses a scale from 0 (very poor quality/extremely bad) to 10 (very high quality/extremely good) with anchors at the extremes. Other surveys such as Latinobarometer use a four-point verbal response scale. Using split samples, the overall satisfaction/dissatisfaction with services was tested by the Cape Verde National Statistical Office. Half of the sample was given a 4-level scale (“very dissatisfied”, “dissatisfied”, “satisfied”, or “very satisfied”) and the other half a 10-level scale (from 1 to 10, where 1 is “very dissatisfied” and 10 is “very satisfied”). The results showed no evidence to suggest that the 4-point scale provides insufficient alternatives that would prompt respondents to give a non-response. Furthermore, the non-descriptive thresholds on the 10-point scale (which has only upper and lower anchors) was deemed problematic where the interpretation of such thresholds differ among respondents and sub-groups (despite having the same actual level of satisfaction). In terms of interpretability and potential cross-country comparability, the 4-level scale was considered preferable by this experiment.

Whatever format is used, consistency across countries is essential to guarantee the comparability of measures (see the sub-section above on system responsiveness for recommendation on consistency of the response order, verbal descriptions, and don't know and alternative choices).

### VII.3.3.3 Survey context

309. System responsiveness and satisfaction with services measures should be considered within the broader context of the survey in which they are placed. To minimize the impact of holidays, seasons and elections, data collection should be spread throughout the year or at least over multiple weeks. Best practice in this field includes the following:

#### 310. System responsiveness

- Generally, system responsiveness questions should not be asked immediately after items that are likely to elicit strong emotional responses or that refer to experiences with institutions.
- Questionnaire designers should reflect on the potential effect that system responsiveness questions could have on subsequent items, in particular those dealing with similar issues.
- To the extent possible, system responsiveness measurement should be detached from the elections cycle, particularly as new technologies are allowing mechanisms of communication and engagement between people and public institutions to become permanent.

#### 311. Satisfaction with services

- Research has documented the existence of the so-called "halo" effect, the influence that general attitudes towards the public sector could have on people when assessing public services in broad terms (Van de Walle, 2017). This type of bias calls for two types of solutions. On the one hand, not placing questions on satisfaction with services after general assessments of government or satisfaction with the system (e.g. trust, system responsiveness) or, if that is not possible, otherwise using text as a buffer. Second, the inclusion of questions on service attributes that are as detailed as possible could help overcome this bias (González, 2019).
- If attribute questions are asked, another placement issue relates to the positioning of the overall satisfaction question. If this question is included before the specific attributes, there is a risk that it will be interpreted differently by respondents. For example, evidence from the Mexican National Survey of Quality and Governmental Impact (ENCIG) found that more educated respondents who interact more frequently with public institutions have higher expectations in terms of what constitutes a good quality service than do the rest of the population (ENCIG, 2017). In order to generate a common understanding of the aspects considered as elements of good quality, it is suggested to "prime" respondents with a set of attributes of good quality of service provision prior to asking about their overall satisfaction (UNDP, 2019b). It is therefore recommended to include the overall satisfaction question after the set of attributes.
- Since order effects (e.g. the different order in which questions and answer choices are presented influences respondents' answers in a more or less systematic way) are more common when two or more questions deal with the same or closely related issues, it is recommended to randomize the order of services when enquiring about satisfaction with services.

- Whenever lists of institutions are used, it is recommended that the order of these institutions be randomized across respondents to minimize order effects.

#### **VII.3.3.4 Survey mode**

312. System responsiveness and satisfaction with services can be highly sensitive topics, triggering respondents to answer in a socially desirable way or making them unwilling to answer at all. This might especially be the case in contexts where freedoms are restricted, and by extension there might be a low level of trust in the official data collector. Self-administered surveys, compared to interviewer-led ones, perform better in terms of minimizing social desirability biases, so if possible they should be preferred. Whatever the survey mode, sensitivity-related response biases can be reduced by lowering the respondent's concerns about data protection (e.g. via confidentiality assurances provided at the beginning of the survey) or by controlling the survey situation (e.g. avoiding that enumerators provide information about the person's social identity). The following considerations can reduce these risks:

#### **VII.3.3.5 Response styles and cultural context**

313. Cross-cultural response styles are very difficult to verify externally against a common standard or actual behaviour. Having different response styles does not imply that data are of lower quality; however, it is possible to reduce their effects by adhering to the considerations below.

- In many national contexts, minority groups have special rights or are entitled to special provision of services (e.g. in their own language or free of charge). In these contexts the questionnaire should be "indigenized" to fit the national context. For further general recommendations see the similar section on system responsiveness in this chapter.

## VII.4 Recommended key indicators

314. As described in detail above, for both areas covered by this chapter — namely system responsiveness and satisfaction with services — the basic concepts are well captured in the two SDG indicators that directly relate to them. This chapter therefore limits itself to recommending only these two SDG indicators (measured as specified above) as a primary focus for NSOs seeking to measure system responsiveness and satisfaction with services.

TABLE VII.3 Recommended key indicators

Sub-dimension	Indicator	Data source	Type
System responsiveness	Proportion of population who believe decision-making is inclusive and responsive (SDG indicator 16.7.2)	Survey	Outcome
Satisfaction with services	Proportion of the population satisfied with their last experience of public services, specifically a) health-care services, b) education services and c) government services (i.e. services to obtain government-issued identification documents and services for the civil registration of life events such as births, marriages and deaths) (SDG indicator 16.6.2)	Survey	Outcome

## VII.5 Way forward

315. This chapter analyses a general aspect (e.g. system responsiveness) and a detailed one (e.g. satisfaction with services) of the overall public governance dimension of responsiveness. It argues that it is possible to close some of the gaps in the field of system responsiveness (i.e. external political efficacy) and satisfaction with services, while also presenting some areas where further exploration will be required. Most importantly in terms of recent methodological achievements, the questionnaires developed for measuring the corresponding SDG 16 targets provide a good basis to standardize and expand the collection of statistics in these areas, and recent research on the statistical quality of these measures further strengthens the case for capturing them globally.

316. System responsiveness has a long, but somehow inconsistent measurement tradition. Measurement efforts have often been driven by researchers and relied on non-official household surveys. Nevertheless, important progress has been achieved for understanding and measuring this concept. By taking stock of available evidence for examining criteria for statistical quality, this chapter has found that the so-called NOSAY and INFLUENCE IN POLITICS questions perform well in terms of reliability and validity and are suggested to NSOs interested in collecting these indicators. Further exploring potential differences in the wording between “the political system” and “the government” and elucidating equivalences for different types of scales could further contribute to strengthen the proposed set of questions.

317. Satisfaction with health and education services are commonly generated as official statistics by some NSOs and also measured in non-official comparative surveys. While most surveys treat these equivalently, recent evidence referred to in this chapter shows that they are at different levels of maturity, and evidence on the accuracy of satisfaction with health metrics is stronger than for education services. In the case of health measures, there is good evidence of reliability and face validity, while

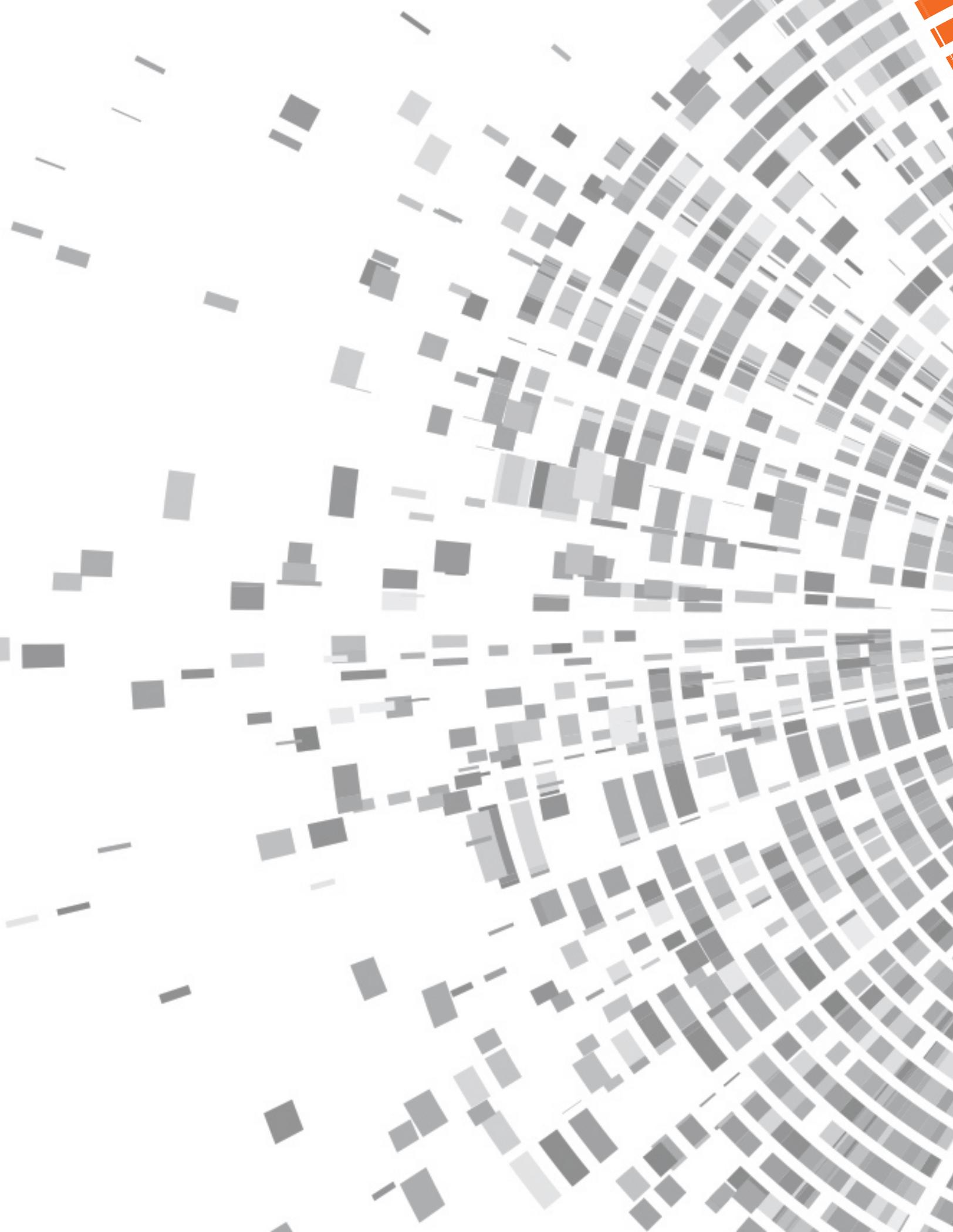
evidence on construct validity is not conclusive, and convergent validity cannot be tested due to the absence of proxy metrics. In the case of education, the evidence on reliability and validity is weaker. The poorer performance of questions on satisfaction with the education sector could be explained by respondents without direct exposure or reference answering these questions. It is therefore recommended that these questions be restricted to relevant segments of the population. While these findings have the potential to be extended to other services (e.g. general services), these have not been systematically studied in this chapter.

318. Additionally, no international agreement exists in terms of the question formulations and response scales to be used. However, existing evidence sheds light on the concepts to be measured (i.e. attributes and general satisfaction) as well as the biases to be avoided. General biases towards government or the public sector that could negatively influence responses on satisfaction with services can be substantially mitigated by questions about direct experiences with the use of services and by observing good practices in survey design (e.g. ordering of items, etc.). In terms of the response scale, and while no conclusive evidence exists, recent testing suggests that a 4-point bipolar Likert scale with scale labels could be used without losing precision.

319. While general satisfaction questions could provide relevant information, attribute-specific questions are more informative and meaningful for policy makers. The specificity of the information generated by such questions, directly linked to satisfaction, as well as the focus on citizen experiences rather than simply on perceptions, have greater policy use than stand-alone perception data on overall satisfaction, and this will help NSOs build a stronger case for collecting these questions. While there has been progress in testing the statistical quality of general satisfaction questions, rigorous statistical testing of questions on specific attributes questions is still lacking. The module put forward for measuring target 16.6.2 could be subject to further refinement as additional evidence is generated.

320. All in all, substantial progress has been achieved for the measurement of system responsiveness and satisfaction with services, on the basis of which NSOs can produce and refine these statistics. Finally, there is an agenda ahead to explore further elements of the responsiveness dimension and the response by public institutions to different type of stimuli.







PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER VIII  
**Absence of  
corruption**

## VIII.1 Conceptualizing this dimension

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321. Corruption is a complex and evolving phenomenon; it takes on many forms and is perpetrated by various actors. One of the challenges to measuring corruption is how to define this phenomenon in order to develop adequate indicators. The concept is broad, and there is no consensus on an exhaustive definition. To overcome this difficulty, the United Nations Convention against Corruption (UNCAC) identified a list of specific behaviours to be criminalized in national legislations, instead of proposing an overarching definition. In this chapter a broad framework is presented and three main dimensions are identified with the objective of making progress towards the elimination of corruption.

### VIII.1.1 Normative framework

322. Corruption is directly addressed in internationally agreed normative frameworks. The United Nations Convention against Corruption (UNCAC) was adopted in 2003 and entered into force in 2005. With 186 States parties, UNCAC is approaching universal adherence, making it one of the most ratified United Nations conventions. The adoption and widespread ratification of UNCAC is a demonstration of the commitment of UN Member States to tackle corruption.

323. Furthermore, the universal human rights convention provides an overarching normative framework. Indeed, different reports of the Human Rights Council underline the “negative impact” of corruption on the enjoyment of human rights.<sup>1</sup> By way of illustration, corruption in the health or education sector affects the right to health or to education (Articles 12 and 13 of the International Covenant on Economic, Social and Cultural Rights<sup>2</sup>). Similarly, corruption in the judicial sector endangers the rights that guarantee every person access to an independent and impartial process and the opportunity to receive a fair and just trial (Article 14, International Covenant on Civil and Political Rights<sup>3</sup>). More generally, corruption leads to the violation of the prohibitions against discrimination found in the universal human rights convention.

324. Article 61 of UNCAC, on the collection, exchange and analysis of information on corruption, underscores the need to analyse trends in corruption and the circumstances in which corruption offences are committed. Importance is given to developing and sharing statistics, analytical expertise and information on corruption, with a view to producing common definitions, standards and methodologies, as well as information on best practices to prevent and combat corruption. In addition, Article 61 emphasizes the monitoring of policies and actual measures to combat corruption and to assess their effectiveness and efficiency.

### VIII.1.2 The different types of corruption

325. UNCAC does not contain one single definition of corruption. Instead, it recognizes that corruption comprises various types of offences and requires States to criminalize the following conducts:

- Bribery (active and passive) of national public officials (article 15)
- Bribery of foreign public officials and officials of public international organizations (article 16)
- Embezzlement, misappropriation or other diversion of property by a public official (article 17)
- Trading in influence (article 18)

<sup>1</sup> See for example the foreword to UNCAC (2003) by UN Secretary-General Kofi Annan: “Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to *violations of human rights*, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.”

<sup>2</sup> <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<sup>3</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

- Abuse of functions (article 19)
- Illicit enrichment (article 20)
- Bribery in the private sector (article 21)
- Embezzlement of property in the private sector (article 22)
- Laundering of proceeds of crime (article 23)
- Concealment (article 24)
- Obstruction of justice (article 25)

326. Several approaches have been proposed in the literature to define and/or classify the various types of corruption that exist. For example, a distinction can be made between two types of corruption, depending on the actors and the objective of the corruptive act:

- **Bureaucratic Corruption.** Corrupt acts of civil servants/bureaucrats in their dealings with either their superiors (the political elite) or with the public. In its most common form, usually known as petty corruption, the public may be required to bribe public servants either to receive a service to which they are entitled or to speed up a bureaucratic procedure. Corruption in the judiciary, where bribes can lower either the costs or the chances of legal penalties, is another form of this type of corruption (Rose-Ackerman, 1998).
- **Legislative/political Corruption.** This refers to the manner and the extent to which the voting behaviour of legislators can be influenced. Legislators can be bribed by interest groups, for example to enact legislation that can change the economic rents associated with assets. This type of corruption includes also "vote-buying" (Rose-Ackerman, 1999).

327. Another distinction is frequently made between grand corruption and petty corruption. Grand corruption refers to the acts of high-level officials (political or administrative elites) by which they exploit their power to make policies (Krueger, 1993a, 1993b). But the differentiation between grand and petty corruption is also related to the amount of the transaction and/or the size of its impact. A corrupt elite can change either national policies or their implementation to serve its own interests; for example, public spending can be diverted to sectors where gains from corruption are possible to the detriment of the needs of the collectivity (Porta and Vannucci, 1997).

328. Furthermore, corruption can also take place in the private sector (private-to-private corruption), and it can also be classified as grand or petty corruption depending on the level of power of the person involved and the amount of the transaction.

### **VIII.1.3 What sub-dimensions can be measured?**

329. Broadly speaking, the absence of corruption can be assessed by examining three sub-dimensions:

- 1) the level of intolerance to corruption (i.e. ethical values, principles and norms that strengthen resistance to corruption practices);
- 2) the levels and patterns of corrupt practices; and
- 3) the State response to corruption.

330. As such, the absence of corruption is the result of a combination of these three components and can be measured by "triangulating" data and information on them. Each one of these three components can be viewed as one part of an entire raft of processes. The level of intolerance to corruption is related to the upstream phase where corruption can be prevented. State responses to

corruption intervene further downstream in the process (even if actions to tackle corruption include also the promotion of integrity and transparency). Therefore, instead of focusing on just one stage of the process, the objective is to broaden the focus as a way to understand and identify precisely at which level and at which stage the sources of potential problems and discontent are to be found.

#### **VIII.1.3.1 Intolerance to corruption**

331. The underlying principle of this sub-dimension is to foster integrity within public sector institutions as a strategy to prevent corruption. As integrity means using power for officially authorized and publicly justified purposes, it is the opposite of corruption. The 2017 OECD Recommendation of the Council on Public Integrity provides a global framework, but its scope is too large.

332. Various definitions of integrity exist, and they broadly refer to “behaviours and attitudes following ethical standards that can counter corruption<sup>4</sup>.” Therefore, relevant methodologies should be developed to capture the way public officers, or ordinary citizens, behave when confronted with certain situations and understand the concept of corruption, as well as their awareness and their perception of the phenomenon, their values and beliefs.<sup>5</sup>

#### **VIII.1.3.2 Corrupt practices**

333. The measurement of corruption is challenging. Corruption is often carried out in a clandestine manner, not least because it is legally a crime and public exposure could lead to legal sanctions. Collecting accurate data on corruption is therefore at least as challenging as gathering evidence on any other type of crime. In the case of corruption, the collection of statistical evidence is further complicated by three main factors (UNODC, 2010):

- When national legislation is not fully consistent with the UN Convention against Corruption, borders between licit and illicit, or appropriate and inappropriate behaviours, are often blurred;
- As UNCAC calls for the criminalization of a catalogue of corruption offences, an accurate assessment would require collection of data on each of those offenses, a daunting task;
- In comparison to other offences, persons involved in corruption cases are less prone to report to competent authorities for reasons such as fear of retaliation or reluctance to fight an established practice, or because they are to some extent co-responsible for the crime.

334. However, adequate approaches can be put in place to overcome these difficulties, and it must be stressed that people involved in corruption cases are willing to report if a dedicated body and appropriate systems and procedures are in place.

335. Assessing the extent and modalities of corruption affecting the public sector usually focuses on forms of administrative bribery taking place during contacts between civil servants and users of public services. Information on personal experiences of bribery is collected from the general public in order to understand the extent and modalities of bribery, to identify sectors, processes and functions more vulnerable to the risk of bribery, and to monitor trends over time.

<sup>4</sup> See for example the definition provided by Transparency International, which is, “Behaviours and actions, consistent with a set of moral and ethical principles and standards, embraced by individuals as well as institutions that create a barrier to corruption” (Transparency International, 2009). See also the definition of integrity in UNDP (2015), pp. 29-30.

<sup>5</sup> Methodologies for assessing integrity within private sector institutions are not part of this chapter.

336. The usual focus on the public sector and on experiences of bureaucratic corruption should not detract from trying to capture other types of corruption. First, corruption in the private sector (private-to-private corruption) is understudied and difficult to assess. Even if actions to fight this type of corruption fall mainly under the responsibility of the private companies concerned, its effects can be detrimental to society in general (cases of corruption in private schools or hospitals are an example). Second, grand corruption is a phenomenon that is difficult to measure, but media reports and public discourses about high-profile corruption cases often strongly influence individual perceptions of corruption per se.

337. Clearly, perception indicators are by nature subjective and may not reflect actual levels of grand corruption. At the same time, subjective opinions and private judgements on the scope and extent of corruption (including grand corruption) matter for countries' socioeconomic and political stability. Although difficult to measure, prevailing attitudes and perceptions may also contribute to a climate where corruption seems to be generally accepted, thereby reducing moral barriers to engage in similar corrupt acts. Thus, indicators on both perceptions and experiences, two elements not necessarily correlated, are important for policy-making and/or policy evaluation and useful to measure (Razafindrakoto and Roubaud, 2018). In both cases, though, it is vital that statistical information is produced on the basis of transparent and solid methodologies.<sup>6</sup>

### VIII.1.3.3 State responses to corruption<sup>7</sup>

338. One of the main ways to fight corruption is to ensure that channels for reporting to authorities are functioning correctly and that appropriate subsequent action is taken by the criminal justice system. Information on reporting patterns (e.g. "whistle-blowers") and on the response of the criminal justice system to detected cases of corruption is fundamental for assessing whether the State response to corruption is adequate. In this context, data on investigations and legal proceedings relating to corruption illustrate the challenges and difficulties of investigating and substantiating corruption cases reported to official authorities.

339. But actions can also be taken further upstream to prevent corruption, for instance through an information campaign or a sensitization program addressed either to specific categories of the population (youth, civil servants, etc.) or to the general public. Therefore, data that provide information on whether citizens are aware of the existence of any official anti-corruption mechanism or programme, and on their views on its effectiveness, are useful. It is one way to assess government effectiveness in controlling corruption.

## VIII.2 Why is this dimension important?

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340. Corruption has a detrimental impact on political, social, cultural, institutional and organizational structures, on economic and structural policies, and on human rights, and it can affect numerous aspects of everyday life. Corruption affects the patterns of resource allocation as well as the distribution of income within a society. It raises the cost of transactions: it has a negative effect on investment levels and patterns, and more globally on the effectiveness of economic policy. While some authors

<sup>6</sup> See the box on the surveys implemented by INEGI-Mexico in Annex VIII, Box ANX.VIII.1.

<sup>7</sup> Responses to corruption can also involve civil society. Actions can be undertaken by NGOs to contribute to fighting corruption (information, sensitization, etc.). But the idea is to put the focus on the State or para-State institutions in charge of implementing government anti-corruption policy.

have suggested that corruption can help to overcome bureaucratic rigidities (Leff, 1964; Lui, 1985; Dreher and Gassebner, 2013; Vial and Hanoteau, 2010), globally research fails to support this “grease-the-wheels” argument. Most analyses conclude that corruption acts mainly as “sand-in-the-machine” (Jain, 2001). Beyond the economic sphere, corruption also has an impact on the socio-political environment. It negatively effects trust in institutions, satisfaction with democracy, and government effectiveness (Anderson and Tverdova, 2003; Tavits, 2008).

341. Because of corruption’s negative impact, it is important to foster a corruption-free environment and, for that purpose, to monitor national and international efforts that can result in a situation where corruption is absent. The importance of reducing corruption is also recognized explicitly in the 2030 Agenda for Sustainable Development (SDG target 16.5). The three identified dimensions can be monitored through a number of different metrics that can be generated in different manners.

## VIII.3 Data and best practices currently available

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### VIII.3.1 Administrative data

#### VIII.3.1.1 Description

342. Official administrative data on reported cases of corruption provides an experience-based source of statistical information on corruption. Such data can come from a variety of sources (police, prosecutors, courts, anti-corruption agencies). Administrative data may also refer to data on processes related to key State functions (public procurement, recruitment of civil servants, granting of permissions/licenses, etc.) in relation to duration, accessibility, access and transparency.

343. Administrative statistics on corruption are mostly limited to counts of criminal justice or administrative responses, in terms of crimes reported to the police or anti-corruption bodies, persons arrested, persons charged and persons convicted.<sup>8</sup> Of course, these data, although crucial for benchmarking and monitoring the implementation of anti-corruption measures, cannot be used to measure the extent of the phenomenon, as they reflect only cases that are detected and recorded by official authorities.

344. The following types of administrative data relevant to the measurement of corruption exist:

345. Reported cases of corruption: Official data on reported cases of corruption can represent an initial step towards the assessment of corruption, its extent and societies’ vulnerability to it. But caution needs to be applied in the interpretation of trends in reported corruption offences. Changes in recorded offences might have several explanations (changes in recording criteria, impact of sensitization campaign, changes in anti-corruption efforts, etc.), which are not necessarily linked to actual changes in the level of corruption. Even though the number of reported cases is unreliable as a corruption measure at large, the availability of detailed data on offences committed and officials involved can provide insights into specific areas of vulnerability to corruption and into the effectiveness of the State’s anti-corruption policy.

<sup>8</sup> We will see below the key role NSOs can play to produce other type of official statistics through surveys.

346. Criminal justice response to corruption: Given the notoriously low reporting rates for corruption, criminal justice data on corruption mainly reflect the response of law enforcement and criminal justice systems rather than providing information about the true extent of corruption itself. Administrative data on corruption may refer to the number of bribery offences as well as the number of people arrested, prosecuted and held in prison for bribery offences. In addition, other types of data are often collected, such as reports on corruption and investigations; cases and persons referred to court; and persons convicted of corruption offences. When data are available on each phase of the criminal justice process, the overall efficiency of the criminal justice system related to corruption could be evaluated using tools such as attrition rates.<sup>9</sup>

347. Asset declaration: Administrative data on the assets held and reported by public officials have been collected by a great number of countries around the world in order to prevent and combat corruption (OECD, 2011). The main aims of asset declarations include the following:

- a) To increase transparency and the trust of citizens in public administration, by disclosing information about the assets of politicians and civil servants;
- b) To help heads of public institutions prevent conflicts of interest among their employees and to resolve such situations when they arise;
- c) To monitor variations in the wealth of individual politicians and civil servants in order to dissuade them from misconduct and protect them from false accusations and to help clarify the full scope of illicit enrichment or other illegal activity by providing additional evidence.

348. Public procurement: Implementing an effective public procurement system based on transparency, competition and integrity is not simple. A procurement system that lacks transparency and competition is the ideal breeding ground for corrupt behaviour, and thus the most important international codes on anti-corruption and public procurement rest heavily upon these fundamental principles. UNCAC calls for the establishment of appropriate systems of public procurement based on the fundamental principles of transparency, competition and objective criteria in decision-making. Thus, collecting administrative data on public procurement processes is fundamental to the measurement of absence of corruption.

349. Recruitment of civil servants: One crucial area for ensuring the integrity of the civil service, as well as its capacity to deliver results, is the selection and recruitment of new staff. Full transparency and fairness in the recruitment process is not only necessary for implementing integrity standards throughout the selection process, but also for ensuring the best match between applicants' experience and skills and the position's objective requirements.

### VIII.3.1.2 Methodological and quality issues

350. The lack of comparability of data across administrative levels can be a problem. For instance, institutions operating at the local level can record data differently than at the central level. This can also be the case between institutions operating in a given sector (the police, the courts, communes, etc.). Coordination between the services in charge of data repositories in different institutions is a key task. There is a need to harmonize definitions, formats and schedules between institutions and along the "data production chain" in a given sector so as to obtain compatible and consistent data over time. The piloting experience of the GPS-ShaSA initiative (AUC-IRD/DIAL, 2018) in Kenya, Côte

<sup>9</sup> The attrition rate is defined as the ratio of persons referred to court and convicted out of all those investigated in corruption cases.

d'Ivoire and Cape Verde shows the need to establish "collaboration protocols" between the NSO and data-producing institutions (e.g. courts, parliament, national anti-corruption commission, police stations, national human rights commission, etc.) to address issues concerning the non-comparability of data collected by various institutions.

351. Some of the major methodological issues that require careful consideration during the development of administrative data on criminal justice (see also the more detailed discussion in the Handbook chapters on the access to and quality of justice and on safety and security), including data on the State response to corruption, include the following:

- 1) Counting units and rules: typically, each criminal justice institution uses counting units based on its own operational requirements. Police may use charges, suspects, victims and incidents, while courts may use cases, convictions and sentences. Linking data across institutions requires the use of the same counting units (such as persons suspected, and persons convicted);
- 2) The principal offence rule: This means that when more than one offence is committed simultaneously, only the most serious offence is recorded. Countries that apply the principal offence rule record only the most serious offence if simultaneous offences are committed; others record each offence separately, which results in a higher count of recorded crimes;
- 3) The moment of inclusion of incidents into statistics: Criminal justice institutions can collect data from different stages of their respective criminal justice process. For example, "input statistics" refer to data being collected at the time the offence is first reported to authorities; on the other hand, "output statistics" refer to data being collected after the offence has been investigated (UN Department of Economic and Social Affairs, 2003).

352. One of the most important considerations when comparing data on corruption offences (or any other criminal offence) between criminal justice institutions is the use of consistent definitions and classification categories. Both at the national and international levels, the implementation of the International Classification of Crime for Statistical Purposes (ICCS) (UNODC, 2015) provides a framework for the systematic production and comparison of statistical data across different criminal justice institutions and jurisdictions, in particular for State responses and trends over time for the same categories of crime. In this context, Section 07 of the ICCS (Acts involving Fraud, Deception or Corruption) provides a comprehensive classification of corruption offences that is consistent with the United Nations Convention against Corruption, and it should be applied at all levels of the criminal justice system.

353. Administrative data on reported cases of corruption suffer from a high "dark figure", i.e. the share of corruption offences that is not reported to, or detected by, criminal justice institutions. Contrary to other crimes, there is no clear victim (such as in a case of robbery or car theft) who has an interest in reporting their experience to authorities. This is also due to the limited and varying capacity of criminal justice institutions to detect corruption-related crimes, as well as the usually low interest of persons directly or indirectly involved in corruption cases to report such cases.

354. Findings from recent surveys conducted at national level indicate that the level of reporting of bribery cases to relevant authorities is, on average, only 12 per cent across European Union Member States (European Commission, 2014) and well below 10 per cent in other countries in Europe, Asia and Africa (UNODC, 2010, 2011, 2013, 2017).<sup>10</sup> Moreover, reported cases may not be considered as

<sup>10</sup> The issue of underreporting is also known as reporting bias.

representative of the whole of the corruption affecting a given country, as some corruption offences or types are more likely to be reported or detected than others.<sup>11</sup> Administrative data on corruption should therefore be interpreted with caution, as they may provide more information about the activity and response of criminal justice systems than about the actual extent of the phenomenon. Furthermore, there is generally limited availability and comparability of administrative data on corruption at national, regional and global levels.

355. In contrast, administrative data on integrity and transparency may be more accurate (at least for the limited scope of their measurement), but they are not yet widely available, and standard methodologies and concepts are needed (see the *Handbook* chapter on “Openness” for further discussion).

### BOX VIII.1 Best practices/Useful tools

#### Example from Mexico: Integrating administrative data on corruption

Since 2011, Mexico’s NSO, INEGI, has conducted so-called “Government National Censuses” (not to be confused with a population census). The primary goal of this undertaking is to gather and systematize all the administrative records and information available inside every government institution at federal, state and municipal level, and concerning the executive, legislative and judicial branches, as well as the autonomous organisms. These Government Censuses centre on State capacity and organization (human, material and financial resources) and the institutions’ core functions. Regarding corruption, Government National Censuses measure, predominantly, internal mechanisms to prevent or sanction acts of corruption. However, they also integrate and harmonize the records of the criminal justice system relevant to corruption acts (e.g. people incarcerated for corruption-related crimes).

Structural	Process
<ul style="list-style-type: none"> <li>• Federal Government</li> <li>• Government, Public Safety and State Prison Systems</li> <li>• Municipal Governments</li> <li>• Federal Justice</li> <li>• State Justice</li> <li>• Federal Prosecution</li> <li>• Federal Prison System</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-corruption programmes</li> <li>• Internal control offices</li> <li>• Auditing</li> <li>• Assets declaration registries</li> <li>• Sanctions and sanctioned public servants</li> <li>• Personnel in charge of transparency</li> <li>• Crime committed by public servants</li> </ul>

#### Useful tools:

UNODC International Classification of Crime for Statistical Purposes (ICCS) (2015), <https://www.unodc.org/unodc/en/data-and-analysis/statistics/iccs.html>  
 OECD Asset Declarations for Public Officials: A Tool to Prevent Corruption (2011), <https://www.oecd.org/daf/anti-bribery/assetdeclarationsforpublicofficialsatooltopreventcorruption.htm>

### VIII.3.2 Sample surveys among the population and businesses

#### VIII.3.2.1 Description

356. Sample surveys on corruption were first implemented in the 1990s, and thanks to a large body of experience, methodologies to conduct them have gradually improved. This experience has recently

<sup>11</sup> The issue of selective reporting is also known as selection bias. Selection bias could also arise due to the characteristics of people that report the corruption case.

## BOX VIII.2 Benefits and drawbacks of corruption survey

### Benefits

Probably the most apparent advantage of measuring corruption through sample surveys is that this is a widely-used methodology which, when implemented correctly, can rely on a solid theoretical background and long-standing experience at academic and institutional level. The possibility of computing estimates of the indicators of interest through transparent methods, along with measures of their accuracy, is a fundamental advantage of this approach.

Corruption surveys enable direct access to those who have experienced corruption. For that reason, information can be collected on the variable of interest (such as the experience of bribery) as well as on several characteristics, behaviours and phenomena associated with it. For example, detailed information on the individuals involved (bribe payers or receivers) and their demographic, social and economic background can help identify whether features specific to households, individuals, businesses or countries raise or lower the risk of corruption.<sup>12</sup>

Moreover, by requesting information about the type of public official or private entity involved (e.g. customs officers, police officers, tax/revenue officials, court officials, etc.), about the situation or administrative/business procedure during which the bribe was requested/offered (e.g. public procurement, customs clearance, issuance of building permits) or about the reason for its request (e.g. speeding up the procedure, obtaining an advantage over other participants in a bid), it is possible to acquire a comprehensive understanding of the mechanism of bribery. All these details are fundamental to understanding the drivers of and vulnerabilities to corruption and, thus, to providing actionable and policy-relevant information.

Another important benefit of corruption surveys is their capacity to overcome the undercounting problem affecting administrative statistics on crime. Sample surveys guarantee the anonymity of responses and provide a context that makes respondents more amenable to disclosing their experiences. When correctly implemented, corruption surveys can even produce estimates of the “dark figure” of bribery.

In addition to overcoming underreporting problems, sample surveys enable comparability of data, which is key to monitoring trends and assessing anti-corruption measures. They also enable the coverage of different target populations (e.g. individuals, businesses, civil servants), which is of utmost importance in understanding how types of corruption and risks vary among different actors. While the focus of this Manual is both on the general population and business, other target populations of surveys can be considered, such as public officials, users of public services, or businesses participating in public sector bids. Within target populations, data collected through sample surveys enable the description of the phenomenon of interest, its dynamics and mechanisms in relation to various subpopulation groups of particular interest, for example, groups that are particularly vulnerable to, or at risk of, corruption.

Finally, sample surveys enable the gathering of micro-level data, providing analysis at the highest level of disaggregation: the crime incident and its victim. Collecting data at the individual level helps to overcome the “ecological fallacy”, which occurs when individual behaviours are explained solely through data collected at an aggregated level. Furthermore, the dissemination of micro-data, in accordance with legislation to protect privacy, can stimulate further research and analysis of corruption patterns and trends.

### Drawbacks

The most common critique of surveys on corruption is linked to social desirability bias, or unwillingness to admit socially undesirable behaviour. As corruption is recognized as a socially undesirable issue, respondents’ fear or shame of admitting their experience may lead them to underreport bribery. This bias varies among populations (e.g. businesses may be more sensitive to reputational damage than households), and it is also influenced by “whether the respondents benefited or not from corruption and how detrimental or justified the respondent views his or her actions to be”. The impact of non-disclosure can be a particular problem when a bribe is very large; for this reason, surveys are not considered to provide accurate results for cases of corruption involving very large sums or assets. However, experiences from household and business surveys indicate that well-designed surveys can also collect information on bribery cases entailing substantial amounts. This issue can be partially addressed by selecting interviewing techniques that can maximize the confidentiality of responses. Nevertheless, research has shown that social desirability bias is an issue that is difficult to control completely.

Other possible limitations of corruption surveys relate to reporting bias. As in all surveys in which information is directly elicited from those in possession of it, two main issues can impact the accuracy of the replies provided by respondents: 1) they misunderstand the question; and 2) they fail to remember the correct answer. The first issue is strongly related to the fact that crime and corruption are social constructs and the perception and interpretation of them can vary across citizenry, particularly in the case of types of crimes for which perceptions may be most culture-bound. These concerns can, however, be taken under control through sound questionnaire design, including ad-hoc sections for “tackling cultural bias” and proper question wording. The second issue is related to non-recall and mis-recall. Non-recall usually depends on the memory decay of respondents, while mis-recall is based mainly on the “telescoping effect”.

Given the cost of conducting sample surveys, the sustainability of this approach is also a critical element. As with any other sample survey, the cost is dependent on several factors (sample size, scope of survey, type of data collection method, etc.), and there is usually a direct trade-off between survey cost and overall quality. Using short modules on corruption in already existing sample surveys at national level, instead of developing ad-hoc surveys, can be a valid strategy to address this problem.

Source: Manual on Corruption Surveys (2018), UNODC, UNODC-INEGI CoE, and UNDP

<sup>12</sup> In sample surveys accurate information on perceptions, attitudes and opinions about corruption can be collected. When properly gathered, information on corruption perception provides important information on acceptability or impact of anti-corruption policies, as well as on the context where such policies are implemented.

been consolidated in the Manual on Corruption Surveys: Methodological guidelines on the measurement of bribery and other forms of corruption through sample surveys, jointly produced by UNODC, the UNODC-INEGI Centre of Excellence and UNDP (2018). The Manual provides comprehensive guidance on measuring corruption through population- and businesses-based sample surveys and on the production of the two SDG indicators on bribery prevalence (SDG indicators 16.5.1 and 16.5.2).

357. Historically, two approaches have been adopted for measuring corruption through sample surveys. On the one hand, victimization surveys often include a section to measure the experience of bribery among the population. These surveys were launched in different countries by or in keeping to the tradition of the International Crime Victims Survey (ICVS), an international programme for measuring the direct experience of crime initiated in 1987 by a group of European criminologists.<sup>13</sup> The first ICVS survey that included a corruption module was implemented in 1996.

358. On the other hand, a group of surveys aimed at corruption measurement were designed using a socioeconomic approach. On the business side, the World Bank Enterprise Surveys and Business Enterprise Economic Surveys have the largest firm-level survey data on the experience of bribery. On the household side, Madagascar's NSOs conducted a survey with a module on the perception and experience of corruption in 1995 (Razafindrakoto and Roubaud, 2003). Since then, the experience in developing this kind of survey has been expanded to other continental African countries, some Latin American countries (Andean countries, with Peru's NSO being by far the leader in the field with quarterly national time series since 2002) and Asia (Viet Nam).

359. At international level, such efforts have been promoted by UNODC, which supported population-based surveys on corruption in Afghanistan (2009 and 2012), Iraq (2011), the western Balkans (2010) and Nigeria (2016 and 2019), and business surveys on corruption were conducted in the western Balkans (2013). At regional level, the GPS-SHaSA programme<sup>14</sup> aims at producing harmonized household statistics on governance, peace and security at continental level in Africa. Questions on bribery have been included since the first GPS-SHaSA pilot surveys.

**TABLE VIII.1 Examples of sample surveys on the experience and perception of corruption**

Surveys	Institutions	Sources
International Crime Victims Survey (ICVS)		Household
National experience-based corruption surveys	UNODC	Household
Global Corruption Barometer (GCB)	Transparency International	Household
Afrobarometer surveys	AB network	Household
GPS – SHaSA Surveys (+ other national surveys)	NSOs - AU	Household
Business Enterprise Economic Surveys	World Bank	Firm
Enterprise Surveys	World Bank	Firm

Sources: Transparency International (2016), How-to guide for corruption assessment tools (2nd ed.), [https://www.transparency.org/files/content/corruptionqas/How\\_to\\_guide\\_corruption\\_assessment\\_tools\\_2016.pdf](https://www.transparency.org/files/content/corruptionqas/How_to_guide_corruption_assessment_tools_2016.pdf); UNODC-INEGI Center of Excellence, Repository of Corruption Measurement Tools.

<sup>13</sup> The first surveys were implemented by the ministries of justice of 14 developed countries in 1989. See Van Dijk, Mayhew and Killias (1990).

<sup>14</sup> The GPS-SHaSA program (Governance, Peace and Security statistics under the Strategy for the Harmonisation of Statistics in Africa) was launched in 2012 at the initiative of the African Union Commission's Economic Affairs Department in partnership with UNDP and DIAL/IRD.

### VIII.3.2.2 Methodological and quality issues

360. When using sample surveys, it is important to be aware of the benefits and drawbacks of measuring corruption through this approach. Many of the challenges (e.g. the impact of non-disclosure, high economic costs, sustainability) can be overcome through sound methodological planning, in particular, in the sample design, the questionnaire design and ordering, and the choice of survey mode. The UNODC-UNDP Manual on Corruption Surveys (2018) provides comprehensive guidance on the methodology for conducting corruption surveys from start to finish.

361. The importance of a lightweight, flexible, modular mechanism should be stressed. Due consideration of data production conditions and constraints is key to ensuring the mechanism's feasibility, relevance, reliability and sustainability, especially in developing countries.

362. Asking about corruption in interviews can be a sensitive issue. In order to get reliable data, the interviewer's attitude is crucial. The interviewer must be completely neutral so that the respondent feels totally at ease. Special attention must be paid to the wording of the questions on corruption. In accordance with consistent practice, the inclusion of introductory sentences (which can also include examples) is advisable. To avoid social desirability biases, neutral introductory, illustrative sentences improve the contextualization of questions that may have posed problems.

363. If interviewers are well trained, and if the surveys rely on questions already piloted and tested, experience has shown that respondents are ready to answer them, minimizing non-response rates; in these conditions, it is possible to produce reliable indicators for monitoring developments of corruption.

364. Sampling frames and corresponding target populations of surveys among the business sector tend to exclude the informal sector. This also applies to corruption surveys among businesses, which means that the bribery experience of informal economic entities is not reflected in such surveys (Lavallée and Roubaud, 2019; Lavallée and Roubaud, 2014). In countries where the informal sector is very significant, a recommended approach is to include a dedicated module to identify informal sector entities in a household survey: for each individual belonging to the active working population and who states that he or she is the owner or a self-employed worker of a unit satisfying the conditions for membership of the informal sector (criterion relating to size or non-registration), a second enterprise questionnaire is collected (International Labour Organization, 2013), which includes business corruption questions.

### VIII.3.3 Sample surveys among civil servants

#### VIII.3.3.1 Description

365. Information on the factors and circumstances facilitating or preventing corruption can also be collected through sample surveys among civil servants, e.g. on procedures and practices related to the functioning of public administration (internal functioning, procedures towards the public, provision of services, subcontracting).

366. Sample surveys among civil servants directly target public officials and frequently focus on specific groups such as the police, the judiciary or employees within public administration offices. These surveys aim to collect information on the working conditions of civil servants with the view to identifying weak practices and vulnerabilities to corrupt behaviour. Information on issues such as recruitment and promotion practices, job mobility, the frequency of training, work incentives, and salary and career satisfaction is crucial to elaborate policies and measures to enhance integrity in the civil service, especially when coupled with information on corruption experiences.

### BOX VIII.3 Pros and cons of dedicated surveys and integrated modules

An important choice at the planning stage is whether to conduct a dedicated survey on corruption or to develop a module (a set of questions on corruption) to be integrated into a broader household or business survey. Victimization surveys, business environment and performance surveys, and surveys on the quality and integrity of the public administration are examples of surveys that can include a corruption module. The two approaches have advantages and disadvantages, and in general a trade-off exists between the accuracy and comprehensiveness of data, on the one hand, and sustainability and costs, on the other.

#### a) Dedicated surveys

Dedicated surveys on corruption thoroughly address corruption and related issues (perception and acceptability of corrupt behaviour, and awareness and effectiveness of anti-corruption agencies).

##### Pros:

- Comprehensiveness due to the possibility to include detailed questions both on the experience and perception of corruption and on the characteristics of the most recent/serious incidents
- Accuracy of results due to the ability to devote more resources to screening for contact with public officials and corruption incidents, unlike surveys that do not specifically focus on this issue
- Possibility for respondents to concentrate on one main topic and gradually arrive at core questions on corruption experience; this approach may reduce memory decay
- Possibility to address other related topics, such as the characteristics of services/procedures, the acceptability of corrupt behaviour, etc.
- Opportunity to develop an ad-hoc methodological design for the survey

##### Cons:

- Conducting a high-quality sample survey is a costly exercise
- Survey sustainability may be affected by the high cost of a dedicated survey
- Burden on survey respondents

#### b) Integrated modules

An integrated module consists of a core set of questions on the experience and perceptions of bribery and the type of public official involved. Integrated modules on corruption are usually included in surveys that are focused on other related issues, such as crime in general, governance, aspects of everyday life, the integrity of public institutions, and business environments, among others.

##### Pros:

- Savings in cost and time of survey design and data collection, since a large part is absorbed by the main survey cost (e.g. sampling design, fieldwork cost)
- Lower burden on respondents by limiting the number of questions to be answered
- Possibility to link to data from the same population on interlinked topics, which are collected by the main survey (e.g. level of income, occupation, quality of life, quality of public services, etc.)
- When the main survey is financially well established, the sustainability of the collection of corruption data will be periodically guaranteed. This would ensure the possibility of monitoring progress towards reducing corruption and bribery (SDG indicator 16.5.1)

##### Cons:

- Limited set of questions on corruption and related follow-up on the most recent/serious incidents, in the interest of covering other topics
- Possible impact on accuracy, as switching topics within the same survey can have an impact on the attitude and attention of respondents. In addition, the introduction of "context effects", i.e., one topic in a multi-topic survey, may influence answers to other topics
- Need to adapt to the methodological design of the main survey. This might hinder, for example, the use of a specific survey mode or sample design that is better suited to the objectives of a corruption survey
- Risk of insufficient and dedicated training for interviewers on how to address sensitive issues, such as corruption

Source: Based largely on United Nations Office on Drugs and Crime-UNDP (2018), *Manual on corruption surveys: methodological guidelines on the measurement of bribery and other forms of corruption through sample surveys*, Vienna.

BOX VIII.4 **Best practices/Useful tools**

**Corruption measurement in household surveys: The pioneering case of Madagascar**

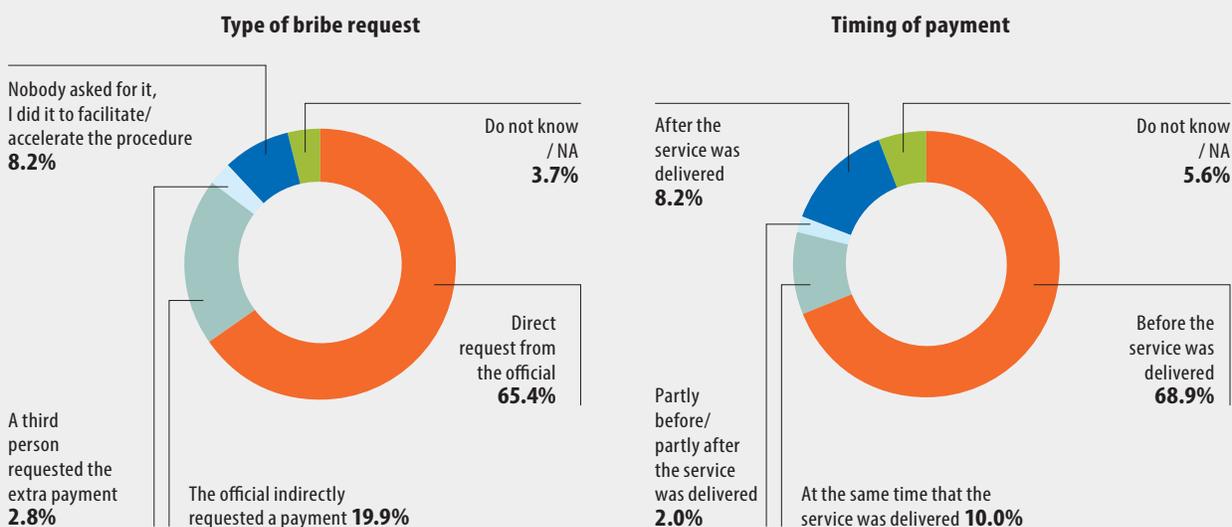
A first attempt to measure corruption within an official household survey was made in 1995 in Madagascar. The publishing of the results in the local media had a strong impact on civil society and the national authorities, leading the Ministry of Justice to draft a law to fight corruption (which was unfortunately rejected in 1999 by the government). The approach to measure corruption was renewed in 1998, and since 2000 a “corruption module” has been systematically included in every labour force survey. Among the rich analytical findings provided by the Malagasy survey data, two particular insights can be stressed: first, a strong negative correlation between the level of corruption and state employee wages. This suggests that public administration performance depends largely on the salaries of its employees. Second, from 2002 to 2004 the incidence of corruption halved. The burden of corruption on household budgets also fell. In 2004, the total amount spent on corruption stood at just 1.2 per cent of annual household income (as opposed to 3.3 per cent in 2002). This implies that the government’s anti-corruption commitment, with the establishment of an Anti-Corruption High Council (CSLCC) in 2003 and an Independent Anti-Corruption Bureau (BIANCO), played a significant role in improving the situation. The Madagascar experience illustrates the usefulness of statistical household surveys as an effective tool to monitor corruption and to inform policy-making. Given the success of Madagascar’s experience, the same methodology, with the same corruption module, was applied by NSOs in seven West African capitals at the end of 2001, and in five Andean Pact countries in 2002-2003. The corruption questions in the GPS-SHaSA module are mainly based on these experiences.

**Corruption in Nigeria: Measuring the experience of bribery and the public response to it**

A 2016 survey on corruption in Nigeria was carried out by the National Bureau of Statistics of Nigeria in partnership with UNODC. This experience-based corruption survey provides a solid evidence base on the nature and extent of administrative bribery, perhaps the most familiar and widespread form of corruption among the general population in Nigeria today. Among other topics it covers: the reach of bribery; how bribery works; who takes bribes; who pays bribes; and how citizens respond to bribery. The report thus provides concrete guidance for the design of anti-corruption strategies and policies. It generates actionable data on patterns and modalities of bribe-paying. It highlights particular areas of vulnerability to bribery in the public administration and examines the State response to corruption.

The report finds that almost a third of Nigerian adults (32.3 per cent) who had contact with a public official between June 2015 and May 2016 had to pay, or were requested to pay, a bribe to that public official. The magnitude of public sector bribery in Nigeria becomes even more palpable when factoring in the frequency of those payments, as the majority of those who paid a bribe to a public official did so more than once over the course of the year. According to the survey, bribe-payers in Nigeria pay an average of some six bribes per year, or roughly one bribe every two months. The vast majority of bribery episodes in Nigeria are initiated either directly or indirectly by public officials (85.3 per cent), and almost 70 per cent of bribes are paid before a service is rendered.

FIGURE VIII.1 **Patterns of bribery in Nigeria**



**BOX VIII.4 Best practices/Useful tools, CONT.**

**Poverty and corruption in Peru**

A module on corruption is included in the periodic household survey (ENAH0) implemented by Peru’s NSO. The survey is carried continuously on a sample of around 40,000 households, including a rotating panel. According to this survey, the incidence of corruption shows a downward trend after a peak attained in 2008 during the mandate of President Garcia (he committed suicide in 2018 when about to be arrested on charges of corruption). The percentage of victims is always lower among poor people than non-poor people (respectively 3 per cent and 6.7 per cent in 2008; 1.3 per cent and 2.9 per cent in 2017). However, even if the poor seem to be less affected, the amounts paid by households to corrupt civil servants is non-negligible, as it represents globally around 1 per cent of their food expenses and approximately a third of government transfers to households through anti-poverty social programmes. Considering the 2018 survey, when the question on the incidence of corruption is posed in a disaggregated way, institution by institution, corruption incidence appears to be higher with respect to an aggregated question (4.8 per cent vs 2.9 per cent in 2018). The survey module includes a question on why corruption is not reported to the authorities. The reasons are, by importance, fear of retaliation (25.8 per cent), because authorities don’t care (27.2 per cent) or because of lack of time (23 per cent). Interestingly enough, around 15 per cent do not report because they obtained benefits by paying bribes.

**FIGURE VIII.2 Corruption incidence and poverty in Peru, 2003-2018**



Source: Estimates based on Peru’s National Household Survey (ENAH0), INEI 2003-2018.

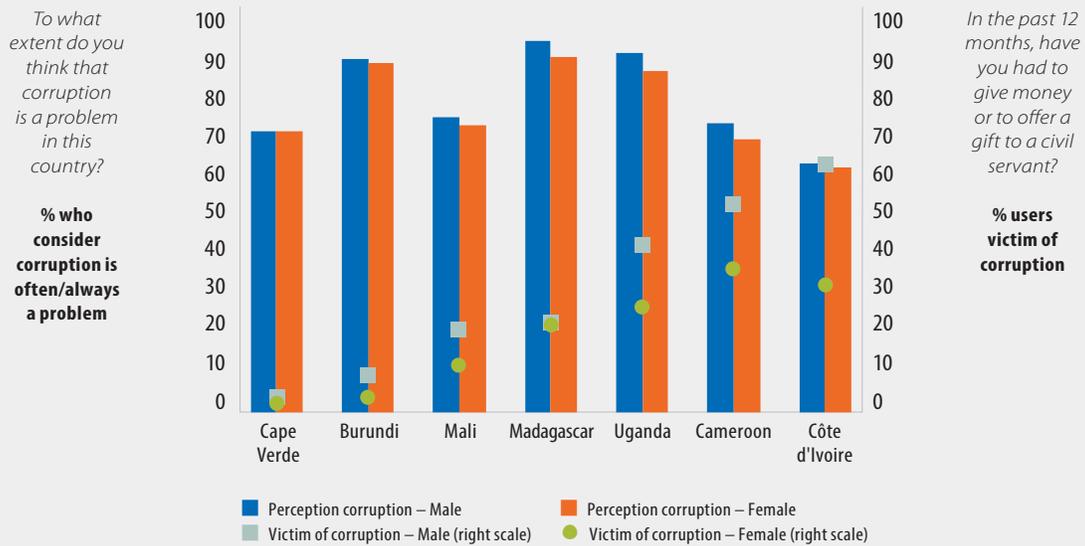
\* Since 2012 the question has been answered by the household head, so interpreting changes between 2011 and 2012 should be cautious.

BOX VIII.4 **Best practices/Useful tools, CONT.**

**Comparing perceptions of corruption and the actual resulting victimization**

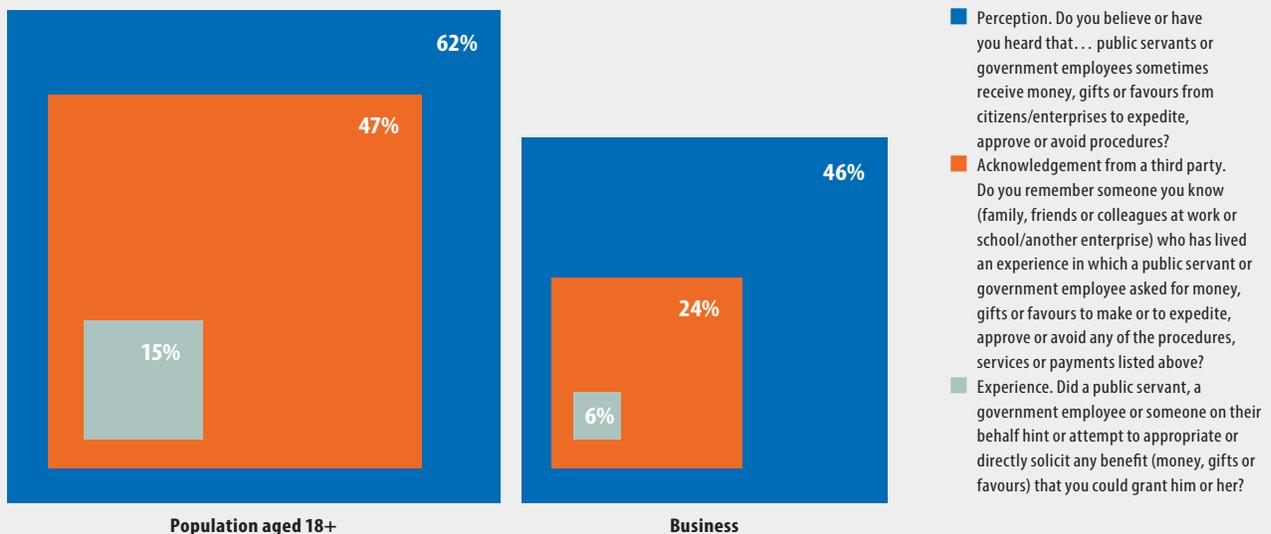
As discussed in this chapter, indicators on both perceptions and experiences — two elements not necessarily correlated — are important for fully understanding corruption. Using GPS-SHaSA data from seven countries, the figure compares the perceptions of male and female respondents on corruption (bar charts) with their actual experiences of corruption in the past 12 months (dots/squares).

FIGURE VIII.3 **Perception and experience of corruption in seven African countries**



Similarly, data from Mexico shows the divergence between what people or businesses hear or suspect, what they know from a third party, and what they have experienced themselves.

FIGURE VIII.4 **Perception and experience of corruption, Mexico**



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**BOX VIII.4 Best practices/Useful tools, CONT.****Corruption measurement in high-income countries: The case of Italy**

In developed countries, NSOs in the past were more reluctant to design surveys or survey modules on corruption. One interesting example is the case of Italy. For the first time, Istat introduced a series of questions in its 2015-2016 survey on the safety of citizens in order to examine the phenomenon of corruption. 43,000 individuals between the age of 18 and 80 were interviewed and asked if it had ever been suggested, to them directly or to a co-habiting member of their household, to give a gift or a favour in exchange for facilitating access to a service or receiving a concession. It is estimated that 7.9 per cent of households have been directly involved in corruption events during the course of their lives, and 1.2 per cent during the year preceding the survey. In 2017, the French NSO Insee (in collaboration with the statistical department of the Ministry of the Interior) also embarked in an equivalent but less ambitious project by including a few add-on questions on corruption grafted onto the periodic victimization survey *Cadre de Vie et Sécurité (ECVS)*. The results were not publicly available at the time of writing of this *Handbook*.

367. Sample surveys among public servants (also called integrity surveys) cannot be used to measure the prevalence of bribery or other forms of corruption in the public sector. However, such surveys can produce a range of useful and actionable indicators that allow an evidence-based diagnosis of integrity challenges in this sector. Key data in this field include indicators on recruitment to the public service; mobility and promotion within the civil service; transparency measures and complaint mechanisms in place; integrity awareness and training; reporting channels and whistleblowing mechanism in place; working conditions and job satisfaction; and internal inspection and sanction regimes.

**VIII.3.3.2 Methodological and quality issues**

368. As with the other sample surveys, relevant methodology is necessary to ensure the reliability of the data collected (representativeness, adequate concepts and questions, precision as regards the reference period, etc.). For obvious reasons, civil servants may be more inclined to conceal corruption than ordinary citizens, thus information on factors affecting the integrity of civil servants might be more difficult to obtain.

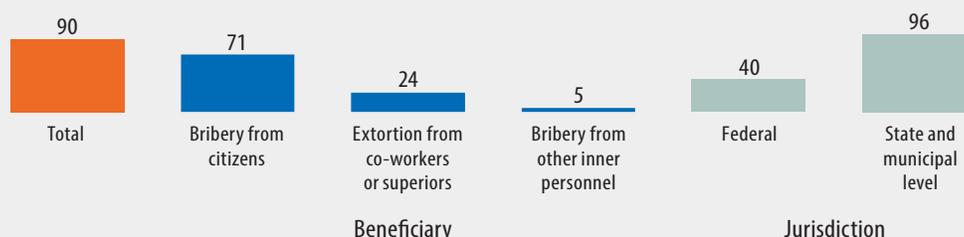
369. As with other forms of sample surveys, adherence to strict quality standards in the conduct of the survey is necessary to guarantee the quality of the data produced. In the case of integrity surveys, special consideration should be given to protecting the anonymity of the respondents' answers. The confidentiality of the responses can be enhanced — and thus the willingness of civil servants to disclose sensitive information increased — through the careful choice of the interview mode. For example, self-administered questionnaires (that can be filled in and submitted anonymously by the respondents) can safeguard anonymity and should work well as most respondents are likely to be literate.

BOX VIII.5 **Best practices/Useful tools**

**Corruption among police officers in Mexico**

The National Survey of Police Standards and Professional Training, ENECAP, is an official national survey conducted among police officers in Mexico, specifically within national and local police forces (federal and local agencies with preventive and/or investigative functions). Although ENECAP is not exclusively about corruption and has no particular module on corruption, it contains relevant indicators on the experience and perception of corruption throughout its principal sections. Concretely, it examines issues related to corruption such as the prevalence of corruption (victims per 1,000 police officers), total and per jurisdiction and the prevalence of corruption in the recruitment and promotion process. Regarding internal corruption, the survey allows a disaggregation per beneficiary (co-worker, superior, other) and asks for the approximate economic cost of the corruption act (including money, goods, gifts or favours); knowledge and perception of the effectiveness and transparency of internal complaint mechanisms; and the prevalence of bribery initiated by a citizen.

FIGURE VIII.5 **Prevalence of corruption (victims per 1000 police officers), by beneficiary type and by jurisdiction**

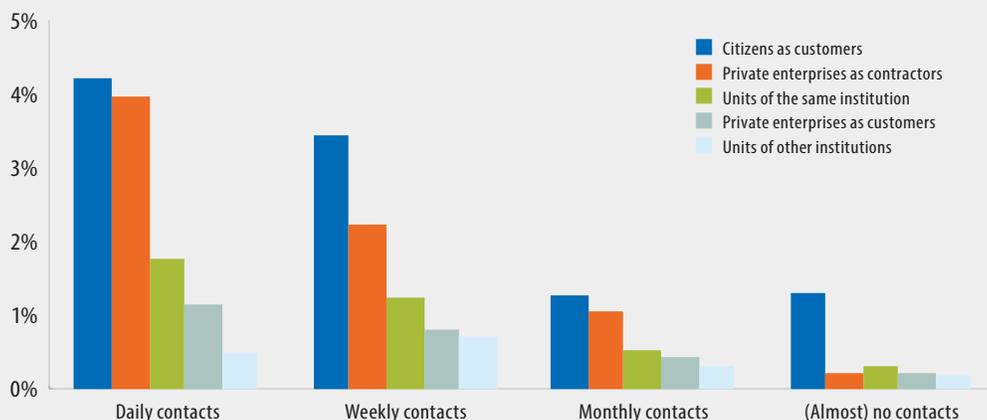


Source: INEGI. ENECAP, 2017

**Corruption and integrity challenges in the public sector of Iraq**

A survey conducted in 2011 by the National Statistical Office of Iraq with support from UNODC provides an example of indicators that can be produced by integrity surveys of civil servants. This survey found that around 4 per cent of the civil servants interviewed stated that they were offered a bribe at least once in the previous 12 months. The figure below in this Box shows that the frequency of interactions with external actors can have a significant impact on civil servants' exposure to corrupt practices. Officials with daily interactions with external entities, especially with citizens as customers and with private companies as contractors, are more frequently offered bribes. The risk of being offered a bribe decreases for staff who have weekly or monthly contacts with outside counterparts, or no contacts at all. The integrity survey conducted in Iraq also illustrates the difficulty of eliciting information on actual engagement in corrupt practices from civil servants. In the survey, only 7 per cent of those stating that they had been offered a bribe admitted that they had accepted the offer (at least once), which means that only 0.3 per cent of all civil servants admitted having accepted a bribe in the previous 12 months. At the same time, the survey also illustrates the value of integrity surveys for assessing areas of vulnerability and priority for integrity policies that are not directly linked to acts of bribery. For example, over 20 per cent of civil servants in Iraq admitted that they had received some help from family members, friends or their own political party in their own recruitment.

FIGURE VIII.6 **Civil servants' exposure to corrupt practices, by frequency of interaction**



Source: UNODC, Corruption and Integrity challenges in the public sector of Iraq. An evidence-based study, 2012, [https://www.unodc.org/documents/publications/2013\\_Report\\_on\\_Corruption\\_and\\_Integrity\\_Iraq.pdf](https://www.unodc.org/documents/publications/2013_Report_on_Corruption_and_Integrity_Iraq.pdf)

### VIII.3.4 Composite indices

#### VIII.3.4.1 Description

370. The rise in prominence of governance issues has been accompanied by an increase in the number of indicators aiming to provide quantitative measures of various complex concepts of governance, and in particular global composite indicators on corruption.<sup>15</sup> Regardless of the methods used, these indicators are characterized by being mainly (but not exclusively) based on experts' perceptions.

TABLE VIII.2 **Examples of international composite indices on corruption**

Indicators/Databases	Institutions	Sources	Information
Control of Corruption, World Governance Indicators	World Bank Institute	Expert/HH/Firm	Perception
Corruption Perceptions Index	Transparency International	Expert/HH/Firm	Perception
International Country Risk Guide	Political Risk Services Group	Expert	Perception
Index of Economic Freedom	Heritage Foundation	Expert	Perception
Corruption Index	Economic Intelligence Unit	Expert	Perception
Country Policy and Institutional Assessment	World Bank	Expert	Perception
Bribe Payers Index	Transparency International	Firm	Perception
Executive Opinion Survey	World Economic Forum	Firm	Perception
World Business Environment Survey	World Bank	Firm	Perception

Sources: Razafindrakoto and Roubaud (2010); Sudders and Nahem (2004).

371. The two main producers of benchmark corruption indicators are currently the NGO Transparency International (Corruption Perception Index, CPI) and the World Bank (Control of Corruption Index, CCI). In both cases, metadata or "indicators of indicators" are used to compile and aggregate the different primary sources into composite indicators. The CPI was developed by Transparency International in 1995 and is probably the oldest and most well-known corruption index. As its name suggests, the CPI is based on perceptions of corruption by experts (businesspeople and country risk analysts), both residents and non-residents, nationals and expatriates. The CCI is one of the six indicators of the Worldwide Governance Indicators (WGI). This database draws on 33 individual sources from 30 different institutions. The CCI is also a composite index of perceptions of corruption, combining different sources and dominated by the opinions of experts and businessmen. Other types of perceptions, including by households, are also taken into consideration.

#### VIII.3.4.2 Methodological and data issues

372. A number of studies have examined the pertinence and validity of composite indicators on corruption in international databases. Different shortcomings have been singled out by a certain number of critiques (Arndt and Oman, 2006; Arndt, 2009; Razafindrakoto and Roubaud, 2010). In particular, as recalled in the 2018 Manual on Corruption Surveys, "assessments based on indirect methods have

<sup>15</sup> A UNDP report talks about the "mushrooming industry of indicators" (2010).

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**BOX VIII.6 The “mirror survey”: A comparison between people’s experiences and expert opinions**

The corruption questions attached to regular household surveys between 2001 and 2003 in eight West African capitals were compared with the responses of some 250 specialists to the same questions as those contained in the household surveys. A comparison between the data obtained from the two sources showed that experts consistently overestimated the level of corruption experienced by citizens and had a much more negative view of the actual situation than the general population. Such a significant overestimation would constitute a minor problem if it were uniform; however, strong discrepancies in the relative classification of countries shows that this is far from the case. Therefore, it can be concluded that experts do not have a good appreciation of the actual level of corruption. Having said that, these results do not necessarily negate the relevance of these indicators, but it is essential to combine them with a new generation of indicators based on objective measurements in order to assess occurrences of corruption in all their complexity.

Source: Razafindrakoto & Roubaud (2010): Are International Databases on Corruption reliable? A comparison of Expert Opinion Surveys and Household Surveys in Sub-Saharan Africa, *World Development*, 38 (8).

major weaknesses in relation to their validity and relevance. The construction of expert assessments and composite indicator metrics is based on a number of subjective assumptions, such as the selection of variables or sources and the determination of the algorithm used to combine heterogeneous data. Furthermore, indirect methods cannot be used to produce the disaggregated data or detailed information on corruption needed for policy-making purposes” (UNODC, UNODC-INEGI Centre of Excellence, UNDP).

373. Most of the time, indicators in international databases do not really permit comparison over time. The indicators provide no way of assessing governance trends at worldwide level, and only allow for relative positions. They provide no indication of the policies that might reduce corruption. Moreover, the aggregation procedure and the choice of the different primary sources used to put together the indicators are often questionable. Last but not least, it is difficult for any expert to have an objective appreciation of the actual level of corruption.

374. That said, an obvious advantage of these global indices is that they facilitate inter-country and large-scale international comparisons, thus providing international users (e.g. investors, donors and other bodies) with indicators on governance that they believe fulfil their needs. Those users do not usually require indicators that reflect context-specific features. An important concern with this approach is that these “top-down” tools are relatively unsuited for effectively monitoring and evaluating national and local policies or strategies aimed at fighting corruption.

### **VIII.3.5 Other data sources**

375. In addition to the administrative data sources, surveys and composite indices discussed in detail above, other “indirect” measurement tools may have some secondary relevance in better understanding corruption. However, these tools can capture only presumptions of corruption and not corruption itself.

376. Public Expenditure Tracking Surveys (PETS), part of a vast programme launched by the World Bank in the late 1990s (Reinika and Svenson, 2006), are designed to track and quantify the flow of resources through the various layers of government bureaucracy, down to the service facilities, in order to determine how much of the originally allocated resources reach each level (and in particular the public services at the end of the line that are supposed to receive the funds). The initial application of

this method in Uganda showed that the State schools received less than 20 per cent of the allocation (excluding wages) that should have come to them, since the money was diverted en route for “pork barrel” projects.

377. Quantitative Service Delivery Surveys (QSDS) form a second approach. They collect detailed information on budgets, prices, inputs, products, service quality and operating modes to assess the economic efficiency of the institutions. For example, they can be used to quantify and qualify the phenomenon of absenteeism or “ghost” jobs in the services studied.

## VIII.4 Recommended key indicators

378. Based on the insights from the previous section, a list of recommended key indicators that all countries should aim to develop in the short or medium term is provided below.

TABLE VIII.3 Recommended key indicators

Sub-dimension	Indicator	Data source	Type
Corrupt practices	Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months (SDG indicator 16.5.1)	Surveys of households	Outcome
Corrupt practices	Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months (SDG indicator 16.5.2)	Surveys of businesses	Outcome
Corrupt practices	Sectors (or type of transactions) in which bribes were paid	Surveys of households and businesses	Outcome
Corrupt practices	Perceptions on the level of corruption in different sectors (police, justice, health, education, etc.)	Surveys of households and businesses	Outcome
Corrupt practices	Percentage of citizens being exposed to vote-buying in recent national elections	Surveys of households	Outcome
State response to corruption/ Integrity	Reporting rate of bribery experiences	Surveys of households and businesses	Outcome/Process
State response to corruption/ Intolerance to corruption	Ratification status by the country of the United Nations Convention against Corruption	Expert assessment	Structural
State response to corruption	Existence of an effective anti-corruption body	Surveys of households and businesses, expert assessment	Structural
Intolerance to corruption	Percentage of civil servants being recruited or promoted through public, transparent and merit-based procedures	Surveys of households/ Admin data	Structural/Process
Corrupt practices/ State response to corruption	Reported cases of corruption; cases and persons referred to court; persons convicted of corruption offences	Administrative data	Process

## VIII.5 Way forward

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379. As shown in this chapter, a certain number of countries have already begun to collect data that can be useful to monitor corruption. Reliable and relevant best-practice cases exist in the area of household surveys. However, despite this progress much still remains to be done. There is still widespread reluctance and scepticism regarding the legitimacy and the capacity of public institutions (in particular, NSOs) to collect data on corruption, and this has impeded the further standardization of methodology.

380. The following key areas of development are therefore identified:

- 1) Institutionalization of the monitoring of corruption at the national level. This implies that institutional arrangements need to be defined: For example, a dedicated unit or team with expertise in corruption measurement, located at (or closely linked to) the NSO, should be put in place, and the different services or institutions that can collect or provide data on the phenomenon need coordination. This includes putting in place harmonized definitions, formats and schedules between institutions and along the “data production chain” in a given sector, in order to obtain compatible and consistent data over time.
- 2) Standardized household or enterprise surveys or survey modules (core set of standardized questions) on the experience of corruption need to be integrated into the statistical programme of NSOs to allow the regular monitoring of corruption trends and the production of data for SDG indicators 16.5.1 and 16.5.2.
- 3) Further research on methodological issues, and development of new tools:
  - a) New survey tools to cover additional aspects of corruption experience beyond bribery, for example, nepotism or electoral corruption need to be identified and developed.
  - b) Methodologies for mapping the risks of exposure to corruption in the public administration and the private sectors need to be identified.
  - c) The link between specific values and norms (sub-dimensions of integrity) and vulnerability to corruption is still an avenue of research, in particular to identify indicators which allow to monitor the “intolerance to corruption” sub-dimension.
  - d) Reliable and relevant indicators to monitor grand corruption need to be identified. Despite its critical importance, methodology to measure this form of corruption is crucially lacking.
  - e) Exploration is needed of “new” sources of data, including big data, social platforms and social media data.
- 4) Systematic assessments of the validity, reliability, relevance, and consistency over time and across countries of corruption indicators should be planned.







PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER IX  
**Trust**

## IX.1 Conceptualizing this dimension

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### IX.1.1 What is trust?

381. Trust can be conceptualized as “a person’s belief that another person or institution will act consistently with her/his expectations of positive behaviour” (OECD, 2017a). This definition builds on approaches from different disciplines (political science, sociology, economics, psychology), capturing both behavioural and attitudinal aspects. It reflects the view that, in any type of interaction, a trusting person consciously places resources at the disposal of another party without the means to guarantee that these resources will be well used or returned (Fehr, 2009). Beyond an individual’s observable behaviour, this definition also recognizes cognitive and normative aspects of trust: Trust is influenced by a person’s expectations about other people’s trustworthiness and about whether others (including strangers) and institutions share and embody the same fundamental values (Hardin, 2004; Uslaner, 2002).

382. Because of its nature as a belief, trust belongs to the domain of “outcomes” (rather than “processes” or “structures”) of this Handbook’s cross-cutting indicator categorization. Unlike in most other chapters in this Handbook, where dimensions are defined starting from individual sub-components, trust is inherently a single concept, although it can be measured at the level of different institutions or groups of people. Trust (and other “outcome” concepts described in this Handbook, such as “political efficacy”) is unique, as it reflects countries’ performances in other government dimensions (e.g. human rights, the rule of law, integrity). It thus lends itself for use as a “thermometer” or summary indicator of broader governance performance.

383. The *OECD Guidelines on Measuring Trust* distinguish between people’s trust in institutions (i.e. institutional trust) and in other people (i.e. interpersonal trust). These notions can be further broken down into specific types of institutions or groups of people:

- Trust in institutions refers to people’s trust in different types of public and private institutions. The focus of this chapter is on trust in the public institutions of each country (rather than in private or international organizations). These public institutions encompass specific bodies such as the parliament, the national government, the civil service or the justice system.
- Trust in other people refers both to people who are not known to the respondent (generalized trust) and to persons known to the respondent, such as family members, friends and neighbours (limited trust).

384. The theoretical literature generally distinguishes between two main aspects of institutional trust: “trust in competence”, i.e. in the skills and knowledge of administrative staff; and “trust in intentions”, i.e. in the honesty and integrity of public officials or in the legitimacy of those taking decisions (Nooteboom, 2007; OECD, 2017d). Recent experimental research has distinguished these two aspects empirically. Trust in institutions strongly correlates with perceptions of institutional performance, especially with people’s views of government integrity, openness and participation, effectiveness, and with their satisfaction with public services (Murtin and others, 2018), which link to themes covered in other chapters of this Handbook.

### IX.1.2 Can trust be measured?

385. While measuring an inherently intangible concept such as trust is challenging, there is now sufficient evidence to conclude that questions on trust produce valid results and to make the case that they should be measured in the official household surveys undertaken by national statistical offices (OECD, 2017a). The evidence base on the validity of survey questions on trust in institutions is

somewhat less developed than for measures of interpersonal trust, hence extending data availability in this space is especially important.

386. This chapter builds on key insights of the 2017 OECD Guidelines on Measuring Trust, which was prepared — under the guidance of an advisory group of experts from statistical offices, researchers and policy makers<sup>1</sup> — in response to a demand from OECD Ministers to improve the quality of existing trust metrics. These *Guidelines* reflect comments provided by delegates from both the OECD Committee on Statistics and Statistical Policy (CSSP) and the OECD Public Governance Committee. As such, these *Guidelines* represent the natural reference point for the international statistical community in this field. While this process has been focused mainly on OECD countries, CSSP gathers the Chief Statisticians from both OECD and a number of “partner countries”. Also, the data used to assess statistical quality of trust measures covers a significant number of non-OECD countries.<sup>2</sup>

387. Recent national and international initiatives, in addition to the efforts of the UN Praia City Group, have underscored the importance of measuring trust. Trust statistics are among the possible candidates that the Inter-agency and Expert Group on Sustainable Development Goal Indicators (IAEG) is considering in the context of the 2020 revision of indicators for global monitoring of the SDGs. They are already regularly published by the OECD in its publications *How's Life?* (OECD, 2017b) and *Governance at a Glance* (OECD, 2017c). They are also collected by several African countries in the context of the Strategy for the Harmonization of Statistics in Africa (SHaSA), a regional initiative – supported by UNDP, EU, DIAL/IRD and the African Union – to inform the African Union's Charter on Democracy, Elections and Governance (Razafindrakoto and Roubaud, 2015; African Union, 2019). The Inter-American Development Bank (IADB) recently decided to prioritize research on trust and social capital among citizens and with governments in the Latin American and Caribbean region (IDB, 2019). Moreover, trust is also the focus of a 2018 Eurofund report on societal change in Europe (Boda and others, 2018), and it was one of the topics singled out in an in-depth review of governance statistics in the UNECE region (UNECE, 2016). Finally, improving the measurement of trust through a combination of surveys and experimental tools is one of the 12 recommendations of the High-Level Expert Group on the Measurement of Economic Performance and Social Progress<sup>3</sup> (Stiglitz and others, 2018).

### IX.1.3 Is trust policy-amendable?

388. A critical question for the application of trust measures in practical policy-making is whether people's level of trust is fixed or changes over time and, by extension, whether it is influenced by specific government policies and by how institutions function.

389. Does a person's environment influence her trust over the life course? Or is trust an engrained cultural value of a country or region that is inherited through socialization from one generation to the next, i.e. a stable psychological trait? This latter notion of “moral trust” (as opposed to the former “rational trust”) suggests that trust is a belief about how a person should behave towards others rather than a belief about how others are likely to behave towards you. The distinction between “rational”

1 Members of the OECD advisory group included Adrian Franco, INEGI, Mexico; Sophie Pontieux, INSEE, France; Dawn Snape and Veronique Siegler, ONS, UK; Fiona Carnes and Joanne Baker, ABS, Australia; Prof. Soonhee Kim and Prof. Dong-Young Kim, Korea Development Institute; Prof. Jacob S. Hacker, Yale University; Prof. Yann Algan, Paris Institute of Political Studies; Dr. Monica Ferrin, University of Turin; Jacob Saeger, UK Cabinet Strategy Office; Prof. Marc Hetherington, Vanderbilt University; and Prof. Eugene Kandel, Hebrew University of Jerusalem and former Chairman of the Israeli National Economic Council.

2 Data on trust were sourced from the Gallup World Poll, the World Values Survey and Latinobarometer, all of which extend beyond OECD members. See section IX.3.2 on data and the best practices currently available for further detail.

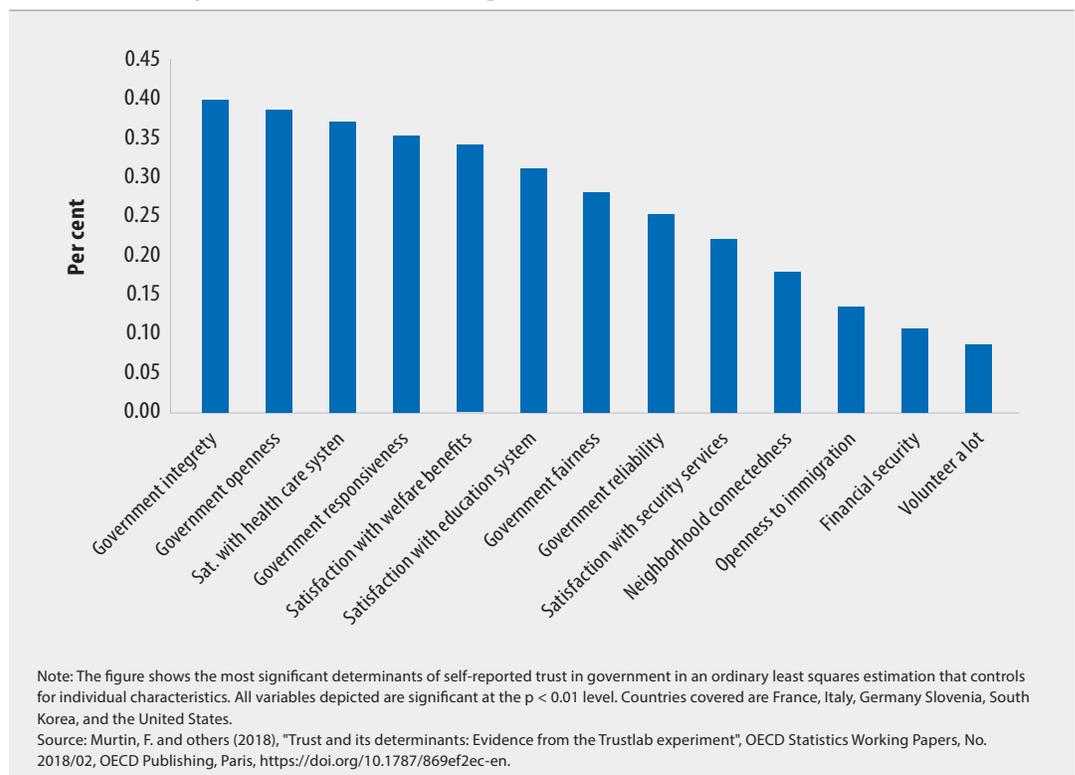
3 The High-Level Expert Group on the Measurement of Economic Performance and Social Progress, attached to the OECD, was established to follow up on the recommendations of the Commission on the Measurement of Economic Performance and Social Progress (also known as the Stiglitz-Sen-Fitoussi Commission) and to provide impetus and guidance to the various initiatives currently ongoing on measuring people's well-being and societies' progress.

and “moral” trust is important, as the room for policy intervention is smaller and more long-term in the first case, and larger and more immediate in the second (Algan, 2018).

390. Both views on how trust is formed have elements of truth, as illustrated by Putnam’s seminal work on the evolution of social capital. *Making Democracy Work* (1993) contrasted the high interpersonal trust prevailing in the regions of northern Italy (whose cities experienced democratic self-rule in the medieval period) with those in southern Italy (ruled by a succession of foreign powers), arguing that current trust levels in Italy’s regions are largely determined by this historical legacy. Conversely, *Bowling Alone* (2000) documented the sharp decline of various measures of social capital (such as survey measures of interpersonal trust and membership in voluntary associations) in the United States over the past 50 years. Putnam attributed this fall in trust to the demise of the more public-minded generation that experienced the Great Depression and the Second World War, as well as to individualization of leisure activities and watching television more. In this second narrative, trust is more variable and influenced by changes in one’s environment.

391. For institutional trust, concrete aspects of institutional performance seem to influence how much people trust their governments. For example, people’s views of government integrity, openness and participation, effectiveness, and satisfaction with public services all strongly correlate with trust in institutions (Figure IX.1), although broader societal aspects (such as neighbourhood connectedness or people’s financial security) are also important.

**FIGURE IX.1 Policy determinants of trust in government in selected OECD countries**



## IX.2 Why is this dimension important?

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392. Both trust in institutions and trust in other people are essential for good governance, economic growth and societal cohesion (see Algan and Cahuc, 2014, and Algan, 2018, for a detailed review).

393. Early perspectives on economic development stress the role of technological progress and the accumulation of physical and human capital. Since these fail to explain a large share of the cross-country differences in GDP per capita, development narratives have progressively shifted to the role of formal and informal institutions. The laws, rights and regulations enforced by official authorities, as well as the (unwritten) social norms and traditions that shape how people think and behave, can support or weaken market incentives to accumulate wealth and to innovate (North, 1990; Stiglitz and Arnott, 1991; Acemoglu, Robinson and Johnson, 2001; World Development Report, 2002).

394. In this perspective, institutional trust is both a prerequisite for and a result of institutional quality and political participation. Institutional trust correlates with objective measures of bureaucratic efficiency, foreign direct investment and perceptions of government corruption<sup>4</sup> (Knack and Keefer, 1997; Razafindrakoto and Roubaud, 2007; Zhao and Kim, 2011; OECD, 2013). It also shapes people's willingness to cooperate with others, to comply voluntarily with regulations (such as taxes or environmental codes) and to support reforms that might pay off only in the long term (Murphy and others, 2009; Daude and others, 2012; OECD, 2016; Boda and others, 2018). Trust in institutions hence sets the policy options that governments can use to attain their goals and deliver public goods.

395. Trust is also of intrinsic value for people's quality of life. Without trust in institutions such as the parliament, the civil service, the justice system and the police, it is impossible for a community to perform effectively or for people within it to live the sort of lives that they wish to pursue. Trust in institutions is directly related to how satisfied citizens are with their lives: for example, it has been shown that "procedural utility" (i.e. the process through which people are involved in making important collective decisions) matters for people's subjective well-being, independently of the actual outcome of the decision (Frey, Benz, and Stutzer, 2004; Frey and Stutzer, 2005). Trust in institutions requires institutions that are perceived as competent and effective in achieving their goals and that operate consistently with a set of values that reflect people's expectations of how institutions should function and treat citizens.

396. Interpersonal trust, one of the best available proxies of social capital,<sup>5</sup> also matters for development outcomes. Arrow (1972) linked trust in strangers to economic growth based on the argument that "virtually every commercial transaction has within itself an element of trust, certainly any transaction conducted over a period of time. It can be plausibly argued that much of the economic backwardness in the world can be explained by the lack of mutual confidence" (see also Putnam, 1993; Temple, 2000; Bouckaert, 2012). Trust in others is also correlated with measures of a population's health status or health-related behaviours (Lochner and others, 2003; Lindström, 2005; Brown and others, 2006), crime rates (Buonanno and others, 2009) and subjective well-being (Helliwell and Wang, 2010, Boarini and others, 2012).

4 Most empirical studies in this field are based on correlations, whose interpretation is complicated by the possibility of reverse causality, i.e. people are less likely to trust inept or corrupt institutions. Further empirical research is needed to establish a causal link between trust in institutions and economic progress.

5 Social capital broadly refers to the networks, social norms, trust and values that foster cooperation within or among different groups in society (Scrivens and Smith, 2013).

397. Interpersonal trust is conceptually distinct from institutional trust, but is nonetheless an important indicator of the quality of governance. Trust in others and trust in institutions are linked through complex “feedback loops”: Only when public institutions are performing fairly and competently will people extend trust to strangers without putting themselves at risk (Sønderskov and Dinesen, 2016). A causal pathway also runs in the opposite direction: Public institutions are likely to be fairer and more effective in societies where civil servants believe that other officials and citizens are trustworthy and where the risk of being caught in such behaviour is higher (Farrell and Knight, 2003).

## IX.3 Data and best practices currently available

### IX.3.1 Data sources

398. Statistics on trust are available from both official and non-official sources, with most of these measures elicited through household surveys. More recently, quasi-experimental measures of trust have started to be produced as well (e.g. the OECD Trustlab platform described in Box 9.1). Overall, regular, timely and consistent measurement at the international level needs to be improved. In the European context, for example, comparable official statistics on trust were collected only through ad hoc modules to one of the main community surveys (the 2013 and 2018 well-being module of the EU Statistics on Income and Living Conditions, EU-SILC<sup>6</sup>).

399. At the national level, collection of trust data has been somewhat more frequent. Since 2010, some European countries have implemented national well-being versions of EU-SILC (e.g. France),

TABLE IX.1 Overview of surveys in the OECD Trust Database

Survey	Inception	Frequency	Number of countries in the database	Time-period covered
Gallup World Poll (GWP)	2006	Yearly	115	2006-18
World Values Survey (WVS)	1981	Every 5 years	Wave 4 (6) Wave 5 (46) Wave 6 (45)	Wave 4 (1999-2004) Wave 5 (2005-09) Wave 6 (2010-14)
European Social Survey (ESS)	2002	Every 2 years	Round 1 (22) Round 2 (25) Round 3 (23) Round 4 (28) Round 5 (27) Round 6 (29)	Round 1 (2002) Round 2 (2004) Round 3 (2006) Round 4 (2008) Round 5 (2010) Round 6 (2012)
European Quality of Life Survey (EQLS)	2003	Every 3 years	Round 2 (31) Round 3 (34)	Round 2 (2007/08) Round 3 (2011/12)
Eurobarometer	1973	Yearly	34	2003-15
Latinobarometer	1995	Yearly	19	2002-16
EU-SILC	2003	2013 ad-hoc module	33	2013

Source: OECD Guidelines on Measuring Trust, OECD Publishing, Paris (2017), <https://doi.org/10.1787/9789264278219-en>.

<sup>6</sup> EU-SILC is input harmonized across countries and includes recommendations on how to address trust survey questions. However, national implementation might vary to a slight degree (e.g. translations are not regulated and question order may vary).

and many recurrent general social surveys include trust questions (such as Poland’s Social Cohesion Survey, the Australian, Canadian and New Zealand General Social Survey, or the Social Cohesion and Well-being Survey of the Netherlands). The national statistical offices of Ecuador, Chile, Colombia, Mexico and Peru collect official data on institutional trust, and some African and Andean NSOs already introduced such questions in the early 2000s (Herrera and others, 2007). Since 2012, several African countries have included institutional trust questions in their harmonized surveys modules on “Governance, Peace and Security” conducted in the context of the Strategy for the Harmonization of Statistics in Africa (SHaSA).

400. To start working with some data, internationally comparable data on trust can be drawn from unofficial surveys. The most important of these are the Gallup World Poll (for trust in institutions only), the World Values Survey, the Barometers carried out in many regions around the world, as well as the European Social Survey and the European Quality of Life Survey. Based on these surveys, the OECD has compiled data on people’s trust in the OECD Trust Database (Table IX.1).<sup>7</sup> This database goes

**BOX IX.1 Trustlab: Measuring trust and social norms through experimental techniques**

Trustlab is an innovative OECD initiative to improve existing measures of trust and to understand its drivers and how policymakers might go about restoring it. Trustlab combines cutting-edge techniques drawn from behavioural science and experimental economics with an extensive questionnaire on the policy and contextual determinants of trust in others and trust in institutions within an integrated online platform.

Following a pilot phase in 2016, Trustlab has now been implemented in France, Germany, Italy, Korea, Slovenia, the United Kingdom and the United States, with academic and governmental partners joining the effort. In each country, a representative sample of 1,000 people participated. The combination of survey and experimental data allows assessing the convergent validity of self-reported trust. For trust in institutions, this is done by comparing individuals’ responses to trust questions to their scores from an Implicit Association Test (IAT). IAT is a technique widely used in experimental psychology that relies on the time taken by participants to relate a concept (e.g. “government”) with an attitude or evaluation (e.g. “competent”), which allows determining whether automatic positive associations between the two are made more easily than negative associations (Greenwald, McGhee and Schwartz, 1998). For generalized trust, Trustlab relies on measures of how participants behave in a range of games drawn from experimental psychology, comparing these measures to those based on people’s self-reports.

**Modules featuring in Trustlab**

Module	Focus	Technique
1. Behavioural games (trust game, public goods game, dictator game)	Generalized trust	Experimental
2. Implicit Association Tests	Trust in institutions	Quasi-experimental
3. Survey and demographic module	Generalized trust	Traditional self-reported survey questions
	Trust in institutions	
	Drivers of trust	

Empirical analysis of Trustlab data (see Figure IX.1) shows that people’s trust in institutions is driven mainly by institutional aspects specific to each country (such as people’s perceptions of government integrity, responsiveness and reliability, and their satisfaction for a range of services provided by public institutions) as well as by societal factors (such as people’s social ties in the neighbourhood, economic conditions and volunteering) (Murtin and others, 2018).

For more information, visit: <http://www.oecd.org/sdd/Trustlab.htm>

<sup>7</sup> This database was extended and updated in early 2019 to include the newest waves of Latinobarometer and of the Gallup World Poll.

beyond OECD members, covering 124 countries worldwide, and provides a suitable base to analyse the statistical quality of trust measures for this *Handbook*.

401. Finally, experimental data on trust is available from the OECD Trustlab initiative (see Box 9.1).

### **IX.3.2 Best practice for specifying survey questions on trust**

402. Generally, survey questions simply ask respondents to evaluate their level of trust in a person or institution. For example, EU-SILC asks, “How much do you trust the political system/ the legal system/ the police in [country]? Please answer on a scale of 0 to 10, where 0 means do not trust at all and 10 means completely trust”; the New Zealand General Social Survey asks “a general question about trust (0 = you do not trust at all, 10 = you have complete trust). In general, how much do you trust most people in New Zealand?”

403. While there are commonalities across surveys, questions differ in their wording (e.g. some ask about “confidence” in institutions rather than “trust”), response scale (e.g. some use 0-10 numerical scales, as in the examples above, others use verbal response categories such as “a great deal of confidence, some confidence, not very much confidence, no confidence at all”), and the specific types of institutions and people that trust is placed in. In Annex IX, ANX.IX.1 and ANX.IX.2 provide an overview of selected trust questions included in international and national surveys, showing that there is ample scope for international harmonization.

404. In addition to evaluative questions, trust questions sometimes also refer to expectations as to what would or will happen in a given situation, or to respondents’ past experiences and behaviours. Probably the most famous example of the former is the “wallet question” used by the Gallup World Poll to elicit the expected trustworthiness of a third party (“In the city or area where you live, imagine that you lost your wallet... or something holding your identification or address... and it was found by someone else. Do you think your wallet (or your valuables) would be returned to you if it were found by a stranger/ a neighbour/ the police?”). Examples of questions on people’s past trusting behaviour are lending personal possessions, lending money, leaving the door unlocked, or voicing opinions to public officials.

405. The *OECD Guidelines* recommend that, to allow cross-country comparisons, statistical offices should include a core set of trust questions in their surveys for which evidence on validity and relevance is the strongest and which take about 90 seconds to complete (Box 9.2). These questions directly translate into indicators on trust (such as the mean or median level of trust in a community, or the share of respondents reporting trust above or below a given threshold).

406. The first two questions in Box 9.2 are about trust in others, distinguishing between “people” in general (A1) and “people you know personally” (A2). The second set of three questions pertain to trust in public institutions, distinguishing between the national parliament of each country, as the key political institution (A3), the police (A4) and the civil service (A5).

407. The single question on generalized trust (A1), focusing on the aspect of trust with the widest general use and strongest validity, captures the most important information on generalized trust with the minimal burden on respondents. The OECD envisaged that question A1 will serve as the primary

measure of trust when limited resources allow for only a single question in a household survey.<sup>8</sup> The three questions on institutional trust (A3 to A5) capture two of the main components of public institutions, namely the political system and the justice system, as identified through the empirical analysis summarized by Table IX.2. Question A5 aims to establish whether respondents trust the (non-political) civil service differently than political institutions. The order of the three institutions should be randomized across the survey to minimize order effects.

408. This core set of questions should be implemented as is and in its entirety, but could be complemented with supplementary questions when policy demand is strong. Possible extensions, for which additional survey modules are provided in the OECD Guidelines, can be grouped under the three main categories mentioned earlier:

**BOX IX.2 Survey questions recommended by the OECD as a “core module” on trust**

*A1. And now a general question about trust. On a scale from zero to ten, where zero is not at all and ten is completely, in general how much do you trust most people?*

Not at all										Completely	DK
00	01	02	03	04	05	06	07	08	09	10	88

*A2. On a scale from zero to ten, where zero is not at all and ten is completely, in general how much do you trust most people you know personally?*

Not at all										Completely	DK
00	01	02	03	04	05	06	07	08	09	10	88

*The next questions are about whether you have trust in various institutions in [COUNTRY]. Even if you have had very little or no contact with these institutions, please base your answer on your general impression of these institutions. Using this card, please tell me on a score of 0 10 how much you personally trust each of the institutions I read out. 0 means you do not trust an institution at all, and 10 means you have complete trust. Firstly. . . **READ OUT***

*A3. [COUNTRY’S] Parliament?*

Not at all										Completely	DK
00	01	02	03	04	05	06	07	08	09	10	88

*A4. The police?*

Not at all										Completely	DK
00	01	02	03	04	05	06	07	08	09	10	88

*A5. The civil service?*

Not at all										Completely	DK
00	01	02	03	04	05	06	07	08	09	10	88

<sup>8</sup> The primary question recommended by the OECD is based on the generalized trust question from the New Zealand General Social Survey in 2014. This, in turn, is derived from the widely used Rosenberg question on generalized trust (Rosenberg, 1957) but focuses on trust rather than on caution when dealing with people, and is amended to use a 0 10 scale with end labels and with neutral question wording at both ends of the scale.

- Evaluative questions can be extended to a broader range of public institutions — such as the courts, political parties, politicians, the police and armed forces — but also to private ones such as the media, banks or major companies.
- Respondents can be asked about their expectations as to what could happen in a given situation, focusing directly on the conduct expected of a third party such as neighbours, police officers or strangers, hence providing a measure of the trustworthiness of a given institution or group of people.<sup>9</sup>
- Finally, questions could be asked to collect information based on the respondent's experiences and behaviours. This implies confronting respondents with questions related to situations that they may have experienced in the past and that are typically associated with a trusting behaviour. In the case of institutional trust, these questions relate to behaviours that reflect confidence in that specific institution.<sup>10</sup>

### IX.3.3 The state of trust

409. There are large differences in levels of interpersonal trust across countries. In Norway, the country with the highest level of trust, more than 68 per cent of the population report trusting others (Figure IX.2; OECD, 2018). At the opposite end of the ranking lie Trinidad and Tobago, where only 4 per cent of the population report high levels of interpersonal trust. In general, northern European countries lead the ranking, while people in African and South American countries report much lower levels of trust in others. The extent to which people trust others varies not only across nations, but also across regions in the same country, as shown by Algan and Cahuc (2014) for regions across European countries, the United States and several other countries.

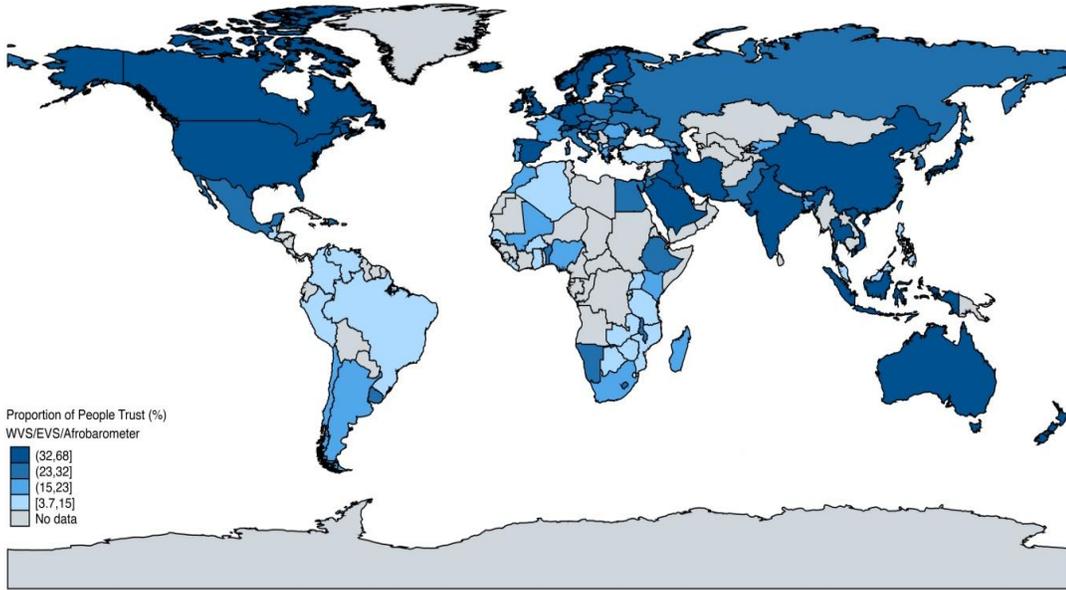
410. Similarly, trust in national government (in both levels and change between 2006 and 2017) varies markedly across OECD countries and beyond (Figure IX.3), ranging from more than 80 per cent in Switzerland to below 20 per cent in Greece. Up until 2017, trust in government has declined in a number of OECD countries, in particular among those most affected by the 2009 financial crisis, though most recent data show that confidence in institutions has now rebounded to pre-crisis levels (OECD, forthcoming).

411. There is also (more limited) evidence of differences in trust in institutions within countries, across people with different characteristics. For example, the GPS-SHaSA modules conducted in nine African countries between 2013 and 2016 (Benin, Cameroon, Cape Verde, Cote d'Ivoire, Madagascar, Malawi, Mali and Uganda) show that, while there are almost no differences in institutional trust between different age groups or between men and women, people living in urban areas are systematically more distrustful of their administration than are their rural counterparts (Figure IX.4). However, the gap varies substantially across countries (from 17 and 12 percentage points in Mali and Cote d'Ivoire to insignificant differences in Burundi and Malawi). Education, one aspect of people's socio-economic status, shows the steepest gradient: Trust in the public administration is lowest for those who attended university and highest for those who never went to school, with the gap reaching 20 percentage points in Madagascar and Cote d'Ivoire. One explanation is that people with higher social status (urban, educated, wealthy) are more prone to express critical views, possibly due to skills developed at school and to better access to information. In contrast, in OECD countries, trust in institutions is higher among

<sup>9</sup> For example: "If you were to complain about bad quality of a public service, how likely is that the problem would be easily resolved?"; "If a natural disaster occurs, do you think that the provision by government of adequate food, shelter and clothing will be timely and efficient?"; "If a decision affecting your community were to be taken by the local or regional government, how likely is it that you and others in the community would have an opportunity to voice your concerns?", etc.

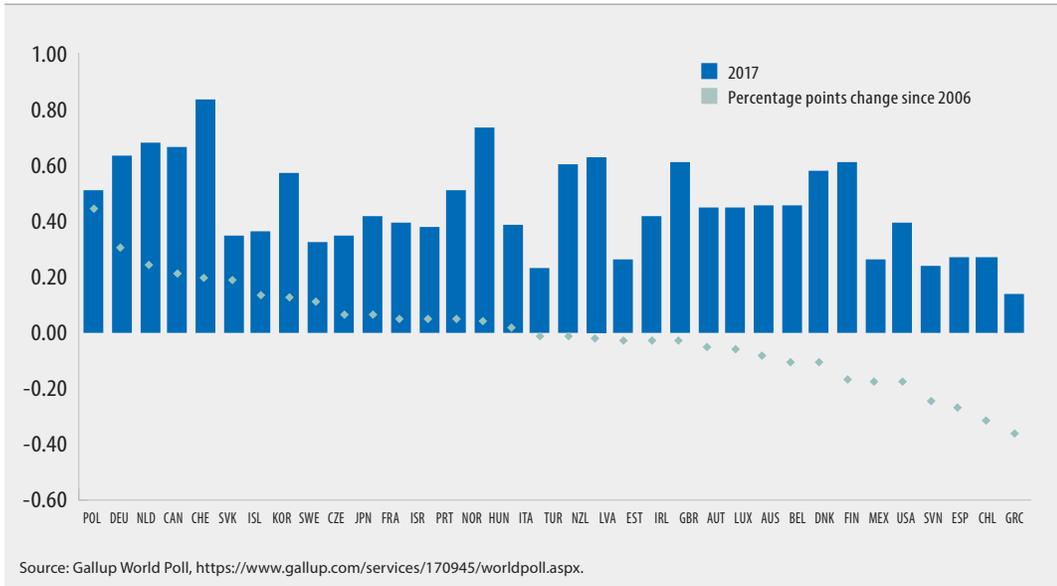
<sup>10</sup> For example, "Have you done any of the following in the past month? How about: Voiced your opinion to a public official? or Signed a petition?"

FIGURE IX.2 Trust in others around the world



Source: Algan, Y. and P. Cahuc (2014), "Trust, growth and well-being: New evidence and policy implications", in Aghion, P. and S. Durlauf (eds.), Handbook of Economic Growth, Vol. 2, Elsevier, North Holland, Amsterdam, pp. 49-120.

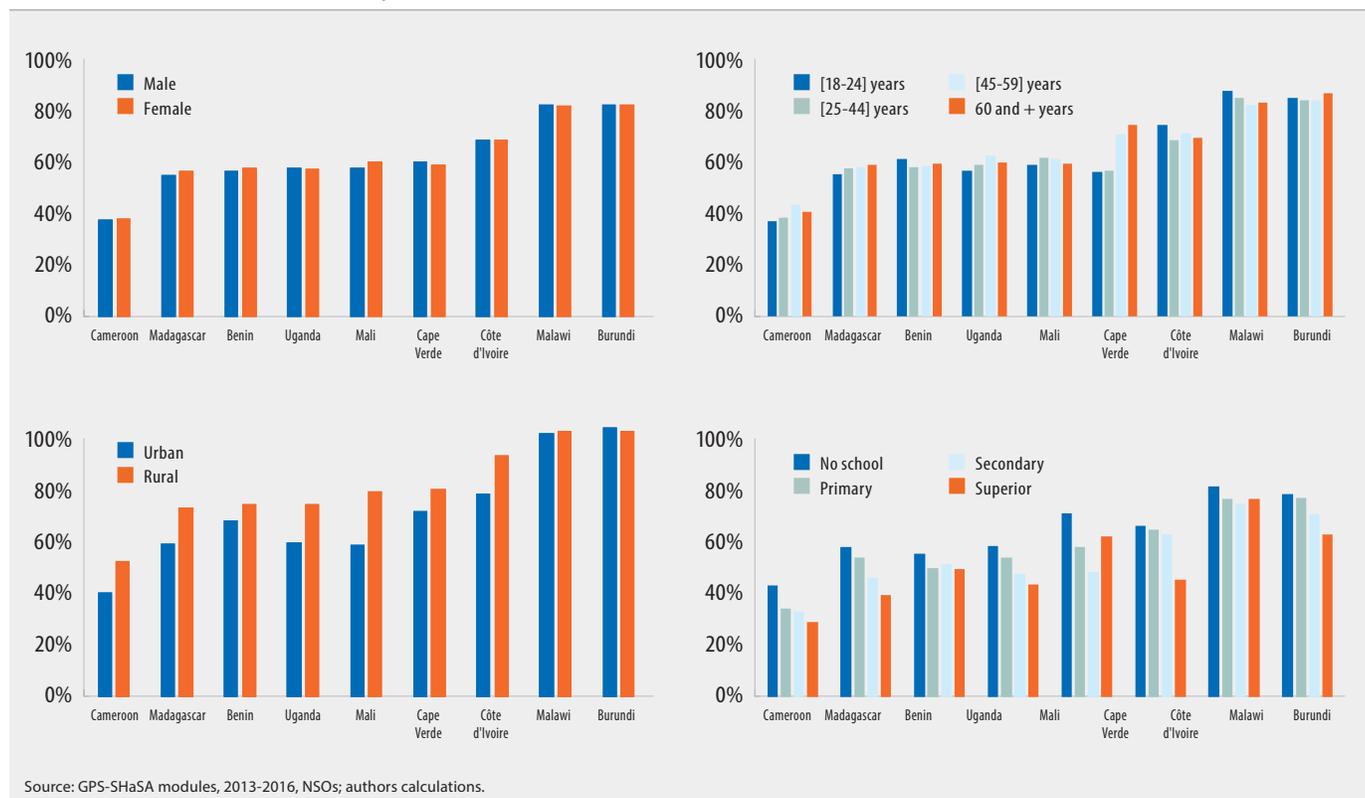
FIGURE IX.3 Trust in national government between 2006 and 2017 in OECD countries



Source: Gallup World Poll, <https://www.gallup.com/services/170945/worldpoll.aspx>.

people with higher education (Murtin and others, 2018). Consequently, how educational skills translate into viewing government is highly dependent on countries' institutional context.

FIGURE IX.4 **Trust in institutions by socio-economic status**



### IX.3.4 How many institutions should be considered when asking trust questions?

412. Several of the questions on trust recommended above or included in Annex IX ask about trust in a range of institutions (e.g. the government, the parliament, the civil service, the police) and in different groups of people (e.g. people you know personally, people living in the same neighbourhood, strangers). An important issue when determining how to collect trust data is whether these questions provide fundamentally different information. In other terms, can respondents differentiate in their answers between them?

413. Analyses based on World Values Survey data included in the OECD Trust Database confirm that survey respondents make a conceptual distinction between interpersonal trust and institutional trust; also, it suggests that respondents provide different assessments when asked about their trust in some types of institutions but not for others (Table IX.2). In particular, in the case of institutional trust, individual respondents provide different assessments for three types of public institutions, i.e. the political system (which includes the government, political parties and parliament), the judicial system (which includes the police, military and courts) and non-political institutions (NGOs, banks, universities). These three clusters of institutions (and two for interpersonal trust – trust in known people and trust in strangers) are those showing higher “factor loadings” (in bold, Table IX.2).

414. Conversely, many of the finer distinctions made between different institutions are not very informative empirically. This does not necessarily imply that there is no value in asking more specific questions about trust: different trust questions may closely co-vary for reasons other than that they are measuring the same thing (e.g. they may have very similar drivers). If users have a sufficiently strong need, even relatively minor differences between closely related concepts may be important. However, it suggests that, when deciding which trust measures are worth collecting, a relatively narrow range of questions will cover the most important aspects.

### IX.3.5 What do we know about the quality of trust statistics?

415. Statistical quality can be assessed in terms of relevance and accuracy. Relevance concerns the degree to which measures of trust are sufficiently useful to justify collecting them in the context of the official statistical system. Accuracy refers to the degree to which measures of trust capture the intended concept, and it is typically assessed by looking at a measure's reliability and validity.

TABLE IX.2 The dimensionality of trust measures

Variable	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5
The government (in your nation's capital)	0.1752	<b>0.7480</b>	0.0335	0.3271	0.0597
Political parties	0.2352	<b>0.8235</b>	0.0803	0.1339	0.0695
Parliament	0.2604	<b>0.8302</b>	0.0703	0.1655	0.0550
The civil service	0.3710	<b>0.6175</b>	0.0795	0.2346	0.0994
The armed forces	0.2348	0.1342	0.0597	<b>0.7278</b>	0.0983
The police	0.1687	0.3064	0.0662	<b>0.7708</b>	0.1152
The courts	0.2387	0.4185	0.0600	<b>0.6510</b>	0.0643
Major companies	<b>0.7160</b>	0.2356	0.0381	0.1722	0.0639
Banks	<b>0.6384</b>	0.2744	-0.0369	0.2069	0.0878
Universities	<b>0.6355</b>	0.2135	0.0764	0.2474	0.0470
Environmental organizations	<b>0.8024</b>	0.1589	0.0919	0.0753	0.0569
Women's organizations	<b>0.7783</b>	0.1101	0.1463	0.0629	0.0437
Your family	0.1084	0.0336	-0.0637	-0.0120	<b>0.7179</b>
Your neighbourhood	0.0415	0.1176	0.1914	0.1260	<b>0.7572</b>
People you know personally	0.0461	0.0336	0.3150	0.1434	<b>0.6838</b>
People you meet for the first time	0.0250	0.1079	<b>0.6301</b>	0.0688	0.3439
People of another religion	0.1019	0.0426	<b>0.8892</b>	0.0437	0.0549
People of another nationality	0.1230	0.0502	<b>0.8862</b>	0.0437	0.0610

Note: Estimates are based on factor analysis, a statistical method for identifying which underlying factors can be measured by a (much larger) number of observed variables. Such "underlying factors" are often variables that are difficult to measure such as IQ, depression or extraversion. In this case, underlying factors relate to the political system (Factor 2), law and order institutions (Factor 4), non-political institutions (Factor 1), people known to the respondent (Factor 5) and strangers (Factor 3). A higher number indicates a higher association ("factor loading") with the respective institutional grouping. The analysis is limited to the variables available in the World Values Survey. Extraction Method: Principal Component Analysis. Rotation Method: Varimax with Kaiser Normalization. Total variance explained: 65.3%. Cronbach's Alpha: 0.8844. These results are robust to different specifications such as looking only at institutional trust or only at interpersonal trust, and hold across different waves of the WVS. Source: OECD Trust Database available at: <https://www.oecd.org/sdd/trustlab.htm>

Reliability captures the degree to which a measure produces consistent information over time and across different measurement vehicles, whereas validity asks whether a measure actually reflects the underlying concept being measured.

416. The policy relevance of trust measures is strong, especially for institutional trust (see section IX.2, “Why is trust important?”). Detailed information on the accuracy of trust measures is provided in Annex IX, Box ANX.IX.1 (see also OECD, 2017a; González and Smith, 2018). Overall, the OECD Guidelines conclude that the validity and reliability of measures of interpersonal trust is robust. Evidence on the accuracy of measures of institutional trust is more mixed, albeit positive (Table IX.3). As a result, measures of interpersonal trust can be considered as strongly “fit for purpose”, while those for institutional trust should be viewed as “promising experimental measures”. In both cases, the OECD Guidelines and this Handbook recommend their inclusion in official surveys.

TABLE IX.3 A summary evaluation of the accuracy of survey measures of trust

	Face validity	Construct validity	Convergent validity	Reliability
Institutional trust	√	√√	√	√√
Interpersonal trust	√√	√√	√√	√√

Source: OECD Guidelines on Measuring Trust, OECD Publishing, Paris, <https://doi.org/10.1787/9789264278219-en>.

### IX.3.6 How can survey design mitigate methodological issues in trust questions?

417. Trust measures are inherently subjective, i.e. only people themselves can report on them. Subjective measures are more sensitive to response biases and measurement error than are more objective measures drawn from administrative sources (such as educational attainment or life expectancy) or from surveys (based on self-reports of, say, labour market status). However, these biases are not unique to trust and affect many of the other self-reported measures (e.g. on availability to work, as collected through labour force surveys to measure unemployment) that are already regularly collected by NSOs. While it is important to be aware of these biases, the existence of measurement error per se is not an argument against gathering data on trust; what is important is to understand the most appropriate questions and survey design strategies to mitigate these errors. No matter which approach to question design is adopted by data collectors, standardization is critical to ensure meaningful comparison over time and between population groups and countries. This section summarizes best practice to mitigate risks of biases and measurement errors when collecting trust data (for further details on best practice on sampling and fielding trust data, see OECD, 2017a).

418. *Question wording.* The evidence on question wording (especially that drawn from split sample experiments – see Annex IX, Box ANX.IX.2) shows that good question wording improves the quality of results. Best practice in this field includes the following:

- Question wording should avoid referring to concepts other than trust and be tailored to the situation of interest.
- For institutional trust, specifying what institutions are expected to do can affect responses. For example, as compared to a neutral wording, people in some countries may state that

they trust public institutions more if the question specifies that these institutions are to be assessed for their capacity to pursue the “national interest” (see Annex IX, Box ANX.IX.2).

- For interpersonal trust, a neutral question wording is recommended: in particular, data collectors should refrain from referring to “caution in dealing with other people” (the wording used, for example, in the World Values Survey), as this phrase can prime more vulnerable groups (e.g. women, or elderly people) to report lower trust (see Annex IX, Box ANX.IX.2).
- Question wording should be precise enough to be understood by respondents, without getting into subtle nuances that might also pose problems for translatability across countries. If the concepts (or institutions) that questions try to capture are closely related, respondents might have difficulty differentiating between them (as in the case of surveys that differentiate between the notions of “trust” and “confidence” in English-speaking countries).

419. *Response formats.* Answers to survey questions are also affected by the response options available. Best practice in this field includes the following:

- For trust questions, the OECD Guidelines recommend using a numerical 0-10 scale with verbal scale anchors, based on empirical evidence that this allows for greater variance in responses, increases overall data quality and facilitates translatability across languages. Current practices by data producers on response formats vary, with some NSOs using verbal response scales and others using fewer numerical categories (e.g. the GPS-SHaSA questionnaire uses a 1-4 scale; DANE Colombia’s Political Culture Survey uses a 1-5 scale). Whatever the format used, consistency across countries will be essential to guarantee comparability of trust measures.
- The response order used to different questions should be presented consistently (i.e. not alternating 0-10 and 10-0) in order to minimize mental switching between positive and negative normative outcomes.
- Verbal descriptions of the scale anchors in the 0-10 scale should represent absolute responses (e.g. completely/not at all) to minimize acquiescence bias and socially desirable responding and to allow for the full spectrum of possible responses.

420. *Survey context.* Trust measures should be considered within the broader context of the survey in which they are placed. Best practice in this field includes the following:

- Since order effects are more common when two or more questions deal with the same or closely related issues, trust items that deal with different types of trust (e.g. interpersonal vs institutional) should be buffered by intervening text.
- Whenever a list of institutions is used, it is recommended that the order of these institutions be randomized across respondents to minimize order effects.
- Generally, trust questions should not be asked immediately after items that are likely to elicit strong emotional responses or that refer to experiences with other people or institutions.
- Questionnaire designers should reflect on the potential effect that trust questions could have on subsequent items, in particular those dealing with similar issues.
- To minimize the impact of holidays, seasons and elections, data collection should be spread throughout the year or at least over multiple weeks.

421. *Survey mode.* Evidence suggests that trust questions can be sensitive, triggering respondents to answer in socially desirable ways or making them unwilling to answer at all. This might especially be the case in contexts where trust in government, and by extension in the official data collector itself, is low. The following considerations can reduce these risks:

- Self-administered surveys, compared to interviewer-led ones, perform better in terms of minimizing social desirability biases.
- Whatever the survey mode, sensitivity-related response biases can be reduced by lowering the respondent's concerns about data protection (e.g. via confidentiality assurances provided at the beginning of the survey) or by controlling the survey situation (e.g. avoiding that enumerators provide information about their own social identity).
- If face-to-face interviews are the only option, the use of innovative interviewing methods, such as the sealed envelope or unmatched count technique, should be considered. The former involves handing a separate self-administered questionnaire to the respondent for the sensitive questions, with respondents asked to complete the questionnaire, place it in an envelope, seal it and return it to the interviewer. The latter involves randomly splitting the sample into two. One group of respondents is asked to answer a short list of questions that includes only the non-sensitive items, while the other group has to respond to a longer list of questions, consisting of the same non-sensitive items plus sensitive ones. Respondents in both groups count the number of positive answers and report solely the sum of these items. An unbiased estimate of the population's proportion not trusting specific groups or institutions is obtained by calculating the difference between the two subsample means.<sup>11</sup>

422. *Response styles and cultural context.* Cross-cultural response styles are very difficult to verify externally against a common standard or actual behaviour. While response styles do not necessarily lower overall data quality, their effects can be reduced by the practices detailed below:

- As with all survey questions, data producers should design the questionnaire so that items are as simple, easy to interpret and minimally burdensome as possible, rather than relying on ex post statistical adjustment techniques.
- The overall design of the survey (including its length and how it is introduced) needs to reduce respondent's burden and fatigue and increase their motivation to participate.
- Question formats that are more prone to response biases should be avoided: for example, "agree/disagree" and "yes/no" response formats are more likely to prompt acquiescence.

## IX.4 Recommended key indicators

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423. As was noted above, trust is inherently a single concept, although one that can be measured at the level of different institutions or groups of people. As a result, the list of recommended key indicators for this chapter is straightforward and is based directly on the five survey questions recommended as a "core module on trust" (presented in section IX.3.2, Box IX.2):

<sup>11</sup> While the unmatched count technique has been successfully applied across a range of stigmatized behaviours, it can deal only with "yes/no" binary response formats and does not allow for individual-level analysis.

TABLE IX.4 **Recommended key indicators**

Sub-dimension	Indicator	Data source	Type
n/a	Mean value or proportion of the population above/below a specified threshold of <b>trust in others (“most people”)</b>	Surveys	Outcome
	Mean value or proportion of the population above/below a specified threshold of <b>trust in others (“most people known personally”)</b>	Surveys	Outcome
	Mean value or proportion of the population above/below a specified threshold of trust in <b>parliament</b>	Surveys	Outcome
	Mean value or proportion of the population above/below a specified threshold of trust in <b>the police</b>	Surveys	Outcome
	Mean value or proportion of the population above/below a specified threshold of trust in <b>the civil service</b>	Surveys	Outcome

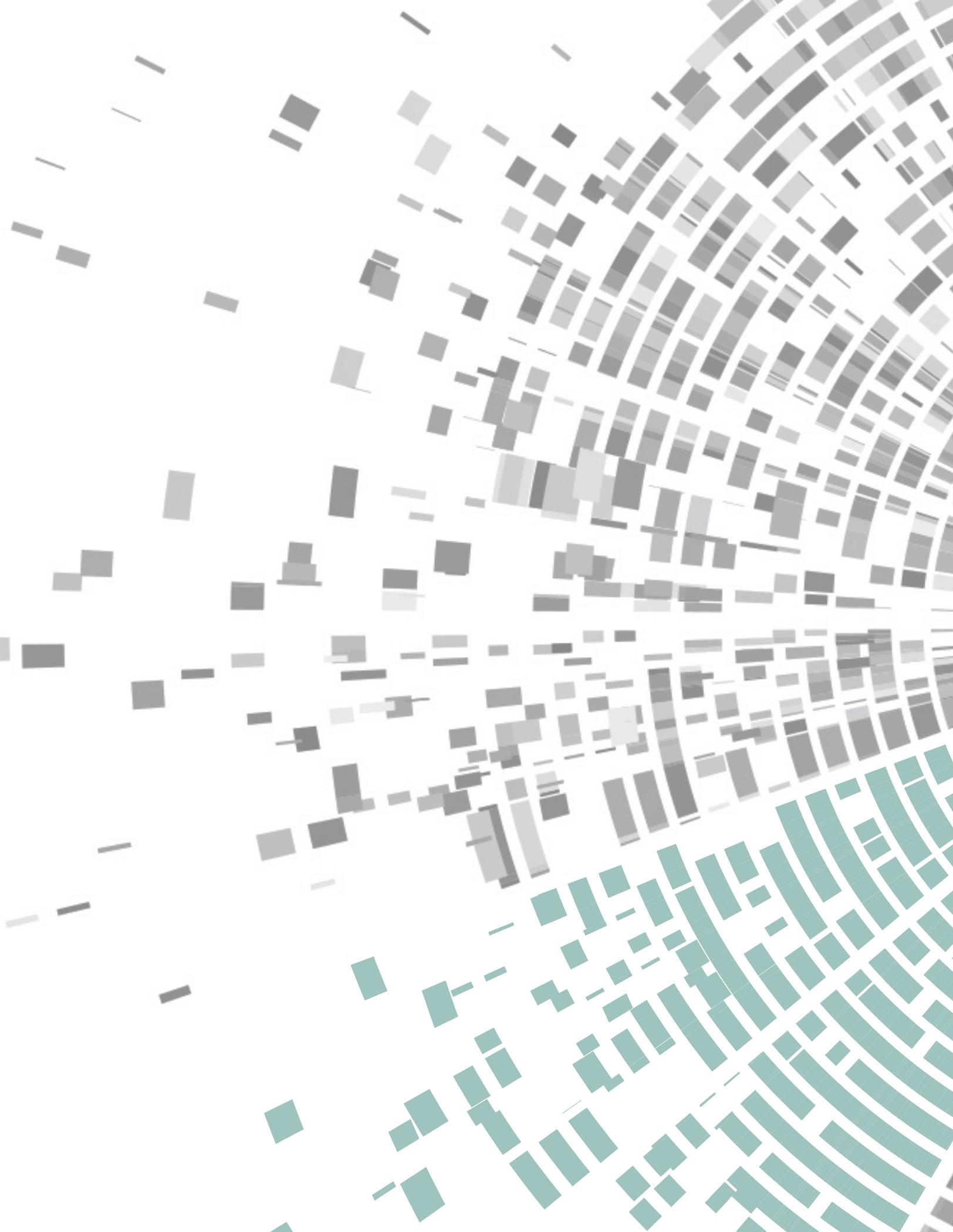
## IX.5 Way forward

424. The available methodology for basic measures of trust is well developed, and evidence on their accuracy is positive. Room for improvement remains in standardizing core survey modules across countries, developing a more broad-based evidence base (in particular on institutional trust) and further investigating some of the more complex methodological aspects and challenges in measuring trust.

425. By encouraging NSOs to collect trust data more systematically, i.e. by including a core set of internationally comparable questions in their surveys (or by aligning existing questions with a view to international comparability), this chapter supports the development of the evidence base that might underpin future decisions about an international statistical standard for measuring trust.

426. Going forward, several methodological questions remain unanswered, and NSOs and other data producers can play a key role in conducting empirical research in this area. Priority research issues for survey questions of trust include the following:

- Regarding question wording for institutional trust, experimental testing should be used to establish which specifications (e.g. “to act in the national interest”, or “to improve the life of someone like me”, or “to do what is right”) matter the most for each institution. Ideally, these experiments should be carried out across more than one country.
- It is not yet clear in which cases the order of trust questions affects answers. While there is some evidence that transitional text between questions can mitigate order effects, various text versions should be tested for their impact on answers.
- More research is needed to assess how cultural differences and response styles might impact on results. This can include comparing survey data with external “objective” references, such as actual trusting behaviour in real life or experimental games. New experimental tools that rely on insights from psychology and behavioural economics administered to representative samples of respondents, as in the OECD Trustlab, can be used (Stiglitz and others, 2018; Box 9.1).





PART B  
EIGHT DIMENSIONS OF  
GOVERNANCE STATISTICS

CHAPTER X  
**Safety and  
security**

## X.1 Conceptualizing this dimension

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427. Safety and security are key components of good governance and are grounded in various internationally agreed normative frameworks. The right to life, liberty and security of person and freedom from torture or other cruel, inhuman or degrading treatment or punishment are examples of rights relevant to conceptualizing safety and security. These rights are enshrined in the Universal Declaration of Human Rights (UDHR) and other human rights treaties.<sup>1</sup>

428. The two terms safety and security are often used interchangeably. In this chapter, the term safety refers mainly to the condition of absence of threats and risks, including to the right to life, liberty and security of person and freedom from torture or other cruel, inhuman or degrading treatment or punishment, to individuals, households and communities. Security refers here mostly to the activities, policies and institutions developed and implemented by the State to protect citizens' safety.

429. While citizens' safety can be endangered by a large range of possible threats, including for example diseases affecting human health, natural disasters, traffic and labour accidents, in the context of this Handbook, reference is made primarily to specific threats related to intentional human activities that can cause harm to persons or communities either in the form of criminal offences and human rights violations/abuses perpetrated by individuals or groups, or in relation to conflicts between States or between States and other actors.

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### BOX X.1 Examples of rights relevant to safety and security

#### Right to life

**Definition:** The right to life is a fundamental right, the effective protection of which is the prerequisite for protecting the safety and security of rights holders. It is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation. The right to life is a right which should not be interpreted narrowly. It concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.

**State parties have the obligation to:** 1) adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities; 2) organize all State organs and governance structures through which public authority is exercised in a manner consistent with the need to respect and ensure the right to life, including establishing by law adequate institutions and procedures for preventing deprivation of life, investigating and prosecuting potential cases of unlawful deprivation of life, meting out punishment and providing full reparation; 3) enact a protective legal framework that includes effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in deprivation of life, such as intentional and negligent homicide, unnecessary or disproportionate use of firearms, infanticide, "honour" killings, lynching, violent hate crimes, blood feuds, ritual killings, death threats and terrorist attacks, etc.

Source: For more information, see General Comment 36, Human Rights Committee, CCPR/C/GC/36

<sup>1</sup> Other human rights treaties and standards also contain provisions relevant to the right to life, liberty and security of person, e.g. International Convention on Civil and Political Rights (ICCPR); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UN Resolution 1325 on Women and Peace and Security; Convention on the Rights of the Child (CRC) and its optional protocols; International Convention for the Protection of All Persons from Enforced Disappearance (ICPED); and the Convention on the Rights of Persons with Disabilities (CRPD).

## BOX X.1 Examples of rights relevant to safety and security, CONT.

### Liberty of person

**Definition:** concerns freedom from confinement of the body, not a general freedom of action. Deprivation of liberty involves more severe restriction of motion within a narrower space than mere interference with liberty of movement. Examples include police custody, arraigo, remand detention, imprisonment after conviction, house arrest, administrative detention, involuntary hospitalization, institutional custody of children and confinement to a restricted area of an airport, as well as being involuntarily transported. Examples also include certain further restrictions on a person who is already detained, for example, solitary confinement or the use of physical restraining devices. During a period of military service, restrictions that would amount to deprivation of liberty for a civilian may not amount to deprivation of liberty if they do not exceed the exigencies of normal military service or deviate from the normal conditions of life within the armed forces of the State party concerned.

**State parties have the obligation to:** 1) take appropriate measures to protect the right to liberty of person against deprivation by third parties; 2) protect individuals against abduction or detention by individual criminals or irregular groups, including armed or terrorist groups, operating within their territory; 3) protect individuals against wrongful deprivation of liberty by lawful organizations, such as employers, schools and hospitals; 4) do their utmost to take appropriate measures to protect individuals against deprivation of liberty by the action of other States within their territory; 5) when private individuals or entities are empowered or authorized by a State party to exercise powers of arrest or detention, the State party must limit those powers and must provide strict and effective control to ensure that those powers are not misused, and do not lead to arbitrary or unlawful arrest or detention; 6) provide effective remedies for victims of arbitrary or unlawful arrest or detention, etc.

### Security of person

**Definition:** concerns freedom from injury to the body and the mind, or bodily and mental integrity. The right to security of person protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained. For example, officials of States parties violate the right to personal security when they unjustifiably inflict bodily injury. The right to security of person does not address all risks to physical or mental health and is not implicated in the indirect health impact of being the target of civil or criminal proceedings.

**State parties have the obligation to:** 1) take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors; 2) take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury; 3) respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders and journalists, retaliation against witnesses, violence against women, including domestic violence, the hazing of conscripts in the armed forces, violence against children, violence against persons on the basis of their sexual orientation or gender identity, and violence against persons with disabilities; 4) prevent and redress unjustifiable use of force in law enforcement, and protect their populations against abuses by private security forces, and against the risks posed by excessive availability of firearms; etc.

The right to liberty and security of person are substantive rights and their deprivation have historically been principal means for impairing the enjoyment of other rights or for impairing the protection of the safety and security of rights holders. These rights are guaranteed to everyone. "Everyone" includes, among others, girls and boys, soldiers, persons with disabilities, lesbian, gay, bisexual and transgender persons, aliens, refugees and asylum seekers, stateless persons, migrant workers, persons convicted of crime, and persons who have engaged in terrorist activity.

Source: For more information, see General Comment 35, Human Rights Committee, CCPR/C/GC/35

### Freedom from torture or other cruel, inhuman or degrading treatment or punishment

**Definition:** means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

**State parties have the obligation to:** 1) take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture; 2) not return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture; 3) ensure that all acts of torture are offences under its criminal law; etc.

Source: For more information, see Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (<https://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf>)

430. Accordingly, security refers to the activities of official law enforcement and criminal justice agencies directly responsible for protecting citizens from criminal activities, human rights violations/abuses and groups.<sup>2</sup>

431. Gaining a comprehensive understanding of these issues requires analysing them from different perspectives. For the purpose of this Handbook, the following sub-dimensions of safety and security are therefore considered:

- Actual levels and patterns of specific types of crime, human rights violations/abuses and perceptions of safety;
- Casualties directly linked to conflicts;
- Quality of law enforcement and criminal justice institutions.

## **X.2 Why is this dimension important?**

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432. Citizens' safety is a prerequisite for protecting fundamental human rights, ensuring minimal conditions of personal and socioeconomic well-being, and promoting effective institutions. Preserving citizens' safety is one of the essential functions of the State through its security sector institutions and legislation. Establishing and maintaining a State security apparatus that operates according to the rule of law is fundamental to ensure citizens' safety, as well as to allow citizens to thrive and to participate meaningfully in public life and promote inclusive governance.

433. Reliable evidence about the state of safety and security affecting men, women, boys and girls is essential for the development of sound crime prevention policies and programmes aimed at preventing or reducing crime and conflict, improving public safety and reducing fear of crime in communities. Assessing the capacity, efficiency and effectiveness of the security sector is key to developing effective, inclusive and accountable security institutions, taking into account issues of gender and age, and contributing to sustainable development. Tracking security-relevant indicators aims at measuring change in security sector governance.

## **X.3 Data and best practices currently available**

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434. In alignment with the sub-dimensions of safety and security outlined above, various measurement approaches exist to disentangle these issues. First, the level of safety of a certain community or population in a country can be assessed by tracking and analysing actual levels and patterns of specific types of crime that can harm the physical, sexual or psychological integrity of people and communities, including the safety of those defending fundamental freedoms, such as human rights defenders and journalists. Moreover, given the importance of perceptions in shaping the safety of community members, it is also of key importance to assess and track the feeling of safety as perceived by men and women. Second, in countries and areas affected by armed conflicts, the measurement of conflict-related deaths is a first instrument to assess the impact of violence, including violence against women and girls, generated in such circumstances. Third, the quality of security institutions (such as

<sup>2</sup> State security institutions responsible for protecting from external threats – i.e. the defence system – will not be covered in this chapter.

police, courts, prisons and relevant human rights institutions) can be measured by structural, process and outcome indicators concerning legal, institutional and policy frameworks on security, including in the handling of criminality and prevention of abuse by law enforcement officials as well as their resources, activities and procedures and on the experience of law enforcement officers; on human rights violations committed by law enforcement officials on duty; and on the general public's attitudes towards and perceptions of these institutions.

435. Hence, this section presents available data sources along the following structure:

- A. Data on actual levels and patterns of specific types of crime, human rights violations/abuses and perceptions of safety.
  - 1) Administrative data on crime reported to or detected by the criminal justice system.
  - 2) Administrative data on reported or detected violence produced by public health institutions and other authorities or institutions (such as national human rights institutions, international human rights mechanisms, violence observatories or victim organizations).
  - 3) Victimization surveys and other relevant surveys such as specialized surveys on violence against women.
  
- B. Data on conflict-related deaths.
  - 4) Administrative data on casualties related to armed conflict (e.g. data collected by national human rights institutions, United Nations field presences operating in armed conflict situations).
  - 5) Estimates of conflict fatalities combining multiple data sources/records and statistical methodology (e.g. multiple systems estimation).
  
- C. Data on the performance and quality of law enforcement and criminal justice institutions.
  - 6) Administrative data on law enforcement and criminal justice institutions to capture their performance (e.g. SDG indicator 16.a.1 and related administrative records of international peer review mechanisms for compliance of national human rights institutions with international standards).
  - 7) Surveys on law enforcement and criminal justice institutions (i.e. general population surveys and surveys of employees of these institutions).

### **X.3.1 Administrative data on crime reported to or detected by the law enforcement and criminal justice authorities**

#### **X.3.1.1 Description**

436. This section addresses administrative data on crime, its victims and perpetrators, produced by law enforcement and criminal justice authorities.<sup>3</sup> In particular, it focuses on the caseload<sup>4</sup> and case characteristics<sup>5</sup> concerning the five main justice components (police, prosecution, courts, prison, and alternative sanctions). Caseload and case characteristics provide information on recorded criminal offences, victims and perpetrators. Resource data<sup>6</sup> and qualitative descriptions<sup>7</sup> will be addressed in section X.3.5. Even if the number of crimes recorded by the police is considered more valid than prosecution, court, and prison data because it is “closer” to what should be reflected (the actual level of crime) (Mugellini, 2011), prosecutorial, judicial and correctional data still provide measures of crimes, victims and perpetrators.

437. The caseload of police statistics concerns the number and characteristics of criminal offences reported to or discovered by the police; the number of victims recorded; and the number of suspected perpetrators brought into initial formal contact with the police and/or the criminal justice system. Such statistics on crime, victims and perpetrators are routinely collected by law enforcement agencies (e.g. national, state, regional and/or local police, but also federal agencies or other special agencies)<sup>8</sup> as part of their day-to-day work. Police statistics represent the first stage and input data in a system of crime and criminal justice statistics.

438. The caseload of prosecution statistics includes information on the number and characteristics of persons prosecuted by type of crime. They are routinely collected at prosecutorial level.

439. The caseload of court statistics concerns the number of persons brought before criminal courts, and the number of persons (adult and minor males and females) adjudicated and convicted by type of crime. They are collected by local, general trial and appellate courts, and courts with specialized jurisdictions, such as tax, juvenile and admiralty courts (UN, 2003).

440. The caseload of prison statistics provides the numbers and characteristics of persons (adult and minor males and females) held in prison, by legal status (awaiting trial, sentenced, on parole). “They are collected for jails for pre-trial detainees, prison for post-trial detainees, as well as for juveniles, the criminally insane, sex offenders, alcoholics and drug abusers. In addition, this component often includes probation and parole agencies, various kinds of community treatment centres and privately contracted halfway houses” (UN, 2003).

<sup>3</sup> Administrative data on crime and criminal justice, or crime and criminal justice statistics, are produced by law enforcement and criminal justice authorities during the process of recording and investigating a crime event (UNODC, 2011). These statistics are usually divided into five main categories — police, prosecution, courts, prison, and alternative sanctions — referring to the main stages of the criminal justice system (United Nations, 2003). This section discusses the first of these five categories.

<sup>4</sup> Measures the volume of events in the justice system, such as the number of incidents reported to the police, the number of charges filed by the police, the number of persons appearing in courts, etc. (United Nations, 2003).

<sup>5</sup> These data provide more details on the caseload.

<sup>6</sup> Include the number of persons employed, the functions of persons employed, expenditures on wages and salaries, operating costs and revenues.

<sup>7</sup> Describes the criminal justice process, organizational structure, legislative authority, and responsibilities and programmes within each component of the justice system.

<sup>8</sup> See examples of law enforcement agencies collected by Europol <https://www.europol.europa.eu/partners-agreements/member-states/france>

441. The caseload of alternative sanctions (or non-custodial measures) includes data on non-custodial sanctions imposed by courts or on persons under non-custodial supervision by prisons. The institutions collecting these data vary greatly from country to country and may include monetary fine programmes, communities responsible for alternative measures and programmes alternative to incarceration, etc. (UN, 2003). The methods and approaches for crime data collection, aggregation and flow (from local to central level), validation and dissemination vary from country to country on the basis of the organizational structure of the criminal justice system but also according to social and cultural issues. International standards (UN, 2003; UNODC, 2010) suggest that, at a minimum, statistics on crime should be collected by:

- Developing a unit-based system containing details of each individual incident and person accused (or brought into initial formal contact with the police);
- Collecting individual records manually, on paper, or in a computerized environment. Automated environments can better support regular data aggregation and reporting from the local to the central level (UN, 2010).
- Using standardized forms for data recording. A standard “incident information form”, for example, may be used by the police to record information about the crime incident, the victim and any suspected/identified offender. A new form is used for each incident reported.
- Categorizing records according to a standard offence classification system that should have a clearly defined relationship with the “charge” assigned to a suspected offender;
- Disaggregating offender data by age, sex, ethnicity, offender-victim relationship, citizenship and geographic area of residence.
- Applying a “principal offence” rule when counting and reporting victims and offenders.
- Collecting data on basic crime types such as homicide, assault, rape, sexual assault, sexual exploitation, robbery, burglary, theft of a motor vehicle and drug trafficking. In addition, data should be collected on as many crime types listed in the International Classification of Crime for Statistical Purposes (ICCS) as is considered feasible and relevant;
- Enabling the transfer of information from the local, operational level to a central data collection point, such as the NSO. The data collected at local level flows into national databases coordinated by the units of statistics within the relevant criminal justice agencies (e.g. Ministry of the Interior, Ministry of Justice, etc.), or they can directly flow into the NSO database. These data can be validated by the statistical units and disseminated by the criminal justice agencies themselves, or they can be transferred to the NSOs for a further validation process and dissemination through the main national official statistical channels;
- Involving NSOs in developing concepts, categories and classifications for collecting and producing crime statistics, as well as recording and coding rules (UN, 2003).

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## BOX X.2 Law enforcement statistics in Albania

In Albania, the Ministry of Interior includes a Unit of Statistics within the Department of Data Processing and Protection in the General Directorate of the State Police. The police collect data on offences committed by penal code category and on the number of offences cleared by crime category. A limited amount of statistics is published on the website of the State police. The Albanian National Institute of Statistics (INSTAT) also publishes data on crimes registered by the police and the percentage of cases solved, in addition to information on victims and suspected perpetrators. These data are provided to INSTAT by the Unit of Statistics within the Ministry of Interior.

Source: UNODC 2010 - CARDS Project 2010 Background Study: 23.

442. International initiatives to compile crime and criminal justice statistics try to harmonize the national data by requiring countries to adapt their national-level statistics to fit the standard categories of crime and to indicate potential deviations from their standard definitions and the counting rules used to collect the crime incidents and perpetrators (Mugellini, 2011). At global level, the main source of data on crime and criminal justice is the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems,<sup>9</sup> which is conducted annually by the United Nations Office on Drugs and Crime. At the regional level, on behalf of the European Union, Eurostat operates its annual data collection jointly with UNODC for European countries.<sup>10</sup> The *European Sourcebook of Crime and Criminal Justice Statistics*, an initiative of academics and criminal justice experts, collects and disseminates data on crime and criminal justice for European countries.<sup>11</sup> The Inter-American Security Observatory produces indicators on crime and security across 34 countries of the Americas (North, Central, South America and the Caribbean).<sup>12</sup> The United Nations African Institute for the Prevention of Crime and Treatment of Offenders<sup>13</sup> cooperates with the UNODC initiative Data for Africa aimed at improving the knowledge on drugs and crime phenomena in Africa. Administrative data on crime and criminal justice across African countries are collected mainly through the UN-CTS and Annual Reports Questionnaires. The Small Arms Survey with its Global Violent Deaths (GVD) component<sup>14</sup> tracks statistics on violent deaths from 2004 on the basis of ad hoc research but also of different administrative data sources (e.g. NSOs, national police, UNODC, Eurostat, WHO). They collect data on violent deaths in general and provide distinctive information on intentional homicide, conflict deaths, violent deaths by firearm and female victims of lethal violence.

443. The International Classification of Crime for Statistical Purposes (ICCS) aims to address the differences in crime statistics arising from the definitions and categories used in specific jurisdictions.

### X.3.1.2 Methodological and quality issues

444. Administrative data have three main strengths: they derive from direct measures, refer to objective administrative data, and are often available in a relatively short time period. At the same time, they are mainly recorded and collected for operational and management purposes and not with a view to producing statistics. Furthermore, countries may lack resources to systematically publish administrative data, or they may have legal limitations in publishing data related to sensitive topics such as security incidents.

9 The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) started in the 1970s. Its aim is to collect data on the incidence of reported crime and the operations of criminal justice systems with a view to improving the analysis and dissemination of that information globally (UNODC, 2007). Now in its 20th wave, the UN-CTS 2019 collects data for the year 2018 and validates data for the years 2015-2017.

10 The Eurostat data collection on crime started in 2004 to produce crime and criminal justice statistics of the member States, complemented with data from the European Union candidate countries and the countries in the European Free Trade Association (EFTA)/ European Economic Area (EEA) (Mugellini, 2011). The results of the data collection are published on the Eurostat website and presented in occasional thematic publications (e.g. *Statistics in Focus*). Since 2014, Eurostat runs its annual data collection jointly with UNODC, whereby Eurostat collects the data for the European countries covered through its network of focal points with the use of the UN-CTS, supplemented by additional questions limited to EU data collections.

11 The first European Sourcebook project started in 1996, when the Council of Europe established a committee to prepare a compendium of crime and criminal justice data for its member states. It was inspired by the American Sourcebook of Crime and Criminal Justice Statistics (1973). The working group coordinating the initiative has set up a network of national correspondents in each country. The *European Sourcebook* (ESB) covers all criminal justice sectors: police, prosecution, courts and corrections. The fifth and most recent edition was published in 2014, considering crime data from 2007 to 2011. The sixth edition of the ESB is currently in preparation.

12 <http://www.oas.org/IOS/indicators.aspx?lang=en>

13 <http://unafri.or.ug/>

14 <http://www.smallarmssurvey.org/tools/interactive-map-charts-on-armed-violence.html>

**BOX X.3 International Classification of Crime for Statistical Purposes (ICCS): Improving the quality and comparability of data across global criminal justice systems**

The ICCS is a classification of criminal offences for the systematic production and comparison of statistical data across different criminal justice institutions (police, prosecutors, courts and prisons), jurisdictions and data sources (administrative as well as survey data). It was developed based on internationally agreed concepts, definitions and principles in order to enhance consistency and comparability of crime statistics and more importantly to improve analytical capabilities, both at the national and international levels.

**Understanding crime**

The adoption and mainstream utilization of the ICCS ensures a deep understanding of the characteristics of crime by disaggregating data by:



Victims



Perpetrators



Context



Motives

**Counting all crimes**

- The ICCS allows to **discover** criminal conducts that had not previously been identified or registered.
- It enhances **spatial** and **temporal analysis** through
- And helps to observe the full scope of all crimes, according to:

<b>1</b>	Targets of crime	<b>2</b>	Seriousness of the act	<b>3</b>	Modus operandi	<b>4</b>	Perpetrators state of mind	<b>5</b>	Policy relevance
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Source: UNODC, International Classification of Crimes for Statistical Purposes (ICCS, 2015).

445. The major limitation of criminal justice statistics is that they reflect only those incidents reported to or otherwise detected by law enforcement agencies and/or brought into formal contact with the criminal justice system. Therefore, they suffer from undercounting (“dark figure”<sup>15</sup>). Not all victims report a crime to the police for several reasons (e.g. level of trust in the police,<sup>16</sup> perception that the police do not take incidents seriously, an insufficient awareness of the crime suffered, level of own involvement in the crime, fear of reprisal, etc.) (van Dijk and others, 2007). According to the results of the European Crime and Safety Survey 2004/2005 (EUICS), on average, roughly 50 per cent of the five crimes considered (burglary with entry, thefts from cars, robbery, sexual incidents, and assaults and threats) were reported to the police (Van Dijk and others, 2005). Typically, in Africa only 15 per cent of crime is reported.

446. The “dark figure” also varies according to the level of the police’s professionalism, efficiency, recording procedures and ability to collect data (Howard and others, 2000; Van Dijk 2008). Well-developed systems for gathering and processing statistics might have a strong influence on the number of recorded crimes (Von Hofer, 2000).

<sup>15</sup> The difference between the number of crimes actually committed and the number of officially recorded crimes.

<sup>16</sup> See the *Handbook* chapter on “Trust”.

<sup>17</sup> <https://www.unodc.org/unodc/en/data-and-analysis/Data-for-Africa-publications.html>

#### BOX X.4 Factors influencing the willingness of reporting crime to the police

Skogan (1984) identifies two major determinants of reporting crimes to the police: the type of crime, and its seriousness.

Some types of crime are typically reported more often than others (e.g. property crimes vs violent crimes) (Tolsma and others, 2012; van Dijk and others 2007) or are more visible and therefore more easily discovered than others (e.g. homicides and car theft vs bribery). Car theft or burglary are usually reported to the police, because most reimbursements from insurance require a police report, especially when the amount of damage is substantial (Mugellini 2010). Results from the last five waves of the International Crime Victim Survey (ICVS) show that, on average, 89 per cent of car thefts and 77 per cent of burglary, had been reported to the police, while only 17 per cent of sexual incidents had been reported to the police (Van Dijk and others, 2007). The average reporting rate for car theft and sexual offences is confirmed also across African countries such as Egypt (71.4 per cent; n.a.); Ghana (83.3 per cent; 13.5 per cent); Kenya (94 per cent; 19.7 per cent); Tanzania (71.4 per cent; 33.5 per cent) and Uganda (71.4 per cent; 13.4 per cent). However, the reporting rate for burglary with entry is much lower (Kenya 38.2; Ghana 13.8 per cent; Egypt 32.1 per cent; Tanzania 44.5 per cent; Uganda 30.2 per cent) (see UNODC Data for Africa UN Development Account project 06/07R Collection and analysis of data and trends on drugs, crime and victimization in Africa 2009-2010<sup>17</sup>).

The severity of the crime measured by the amount of violence or the material loss is an important offence characteristic that influences the decision to report (Isenring and others, 2016). Italian victimization surveys clearly show that between 60 per cent and 90 per cent of victims tend to report crimes with damage worth more than 500 euros (Istat, 2010). Research reveals that violent crimes are more likely to be reported if the victim was injured (Harlow, 1985). In contrast, incidents of sexual violence such as unwanted touching or other non-consensual sexual contact are more likely not to be reported but also considered to be unfounded by the police than are more violent sexual assaults. This affects not only the count of sexual violence but also access to justice for women.

One of the most common reasons for non-reporting is related to a low level of trust in the work of the police or to a pessimistic belief that reporting is pointless and a waste of time that leads to no concrete results (Isenring and others, 2016; Goudrian, 2006).

Also the stigma and/or reputational damage associated with the crime can affect the willingness to report (e.g. sexual violence experienced by an individual, but also fraud or unfair competition experienced by a private business). The results of the Swiss Business Crime survey revealed that when dealing with fraud, financial companies prefer not to report or ask for any police intervention and prefer instead to deal with the incident discreetly through internal processes in order to avoid reputational damage and the loss of clients' trust (Isenring and others, 2016).

447. Bias in the extent of crime reported to the police can also be the consequence of police involvement in specific types of crime (e.g. bribery). One recent survey found that police officers are the type of public official to whom bribes are most commonly paid in Nigeria. Of all adult Nigerians who had direct contact with a police officer in the 12 months prior to the survey, almost half (46.4 per cent) paid that officer at least one bribe, and in many cases more than one (UNODC, 2017). Proactive policing strategies might also inflate the number of reported or discovered crime incidents.

448. Furthermore, there are violent acts and behaviours that are a threat to the safety and security of communities, particularly women and girls, but that are not criminalized in all countries and, thus, fail to feature in official statistics. Marital rape, specific forms of sexual harassment and what are called "honour killings", "witchcraft or ritual killings" and "dowry killings" are still considered as lawful across in some countries. Even when unlawful, they still represent a frequently hidden form of violence because supported by cultural consensus (see Alvazzi and others, 2018).

449. Besides these issues, the number of crimes recorded by the police is still considered to be a better measure of the nature and extent of crime than statistics on prosecution, conviction and imprisonment, especially when in conjunction with a qualitative assessment of the context and practices of reporting and adjudication that may considerably affect the level and quality. Indeed, if compared to prosecutorial, judicial and correctional data, crimes known to the police are more valid than these other official measures of crime because they are “closer” to what should be reflected: the actual level of crime (Mugellini, 2011).

450. At the same time, even the crimes recorded by the police present different levels of reliability and validity related to the moment when data are collected. Data recorded when the police have completed the investigation (output statistics) are more reliable, but at the same time less valid, than data recorded when the offences are reported to the police (input statistics), or when police officers observe or discover them (Aebi, 2008). Moreover, data collected by the police include information on incidents even when the offender has not been identified. In contrast, data collected by the prosecution or courts on persons processed within the criminal justice system exclude cases for which no suspect could be found or no suspect is brought before the courts (Mosher, Miethe and Phillips, 2002).

451. Comparability issues related to police statistics may also result from different methods by which statistics are elaborated. In this regard the following elements may affect the reliability and comparability of crime statistics: 1) the moment of inclusion of incidents into statistics; 2) counting units and rules (e.g. offence vs case vs decision); 3) the application of a principal offence rule; 4) the way in which an offence committed by more than one person is recorded; 5) the way in which multiple offences are counted, for example a rape that has occurred in a case of femicide, or a homicide occurring during a robbery (Aebi, 2008; Mugellini, 2010). Legal factors also impact the way in which police statistics are produced. Crime may be defined differently in each country and according to the characteristics of its legal procedures (legality vs opportunity principle) (Mugellini, 2010).

### **X.3.2 Administrative data produced by public health institutions on violence**

#### **X.3.2.1 Description**

452. National health authorities produce data on the causes of death and injuries recorded by hospital officials. Data on violence may also be collected through domestic violence shelters and services, anti-violence centres, crime and violence observatories, and safe houses.

453. Data on the number and type of injuries recorded in the hospital are sometimes used to estimate trends in violent crimes (e.g. Injury Surveillance Workgroup, 2003). This is particularly true in contexts of violence, where such data are routinely used as alternative sources for counting homicides (mortality data certifying an individual’s cause of death) (UNODC, 2011).

454. The World Health Organization<sup>18</sup> is the main international institution compiling this type of administrative data from national sources.

<sup>18</sup> WHO Mortality Database, [https://www.who.int/healthinfo/mortality\\_data/en/](https://www.who.int/healthinfo/mortality_data/en/)

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**BOX X.5 Criminal justice data sources versus public health data sources**

Data on homicide stems predominantly from two main types of sources: criminal justice and public health. Criminal justice data on homicide are typically recorded by the police, based on information collected when they receive details of a crime. Depending on national legislation and practices, data on homicide can be directly generated by police forces or public prosecutors. Public health data reflect information on the causes of death collected by the public health or medical service of a country. At the global level, the World Health Organization (WHO) collects data on homicide from public health sources through a data set on the causes of mortality, while UNODC collects data primarily from criminal justice sources, although some countries report public health data. Where both criminal justice and public health sources exist, the two sources often provide similar results, although discrepancies often exist where coverage and quality of administrative records are poor. As explained in the methodological annex to the Global Study on Homicide 2019, UNODC homicide estimates are built by selecting a preferred source at the country level as the basis for subregional, regional and global estimates. Where available, reliable data on victims of intentional homicide from criminal justice sources are given preference over public health data, because public health data typically do not take the legality of the act causing death into account (e.g. killings in self-defence). In countries for which no reliable criminal justice data on intentional homicide victims exist, mortality data collected by WHO are used when these are based on actual counts of deaths by cause (according to the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision (ICD-10), in particular “death by assault” categories X85–Y09)<sup>19</sup> (UNODC, 2019, <https://www.unodc.org/documents/data-and-analysis/gsh/Booklet2.pdf>).<sup>19</sup>

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**BOX X.6 Harmonization of homicide data: The case of Chile**

In many countries, there are multiple criminal justice and public health institutions recording data on homicide, using a variety of different indicators and definitions specific to their individual purposes. This is the case in Chile, where several sources of data on homicide are available in independent data collection systems. The diversity and variability of these sources is but one national-level example of the challenges extant in determining the overall “national” count of intentional homicides. For the purposes of international comparison, based on standardized definitions, Chile was able to effectively coordinate between its various agencies through the exchange of information and discussion to produce internationally comparable data, based on timeliness and coverage of the data. As a result, data from the Subsecretarías de Prevención del Delito was selected as the best source of data matching the standardized definition of intentional homicide (UNODC, 2014).

**X.3.2.2 Methodological and quality issues**

455. National and international data sources on causes of death usually publish the medically certified deaths. Diagnoses on causes of death by lay people are not included.

456. In most cases, the cause of death is recorded according to the WHO International Classification of Diseases (ICD).<sup>20</sup>

<sup>19</sup> In the UNODC homicide statistics (2019) database, data on the total number of intentional homicides, which are based on either criminal justice sources or on homicide counts in public health registers, are available for 202 countries and territories, representing 96 per cent of the global population. However, in 38 countries and territories worldwide (of which 23 are countries in Africa), accounting for 4 per cent of the world population, neither reliable counts of homicide from criminal justice sources nor reliable death registers based on actual counts exist. For the calculation of the global homicide rate, these countries were accounted for by imputing national homicide rates through regional groupings as the closest available proxy (for further information, see the online methodological annex to the Global Study on Homicide 2019).

<sup>20</sup> <https://www.who.int/classifications/icd/en/>

457. Public health data on death and violence are produced to identify the factors that caused an individual's injury or death. Therefore, they provide information on injuries of victims but cannot provide information on perpetrators or the relationship between victim and perpetrator. They also do not provide information on intentionality, underlying motives or the circumstances that led to victimization or to a decreased level of safety.

### **X.3.3 Victimization surveys**

#### **X.3.3.1 Description**

458. Sample surveys are used to measure the extent and patterns of victimization from crime, the perception of safety of citizens, as well as the trust in and performance of law enforcement and criminal justice agencies. They provide an important complement to administrative data, as many crimes and violent events go unrecorded. Victimization surveys produce crime measures independently of police activities and free from legal, political or administrative influences, by interviewing a representative sample of individuals about their experiences and perception of crime. Surveys have been particularly useful in settings with little or no data availability and/or have been used to complement administrative statistics (as for example the National Crime Victimization Survey in the US or the Crime Survey for England and Wales). UNODC has developed a series of victimization surveys across several African countries under the umbrella of the Data for Africa initiative,<sup>21</sup> to estimate the perception and extent of crime and violence. Similarly, the GPS-SHaSA initiative has developed survey modules on "Governance, Peace and Security" across African countries. The Human Rights Data Analysis Group has focused on victims' data collection in post-conflict situations.

459. Besides overcoming underreporting and undercounting problems, the use of victimization surveys, which follow standardized definitions, allow collecting comparable information across different countries. Moreover, they provide detailed information on victims' demographic characteristics and their social, economic and political environment. This can help in identifying whether specific characteristics or behaviours are associated with an increased risk of crime. This information is fundamental for designing and implementing crime prevention measures and policies and for effecting institutional reforms and monitoring their effectiveness. Such data are also fundamental to address the data requirements arising from the UN-SDG principle of "leaving no one behind".

460. The first International Crime Victim Survey was carried out in 1989, by the United Nations, with the purpose of providing data on crime and victims independently of administrative needs. To date, over 140 surveys have been carried out in over 70 different countries by a wide variety of actors (see the Atlas of Victimization Surveys developed by the Centre of Excellence UNODC-INEGI<sup>22</sup>).

461. The Latin America and Caribbean Crime Victimization Survey Initiative (LACSI) constitutes a tool that is being progressively implemented in countries in the Latin America region and beyond as a common standard for victimization surveys.<sup>23</sup>

462. Besides general victimization surveys, specialized sample surveys on violence against women proved to be very effective in estimating the extent and patterns of violence against this vulnerable population. Even if the majority of victimization surveys include questions on sexual violence targeted at both women and men, dedicated modules are able to capture more details on the perception

21 <https://www.unodc.org/unodc/en/data-and-analysis/Data-for-Africa-publications.html>

22 <http://www.cdeunodc.inegi.org.mx/index.php/mapa/>

23 The questionnaire is available online in English, Spanish and French at: <https://www.unodc.org/unodc/en/data-and-analysis/statistics.html>

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**BOX X.7 Standardizing Victimization Surveys: The Latin America and Caribbean Crime Victimization Survey Initiative (LACSI)**

In 2013, the UNODC-INEGI Centre of Excellence in Statistical Information on Government, Crime, Victimization and Justice analysed victimization surveys in 17 countries and 2 cities in the Latin American and Caribbean region and found that there was a need to harmonize methodologies in order to produce comparable data.

The efforts of the initiative, involving 12 countries from Latin America and several regional and international organizations, have led to the development of a standardized methodology for measuring crime victimization by considering a number of core and non-core crimes, the dark figure, the reasons for not reporting victimization experiences, perceptions about safety and attitudes towards the criminal justice system. Currently, it is focusing its efforts on developing additional modules on cybercrime and harassment. To date, nine countries have adopted the LACSI methodology.

Source: UNODC-INEGI Centre of Excellence in Statistical Information on Government, Crime, Victimization and Justice, 2013-2019.

and experience of both physical and psychological violence against women. Moreover, given the sensitivity of the topic, dedicated surveys can be structured, and interviewers trained, in a way to gain the trust of respondents and allow them to “warm up” and be prepared to answer the most emotional and difficult questions. This is particularly relevant considering that violence against women is not only a human rights violation and a cause and consequence of gender discrimination but also a serious safety and security issue. Moreover, as mentioned above, much of the violence experienced by women goes unreported to the police and public institutions (i.e. marital rape), and some forms of violence experienced by women are not criminalized in all countries (i.e. sexual harassment). This makes surveys on violence against women a key instrument for data collection to obtain estimates on this topic.

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**BOX X.8 Surveys on violence against women**

At international level, OSCE recently released the results of the OSCE-led Survey on Violence Against Women (<https://www.osce.org/secretariat/413237>) developed in 2018 in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, Kosovo, Moldova and Ukraine.

A survey has been developed in 2015 by the European Commission across 28 Member States of the European Union asking about their experiences of physical, sexual and psychological violence, including incidents of intimate partner violence (“domestic violence”), stalking, sexual harassment, and the role played by new technologies in women’s experiences of abuse (Violence against women: an EU-wide survey: <https://fra.europa.eu/en/data-and-maps/violence-against-women-survey/survey-information>)

At the national level, the Italian Survey on Violence Against Women (2015) is often quoted as a best practice because it covers a large sample of women (25,000) and focuses on several types of violence perpetrated by intimate partners and men known to the victim, and male strangers (physical psychological, economic violence and stalking). The results of the survey were used in a massive public campaign ([https://www.istat.it/it/files//2015/09/EN\\_Violence\\_women.pdf](https://www.istat.it/it/files//2015/09/EN_Violence_women.pdf)).

Specific guidelines for Producing Statistics on Violence against Women through surveys have been developed by the Department of Economic and Social Affairs of the United Nations Secretariat (Guidelines for Producing Statistics on Violence against Women—Statistical Surveys: [https://unstats.un.org/unsd/gender/docs/guidelines\\_statistics\\_vaw.pdf](https://unstats.un.org/unsd/gender/docs/guidelines_statistics_vaw.pdf)).

463. In addition to victimization surveys, self-report delinquency studies and retrospective mortality surveys are additional ways to collect data on crime and violence. Self-report studies of offending and victimization aim to measure the prevalence and incidence of offending; to test theories about the correlates of offending; and to describe the dimensions and trajectories of delinquent careers, by asking individuals if they have engaged in delinquent or criminal behaviour (Junger-Tas and Marshall, 2012; Thornberry and Krohn, 2000). This type of survey has been developed mainly in the US, Canada, New Zealand, Australia, the UK and other European countries, but also in Japan, India, China and South Africa (Junger-Tas and Marshall, 2012). The first International Self-Report Study (ISRD) was launched in 1992 by the Dutch Research and Documentation Centre (WODC) and covered juvenile delinquency across several European countries (<https://web.northeastern.edu/isrd/summary/>).

464. Retrospective mortality surveys are developed to detect a crude mortality rate, including violent deaths, by interviewing household representatives. These surveys are usually developed in areas affected by conflicts in order to monitor the population's morbidity and mortality. The information collected concerns the health status of the population (availability of water and sanitation; non-food items, such as plastic sheeting, jerry cans, blankets, cooking pots and soap; food rations; and access to medication) and on the main causes of death, including fever, diarrhoea, respiratory illness, violent death or other. WHO has developed several of these surveys (see for example the Retrospective Mortality Survey among the Internally Displaced Population, Greater Darfur, Sudan, August 2004<sup>24</sup>). Also the Human Rights Data Analysis Group is using this method to assess large-scale human rights violations (see for example Silva and Ball, 2006<sup>25</sup>).

### X.3.3.2 Methodological and quality issues

465. It is important that those planning to undertake a survey understand not only the strengths of the survey method (as outlined above) but also the limitations.

466. Although data from crime victimization surveys are likely to elicit a fuller disclosure of criminal incidents than data from police records, they can also be subject to undercounting, as some victims may be reluctant to disclose information to the interviewer, particularly for incidents of a sensitive nature, such as sexual assault (social desirability bias). Some criminal incidents are more difficult to measure, for example when surveys rely on the respondents realizing that they have been a victim of crime but this has not been apparent to them before. However, there are methodological tools that have proven successful for reducing such risks of misinterpretation. A comprehensive discussion of best practices and tools for designing and conducting victimization surveys is given in the UNODC-UNECE *Manual on Victimization Surveys* (2010).

467. Furthermore, specific methodologies, standards and tools have been developed to measure violence against women. The methodology used in the WHO Multi-Country Study on Women's Health and Domestic Violence against Women<sup>26</sup> has been used and adapted in national prevalence surveys on violence against women in over 20 countries across different regions. The Demographic and Health Survey also includes an optional Domestic Violence Module<sup>27</sup> that has been implemented in over 50 countries. Specific methodological as well as ethical and safety standards have been developed to implement Violence against Women surveys, to ensure that issues such as those raised above are

24 <http://apps.who.int/disasters/repo/14652.pdf>

25 <https://hrdag.org/content/timorleste/Benetech-Report-to-CAVR.pdf>

26 <https://www.who.int/reproductivehealth/publications/violence/24159358X/en/>

27 <https://dhsprogram.com/topics/gender-corner/>

addressed, to improve the reliability of the data, and to ensure that the women interviewed and women interviewers are not put at further risk of violence.

468. The accuracy of sample survey data is also influenced by people's ability to understand the question (and the interviewer's to ask it in the proper way) and to recall past victimizations. Crime is a social construct, and the perception and interpretation of criminal acts can vary across individuals. Moreover, the longer the elapsed time period, the less likely it is that an incident will be recalled accurately, giving rise to a "recall error". Some countries have addressed this issue by using a 12-month reference period of victimization, which makes it easier for respondents to recall past events than a longer period. At the same time, the reduced period increases the risk for "telescoping in" events that are further in the past, either because respondents feel an urge to relate certain events or because they cannot accurately recall the time of their occurrence. Therefore, it is recommended to use both a longer (three or five year) reference period as a "screener", before zooming in to a shorter 12-month period.<sup>28</sup>

469. Criminal offences that are not as prevalent in the community will require larger samples to be representative of the population and data for very low prevalence offences (such as intentional homicide or kidnapping).<sup>29</sup> On the one hand, a large sample size will have a direct impact on the precision and quality of survey results, while on the other hand this can be a downside as big sample sizes may be quite expensive, and quality control of a large survey operation may be more challenging.

470. Another problem of victimization surveys concerns their economic sustainability. Costs of sample surveys are mainly linked to the sample size, the scope of the survey and the type of data collection method (UNODC-UNECE, 2010).

471. Finally, and as mentioned above, an insufficient standardization of victimization surveys can affect cross-country comparability of the resulting data. In this regard, the Manual on Victimization Surveys published by UNODC and UNECE in 2010 aims to provide statistical offices, and any other agency willing to develop such surveys, with methodological guidelines to design national crime victim surveys using international standards.

### **X.3.4 Administrative data on documented deaths and injuries related to armed conflict**

#### **X.3.4.1 Description**

472. Armed conflict and other acts of mass violence continue to be a scourge of humanity, resulting in the loss of many thousands of lives every year. Efforts to avert the risks of armed conflict and to strengthen international peace and security are among the most important safeguards of the right to life and the safety of rights holders.

473. This section addresses administrative data on conflict-related deaths and injuries. The mechanisms, bodies and institutions that have the mandate, capacity and independence to document and investigate incidents related to conflict (e.g. UN peacekeeping operations, commissions of inquiry, humanitarian operations and human rights offices and National Human Rights Institutions (NHRIs) produce casualty records.

<sup>28</sup> See the UNODC-UNECE (2010) *Manual on Victimization Surveys* for a detailed discussion of these and other methodological issues.

<sup>29</sup> For an example of measuring homicide through large-scale sample surveys in Nigeria, see UNODC (2019).

474. UN entities operating in situations of armed conflict, given their mandate, proximity to hostilities, extensive local networks and cooperation with various organizations, are well placed to provide accurate data on documented conflict-related deaths, focusing on civilians. Documented cases provide verified information on each death directly related to armed conflict. UN entities collaborate with a wide range of sources, including governmental institutions and civil society, to gather and verify data.

475. NHRIs play an important role in addressing issues related to conflict and its consequences. Although faced with difficulties and challenges during conflict, NHRIs monitor the human rights situation in accordance with international and regional human rights standards. They document and respond to human rights violations and report to international, regional and national human rights mechanisms.<sup>30</sup>

476. NSOs, with their work in supporting government entities in strengthening their administrative records, including those working on vital, crime, health, justice and security statistics, are also important data providers.

477. Examples of data sources in this field, i.e. the source used to record and verify information on the persons killed and related incidents, include: eyewitnesses or those directly affected; hospital records; community elders, religious and civil leaders; security forces and conflict parties; local authorities; prosecution offices, police and other law enforcement agencies, and health authorities; government departments and officials; UN and other international organizations; media reports; members of the international community; and civil society organizations. In addition, relevant information may be obtained from digital sources (e.g. videos, photos), documentary sources (e.g. medical, police and judicial records) and open sources (e.g. online information).

#### **X.3.4.2 Methodological and quality issues**

478. In situations of armed conflict, a large share of deaths and injuries may remain unreported. Often, the presence of conflict heavily affects normal registration systems. Additionally, actors on both sides of a conflict may have incentives for misreporting, deflating or inflating casualties. In most instances, the number of cases reported will depend on access to conflict zones, access to information, and the motivation and perseverance of possible data providers.

479. Depending on the availability and quality of administrative data over the course of the armed conflict, statistical surveys and techniques may be used to estimate undocumented direct conflict-related deaths. National administrative datasets with sufficiently well documented direct deaths constitute an essential source for further statistical analysis and estimations of undocumented direct deaths. As indirect deaths would typically fall outside the scope of common casualty recording practices (that rather focus on direct deaths), they may be captured using additional administrative records and/or statistical surveys allowing the measurement of excess mortality, namely all the deaths (direct and indirect) that would not have occurred in time of peace, as defined and measured by epidemiologists.

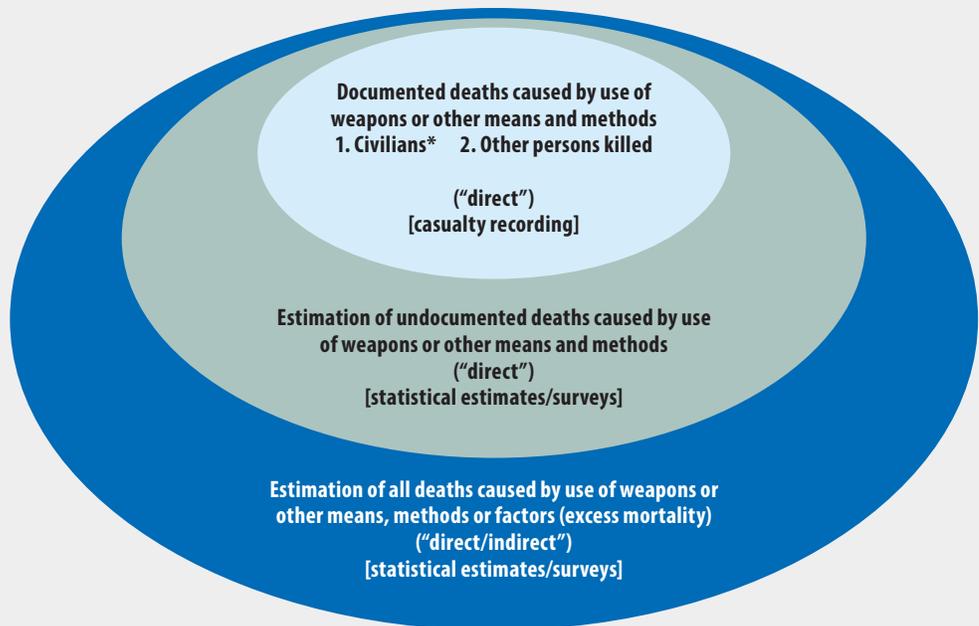
480. The methodology for these estimations will be further developed in collaboration with NSOs, NHRIs, UN entities and CSOs.

<sup>30</sup> See the Kyiv Declaration on the Role of National Human Rights Institutions in Conflict and Post-Conflict Situations, available at [http://ennhri.org/IMG/pdf/the\\_kyiv\\_declaration.pdf](http://ennhri.org/IMG/pdf/the_kyiv_declaration.pdf)

**BOX X.9 SDG 16.1.2 on the number of conflict-related deaths per 100,000 population, by sex, age and cause**

In March 2018, the Inter-Agency and Expert Group on SDG indicators (IAEG-SDGs) approved the methodology to measure the number of conflict-related deaths, establishing new statistical standards and data collection efforts at international level. SDG indicator 16.1.2 monitors conflict-related deaths and will help assess policies on the protection of civilians and other victims, respect for humanitarian and human rights standards, and the prevention of armed conflicts. The approved methodology:

- was developed based on already agreed legal, statistical and casualty recording standards and practices at international level;
- provides harmonized definitions of “armed conflict”, internationally and non-internationally, and of “conflict-related deaths”, including direct deaths and indirect deaths;
- provides an approach to identifying situations of armed conflict based on the assessments, as contained in publicly available reports and other relevant documents, issued by the UN and other internationally mandated entities;
- takes a concentric approach in the methodology development, data collection and compilation of the indicator, starting with counting documented direct deaths, then estimating undocumented direct deaths and last, estimating indirect deaths;



- provides a basic list of verifiable data that altogether define the case following the analytical syntax of “Who did what to whom, when, where and why?”
- provides guidance on how to verify each case and on the data collection and compilation process.

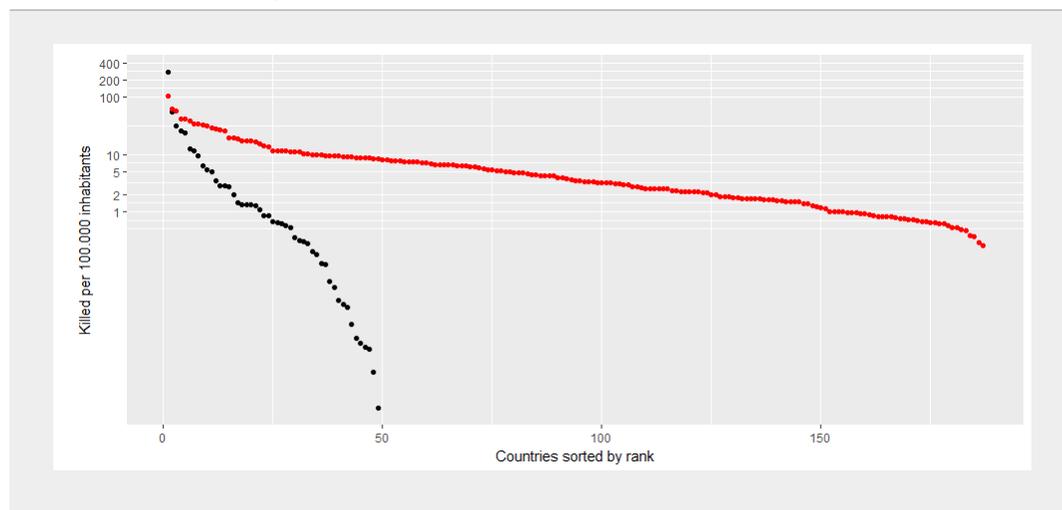
Source: OHCHR, Metadata and Technical Guidance on SDG 16.1.2 on conflict-related deaths, available at <https://www.ohchr.org/EN/Issues/Indicators/Pages/SDGindicators.aspx>

### X.3.5 Estimates of conflict fatalities

#### X.3.5.1 Description

481. Victims of armed conflicts are very rare compared to homicides, and very few conflicts result in death rates comparable with the top countries in the homicide statistics. Figure X.1 illustrates the difference between homicide statistics and statistics on conflict-related deaths. The red points are global homicide statistics, ranked from highest to lowest. The black points are armed conflict death rates, also ranked from highest to lowest. In 2015, which was among the most lethal years in recent history, the most lethal conflict (Syria) had a higher rate of persons killed than El Salvador, which was on top of the homicide rate statistic for that year. However, the black points quickly drop towards zero.<sup>31</sup> The gap between the red and the black points show that globally homicide is by far the larger challenge for individual lives and safety.

FIGURE X.1 Comparison of homicide statistics and armed conflict death rates (per 100,000 inhabitants)



482. However, armed conflict often coincides with a limited governmental capacity, which means that the governmental institutions responsible for the collection of official statistics may very well be unable to do so. In such situations, estimates based on official and unofficial death counts produced by experts may offer the best approach to produce a measure that is consistent over time and across countries.

483. Expert estimates of conflict fatalities are based mainly on news reports and other eyewitness accounts. Such reports are not equally available across the world, and they are vulnerable to manipulation by the parties to the conflict and others.<sup>32</sup>

31 If we had high-quality subnational data on armed conflict deaths, we would probably see an even starker contrast. As conflict deaths tend to cluster, the most conflict-affected regions in Syria would go off the scale.

32 Weidman (2015) compared UCDP's coding of conflict-related deaths in Afghanistan with leaked US reports known as SIGACTS, and found that larger events were more likely to be included in the former, and that while the location of an event could be quite off, the number of casualties was generally unbiased.

484. Nevertheless, using internationally recognized experts to fill this role has several appealing qualities. Independent expert groups already exist and have a proven track record in this field. They differ in their coverage and definitions, which offers interesting opportunities for outside validation. Among these groups are the Uppsala Conflict Data Programme<sup>33</sup> (UCDP) and the Armed Conflict Location Event Data Project<sup>34</sup> (ACLED).

485. These two projects differ in several ways. UCDP covers the entire world, whereas ACLED focuses on the world's most conflict-prone regions (but still covers most conflicts). UCDP has a strict definition of conflict that is applied stringently and equally to all conflicts, and will only report on a given year in the month of May the following year. ACLED has a more pragmatic approach and works closely with local partners to gain as much information as possible. A consequence of this difference is that ACLED will report much more than UCDP, and report higher casualty figures than UCDP. Neither of them are correct in the verbatim sense, but diverging estimates largely reflect differences in methodology.<sup>35</sup>

### X.3.5.2 Methodological and quality considerations

486. A key issue when measuring conflict-related deaths is to be able to apply the same definitions over time and for different countries. First, a clear definition for differentiating between armed conflict and other forms of violence is required. Second, a clear definition of which deaths should be counted as resulting from an armed conflict is required. Third, we need to define the qualitative sources that we believe are trustworthy.

487. The UCDP, usefully, bases its calculations on the following definition of armed conflict: "An armed conflict is a contested incompatibility that concerns government and / or territory where the use of armed force between two parties, of which at least one is the government of a State, results in at least 25 battle-related deaths in one calendar year" (Gleditsch and others, 2002). Battle-related deaths included in UCDP's calculations include those that result from: "the use of armed force between warring parties in a conflict dyad, be it State-based or non-State, resulting in deaths"; one-sided violence, defined as the "use of armed force by the government of a State or by a formally organized group against civilians which results in at least 25 deaths in a year"; and non-State violence, defined as the "use of armed force between two organized armed groups, neither of which is the government of a State, which results in at least 25 battle-related deaths in a year".<sup>36</sup>

488. The ACLED definition starts out with a typology of different events, which are then described in detail. Among the dimensions coded is the name and type of actor, from which the type of conflict can be derived. An event that includes a military actor and a rebel actor will be classified as an armed conflict, but there is no minimum threshold that this dyad must pass in order to qualify. ACLED also included non-violent events such as protests.<sup>37</sup>

33 <https://ucdp.uu.se>

34 <https://acleddata.com>

35 The merits and reliability of ACLED and UCDP GED are disputed. See [http://www.acleddata.com/wp-content/uploads/2015/04/ACLED\\_Reporting-Sources-Working-Paper-No.-5\\_2015.pdf](http://www.acleddata.com/wp-content/uploads/2015/04/ACLED_Reporting-Sources-Working-Paper-No.-5_2015.pdf) and <https://journals.sagepub.com/doi/abs/10.1177/0010836711434463> for supportive arguments from the two projects. Global assessments of how well the two datasets correlate can be misleading, as there can be large local differences with significant consequences for the performance of individual countries.

36 <https://www.pcr.uu.se/research/ucdp/definitions/>

37 <https://www.acleddata.com/resources/general-guides/>

489. A somewhat more encompassing attempt at measuring and recording deaths due to armed conflict is a definition used by *Every Casualty*: “recording of deaths from armed conflict only, though the term casualty can also include people who are injured”. This approach focuses on documenting either “the deaths of individual people from conflict violence (e.g. listing individual victims and the circumstances of their deaths)” or “separate events or incidents in which deaths from conflict violence occurred (e.g. listing dates and places of separate incidents of violence and the numbers killed in each)” (Minor, 2012).

490. In counting direct conflict deaths, the Geneva Declaration Secretariat approach in its GBAV database is to record victims of lethal violence in different settings affected by collective or organized forms of violence or armed conflict. Various incident-based reporting sources are integrated in this process; the applied methodology is to choose the best available estimate for each country identified as suffering from armed conflict. For more information, see the online methodological annex of the 2011 edition of the GBAV (Geneva Declaration Secretariat, 2012).

491. Victims of terrorism are not necessarily accounted for in the data on conflict-related deaths, although most are generally recorded in the databases that cover conflict countries. Defining terrorism is a difficult matter, and the circumstances of terrorist killings in situation of armed conflict may mean such deaths are not recorded in conventional statistics on homicide; in theory, “deaths as a result of terrorist activities”<sup>38</sup> should be recorded as intentional homicides, but this does not solve the question of who is to be regarded as a terrorist group in a concrete conflict situation. One point to note is that most victims of terrorism are recorded in conflict deaths data (Geneva Declaration Secretariat, 2011). The main existing international data sources on victims of terrorism are: Global Terrorism Database, International Institute for Strategic Studies, National Counterterrorism Center (US) (GBVA, 2015).<sup>39</sup>

### X.3.5.3 Measuring conflict-related deaths beyond expert assessments

492. Sample surveys, applied after a conflict subsides, have also been a useful tool to measure conflict-related deaths. Specifically, household surveys known as retrospective mortality surveys (RMSs) can be used to ask respondents about information on past violent and non-violent deaths.

## X.3.6 Administrative data on the performance of law enforcement and criminal justice institutions

### X.3.6.1 Description

493. In addition to using administrative crime and criminal justice data to monitor the State response to crime, these data can also be used to derive insights into the quality of law enforcement and criminal justice institutions, as measured by indicators on their resources, activities and performance.

#### *Resource data*

494. Resource data quantify the costs of administering the justice system. They include items such as the number of persons employed, the functions of persons employed, expenditures on wages and salaries, operating costs and revenues (UN, 2003). Personnel variables are preferred to the

<sup>38</sup> According to the ICCS, “Death as a result of terrorist activities” refers to killing due to an act intended to cause death or serious bodily injury by a person who is not a combatant (i.e. party to a conflict), when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or international organization to do or abstain from doing any act. (United Nations General Assembly. International Convention for the Suppression of the Financing of Terrorism. 1999. E/RES/54/109, Article 2(1b).

<sup>39</sup> Geneva Declaration Secretariat (2015). Global Burden of Armed Violence, p. 35.

other indicators, because they are more easily interpreted and comparable across countries (Smit and Harrendorf, 2010).

495. The key types of resource indicators by criminal justice agency include:

- Police personnel or law enforcement personnel: "Personnel in public agencies whose principal functions are the prevention, detection and investigation of crime and the apprehension of alleged offenders (definition from the UN-CTS 2019). Police personnel should be disaggregated by gender and function (preventive, detective or investigative and administrative/other personnel);
- Prosecution personnel: "Both full-time and part-time officials whose duty is to initiate and maintain criminal proceedings on behalf of the State in relation to a criminal offence. Data concerning support staff (e.g. secretaries, clerks, paralegals etc.) should be excluded" (definition from the UN-CTS 2019);
- Court personnel: "Both full-time and part-time officials authorized to hear specifically criminal cases, including in appeal courts, and to make dispositions in a court of law. Please also include authorized associate judges and magistrates" (definition from the UN-CTS 2019);
- Prison personnel: "All individuals employed in penal or correctional institutions, including management, treatment, custodial and other (maintenance, food service, etc.) personnel" (definition from the UN-CTS 2019).

#### *Performance indicators*

496. The United Nations *Manual for Criminal Justice Statistics* (2003), the UNODC *Criminal Justice Assessment Toolkit* (2006), as well as the Expert Group established by the European Commission DG-JLS on the *Policy Needs for Data on Crime and Criminal Justice* (2006)<sup>40</sup> identified the importance of producing criminal justice system "response/attrition"<sup>41</sup> rates in order to develop performance indicators for the criminal justice system.

497. To calculate the "real attrition rates", it would be necessary to follow the path of individual cases throughout the criminal justice system (Heiskanen and others, 2014). Recording systems employing Integrated File Numbers (IFN) allow to directly follow a "cohort" of individuals through the system, from arrest to prosecution to acquittal/conviction. In this case, the "real attrition rate" would measure the percentage out of the same cohort of persons arrested who were prosecuted and the percentage who were convicted (UNODC, 2010; UN, 2003). However, few countries have the possibility of exactly combining person-related data from different sources in the field of crime and criminal justice statistics, and even when this is possible, the linkage does not necessarily cover all parts of the criminal justice process (Heiskanen and others, 2014). For the time being, it is therefore impossible to collect true case flow data to measure attrition on the level of national crime and criminal justice statistics (ibid.).

498. Instead, "approximate attrition rates" may be calculated. Approximate attrition rates would not involve the same individuals at each stage and cannot take account of delays in the process, but the calculation may be carried out with a basic level of criminal justice statistics (UNOC, 2010). The results

<sup>40</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:234:0029:0032:EN:PDF>

<sup>41</sup> Attrition can be defined as the "loss" of cases or, more technically, the filtering out of cases during the criminal justice process (Jehle, 2012; Heiskanen and others, eds., 2014).

of the DECODEUR project<sup>42</sup> identified 12 possible indicators for approximating attrition on the level of police, prosecution, courts and prisons, as follows (Heiskanen and others, 2014, p. 134):

- 1) Police: detection ratio (cases known to the police per all cases, including the “dark figure” of crime estimate through victimization surveys); clearance ratio (cases for which an offender can be identified per all cases known to the police); offender ratio (suspects known to the police per cases known to the police);
- 2) Prosecution: prosecution ratio (suspects or cases passed on to the prosecution service per suspects or cases known to the police); indictment ratio 1 (persons or cases brought before a court by the prosecution service per persons or cases prosecuted; indictment ratio 2 (persons or cases brought before a court by the prosecution service per suspects or cases known to the police);
- 3) Conviction: conviction ratio 1 (persons convicted per persons brought before a court; conviction ratio 2 (persons convicted per suspects known to the police);
- 4) Prison: punitivity ratio 1 (persons sentenced to a certain, severe sanction per all convicted persons); punitivity ratio 2 (prison flow, i.e. all persons sent to prison in a given year, per all convicted persons); punitivity ratio 3 (prison stock, i.e. all persons incarcerated, or sentenced incarcerated persons, per all convicted persons).

499. Other combinations of the above, such as the ratio between persons sentenced and suspects known to the police, are theoretically possible. However, some methodological caveats should be considered (see section X.3.5.2).<sup>43</sup>

500. Compliance indicators are related, yet distinct, from performance indicators. Compliance indicators seek to assess conformity with existing legal standards or benchmarks. For instance, SDG indicator 16.a.1 assess the compliance of existing National Human Rights Institutions with the Principles relating to the Status of National Institutions (The Paris Principles), which were adopted by the UN General Assembly (resolution 48/134) based on the rules of procedure of the Global Alliance of National Human Rights Institutions (GANHRI, former ICC, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights). Such compliance indicators are based on internationally mandated expert assessment mechanisms.

#### *Productivity (workload) indicators*

501. Resource data, when combined with caseload data, can provide productivity indicators for the various law enforcement and criminal justice agencies, which can be defined as the relation between personnel strength and the output produced (UN, 2003; Smit and Harrendorf, 2010). For example:

- The number of criminal offences and persons suspected per police officer (Smit and Harrendorf, 2010);
- Average number of persons prosecuted per prosecutor (ibid.);
- Average number of persons brought before a court per prosecutor (ibid.);
- Average number of persons convicted per prosecutor (ibid.).

<sup>42</sup> “Developing a Methodology to Collect Data on Community Sanctions and Measures and Attrition Rates in Europe” (DECODEUR). It was funded by an EU action grant and carried out by the experts group for the European Sourcebook of Crime and Criminal Justice Statistics (ESB) together with experts from CEP, the Confederation of European Probation.

<sup>43</sup> For a detailed assessment of each of the 12 indicators see Heiskanen and others (2014).

502. Other indicators related to the timeliness and length of the criminal proceedings (UNODC, 2010; Smit and Harrendorf, 2010) can be calculated as follows:

- Timeliness of prosecution decisions and actions (prosecution);
- Average length of trials (court);
- Average time spent in pretrial detention (court).

503. At international level, the main initiatives collecting administrative data on law enforcement and criminal justice institutions, which also allow to compute many of the above-mentioned indicators, are: the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS), the European Sourcebook of Crime and Criminal Justice Statistics, Eurostat, and the Council of Europe Annual Penal Statistics (SPACE).

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#### **BOX X.10 Law Enforcement Core Statistics (LECS) – United States**

The Law Enforcement Core Statistics Program (LECS) is coordinated by the Bureau of Justice Statistics (BJS) of the United States. For over 25 years, this Bureau has been the authoritative source for national statistics regarding the personnel, operations, policies, and procedures of law enforcement agencies (LEAs). The BJS develops two main data collections: 1) the Law Enforcement Management and Administrative Statistics (LEMAS), which is the BJS' core law enforcement data collection programme, and 2) the Census of State and Local Law Enforcement Agencies (CSLLEA). The LECS combines these two collections into a cohesive law enforcement collection programme and reshapes their content to focus on agency performance as well as contemporary topics related to agency staffing, regulations and policies. In particular, the LEMAS collects data "on agency responsibilities, operating expenditures, job functions of sworn and civilian employees, officer salaries and special pay, demographic characteristics of officers, weapons and armour policies, education and training requirements, computers and information systems, vehicles, special units, and community policing activities" (<https://bjslecs.org/>).

### **X.3.7 Surveys on law enforcement and criminal justice institutions (population surveys and surveys of employees of these institutions)**

#### **X.3.7.1 Description**

504. Collecting information on the activities of law enforcement and criminal justice institutions through surveys is important for strategic planning and for assessing their performance. Similarly, assessing the level of public trust in justice is crucial to the rule of law and in order to better target criminal policies and support the legitimacy of justice institutions. Legitimacy can affect law-related behaviour (Jackson and others, 2012) and thus influence the overall level of safety and security.

505. Surveys on law enforcement and criminal justice institutions can be targeted to:

- The general population or business representatives, to collect their experiences and opinions on law enforcement and justice institutions;
- Employees of law enforcement and criminal justice institutions, to collect information on their working environment and activities.

### *General population and business surveys on law enforcement and justice institutions*

506. Surveys collecting information on law enforcement and justice institutions from the general population can be of three main types:

- 1) Larger multi-purpose surveys may include a module on trust in public institutions. See the chapter in this Handbook on “Trust” for further detail.
- 2) Victimization surveys and surveys on access to justice cover concrete experiences of victims of crime when turning to official authorities to address injustices and receive assistance. Besides general information on victims and their experiences with crime, these surveys often also cover the reporting of crime (whether and to whom the crime was reported), the response of the police or other authorities, and satisfaction with this response. See the Handbook chapter on access to and quality of justice for further detail.
- 3) Community surveys are usually developed by law enforcement agencies to collect information from local residents on crime, fear of crime and satisfaction with law enforcement. This information can be of great value both in strategic planning, but also in assessing the past performance of law enforcement agencies (see Henning and others, 2017).

### *Surveys among officers of law enforcement and justice institutions*

507. These surveys can be conducted potentially among all actors of the criminal justice systems (police officers, prosecutors, judges and correctional officers) and aim to collect information on the attitudes, behaviours and activities of the persons working within law enforcement and justice institutions (Nix and others, 2019):

- Surveys of police officers are the most frequently developed. Nix and others (ibid.) identified 497 police surveys reported in journal articles from 2008 to 2017. A recent and frequently quoted example is Skogan’s survey of police officers in Chicago developed in 2015.
- Surveys of prosecutors aim to provide data on prosecutorial activities as well as on a variety of administrative and legal issues facing prosecutors. The United States National Survey of Prosecutors is a consolidated example of this type of survey.<sup>44</sup>
- Correctional officer surveys include questions on job satisfaction, work stress, personal safety and security, attitudes towards inmates and professional orientation.<sup>45</sup> Recent examples of this type of survey are the California Correctional Officer Survey developed in 2006 and the European Public Service Union survey of the impact of the economic crisis on prisons, developed in 2015 across 12 European countries.<sup>46</sup>

<sup>44</sup> <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=265>

<sup>45</sup> [https://amyleyman.weebly.com/uploads/2/3/4/0/23402306/attitudes\\_towards\\_rehabilitation.pdf](https://amyleyman.weebly.com/uploads/2/3/4/0/23402306/attitudes_towards_rehabilitation.pdf)

<sup>46</sup> <https://www.epsu.org/sites/default/files/article/files/Prison%20staff%20perspectives%20EPSU%20survey%20June%202016%20EN.pdf>

**BOX X.11 National Survey of Standards and Police Professional Training (ENECAP)**

As a federal country, public security in Mexico is provided by municipal, state and federal polices with varying degrees of resources and training. Police forces are also a topic in the public agenda, since they constitute a keystone element to solve the security crisis prevailing in Mexico in the last few years. For this reason, the National Statistical Office (INEGI) decided to collect survey information on police officers across the country so as to provide evidence to improve policing functions. The former represented a challenge regarding the design of representative samples — there is no reliable census of police forces — and due to complexities to reach members of different police sectors. Fortunately, these initial obstacles were surpassed through sophisticated sampling methods and due to the legitimacy of INEGI’s work on security and justice statistics (INEGI carries out projects such as the national victimization survey on a continuous basis). The result was the National Survey of Standards and Police Professional Training, an instrument that provides reliable statistics on the sociodemographic profile and employment conditions of police officers. Such statistics encompass the main characteristics of the police function, initial training, updating, specialization and equipment, as well as providing elements for the corresponding actors to make public policy decisions in this field. The results reported in the charts below demonstrate that only through a survey of this type is it possible to assess the main challenges faced by law enforcement authorities in discharging their duties and to identify where policy interventions are needed.

**Percentage of officers who agree additional training is needed (by subject)**

The adversarial Justice System	82
Giving testimony (presenting evidence – physical and intelligence)	76
Rules and Procedures (SOP)	75
Mediation and Conflict Resolution	74
Assistance to Vulnerable Populations	73
Computer Studies	71
Personal Defense	72
Arrest and Control Tactics & Use of Force	69
Interview Techniques (Suspects and Witnesses)	68
Mechanisms for Interacting with Citizens	67
Writing & Grammar	67

**Police officers who reported being victims of crimes or anti-social behavior while on duty (%)**

	Victim	Not a victim
National Average	35.6	64.4
Federal Police	28.5	71.5
Investigative Federal Police	20.1	79.9
Preventive State Police	40.9	59.1
Investigative State Police	23.4	76.6
Preventive Municipal Police	36.1	63.9

Source: INEGI, National Survey of Standards and Police Professional Training (ENECAP) 2017.

### X.3.7.2 Methodological and quality issues

#### *Resource indicators*

508. Computing resource indicators might face several methodological shortcomings, especially in terms of data comparability across countries.

509. With regard to police resource indicators, the main problems arise because several types of police forces might exist in one country, but not in another. Similarly, police forces may perform different tasks in different countries, and therefore figures might include (or not include) data on criminal police, traffic police, border police, gendarmerie, uniformed police, city guard or municipal police, but also customs officers, tax police, military police, secret service police, police reserves, cadet police officers or court police. Furthermore, the way of counting personnel might differ (Smit and Harrendorf, 2010).

510. With regard to statistics on prosecution resources, the personnel numbers might be affected not only by the task of prosecutors but also by the efficiency and structure of the prosecution service. Counting rules also have an impact on the reliability and comparability of these statistics (ibid.; Aebi, 2008).

511. The data collected on judges are influenced not only by legal and factual differences in criminal justice, as in the case of prosecution systems, but also by the type of duties of and need for judges, efficiency and structure of the court system and differences in statistical counting rules (Smit and Harrendorf, 2010).

512. With regard to prison statistics, “the sheer number of institutions means nothing with respect to resources” (ibid.), since this number would also depend on the number of available places per prison and is therefore not a direct indicator of the amount of resources expended. The number of places available (the “official prison capacity”, an indicator required to calculate the extent of overcrowding in prisons) can also be an indicator that faces comparability problems, because the “official capacity” of prisons is mainly subject to national definitions, which does not necessarily imply that certain minimum standards are taken into account.

#### *Administrative performance indicators*

513. Whilst both the United Nations Manual and the DG-JLS Expert Group recognize the importance of “response/attrition” measures, methodologies for the calculation of such measures remain very much under development.

514. Attrition rates can be calculated level by level and on the overall criminal justice process. However, when moving straight from the first to the last stage and computing, for example, the ratio of prison sentences by police-recorded offences, important information will be lost (Heiskanen and others, 2014). Inter-level attrition ratios should also be calculated only for specific offences (e.g. the number of persons brought to court for rape who were convicted).

515. Another methodological caution when using performance indicators concerns their level of comparability across the various criminal justice agencies (UNODC, 2010). Indeed, performance indicators should be used for measuring the specific performance and accountability of each individual criminal justice agency and not for comparing the performance between police departments, or between prosecution services or between courts.

516. Cross-national comparisons of police “clearance” data are recognized to be extremely complex, due to different national criteria for solving crimes, different counting units for recorded crime, differing obligations to prosecute, and different degrees of police discretion in case-handling (see for example Smit, Meijer and Groen, 2004). Nonetheless, measures of cases solved or cleared (according to the national definition) are crucial for the measurement of police effectiveness within the national context.

517. Another issue concerns potential changes in the classification of a crime between the initial recording of the event and the subsequent in-depth investigation. If data are collected for statistics at the point of initial incident recording, then different crime numbers would be reported compared to a situation where data are collected after investigation. There might also be a lack of harmonization between the crime classification system used to classify the crime incident (and subsequent reported crime statistics) and the charge assigned to the offender (under the criminal code). “Depending upon the national system, these two categories may or may not be equivalent. A country may, for example, use broad descriptive codes for classifying the crime event, but a technical, detailed list of legal offences for the charge procedure. Where this is the case, work is required to carefully ‘translate’ legal charges as they correspond to each crime classification”<sup>47</sup> (UNODC, 2010). The International Classification of Crime for Statistical Purposes (ICCS) provides a standard crime classification system that can be applied across different stage of the criminal justice process, thereby ensuring comparability of criminal offence categories between law enforcement and justice institutions.

#### *Surveys among employees and law enforcement and justice institutions*

518. The main consideration concerning surveys among employees of law enforcement and justice institutions is related to gaining access to and the trust of the officers, who often make up close-knit communities and are distrustful of outsiders. To increase participation, officers need to be given advance notice of the survey, and numerous insiders (e.g. the Chief of police and district commanders) have to be enlisted to help (Nix and others, 2019). To obtain valid responses about sensitive topics, anonymity is a key issue.

## **X.4 Recommended key indicators**

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519. The 2030 Agenda for Sustainable Development calls on Member States to “significantly reduce all forms of violence and related death rates everywhere” (Target 16.1). The four SDG indicators under this target constitute the core set of indicators to monitor crime and safety: indicators 16.1.1, 16.1.2, 16.1.3, and 16.1.4. In order to produce data that are suitable to address the UN-SDG principle of “leaving no one behind”, such data should be disaggregated whenever relevant (e.g. by sex, age, location, disability status, etc.).

520. In addition to this core set, further SDG indicators can be used to expand countries’ understanding of patterns and trends in safety and security. Three recommended indicators under target 16.2 refer to ending all forms of violence against children. Two indicators under target 5.2 monitor progress towards the elimination of all forms of violence against women and girls. Under SDG 4 on education, there are two indicators about school safety that specifically refer to the situation of students and their teachers. (SDG 4.a.2 – “Percentage of students experiencing bullying in the last 12 months”

47 The Australian Standard Offence Classification (ASOC), for example, encompasses legal definitions and criminal codes in use across Australian jurisdictions. <https://www.qgso.qld.gov.au/issues/2581/australian-standard-offence-classification-ql-d-extension-2008.pdf>

and SDG 4.a.3 – “Number of attacks on students, personnel and institutions”. Under SDG 11 on safer cities, indicator 11.7.2 refers to the “Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months”. These indicators can be considered as further measures of safety and security for specific groups and contexts. Lastly, SDG indicator 16.4.2 refers to the seizure of illicit arms and the State response to the trafficking of weapons and explosives, and it provides an indirect measure of security in relation to the availability of illicit and untraced arms in the community.

521. In terms of key indicators beyond the SDG framework, Table X.1 recommends crucial process indicators to be collected on the criminal justice process and the capacity of the criminal justice institutions, as well as an expended set of outcome indicators that can be collected through population (mostly victimization) surveys.<sup>48</sup> Annex X provides recommended survey questions for this latter group of key indicators collected through surveys.

**TABLE X.1 Recommended key indicators**

Sub-dimension	Indicator	Data source	Type
Levels and patterns of crime, and perceptions of safety	Number of victims of intentional homicide per 100,000 population, by sex and age (SDG indicator 16.1.1)	Administrative data	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of population subjected to (a) physical violence, (b) psychological violence and (c) sexual violence in the previous 12 months (SDG indicator 16.1.3)	Administrative data, Population surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of population subjected to physical and sexual harassment	Population surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of population that feel safe walking alone around the area they live (SDG indicator 16.1.4)	Population surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of population that feel safe when alone at home	Population surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Perceptions of incivilities in neighborhood	Population surveys	Outcome
Levels and patterns of crime, human rights violations/abuses, and perceptions of safety	Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months (SDG indicator 16.10.1)	Administrative data	Outcome
Casualties linked to conflicts	Conflict-related deaths per 100,000 population, by sex, age and cause (SDG indicator 16.1.2)	Administrative data, Estimation techniques	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of children aged 1–17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month (SDG indicator 16.2.1)	Population surveys, Violence against Women and children surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation (SDG indicator 16.2.2)	Population surveys, Violence against Women surveys	Outcome

<sup>48</sup> The indicators and related survey questions are based mainly on the Latin America and Caribbean Crime Victimization Survey Instrument (LACSI) elaborated under the leadership of UNODC and the UNODC-INEGI Centre of Excellence for Statistical Information on Government, Crime, Victimization and Justice (CoE).

TABLE X.1 **Recommended key indicators, CONT.**

Sub-dimension	Indicator	Data source	Type
Levels and patterns of crime, and perceptions of safety	Proportion of young women and men aged 18-29 who experience sexual violence by age 18 (SDG indicator 16.2.3)	Population surveys, Violence against Women surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of ever-partnered women and girls aged 15 and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age (SDG indicator 5.2.1)	Violence against Women surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of women and girls aged 15 and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence (SDG indicator 5.2.2)	Violence against Women surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months (SDG indicator 11.7.2)	Population surveys	Outcome
Levels and patterns of crime, and perceptions of safety	Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments (SDG indicator 16.4.2)	Administrative data	Outcome
Performance of law enforcement and criminal justice institutions	Offender ratio (suspects known to the police per cases known to the police)	Administrative data	Outcome
Performance of law enforcement and criminal justice institutions	Indictment ratio 1 (persons brought before a court by the prosecution service per output of persons prosecuted)	Administrative data	Outcome
Performance of law enforcement and criminal justice institutions	Conviction ratio (persons convicted per persons brought before a court)	Administrative data	Outcome
Performance of law enforcement and criminal justice institutions	Punitivity ratio 1 (persons sentenced to a certain, severe sanction per all convicted persons)	Administrative data	Outcome
Resources of law enforcement and criminal justice institutions	Existence of independent national human rights institutions in compliance with the Paris Principles (SDG indicator 16.a.1)	Administrative data	Structural/Process
Resources of law enforcement and criminal justice institutions	Number of police personnel per 100,000 population, by sex and function	Administrative data	Process
Resources of law enforcement and criminal justice institutions	Number of prosecution personnel, per 100,000 population by sex	Administrative data	Process
Resources of law enforcement and criminal justice institutions	Proportions of positions (by sex, age, persons with disabilities and population groups) in the judiciary, compared to national distributions (SDG indicator 16.7.1c)	Administrative data	Process
Resources of law enforcement and criminal justice institutions	Number of prison staff per 100,000 prisoners, by sex and function	Administrative data	Process

TABLE X.1 **Recommended key indicators, CONT.**

Sub-dimension	Indicator	Data source	Type
Resources of law enforcement and criminal justice institutions	Prison overcrowding ratio (total number of prisoners divided by total number of beds/official capacity of prisons, penal institutions or correctional institutions)	Administrative data	Process
Resources of law enforcement and criminal justice institutions	Number of prisons, penal institutions or correctional institutions	Administrative data	Process
Productivity (workload) of law enforcement and criminal justice institutions	Number of criminal offences and persons suspected per police officer	Administrative data	Process
Productivity (workload) of law enforcement and criminal justice institutions	Number of persons prosecuted per prosecutor	Administrative data	Process
Productivity (workload) of law enforcement and criminal justice institutions	Number of persons brought before a court per prosecutor	Administrative data	Process
Productivity (workload) of law enforcement and criminal justice institutions	Number of persons convicted per prosecutor	Administrative data	Process
Punitivity of the criminal justice system	Sentenced persons incarcerated per persons convicted	Administrative data	Process
Quality of law enforcement and criminal justice institutions	Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanism (SDG indicator 16.4.2)	Population surveys	Outcome
Quality of law enforcement and criminal justice institutions	Satisfaction with the work done by criminal justice authorities in relation to a specific crime	Population surveys	Outcome
Quality of law enforcement and criminal justice institutions	Perceptions of effectiveness of the police and criminal justice institutions	Population surveys	Outcome
Quality of law enforcement and criminal justice institutions	Measures of trust in the police and criminal justice institutions	Population surveys	Outcome

## X.5 Way forward

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522. This chapter has provided a set of recommended key indicators in the area of safety and security and has laid out some of the main methodological challenges to be taken into account. To improve the quality and availability of data on these key indicators, data providers should first focus on adopting a methodology and data collection process that conforms to the international best practices and standards outlined above, and to make data on the indicators available in a regular and timely manner.

523. Progress in the production of safety and security statistics will rest on an overall strengthening of the crime and criminal justice statistics system. This involves a number of elements:

- The progressive implementation of the International Classification of Crime for Statistical Purposes (ICCS) is a key requirement to enhance the consistency and (internal and external) comparability of crime and criminal justice statistics. Implementing the ICCS involves a series of steps, such as drawing up correspondence tables between current national crime classifications, reviewing the definitions and concepts applied, and adapting data collection instruments currently used to make them compliant with ICCS categories. Detailed guidance on this process and its various steps is available in the forthcoming UNODC Manual on ICCS Implementation.
- Adopting and following a consistent and logically coherent statistical classification is an important aspect of data quality, but other aspects of data quality should also be taken into account and improved. Such dimensions of data quality include aspects such as comparability, completeness, timeliness, internal and external consistency of the data to name but a few (see also the Handbook chapter on “Cross-cutting issues”).<sup>49</sup> Putting in place a comprehensive data quality policy for safety and security data will greatly enhance the value and trust in the indicators derived from such data. This should also include safety and ethical considerations for the collection of some type of relevant safety and security data, such as violence against women and girls.
- Involving NSOs in developing concepts, categories and classifications for collecting and producing statistics on safety and security as well as for elaborating detailed recording and coding rules,
- Improving data quality and availability requires an improved coordination of the relevant data providers on crime and criminal justice at country level. It is good practice to advance this work through an inter-institutional working group or task force with a common goal and mandate. Based on the outputs of this task force, data on crime and criminal justice should become more comparable and useful both between institutions within the country and between countries, thus allowing a better measurement and analysis of safety and security issues. In fact, the experience of most countries that have started to work on this demonstrates that endorsing and implementing the ICCS is an excellent starting point for such improved coordination between institutions at the national level: to adopt and develop a uniform classification at the country level on the basis of the ICCS that can serve as a common “language” for all crime and criminal justice institutions – police, prosecution, courts, prisons and NSOs.

<sup>49</sup> As an example of a simple quality framework for crime and criminal justice data, the Methodological Annex to the 2019 Global Study on Homicide provides a list of data quality scores for homicide data for 240 countries and territories based on the five named dimensions. See: [https://www.unodc.org/documents/data-and-analysis/gsh/Meth\\_Annex\\_GHS.pdf](https://www.unodc.org/documents/data-and-analysis/gsh/Meth_Annex_GHS.pdf). Another important reference is the United Nations *National Quality Assessment Frameworks Manual for Official Statistics* (2019), which identifies the following key dimensions of quality for statistical products: relevance, accuracy, reliability, timeliness, punctuality, accessibility, clarity, coherence, consistency, comparability. See: <https://unstats.un.org/unsd/methodology/dataquality>

- Better coordination among the major data producers of administrative data on crime and criminal justice will also strengthen the case for producing complementary data on the prevalence of crime through victimization surveys, as well as governance surveys, surveys on corruption and access to justice and also specialized surveys on violence against women. A common task force that brings together the relevant stakeholders can provide both expertise on crucial data needs that are important for developing a suitable, nationally adapted, survey instrument and a link to the major users of the data generated through surveys: policy makers and practitioners in the field of safety and security.
- Implement the methodology for SDG indicator 16.1.2 on conflict-related deaths as approved by the IAEG-SDGs and continue collaboration in delineating between conflict deaths and intentional homicides.
- In the longer term, a strengthened statistical system on safety and security indicators should be able to exploit and integrate new data sources into the analysis of safety and security. Such new sources will be contingent on ongoing social and technical developments (e.g. spread of geospatial data recording systems). New data sources should be discussed, evaluated and used by a broad group of stakeholders, rather than by specialized departments within law enforcement agencies only. Examples of new data sources include new types of reporting and recording mechanisms (e.g. citizen-based reporting on security incidents through online platforms) and the use of “big data” for the generation of estimates.<sup>50</sup>

<sup>50</sup> An example is the Global Terrorism Database, which is an open-source database that uses information on terrorist events around the world. See: <https://www.start.umd.edu/gtd/>

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# ANNEXES

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