

Specialist Consultation on the Human Rights Measurement Framework

Presentation 1: Introduction and Overview

- What is the Human Rights Measurement Framework (HRMF)?
- What is the scope of the specialist consultation on the
- HRMF?
- Overview of consultation materials and consultation web site

Preliminaries [1]

- HRMF is being developed by Equality and Human Rights Commission (EHRC) in partnership with the Scottish Human Rights Commission (SHRC)
- Research team: CASE (LSE), British Institute Human Rights (BIHR), LSE Centre for the Study of Human Rights
 - + LSE Human Rights Futures unpaid partners, advisory role

Preliminaries [2]

Why?

- Background: Creation of Equality and Human Rights Commission (2007), with integrated equality and human rights mandate
- EHRC:
 - General duty to encourage and support the development of a society based on equality and human rights (Equality Act 2006; Sections 3 & 9, human rights duty)
 - Specific duties to monitor both the law and results (or “social outcomes”) by reporting on progress triennially to Parliament, including by developing indicators and evaluating change (Equality Act 2006, Section 12)
 - In order to discharge statutory duty to monitor “results” or social outcomes, EHRC is developing 3 Measurement Frameworks covering equality, good relations and human rights (webtool to “house” the indicators and provide public access)
- Scotland, creation of the Scottish Human Rights Commission (SHRC) 2008, mandate to protect and promote human rights in Scotland

Preliminaries [3]

3 Purposes of HRMF as agreed by the EHRC / Scotland

- To produce a credible and objective methodology with which to measure compliance with and progress towards implementation of the human rights framework in Britain.
- To provide the Commissions, Government, public bodies, NGOs and others with an interest in human rights with data against which to prioritise action on human rights.
- To meet the statutory responsibilities of the Equality and Human Rights Commission to monitor and report on progress in relation to equality and human rights.

Preliminaries [4]

2 Key Functions of HRMF:

- High level national *monitoring* tool - EHRC / SHRC / other bodies will use HRMF as a basis for reporting
- High level national *regulatory* tool – enables public bodies and other institutions and organizations concerned with human rights to develop regulatory frameworks based on human rights standards, and tailor and refine their policies
- **not only monitoring and reporting, also driver of change**

The HRMF Workplan

4 Overall project aims:

- Aim 1: Undertake review of international good practice on the development of human rights indicators
- Aim 2: Develop a conceptual framework (based on OHCHR good practice) + road-testing exercise with Advisory Group
- Aim 3: Specialist consultation with stakeholders and subject experts to reach maximum possible agreement on a set of indicators and measures to “populate” the HRMF
- Aim 4: Gather data based on indicators and measures agreed during the specialist consultation

Scope of the Specialist Consultation on the Human Rights Measurement Framework

- **PRINCIPAL AIM: To reach maximum possible agreement on a shortlist of approximately 50 ‘spotlight’ indicators and associated measures that can be used to “populate” the HRMF for England, Scotland and Wales**
- Scotland and Wales: Identify matching sources (initial list is England-focussed)
- Other: record feedback and comments on the panels, on the development of a list of vulnerable groups, types of data that are admissible etc

Procedure:

1. Draw up provisional shortlists of indicators and measures for each panel (research team)
2. Specialist consultation with subject specialists and stakeholders (day events / web consultation)
3. Revise shortlists taking account of consultation feedback, comments and recommendations

Remit of the Specialist Consultation

- Concentrating on selection of indicators and measures
(*but* panels not fixed in stone)
- Indicators and measures that put the spotlight on key human rights concerns (not a summary or single overall measure)
- 3 types of indicators (structures, process and outcomes)
- Statistical indicators and other types of indicators
(draw on social surveys and administrative data sources, but some indicators focus on case law, treaty ratifications, outcomes of investigations, data collected by NGOs, allegations of violations, etc)
- Official and non-official sources (National statistical standard + other)
- Priority to existing data sources (but not exclusively – highlight data gaps)
- Geographical scope GB, England, Scotland and Wales
- Children and adults
- Stakeholders and subject specialists (not full-scale public consultation)

Overview of consultation materials

- <http://personal.lse.ac.uk/PRECHR/>
- Panels (with provisional shortlist of indicators and measures)
- Consultation Feedback Form (list of consultation questions we would like you to address)
- Background Project Paper (information about the rationale for the project, literature review on the use of indicators for human rights monitoring purposes)
- Long-list document (indicators that we have identified as being used for human rights monitoring purposes internationally)

The web consultation

This centre is a member of The LSE Research Laboratory [RLAB]: CASE | CEE | CEP | FMG | SERC | STICERD

LSE The Centre for Analysis of
Social Exclusion



+ Human Rights Measurement Framework

– THE CONSULTATION DOCUMENTS:

– Consultation Feedback Form (PDF)

– Background Project Paper (PDF)

– Panels and the Provisional Shortlist of Indicators and Measures (PDF)

– ADDITIONAL INFORMATION:

– Long-list of Indicators and Measures (PDF)

– Long-list of Indicators and Measures (Zipped Excel 2007)

– Long-list of Indicators and Measures (Excel 2003)

– RELEVANT LINKS:

– Equality, Capability and Human Rights

– LSE Centre for the Study of Human Rights

– Equality and Human Rights Commission

– Scottish Human Rights Commission

– British Institute of Human Rights

EHRC / SHRC Specialist Consultation on the Human Rights Measurement Framework

In partnership with [British Institute of Human Rights](#) and the [LSE Centre for the Study of Human Rights](#)



Commissioned by the [Equality and Human Rights Commission \(EHRC\)](#) in partnership with the [Scottish Human Rights Commission \(SHRC\)](#)



The Equality and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC) would like to invite you to participate in a specialist consultation to select a set of indicators and measures to populate the Human Rights Measurement Framework (HRMF). The consultation is being carried out by a research team based at the London School of Economics in partnership with the British Institute of Human Rights (BIHR) and the LSE Centre for the Study of Human Rights.

The research team have drawn up a series of panels for the Human Rights Measurement Framework, based on the good practice framework developed by the Office of the High Commissioner for Human Rights (OHCHR). We are now seeking to populate the panels with a set of 'spotlight' indicators and measures for England, Scotland and Wales for each panel, and are undertaking a specialist consultation to ensure that the views of key human rights stakeholder groups and subject experts are fully explored. Your help in identifying the right set of indicators will be much appreciated.

How to help identify indicators and measures

A provisional set of indicators and measures for each panel has been drawn up by the research team. These are set out in the document: 'Proposed panels'.

A Feedback Form sets out the consultation questions and provides space for your comments and suggestions.

Any questions?

- Purpose of the HRMF?
- Nature and scope of the consultation?

Presentation 2:

HRMF: Conceptual grid and provisional shortlist of indicators and measures

- What is a human right indicator?
- Overview of the HRMF Conceptual Grid
- Introduction to the Indicators and Measures: Example of the Right to Life
- Overview of the consultation questions (from consultation Feedback Form)

What is a human rights indicator?

- Definition proposed by OHCHR, building on Paul Hunt's work:

“[H]uman rights indicators are specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that address and reflect the human rights concerns and principles; and that are used to assess and monitor promotion and protection of human rights. (HRI/MC/2006/7)”
- Does not have to explicitly “reference” human rights (might measure non-discrimination, dignity and respect, autonomy, bullying, complaints, etc)
- Can be quantitative or qualitative (including indicators of case law, outcomes of investigations and reviews etc, as well as statistical sources)
- Can be official or non-official (not just states interpretation of events, also allegations of violations etc, information collected by NGOs e.g. elder abuse, bullying)

How have we developed the HRMF conceptual grid?

Method

- Build on OHCHR conceptual and methodological framework for developing human rights indicators (international good practice)
- Modify OHCHR grids to reflect key human rights concerns in England, Scotland and Wales (e.g. HRA, hr + public services, hr position of the institutional population etc.)
- Road-testing of conceptual grid and illustrative panels with the Advisory Group (conceptual underpinnings, types of indicators / language / focus and priorities etc)

Rationale

- Build on international good practice
- Conceptual grid: Provides a clear analytical focus and explicit / transparent methodology (rather than a technical or aimless indicator “listing” approach)

OHCHR Conceptual and Methodological Framework

“The framework provides guidance for the identification of contextually relevant and feasible indicators in compliance with international human rights norms and principles. Using the adopted framework, lists of illustrative indicators have been identified and are being validated on a number of human rights and thematic issues.”

Report: <http://www2.ohchr.org/english/issues/indicators/framework.htm>

OHCHR list of illustrative indicators on the right to life

| | Arbitrary deprivation of life | Disappearances of Individuals | Health and Nutrition | Death Penalty |
|--|---|--|--|--|
| Structural Indicators (state commitment) | <ul style="list-style-type: none"> • International human rights treaties, relevant to the right to life, ratified by the State • Date of entry into force and coverage of the right to life in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to life | | | |
| | <ul style="list-style-type: none"> • Date of entry into force and coverage of formal procedure governing inspection of police cells, detention centres and prisons by independent inspection agencies | <ul style="list-style-type: none"> • Date of entry into force and coverage of habeas corpus provision in the Constitution | <ul style="list-style-type: none"> • Time frame and coverage of national policy on health and nutrition | <ul style="list-style-type: none"> • Number of sub-national administrative entities that have abolished death penalty |
| Process Indicators (state effort – complaints mechanisms, resources, plans, policies etc) | <ul style="list-style-type: none"> • Proportion of received complaints on the right to life investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government | | | |
| | <ul style="list-style-type: none"> • Proportion of communications sent by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions responded to effectively by the government in the reporting period | <ul style="list-style-type: none"> • Proportion of communications sent by the UN Working Group on Enforced or Involuntary Disappearances responded to effectively by the government in the reporting period | <ul style="list-style-type: none"> • Proportion of population using an improved drinking water source • Proportion of births attended by skilled health personnel | <ul style="list-style-type: none"> • Number of convicted persons on death row in the reporting period |
| Outcome Indicators (actual outcomes and attainments of individuals and groups) | <ul style="list-style-type: none"> • Number of homicides and life threatening crimes, per 100,000 population • Number of deaths in custody per 1,000 detained or imprisoned persons, by cause of death (e.g. illness, suicide, homicide) | <ul style="list-style-type: none"> • Reported cases of disappearances (e.g. as reported to the UN Working Group on Enforced or Involuntary Disappearances) | <ul style="list-style-type: none"> • Infant mortality rates • Life expectancy at birth • Prevalence of and death rates associated with communicable and non-communicable diseases (e.g. HIV/AIDS, malaria* and tuberculosis*) | <ul style="list-style-type: none"> • Proportion of death penalty sentences commuted • Number of executions (under death penalty) |
| All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets | | | | |

Issues and dilemmas in building on OHCHR Framework

- Domestic v international focus
- Extent to which OHCHR conceptual grids should be modified
- Coverage (which rights to put in first)

Which rights to cover?

Domestic focus

1. The right to life (HRA Article 2) (Table 1)
2. The right to freedom from torture, inhuman or degrading treatment or punishment (HRA Article 3) (Table 2)
3. The right to liberty and security of the person (HRA Article 5) (Table 3)
4. The right to a fair trial (HRA Article 6) (Table 4)
5. The right to private and family life (HRA Article 8) (Table 5)

International focus

6. The right to adequate food (ICESCR) (Table 6)
7. The right to health (ICESCR) (Table 7)
8. The right to education (ICESCR) (Table 8)
9. The right to adequate housing (ICESCR) (Table 9)

HRMF Conceptual Grid: 3 Core Building Blocks

Framework for protecting and promoting human rights in England, Scotland and Wales - starting point is the Human Rights Act (1998) but also additional human rights covered in regional and international instruments (ICCPR, ICESCR, CRC, CAT, CRPD, etc.)

Cover three types of indicator (based on OHCHR good practice)

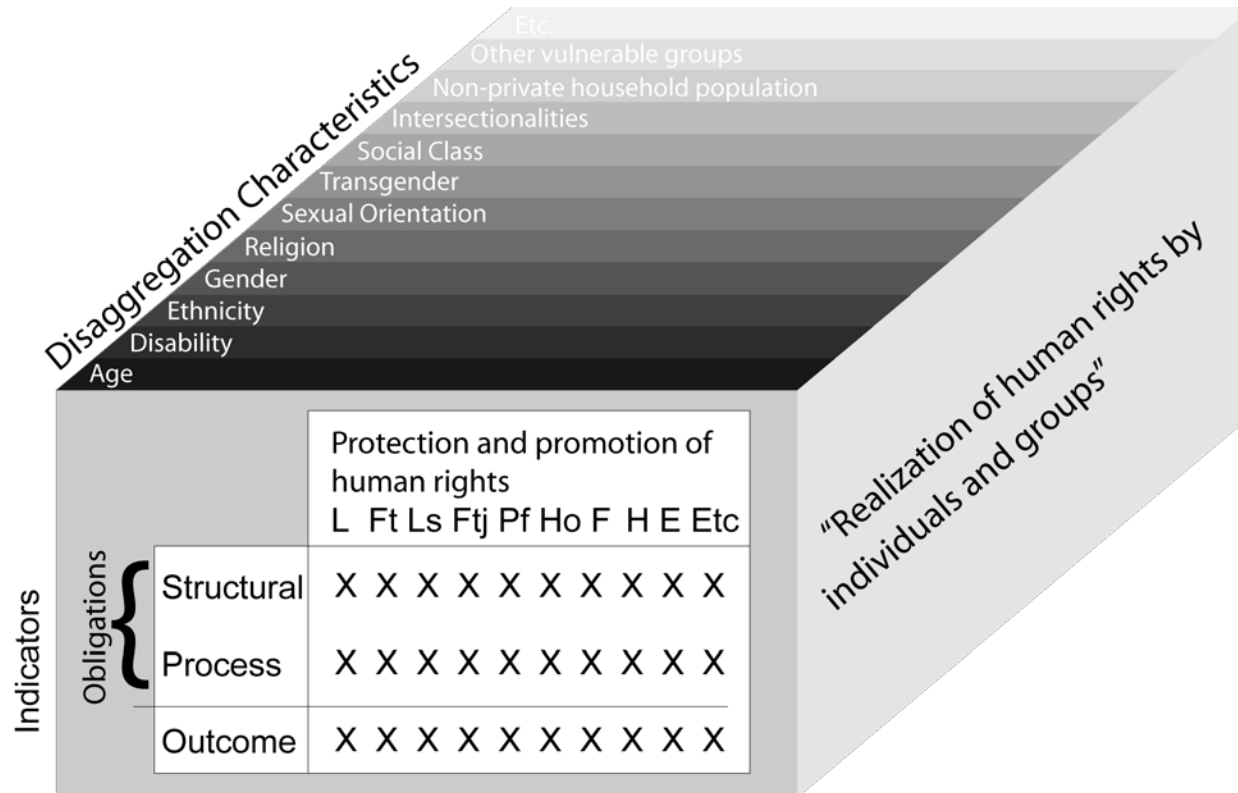
- i. Structural indicators (steps being taken by States in addressing their obligations e.g. ratification IHR instruments, dom. const. & legal framework)
- ii. Process indicators (efforts that States make to meet the obligations that flow from hr standards, e.g. plans, policies, resources)
- iii. Outcome indicators (results of State effort, in terms of the actual position / experiences of individuals and groups)

Systematic disaggregation (gender, transgender, ethnicity, disability, sexual orientation, age, religion/belief, social class.....)

+ Non-private household population (e.g. homeless, individuals resident / detained in public or private institutions)

+ Other vulnerable groups (e.g. refugees and asylum seekers)

HRMF Conceptual Grid



3D “Human Rights Matrix”

Objective: populate the framework with indicators (baseline of evidence)

➤ **Specialist consultation to agree a set of indicators and associated measures for E,S,W**

Key

L - The right to life (UDHR Article 3, HRA Article 2; ICCPR Article 6, etc)

Ft - Freedom from torture, inhuman or degrading treatment or punishment (HRA Article 3, ICCPR Article 7)

Ls - The right to liberty and security of the person (HRA Article 5; ICCPR Article 9, etc)

Ftj - The right to a fair trial (HRA Article 6; ICCPR Article 14, 15, 16, 26, etc) and access to justice (CRPD Article 10, etc)

Pf - The right to private and family life (HRA Article 8, ICCPR Article 17, etc)

Ho - The right to housing (UDHR Article 25, ICESCR Article 11)

F - The right to food (UDHR Article 25, ICESCR Article 11)

H - The right to enjoyment of the highest attainable standard of physical and mental health (UDHR Article 25, ICESCR Article 12, etc)

E - The right to education (HRA Protocol 1 Article 2, UDHR Article 26, ICESCR Article 13, 14, etc)

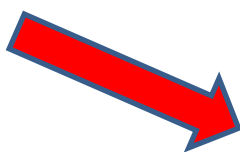
HRMF: Right to life – overview of panel

| Illustrative indicators of the right to life (UDHR Article 3, HRA Article 2; ICCPR Article 6, etc.) | | | | | | |
|---|---|---|--|---|---|--|
| | Use of unlawful / arbitrary force by the state, its agents or bodies fulfilling a public function | | Other action / inaction by the by the state, its agents or bodies fulfilling a public function | | Effective protection within society, community and family | Effective investigation of all deaths covered by Article 2 |
| | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | | |
| Structural Indicators | | | | | | |
| Process Indicators | | | | | | |
| Outcome Indicators | | | | | | |
| <p>Indicators should be systematically disaggregated Disaggregation should be based on (1) the list of disaggregation characteristics and (2) the list of vulnerable groups Disaggregation characteristics: Ethnicity, gender, disability, sexual orientation, transgender, religion and belief, age, social class, etc List of vulnerable groups: Individuals resident / detained in public and private institutions; individuals living in poverty; refugees / asylum seekers, vulnerable children and young people, Gypsies and Travellers, etc</p> | | | | | | |

HRMF: Right to life – structural indicators

| Illustrative indicators of the right to life (UDHR Article 3, HRA Article 2; ICCPR Article 6, etc.) | | | | | | |
|---|---|---|--|---|---|--|
| | Use of unlawful / arbitrary force by the state, its agents or bodies fulfilling a public function | | Other action / inaction by the by the state, its agents or bodies fulfilling a public function | | Effective protection within society, community and family | Effective investigation of all deaths covered by Article 2 |
| | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | | |
| Structural Indicators | <ul style="list-style-type: none"> • Ratification of relevant treaties • Date of entry into force and coverage of the right to life in the Constitution or other forms of superior law • Relevant case law • List of relevant inspectorates and regulators • Key concerns raised by domestic/ international human rights bodies, inspectorates, regulators etc <p>Effective investigations and redress into the Right to Life by relevant authorities</p> | | | | | |

HRMF: Right to life – process indicators

| Illustrative indicators of the right to life (UDHR Article 3, HRA Article 2; ICCPR Article 6, etc.) | | | | | | |
|---|---|---|--|---|---|--|
| | Use of unlawful / arbitrary force by the state, its agents or bodies fulfilling a public function | | Other action / inaction by the by the state, its agents or bodies fulfilling a public function | | Effective protection within society, community and family | Effective investigation of all deaths covered by Article 2 |
| | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | | |
| Process Indicators | <p>Complaints handling by regulatory bodies and inspectorates: Complaints that engage Article 2</p> <ul style="list-style-type: none"> • The Independent Police Complaints Commission: Complaints that Engage the Right to Life • The Care Quality Commission: Complaints that Engage the Right to Life • The Care Quality Commission: The nature and scope of complaints following a death • OFSTED: Complaints that Engage the Right to Life • HMI: Complaints that Engage the Right to Life • Complaints handled by relevant Ombudsman service <p>National plans of action, strategies, targets, DSOs, PSAs etc</p> <p>Preventative elements of Safeguarding adult and children plans / procedures</p> <p>Resource indicators</p> <ul style="list-style-type: none"> • Proportion of GDP spent on protecting under 1 year olds from homicide • Percentage of GDP spent on child protection | | | | | <p>Objective: Identify Scottish and Welsh matching sources</p>  |

HRMF: Right to life – outcome indicators (1)

| Illustrative indicators of the right to life (UDHR Article 3, HRA Article 2; ICCPR Article 6, etc.) | | | | | | |
|---|---|--|--|--|---|--|
| | Use of unlawful / arbitrary force by the state, its agents or bodies fulfilling a public function | | Other action / inaction by the by the state, its agents or bodies fulfilling a public function | | Effective protection within society, community and family | Effective investigation of all deaths covered by Article 2 |
| | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | | |
| Outcome Indicators | | <p>Deaths during or following contact with the police</p> <ul style="list-style-type: none"> •The number of deaths during or following police contact (IPCC report), with separate reporting for: <ul style="list-style-type: none"> ○Road traffic fatalities ○Fatal shootings ○Deaths following police contact (excluding deaths in or following custody) | <ul style="list-style-type: none"> •The number of preventable child deaths | <p>Deaths from non-natural causes for people resident or detained in health, social care or secure establishments</p> <ul style="list-style-type: none"> •Deaths from non-natural causes during or following police custody <p>(cont.)</p> | <p>Premature mortality: Variations and gaps</p> <ul style="list-style-type: none"> •Variations in infant mortality rates and life expectancy •Variations in the suicide rate •Variations in the homicide rate •Domestic homicide rate <ul style="list-style-type: none"> ○Other measures to capture protection from the threat of homicide where there is a known risk (to measure positive obligation) <p>(cont.)</p> | <p>Investigative mechanisms and their outcomes</p> <p>With respect to coroners:</p> <ul style="list-style-type: none"> •Number of inquests •Number of appeals •Timings •Number of cases / families granted legal aid for involvement <p>(cont.)</p> |

HRMF: Right to life – outcome indicators (2)

| Illustrative indicators of the right to life (UDHR Article 3, HRA Article 2; ICCPR Article 6, etc.) | | | | | | |
|---|---|---|--|--|--|--|
| | Use of unlawful / arbitrary force by the state, its agents or bodies fulfilling a public function | | Other action / inaction by the by the state, its agents or bodies fulfilling a public function | | Effective protection within society, community and family | Effective investigation of all deaths covered by Article 2 |
| | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | Non-institutional context | Institutional context (covers prisons, police stations, secure units, detention centres, schools, health and social care settings, etc) | | |
| Outcome Indicators | | | | <ul style="list-style-type: none"> •Deaths from non-natural causes and self-inflicted deaths in prison, secure units, immigration and asylum detention centers etc •Deaths from non-natural causes for people resident in health or social care establishments | <ul style="list-style-type: none"> •Gypsies and travelers – accidental deaths •Actions taken to prevent death where threats have been made •Number of prisoners in protected witness units •Number of witnesses provided with special measures in court cases because of threat to life •Number of applications by hospitals / state to administer life-saving treatment (separated for people with and without capacity) | <ul style="list-style-type: none"> •Serious case reviews for safeguarding adults •Serious case reviews for child protection •Domestic homicide review (established under Article 9 (1) Domestic Violence, Crime and Victims Act 2004) |

Discussion questions on the Right to Life panel

- Do you have any suggestions about indicators or measures that we could draw on for this panel?
- Do you have any suggestions about data sources that we could draw on for this panel?
- Is your organization working with any indicators or measures that are relevant to the development of this panel?
- Are there any indicators or measures under this panel that you would remove?
- Do you have any comments about the way in which the design of this panel could be improved?
- Are you aware of any matching Scottish and Welsh sources that we could draw on for this panel?

Discussion questions on the structure of the panels

- Overall, do you think that the panels will make a useful contribution to human rights monitoring in England, Scotland and Wales?
- Do you think that dividing the panels by structure, process and outcome indicators is useful?
- Overall, are there any comments you would like to make about the focus, language or design of the panels (e.g. coverage of the Human Rights Act, the international human rights framework, the rights covered in the first round of panel development, etc)?
- Do you think we have got the language right for describing the HRMF?

Other consultation questions

- Definition of a human rights indicator
- Types of data that we should cover
- Feedback on a list of vulnerable groups
- Any other comments or feedback?