

Human Rights

Concept and Issues

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Human Rights Indicators: Types, Conceptual Framework and Consideration in Selection of Indicators

Dr. Divya Sharma*

Human is a social being and since time immemorial they have strived to live in the society. These societies have developed and evolved as an answer to the ever-growing needs and wants of the people. The conflicts resulting out of settling these wants further leads to dissections and alterations in these societies. No matter what the situation be each and every society is governed by a set of written and unwritten codes which underlay and form the very base of the community as a whole.

With the growing demand for establishing a unified nation coded by the framework of universal laws, there arose a set of commandments which ensured that the humans are conferred with the legal guarantees for protection against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity¹. These commandments now popularly are referred to as human rights.

In recent years there has been an increased demand for assessment of these indicators. Various organisation have been working on developing the indicators so as to ensure right implementation and furthering the implementation and realization of human rights.

Present chapter discusses various types of human rights indicators and a framework for developing these indicators. This chapter draws heavily from the Human Rights Indicators guide published by Office of the United Nations High Commissioner for Human Rights (OHCHR) and has presented the types and framework proposed by them.

Meaning and Goals of Human Rights Indicators

Human Rights Indicators have been performing a mammoth task of assessing the mechanism and outcomes of human rights enshrined upon an individual through the international bodies so as to ensure a rightful living. The goals of human rights indicators are as follows:

¹ Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation (United Nations publication, Sales No. E.06.XIV.10), p. 1.

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To monitor compliance with, and fulfillment of, human rights commitments.²

To measure the progress of human development in human rights terms³. For instance, the Office of the High Commissioner for Human Rights has developed "a list of simple development indicators, designed to measure 'what is', on a right-by-right basis."

To measure the impact/success of particular rights-based development programming⁴. For example, many U.N. agencies, have begun to use socioeconomic data disaggregated to highlight gender, race, and other axes of discrimination to measure the impact of their programming on specific beneficiary populations.

Types of Human Rights Indicators

Unique Vs. General

Unique Indicators are contextual and specific for a particular type of human right. They owe their existence to certain human rights principles or standards and are generally not used in any other context. For example, number of extrajudicial or arbitrary executions, reported number of victims of torture by the police and paramilitary force, percentage of girls or children from minority groups that do not have access to education because of discrimination within the country. etc.

General Indicators do not have any contextual specifications and they can be used commonly in other contexts also. For example, human development indicators used in Human Development Reports of the United Nations Development Program (UNDP), the percentage of state budget spent on education etc.

Quantitative (Statistical) Indicators Vs. Qualitative (Narrative)

Quantitative Indicators are the indicators which collect the information primarily in the form of numbers or percentages. Therefore, they are also considered as equivalent to statistics. Quantitative indicators help in providing quantitative measures to certain qualitative evaluations and thus enhances the credibility of qualitative indicators. For example, enrolment rates for school children, proportion of seats held by women in parliament, number of ratification of treaties etc.

Qualitative Indicators are the indicators which analyze the categorical or narrative information. These indicators complement and elaborate the information that is provided by quantitative indicators. For example, checklist or set of questions which elicit detailed responses, narrations and categorical data etc.

Structural, Process and Outcome Indicators

Structural Indicators are defined as the approvals and adoption of legal instruments, national policy instruments and statement and existence of basic institutional mechanisms deemed necessary for facilitating realization of the concerned human right. They reflect the legal and institutional framework for the

² Sakiko Fukuda-Parr, Terra Lawson-Remer & Susan Randolph, Measuring the Progressive Realization of Human Rights Obligations: An Index of Economic and Social Rights Fulfillment I (U Conn., Econ. Rights Working Papers, Paper No, 8, 2008).

³ U.N. Dev. Program (UNDP), Using Indicators for Human Rights Accountability, in HUMAN DEVELOPMENT REPORT 2000: HUMAN RIGHTS AND HUMAN DEVELOPMENT 89 (2000)

⁴ UNICEF, Girls' Education: A Framework for Action 7 (2000).

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implementation of human rights. These indicators address the macro-level formal acceptance of a right. Some common structural indicators are:

International human rights treaties, relevant to the right to adequate housing, ratified by the State;

Time frame and coverage of national policy on vocational and technical education;

Date of entry into force and coverage of formal procedure governing the inspection of police cells, detention centers and prisons by independent inspection entities.

Process Indicators are the indicators which relate state policy instruments with outcome indicators. They measure the efforts made by duty bearers to transform their human rights commitments into desired results. These indicators help to monitor the progressive fulfilment or protection of a right. Process indicators are more sensitive to changes than outcome indicators and are therefore more effective in capturing the progressive realization of the right or in reflecting the efforts of the state parties in protecting the rights. Some common process indicators are:

Coverage Of Targeted Population Groups Under Public Programs;

Indicators based on budget allocations; and Incentive and awareness measures extended by the duty bearer to address specific human rights issues.

Outcome Indicators: are the indicators which capture accomplishments or results of a particular right. These results reflect the status of realization of human rights in a given context and can be individual and collective. Outcome indicator is a more direct measure of the realization of a human right. It takes into account the culmination of a process of formal acceptance of a legal obligation, through the processes required for the realization of rights, to the end enjoyment of the right. An outcome indicator is often a slow-moving indicator because it consolidates the impact of various underlying processes over time (process indicators). It is less sensitive to capturing momentary changes than a process indicator. For example,

Proportion of labor force participating in social security scheme(s);

Reported cases of miscarriage of justice and proportion of victims who received compensation within a reasonable time; and Educational attainments (e.g., youth and adult literacy rates) by targeted population group.

Fact Based (Objective) Indicators Vs. Judgement Based (Subjective) Indicators

Objective or Fact Based Indicators are the indicators that can, in principle, be directly observed or verified. They include the objects, facts or events that have some measurable value. They are verifiable and are comparatively easier to interpret in cross country comparisons of human rights situation or across populations comparisons over a period of time. For example, weight of children, number of violent deaths, and nationality of a victim.

Subjective or Judgement Based Indicators are the indicators which are based on perceptions, opinions, assessment or judgements expressed by individuals. They are difficult to verify and interpret. Subjective indicators are often defined as information that includes some kind of a subjective component, such as a personal perception or a personal evaluation. For example, quality of life, opinions on public health policy etc.

	Fact-based or Objective	Judgement based or Subjective
Quantitative	<p>Indicator articulated in quantitative form and based on information on objects, facts or events that are, in principle, directly observable and verifiable.</p> <p>Example 1: prevalence of underweight children under five years of age.</p> <p>Example 2: reported number of arbitrary execution.</p> <p style="text-align: right;">A</p>	<p>Indicator articulated in quantitative form and based on information that is a perception, opinion, assessment or judgment, using, for instance, cardinal/ordinal scales.</p> <p>Example 1: percentage of individuals above 16 years old who declare themselves 'very satisfied' with the national public health policy.</p> <p>Example 2: rating based on an average scoring by a group of experts/journalists on the state of freedom of expression in a given country.</p> <p style="text-align: right;">B</p>
Qualitative	<p>Indicator articulated as a narrative, in a categorical form, and based on information on objects, facts or events that are, in principle, directly observable and verifiable.</p> <p>Example 1: the status of ratification of a human rights treaty for a given country: ratified / signed / neither signed nor ratified.</p> <p>Example 2: factual description of an event involving acts of physical violence, a perpetrator and a victim.</p> <p style="text-align: right;">C</p>	<p>Indicator articulated as a narrative, not necessarily in a categorical form, and based on information that is a perception, opinion, assessment or judgment.</p> <p>Example 1: assessment expressed in narrative form of how independent and fair is the judiciary.</p> <p>Example 2: is the right to food fully guaranteed in provisions of the national legal system of a given country?</p> <p style="text-align: right;">D</p>

Figure 1: Categories of Human Rights Indicators 5

Salient Features of Conceptual Framework for Human Rights Indicators

Converting the human rights into measurable indicators is a difficult task even then OHCHR and other organisation are continuously making efforts to quantify the indicators. The conceptual framework adopted to identify indicators for promoting and monitoring the implementation of human rights are as follows:

- Anchors indicators identified for a human right in the normative content of that right, as described primarily in the relevant articles of the treaties and general comments of the committees.
- Focuses on measuring the commitments of duty bearers, primarily the State, to their human rights obligations and the efforts they undertake to meet those obligations. It also measures the results of the duty bearer's efforts in ensuring the realization and enjoyment of human rights by rights-holders.
- Places all human rights on an equal footing, thereby emphasizing the

⁵ Categories of human rights indicators, page 18, Human Rights Indicators, OHCHR

interdependence and indivisibility of civil, cultural, economic, political and social rights.

- The framework also recognizes and reflects the cross-cutting human rights norms, such as non-discrimination and equality, participation, access to remedy, accountability, rule of law and good governance and remedy in the choice of indicators and in the assessments.

Facilitates, for the universal human rights standards, the identification of contextually meaningful indicators. As a result, the framework neither seeks to prepare a common list of indicators to be applied across all countries irrespective of their social, political and economic development, nor to make a case for building a global measure for cross-country comparisons of the realization of human rights.

Articulation of Conceptual Framework

The articulation of this framework is ensured through a two process approach in which first of all the attributes for a particular human right is identified. After this a group of structural, process and outcome indicators are selected which help in shortlisting the specific aspects of implementing the standard associated with that right.

Identification of Attributes: The treaties of human rights does not help to identify appropriate indicators because the human rights at times are quite general and may seem to overlap. Therefore, it becomes necessary to identify the characteristics of a particular rights. These characteristics then acts as a guideline to develop the indicators for that particular right. Thus attributes are defined as the specific characteristics of a particular right that may encompass all the necessary features to quantify that right. These attributes thus help in developing the suitable indicators or cluster of indicators which are clear, concrete and tangible. Generally, four attributes are sufficient enough to capture the essence of a particular right. For example, attributes of Right to Life are:

- arbitrary deprivation of life
- disappearances of individuals
- health and nutrition
- death penalty

Defining Structural, Process And Outcome Indicators:

- The adopted conceptual framework uses a configuration of structural, process and outcome indicator for the following reasons:
- To measure acceptance, intent or commitment to human rights standards
- To assess the efforts required to make the commitment a reality
- To present the assessment of each aspect taken by the state to fulfil their obligations.

The structural, process and outcome indicators discussed above in type

of indicators are useful tools for assessing the follow-up and implementation of recommendations. The recommendations of United Nations human rights mechanisms are key reference in the process of identifying relevant structural, process and outcome indicators.

Ethical, Statistical and Human Rights consideration in Selection of Indicators
Seltzer and Anderson⁶ identified ideology, racism, patriotism, obedience due to fear, bureaucratic opportunism or professional zeal as possible factors that encourage the misuse of data. Some of the methodological, legal and ethical measures methodological, legal and ethical are:

- To the extent possible, use of sample surveys should be encouraged instead of full-count (census) data-gathering.
- Responses should be grouped and person-specific identifiers should be stripped to protect the identity of the respondents;
- Population data should be decentralized and the creation of a bridge file (e.g., where data are stored in another country outside the jurisdiction of local courts) encouraged, particularly in countries where the requisite institutions are weak and easy to influence;
- There should be a legal provision for data confidentiality, which is a standard feature of a modern statistical system;

Ethical safeguards such as the Fundamental Principles of Official Statistics or the Declaration on Professional Ethics of the International Statistical Institute (ISI) should be adopted and enforced with a view to creating an institutional framework that helps in preventing future misuse of data.

Conclusion

Thus it is not sufficient to simply propose certain rights but there is a need to ensure that the implementation of these rights is assessed in the right manner. The human rights indicators are the indicators which assess the mechanism and outcomes of human rights enshrined upon an individual through the international bodies so as to ensure a rightful living. Some of the types of human rights indicators include – Unique indicators are contextual and specific for a particular type of human right while General Indicators do not have any contextual specifications and they can be used commonly in other contexts also. Quantitative Indicators are the indicators which collect the information primarily in the form of numbers or percentages while Qualitative Indicators are the indicators which analyze the categorical or narrative information. Structural Indicators reflect the legal and institutional framework for the implementation of human rights while Process Indicators relate state policy instruments with outcome indicators. Outcome indicators reflect the status of realization of human rights in a given context and can be individual and collective. Objective or Fact Based Indicators can be

⁶ W. Seltzer and M. Anderson, "The dark side of numbers: the role of population data systems in human rights abuses", *Social Research*, vol. 68, No. 2 (summer 2001).

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directly observed or verified and include the objects, facts or events that have some measurable value while Subjective or Judgement Based Indicators are based on perceptions, opinions, assessment or judgements expressed by individuals. The salient features of Conceptual Framework for Human Rights Indicators include identification of anchors indicators, Focus on measuring the commitments of duty bearers, all human rights on an equal footing, recognizes and reflects the cross-cutting human rights norms, and facilitates for the universal human rights standards. The articulation of this framework is ensured through a two process approach in which first of all the attributes for a particular human right is identified. After this a group of structural, process and outcome indicators are selected which help in shortlisting the specific aspects of implementing the standard associated with that right. Finally, there is a need to have some ethical, statistical and human rights consideration in selection of indicators.

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