NHRI·EU

INDICATORS AND DATA FOR HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT:

A GUIDE FOR NATIONAL HUMAN RIGHTS INSTITUTIONS

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Global Alliance of National Human Rights Institutions

INDICATORS AND DATA FOR HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT:

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ACRONYMS

AAAQ	Availability, Accessibility, Acceptability and Quality
CHRAJ	Commission on Human Rights and Administrative Justice (Ghana)
CHR	Commission on Human Rights of the Philippines
DIHR	Danish Institute for Human Rights
ENNHRI	European Network of National Human Rights Institutions
ESCR	Economic, Social and Cultural Rights
GANHRI	Global Alliance of National Human Rights Institutions
HLPF	High Level Political Forum on Sustainable Development
HOFG	Hungarian Ombudsman for Future generations
HRBA	Human Rights-Based Approach
IAEG-SDGs	Inter-Agency and Expert Group on SDG Indicators
ICESCR	International Covenant on Economic, Social and Cultural Rights
KNCHR	Kenya National Commission on Human Rights
NANHRI	Network of African National Human Rights Institutions
NHRI	National Human Rights Institution
NMIRFs	National Mechanisms for Reporting, Implementation and Follow-up
NSO	National Statistical Office
OHCHR	Office of the UN High Commissioner for Human Rights
SAHRC	South African Human Rights Commission
SDGs	Sustainable Development Goals
SHRC	Scottish Human Rights Commission
VNR	Voluntary National Review

INTRODUCTION

The 2030 Agenda for Sustainable Development "seeks to realize the human rights of all".[1] Since its adoption, there have been significant efforts to pursue the synergies between the Sustainable Development Goals (SDGs) and human rights in order to increase coherence, efficiency and accountability in the implementation and monitoring of both.

THE IMPORTANCE OF DATA

The high degree of convergence between the SDGs and international and regional human rights instruments and labour standards provides an unprecedented opportunity to pursue joined-up approaches to the realisation and measurement of human rights and sustainable development at a global scale – including in the area of data. Lack of progress in SDG achievement often reflects gaps in the fulfilment of existing human rights obligations. Good quality and reliable data – something which the 2030 Agenda aims to ensure guides its implementation and monitoring – is essential. Data can make the following contributions:

- It can support ongoing monitoring, measurement of progress, or indicate where progress is not being made.
- It is a critical element of accountability and transparency.
- It can identify where specific groups of rights-holders are being left behind and help to identify the reasons why.
- It can form a basis for better-informed decision-making, policy and programming for human rights and sustainable development.

Well-designed indicators, benchmarks and data collection methodologies are critical for measuring progress and critical components of the multi-layered 'web of accountability' that is necessary to ensure progress towards human rights fulfilment and SDG achievement.

However, the challenges of ensuring the availability of adequate data, and making it useful for policy and programming and to enhance accountability, are manifold, particularly from a human rights perspective.

PURPOSE OF THIS GUIDANCE

This guidance outlines some of the key challenges in the area of sustainable development and human rights data. It draws on lessons learned and identifies opportunities for using human rights standards and methods to improve official data and bring other data sources to bear on monitoring of sustainable development and human rights. The expertise and experiences of National Human Rights Institutions (NHRIs) are brought to the fore to illustrate how some of these challenges have been

addressed, and opportunities seized, in practice. This guidance has been developed to support NHRIs to:

- Use human rights frameworks and approaches to ensure that adequate data is available and used to inform policy and programming related to human rights and sustainable development.
- Advise and support national statistical offices (NSOs) on a human rights-based approach (HRBA) to data, ensuring inclusiveness and improving accountability.
- Improve the quality of their own data and data collection efforts, with a view to filling key human rights-related data gaps.

The guidance does not cover the full spectrum of partnerships that are in place to ensure human rights-based data, and rather focuses primarily on NHRIs' experiences of working with their own data or of working with NSOs.

The guidance is divided into two main parts:

- Part I (Key methods and processes) outlines key information relating to indicators and data in an SDG context, relevant institutional frameworks and mandates, and useful information for NHRIs to refer to in this context. It also provides basic information on an HRBA to indicators and data. The information in this section will enable readers to understand the basics, thus enabling a clear understanding of the lessons learned and guidance provided in Part II.
- Part II (Guidance, NHRI experiences and lessons learned) contains 4 main sections outlining different areas where NHRI and NSO collaboration is key to resolving some of the key data challenges from SDG and human rights perspectives. It builds on the basic information provided in Part I. Each of its sections describes a specific type of challenge or approach, provides information on the experiences of NHRIs who have worked in the area, and outlines some key learnings from those experiences.

This guidance has been developed as a response to needs expressed by NHRIs for more information and experience-sharing on how other NHRIs have engaged with SDG and human rights data and how they have addressed common challenges. It draws on desk research and individual interviews with selected NHRIs, as well as the Danish Institute for Human Rights' (DIHR's) own experience of working on human rights and SDG data. A number of UN and international institutions have also been consulted during the drafting of this guidance.

This guidance has been developed under the NHRI.EU Project. NHRI·EU is a capacity development project funded by the European Union involving the Global Alliance of National Human Rights Institutions (GANHRI), regional networks of NHRIs and individual NHRIs. The project aims to enhance the role of NHRIs and their global and regional networks in promoting and protecting the human rights of all.

1 PART 1 - KEY METHODS AND PROCESSES

The information in this part of the guidance is intended to provide a basic grounding in processes, concepts and methods relating to SDGs and data and the role of NHRIs and NSOs. It outlines key basic information relating to indicators and data in an SDG context, key institutional frameworks and mandates, and basic information on an HRBA to indicators and data.

1.1. THE ROLE AND FUNCTIONS OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN RELATION TO DATA

National Human Rights Institutions (NHRIs) are crucial elements of the good governance and institutional accountability architecture that is necessary to achieve the SDGs and human rights. The independent nature of NHRIs and their state mandate, their bridging role between national and international human rights systems, and their experience of and expertise in monitoring and reporting on the implementation of human rights standards places them in the perfect position to be at the heart of what has been called the SDG 'web of accountability'.

As independent state institutions mandated to support national compliance with international human rights obligations and commitments, NHRIs are also crucial elements of the accountability architecture necessary for ensuring peaceful and inclusive societies with access to justice for all. Given their mandate, NHRIs can play a significant role in international, regional and national monitoring of the 2030 Agenda.

The SDG monitoring framework explicitly recognises the existence of an independent NHRI that is compliant with the Paris Principles as an indicator for SDG 16 on peace, justice and strong institutions (indicator 16.a.1)

The United Nations Principles on the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles)[2] provide international benchmarks against which NHRIs are accredited. The Paris Principles set out six main criteria that NHRIs are required to meet:

- Mandate and competence: a broad mandate, based on universal human rights, norms and standards;
- Autonomy from government;
- Independence guaranteed by statute or constitution;
- Pluralism;
- Adequate resources; and
- Adequate powers of investigation.

Elaborating on the ways NHRIs can contribute to a human rights-based approach to the 2030 Agenda, GANHRI adopted the Mérida Declaration in 2015. Participating NHRIs adopted the Declaration, thereby setting out their commitments to promote human rights through the 2030 Agenda. The Declaration emphasises that "NHRIs in all regions are already addressing issues of crucial importance to the [2030] Agenda in their regular work" and reaffirms the mutually-reinforcing nature of SDGs and human rights. In 2017, the Network of African National Human Rights Institutions (NANHRI) and its member African NHRIs adopted the Kigali Declaration and Plan of Action which sets out roles that African NHRIs can play in ensuring a human rights-based approach to development and to achieving the SDGs, as well as to ensuring that no one is left behind in their implementation. Likewise, the Network of National Human Rights Institutions of the American Continent (Red de Instituciones Nacionales para la Promoción y Protección de los Derechos Humanos del Continente Americano – RINDHCA) and the European Network of National Human Rights Institutions (ENNHRI) have also produced statements on the role of NHRIs in the context of sustainable development.[3]

These Declarations emphasise that NHRIs can use their existing mandate to ensure accountability and equality in the implementation of the 2030 Agenda. This includes the area of data and indicators. Notably, the different roles outlined in the Merida and Kigali Declarations, can be applied by NHRIs in the area of data.

NHRI FUNCTION	POSSIBLE APPLICATION IN SDG DATA CONTEXT
Advisory	Recommend and encourage the relevant state actors to undertake a VNR; request an overall plan for SDG follow-up and review as well as for stakeholder involvement.
Monitoring	Participate (and if not invited, request to participate) in the planning; advice on how to design participatory, inclusive, transparent and accountable processes from a human rights perspective; contribute to the development of national indicators; advice on human rights-based approaches to data collection, human rights impact assessments of policies and budget and how to ensure synergies and coherence with human rights reporting processes.
Reporting	Participate, share information, analysis, and advice; point to recommendations received from human rights mechanisms linked to the relevant SDGs and targets; develop capacity of and open the door to civil society representatives, human rights defenders and rights-holders for their effective participation.

Complaints handling	Contribute written input to the VNR report and/or contribute to or publish own stakeholder report with analysis of progress on selected or all SDGs, drawing on existing monitoring work; review draft and advice on how to improve the quality of the report from a human rights and accountability perspective.
Research	Engage with national (and other States' delegations), permanent UN missions and major groups suggesting relevant questions to pose to the VNR panel; participate in the HLPF – for example, co-organising side-events; conduct awareness-raising.
Promotion	Follow up on gaps or opportunities identified in the VNR process; work with national statistical offices to help address data or indicator gaps; input to SDG action plans or national development plans; support alignment of monitoring frameworks; encourage institutionalised multi-stakeholder review mechanisms; ensure synergy with human rights reporting processes.
Cooperation	Engaging with duty-bearers, rights-holders and other key actors including government agencies, parliaments, the judiciary, local authorities, national statistical offices, civil society, marginalised groups, and media, the UN and other international and regional institutions, to raise awareness, build trust and promote dialogue and concerted efforts for an HRBA to SDG monitoring and data.

1.2 THE ROLE AND MANDATE OF NATIONAL STATISTICAL OFFICES

The expertise of NSOs in statistical collection, analysis and publication standards ensures quality, adherence to specific standards and consistency. NSOs have experience in ensuring adherence to international statistical standards, practices and classifications, as well as addressing the ethical implications of data work, including privacy principles. Being in charge of oversight of national statistical systems (ministries, departments, agencies and local government), and having the mandate to coordinate statistical data collection, enables NSOs to have an impact on a large amount of public information.

Work on the global indicator framework and associated data collection and presentation for the SDGs, is led by the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs). The membership of this Group also includes a number of representatives of NSOs. NSOs contribute their expertise and experience at international level to the development of indicators, data collection methods and data compilation to ensure that the global SDG framework and data collection methods are as technically solid, comprehensive and realistic as possible. Specific UN agencies and programmes acting as custodians for different indicators also participate depending on their expertise.

Data requirements for the 2030 Agenda present an unprecedented challenge for both national statistical systems and the international statistical community. General Assembly Resolution A/RES/70/1[4] and Statistical Commission Decision 47/101(l)[5] both stress that the compilation of the global SDG indicators is to be based on data produced by national statistical systems. Thus, the foundation for global SDG data compilation is national data collection. In an SDG context, NSOs are therefore a critical piece of the machinery that is needed to track SDG progress. In a national context, they constitute the main source or repository of official data on SDG progress.

NSOs are governed by the **United Nations Fundamental Principles of Official Statistics**, adopted in 1994 by the United Nations Statistical Commission and adopted with a revised Preamble in 2013.[6] There a re 10 Principles which refer to the role of statistics in serving a democratic society, professional ethics and scientific principles relating to the methods and procedures for the collection, processing, storage and presentation of statistical data, misuse and erroneous interpretation of statistics, data sources, confidentiality, transparency and consistency with international concepts and classifications.

In some cases, National Reporting Platforms (NRPs) (platforms, websites or databases used to report and disseminate national statistics including SDG indicators) are also managed by NSOs. Target users may encompass government officials and policy makers, members of academia, non-governmental organisations, international organisations, media and other information providers, business community, as well as individual users. The establishment of multiple parallel platforms has often resulted in a duplication of workload for already resource-constrained NSOs, resulting in calls for NRPs to be established as a focal point for improving coordination. However, not all countries have the resources to do so, and not all countries have publicly available statistical data.

1.3. BRIEF SUMMARY OF THE SDG INDICATOR FRAMEWORK AND RELATED METHODOLOGIES

1.3.1. RATIONALE

The 17 SDG Goals and their associated 169 targets are measured through the use of indicators. The global SDG indicator framework was designed on the basis of a number of key considerations:

- It should be universally applicable;
- It should enable measurement and comparison of data across countries;
- It should be manageable - i.e., not result in so many indicators that it would be impossible for countries to collect the necessary data to monitor all of the indicators; and
- Data should be readily available to the extent possible.

The global SDG indicator framework currently includes **231** unique indicators to enable measurement of progress towards the achievement of the SDGs. Each indicator is associated with an SDG target (or in some cases, more than one target), to measure progress towards its achievement.

Twelve SDG indicators are repeated under two or sometimes three targets, making the total number of indicators listed 247 (with 231 being the total number not including those repetitions).[7]

1.3.2. CLASSIFICATION OF SDG INDICATORS

SDG indicators are divided into tiers in accordance with the availability of data to support measurement, and the availability of an accepted methodology for data collection.[8]

TIER DEFINITION	NO. OF INDICATORS
Tier I: Indicator conceptually clear, established methodology and standards available and data regularly produced by countries.	**130**
Tier II: Indicator conceptually clear, established methodology and standards available but data are not regularly produced by countries.	**97**
Multiple Tier Classification: different components of the indicator are classified into different tiers.	**4**

The tier classification of SDG indicators can be found here:
https://unstats.un.org/sdgs/iaeg-sdgs/tier-classification/

1.3.3. METHODOLOGIES FOR GATHERING DATA ON SDG INDICATORS

For every SDG indicator, metadata (data about the data) has been developed to guide states in their data collection.

For each SDG indicator the metadata outlines:

- Which is the main UN agency responsible for the metadata and methodology.
- The rationale and key concepts behind the indicator and any limitations.
- The methodology for data collection (computation method, disaggregation, etc.).
- Key data sources, data availability and data providers in respect of the indicator.

All metadata documents for SDG indicators can be found here:
https://unstats.un.org/sdgs/metadata/

1.3.4. DISAGGREGATION OF SDG DATA

In the 2030 Agenda, data disaggregation is the main approach suggested to monitor unequal progress for different population groups.[9] Human rights bodies have also highlighted that appraisals or assessments of the need for laws and policies and related special measures should be carried out on the basis of accurate data, disaggregated on the basis of specific characteristics, and with the participation of those groups concerned in a given country.

The 2030 Agenda specifies that its follow-up and review will be informed by data, which is "disaggregated by income, sex, age, race, ethnicity, migration status, disability and geographic location and other characteristics relevant in national contexts."

Challenges and experiences related to disaggregation are further explored in section 2.2.

1.4 INDICATORS AND MEASUREMENT FROM A HUMAN RIGHTS PERSPECTIVE

1.4.1. HUMAN RIGHTS INDICATORS: MEASURING STATE OBLIGATIONS

The Office of the UN High Commissioner for Human Rights (OHCHR) has developed comprehensive guidance for the design of indicators to measure progress towards the fulfilment of states' human rights obligations.

A human rights indicator provides:

"specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights."

OHCHR

From a human rights perspective, indicators should:

- Be anchored in the **normative content** of a specific right.
- Focus on measuring the **commitments** of duty bearers to their human rights obligations, the **efforts** they undertake to meet those obligations, and the **results** of the duty bearer's efforts in ensuring the realisation and enjoyment of human rights.
- Reflect duty bearers' obligations to **respect, protect and fulfil** human rights.

- Recognise and reflect **cross-cutting human rights norms and principles**, such as non-discrimination, equality, participation, accountability, the rule of law, due process, good governance and access to remedy.
- Be **contextually meaningful**.[10]

A. STRUCTURE, PROCESS AND OUTCOME INDICATORS

Under international human rights law, states have obligations to respect, protect and fulfil human rights. In order to fulfil these obligations, states have obligations of both conduct, and result.

- Obligations of conduct relate to the actions that states are expected to take.
- Obligations of result relate to the outcomes that states are expected to achieve, through the actions taken.

Ideally, human rights indicators should capture as many of these aspects as possible. Therefore, OHCHR suggests three types of human rights indicators: structure, process, and outcome.

- **Structural indicators** to measure states' **commitment** to human rights as reflected in, for example, the ratification of international treaties or the adoption of national laws and policies.
- **Process indicators** that measure states' **efforts** to transform human rights commitments into results, for example through budget allocations, establishment of institutions, coverage of social services and training of personnel.
- **Outcome indicators** that measure the actual **results** or **impact** of states' commitments and efforts in terms of the population's enjoyment of human rights.

From: OHCHR, Human Rights Indicators: a guide to measurement and implementation

By way of illustration, SDG 5 provides some examples of structural, process and outcome indicators in relation to different aspects of women's empowerment:

- Structural: SDG indicator 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."
- Process: SDG indicator 5.c.1: "Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment"
- Outcome: SDG indicator 5.5.2 "Proportion of women in managerial positions"

The use of all three types of indicators in a human rights context is important as it enables a monitoring and measurement of the full spectrum of what is necessary to ensure that a specific right is realised in practice – from the enabling legal framework to the measures necessary to implement that framework, to the impact of those measures.

B. HUMAN RIGHTS NORMS

One of the primary characteristics of a human rights indicator is that it also helps measure a human rights norm. Key human rights norms that indicators can help to measure include the following:

1. Non-retrogression

States must not take 'deliberately retrogressive' actions that allow the existing protection of human rights to deteriorate. To be justified, retrogressive policies must be:

- Temporary;
- Necessary and proportionate;
- Non-discriminatory; and
- Ensure the protection of minimum core contents of rights.

Human rights indicators can support measurement, over time, of whether certain measures and their impact, are regressive. Benchmarks can be time-bound and set targets for achievement within specific timeframes or periodically.

2. Non-discrimination

Prohibited grounds of discrimination

Human rights are universal and should be enjoyed without distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth or 'other status'.

- States have an immediate obligation to eliminate discriminatory laws and regulations. This can be reflected in structural indicators.
- Eliminating discrimination requires certain actions or measures to be taken in practice. Such measures, including programmes, training, budgets, etc., can be reflected in process indicators.
- The impact of laws and related actions on the equal enjoyment of human rights can be measured using outcome indicators.

Data disaggregation is a critical way to represent inequality indicators designed to measure equality. It can help identify which groups are lagging behind and why, thus providing better information to inform policy and programming to ensure more equal outcomes.

3. Participation
Participation is another fundamental human rights norm impacting on the ability of all to enjoy their human rights.

- Structural indicators may assess the existence of adequate laws and policies to ensure public participation and the existence of targeted laws and policies aimed at sectors of the population who are not adequately consulted or for whom specific rights frameworks exist to ensure their consultation (e.g., indigenous peoples, etc).
- Process-based indicators may help illustrate the occurrence, breadth and depth of participation of different groups.
- Outcome indicators may assess perceptions of the quality and appropriateness of participation mechanisms, or the extent to which specific groups feel their views and expressed needs have been taken into account in related decisions.

4. Maximum available resources
The particular obligations of states in regard to the fulfilment of economic, social and cultural rights (ESCR) are outlined in different instruments. For example, Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that:

'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 realisation of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.' This article acknowledges challenges that states may face in ensuring the fulfilment of ESCR, specifically, challenges related to resources.

Process indicators are particularly useful when assessing the use of resources, the availability of budgets, etc., to ensure the fulfilment of human rights.

C. AVAILABILITY, ACCESSIBILITY, ACCEPTABILITY, AND QUALITY

The Committee on Economic, Social and Cultural Rights has identified four criteria for assessing access to facilities, goods and services from a human rights perspective: Availability, Accessibility, Acceptability and Quality (AAAQ).

- **Availability:** Facilities, goods and services must be available in sufficient quantities and in continuous supply.
- **Accessibility:** Facilities, goods and services must be accessible to everyone without discrimination. Accessibility criteria include physical access, affordability, access to information and non-discrimination.

- **Acceptability:** Consumer acceptability, cultural acceptability and sensitivity to marginalised groups.
- **Quality:** Facilities, goods and services must be safe and of an adequate standard.

Lack of adequate consideration for these four criteria can result in significantly differential or unequal outcomes in the level of fulfilment of relevant rights for certain groups, or indeed for certain SDG targets. Thus, in order to ensure no one is left behind, these are essential considerations when it comes to measuring access to goods and services using indicators.

1.4.2. A HUMAN RIGHTS-BASED APPROACH TO DATA COLLECTION

A Human rights-based approach (HRBA) to data collection defines the main principles for the process of data collection.

In accordance with internationally-agreed principles for statistics, the Office of the High Commissioner for Human Rights (OHCHR) has defined 6 main components of an HRBA to data, which should guide data collection in all circumstances.[11]

- **Self-identification.** All identity categories must be developed through a participatory approach. The most personal identities (e.g. religious beliefs, sexual orientation gender identity and ethnicity) should be assigned through self-identification. The overriding human rights principle to "do no harm" must always be respected. Data collection should not create or reinforce discrimination, bias or stereotypes.
- **Participation.** Participation should entail free, active and meaningful participation of relevant stakeholders, in particular the most marginalised population groups.
- **Non-discrimination.** Disaggregation on the basis of the grounds of discrimination enshrined in international human rights law is essential to reveal underlying disparities in the development process and highlighting the specific challenges that different population groups face.
- **Transparency.** This principle is related to the right to seek, receive and impart information, enshrined in international human rights law. Ensuring transparency implies, among other things, access of civil society to data and reports on the monitoring and realisation of human rights.
- **Accountability.** In their capacity as duty-bearers, state institutions have a duty to ensure that they respect, protect and fulfil human rights in their conduct of statistical work. This includes ensuring the independence of statistical data gathering.
- **Privacy.** Access to information must be balanced with the right to privacy. Data collected for statistical purposes must be strictly confidential. Data that reveals the identification of individual data subjects should not be publicly accessible. Data protection should be supervised by an independent body.

From: OHCHR, Human Rights Indicators: a guide to measurement and implementation

1.4.3. USEFUL RESOURCES

1. Human Rights Indicators: a guide to measurement and implementation
2. A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development
3. Indicators and data for human rights and sustainable development: a practical guide to leaving no one behind
4. Human Rights and Data
5. Introduction to Economic, social and Cultural Rights (online course)
6. GANHRI Toolbox for NHRIs on SDGs and Human Rights

2 PART II - GUIDANCE FOR NHRIs BASED ON EXPERIENCES AND LESSONS LEARNED

This Part provides concrete information and guidance on NHRI engagement with NSOs and on their work with data and indicators. It also contains concrete examples of NHRI experiences, and the lessons learned from those experiences, with a view to providing contextual illustrations of the narrative.

It draws on and is structured according to three primary considerations:

- The challenges and opportunities presented by the SDG indicator framework from a human rights perspective.
- The experiences and lessons learned of NHRIs and NSOs in working with human rights data.
- Broader experiences and methodologies of using a human rights-based approach to data in an SDG context.

2.1 USING HUMAN RIGHTS TO INFORM SDG MONITORING FRAMEWORKS AT NATIONAL LEVEL

2.1.1. ALIGNING HUMAN RIGHTS AND SDG MONITORING FOR AN INTEGRATED APPROACH

From a human rights perspective, many of the SDG indicators have the potential to measure human rights.

The high level of convergence of the SDGs with human rights standards points to an opportunity and a need to ensure that monitoring frameworks and their implementation are aligned in an integrated approach to avoid duplication, improve efficiency, and to ensure that human rights adequately inform and underpin monitoring frameworks, based on existing human rights obligations and commitments of states. Human rights and SDG monitoring can be integrated and serve the same purpose in the areas addressed by the SDGs. This can be done through:

- Identifying the human rights linkages of different SDG goals and targets.
- Identifying which national and international reporting and recommendations can be aligned with different goals and targets and using this information to track progress and inform strategies and actions.
- Using human rights-specific data to track progress (or lack thereof), identify gaps and challenges, and highlight disparities in progress for specific groups.

From a human rights perspective, an integrated approach implies that the human rights standards that underpin the 2030 Agenda are not only used to inform programming, through a human rights-based approach (HRBA), but that the overarching policies, and legislative frameworks that provide an enabling environment for sustainable development, are also in line with those standards and obligations.

The 2030 Agenda focuses on national ownership of SDG implementation and monitoring, and encourages states to develop "ambitious national responses" to implementation, building on existing sustainable development frameworks, where appropriate. These responses and processes should include contributions of national evaluation/oversight institutions and involvement of civil society, academia and the business sector, including NHRIs.

With this in mind, at national level, there is no one-size-fits-all approach to monitoring and measuring progress towards the SDGs. The SDG indicator framework provides a global standard against which measurement can be undertaken, with associated methodologies for data collection. However, in terms of the national institutional and policy frameworks which underpin this monitoring, these vary considerably. For example, in a number of countries, SDG coordination may be undertaken by a high level institution such as the office of the Prime Minister, whilst national development frameworks may be coordinated under a different institutional set-up such as a Ministry of Planning or Finance, or others. The SDG indicator framework may also in some cases be adapted at national level to include complementary measurements.

State human rights monitoring frameworks and institutional structures also vary in the national context. In the human rights field, many states have begun to adopt more comprehensive approaches to reporting, engagement and follow-up of human rights obligations through the establishment of National Mechanisms for Reporting, Implementation and Follow-up (NMIRFs) but these are not the only model for this.[12] National human rights policies and related programming or legal reforms are often overseen by ministries/departments of justice or human rights or an Attorney General. Human rights monitoring models therefore also vary considerably and many do not use indicators as the basis for monitoring, or engage in quantitative data collection. Most primarily collect qualitative monitoring information and data (reports, research, etc.)

Against this backdrop, the alignment of monitoring frameworks in a national context is of critical importance to ensuring that human rights underpin SDG monitoring and that existing human rights monitoring can play a role.

Aligning policy, and indicator and monitoring frameworks for human rights and SDGs can have numerous advantages:

- Avoiding duplication of resources spent on monitoring.
- Ensuring that human rights inform SDG monitoring.

- Improving national indicators or adding complementary indicators to better reflect the national context or better reflect human rights.
- Improving institutional coordination.
- Providing additional avenues and resources for human rights monitoring through SDG initiatives.

Example: linking human rights and SDG performance and monitoring frameworks in Scotland

The Scottish Human Rights Commission's (SHRC) work with SDGs is organised under three main complementary components guiding SDG implementation in the Scottish context:

1. The National Performance Framework (NPF); Scotland's way to localize the SDGs. The NPF and the SDGs share the same aims. The NPF's National Outcomes focus on tackling inequalities so that no one in Scotland is left behind in work to achieve the Goals.
2. The SDG Network. This was created to support partnerships working across Scotland and beyond to: build awareness of the SDGs; engage across civil society, government and business; support implementation where possible; and ensure all voices are heard by decision makers. The SHRC is part of this growing network of people and organisations, including the Scottish Government, working together on the SDG Agenda.
3. Scotland's National Action Plan for Human Rights (SNAP).[13] This sets out a roadmap towards a Scotland where everyone can live with human dignity and where international human rights are realised in people's lives. SNAP's seven long-term goals cut across the SDG Agenda and encourage an explicit connection between SNAP Action, the SDGs and their targets and, importantly, their timelines. SHRC led the development of the SNAP by acting as the Secretariat of the process. It was also among the key actors developing the monitoring framework. The Monitoring Framework for SNAP combines Scotland's outcomes approach with a human rights-based approach to monitoring and measurement. Linking SNAP's actions to domestic and international policy goals has also been an important focus. This has included using the three types of human rights indicators developed by the Office of the High Commissioner for Human Rights: structure, process and outcome.

In recognition of the Mérida Declaration and the fact that the 2030 Agenda is firmly rooted in the international human rights framework, SHRC aimed to ensure that the SDGs were at the heart of SNAP's long-term goals. Development is underway of the 2nd version of SNAP, with secured funding from the Scottish Government for a secretariat function. The SDGs remain at the heart of SNAP's 2030 Goals.

SHRC has a database on key human rights issues in Scotland. It is used to contribute to international human rights reviews, SNAP and legal and policy work of the Commission. The primary research SHRC conducted to underpin the database was based on social research literature (found out that almost 90% of data didn't have a human rights background, but a social data background), a series of legal reviews, and a consultation processes with reference groups often left behind or hard to reach. From all those sources, SHRC created categories of issues and reference groups that are still useful to this date and have contributed to building a relationship with these stakeholders.

SHRC also monitored and provided input to the review process of the NPF's National Outcomes. This review was conducted by the Performance and Outcomes Team, and the input was developed by various stakeholders, including the SHRC, aiming to improve the alignment of the NPF with the SNAP and the SDGs. The Commission cooperated with the Performance and Outcomes Team to develop a specific Outcome on human rights. As a result, "we respect, protect and fulfil human rights and live free from discrimination" Outcome was adopted.

In line with its monitoring role, SHRC oversaw the process and recommended to the Performance and Outcomes Team that the current indicators do not provide adequate measures for progress of this outcome. In this regard, to improve these measures, the Commission has agreed to engage with the NPF team to develop further indicators that will better reflect the different aspects of 'respect, protect and fulfil' and structure, process and outcome, as well as non-discrimination, including indicators on understanding of human rights, discriminatory attitudes and possibly a way of measuring progress towards UN recommendations.

Moreover, SHRC called for a recognition that all 11 National Outcomes have direct relevance to the realisation of human rights in Scotland, and concluded that such an understanding of these connections is not reflected within the NPF structure, nor the wider narrative.

Lessons learned

- Government openness was key to the success of this work. The Scottish Government put human rights at the forefront of its national development outcomes. This put the SHRC in a favourable position to engage in SDG processes.
- There are well-established national frameworks that guide the engagement in SDG processes such as the National Performance Framework (NPF), the SDG Network, and Scotland's National Action Plan for Human Rights (SNAP). Being part of all these frameworks has enabled the SHRC to actively contribute on the human rights aspects of these processes.

- SHRC has been alert to the opportunities to make contributions and has applied a proactive approach of participating in multi-stakeholder platforms, working groups, etc.
- Lack of awareness among government actors on the importance of an HRBA to the SDGs had to be overcome through extensive engagement with key actors using the human rights expertise of SHRC to guide this engagement.

NHRI Functions employed

✓ Advisory

✓ Promotion

✓ Cooperation

✓ Monitoring

2.1.2. DEVELOPING COMPLEMENTARY OR CONTEXTUALISED INDICATORS

As highlighted in Part I of this Guidance, a human rights-based approach to indicator development is intended to measure key human rights norms, principles and standards.

Of the 231 individual SDG indicators, there are currently only 8 indicators which measure structural aspects of their related target. Some of these 8 indicators are hybrid indicators meaning that they measure both structural but also some process elements. Process measurements are very limited in the SDG indicator framework in general.

The vast majority of the global SDG indicators focus on outcomes or results. Whereas they are extremely useful for measuring the impact of enabling legal and policy frameworks, and implementation efforts, they have limited potential for measuring states more immediate commitment and efforts to reach the goals and targets.

Through using primarily outcome indicators, the SDG indicator framework has limited ability to generate data on the frameworks that are in place to ensure an enabling legal and policy environment for those outcomes to happen, which is the fundamental basis for human rights realisation. It also means that the indicator framework lacks the ability to measure the processes that lead to outcomes or results or to explain the 'missing middle'.

Structural indicators measure the existence of laws, or ratifications of international instruments, that provide the enabling legal or regulatory environment for certain SDGs or targets to be achieved. Process indicators measure what budgets, programmes, staffing, training and other processes and measures are in place to ensure that these regulatory frameworks are actually implemented in practice. Both of these types of indicators therefore enable the gathering of critical information

and insight into why certain outcomes are being achieved or not, and where the gaps might be in terms of what efforts are needed to achieve desired outcomes. Both of these types of indicators are key to human rights monitoring and lacking in the SDG indicator framework. Having all three types of indicators available enables us to gather a more coherent picture of what might be some of the reasons behind progress, or lack of progress in certain areas.

For illustration, the table below presents some of the key gaps in relation to Target 10.3 and related indicator from a structural, process and outcome perspective.

TARGET	RELATED INDICATOR	GAPS FROM A HUMAN RIGHTS PERSPECTIVE
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.	**10.3.1.** 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.	Prohibition of discrimination in law is an essential first step to eliminating discrimination and achieving equality, but it is not enough to tackle discrimination and inequality in practice. The Target refers to structural and outcome aims (elimination of discriminatory laws and policies) but the indicator only measures outcome. The indicator does not capture: • Structure: whether national legal frameworks are sufficiently robust to prohibit discrimination in all areas necessary and for all concerned groups. • Process: what measures are in place that are designed to secure to disadvantaged groups the full and equal enjoyment of human rights and fundamental freedoms. Such measures could include "budgetary instruments, as well as plans, policies, programmes and preferential regimes in areas such as employment, housing, education, culture and participation in public life for disfavoured groups, devised and implemented on the basis of such instruments." Laws, policies and practices adopted and implemented to fulfil states' obligations on equality and non-discrimination also often require supplementing with temporary special measures. These aim to realise not only formal equality, but also substantive equality.

This points to a need in many cases for complementary indicators at national level. This can ensure clear linkages with international human rights obligations, norms, specific rights and national human rights laws. A human rights lens can bring immeasurable clarity to the monitoring of SDG targets, crucially, by being able to assess the information that outcome indicators simply cannot provide, on the 'why' and the 'how'; the enabling environment and processes that lead to certain outcomes.

There are two possible approaches to ensure that the gaps in the global SDG indicator framework can be filled: one is through the development of complementary indicators, which is discussed in this section. The other is through disaggregation of data, which is discussed in Section 2.2.

Global SDG indicators can constructively be complemented by measurements at national level that can further ensure that states' human rights obligations are being met. This is where the role of NHRIs can bring significant added value, given their sophisticated understanding of states' human rights obligations and the measures that are necessary to fulfil them. NHRIs can also base advice and recommendations on complementary measurements on state legal obligations as well as their own research, data and experience of human rights in a given country.

For example, state legal obligations and the measures take to put them into practice, such as those highlighted in the table above, are regularly monitored by NHRIs and are therefore relatively straightforward to translate into complementary structural and process measurements.

Example: developing complementary human rights indicators in Hungary
The Hungarian Ombudsman for Future Generations (HOFG), a Deputy Commissioner at the Office of the Commissioner of Fundamental Rights, issued a General Opinion in December 2017. The Opinion contained recommendations to implement the SDGs at national level. The HOFG recommendations aimed to serve as a guideline for the Government in designing targets and the overall focus of the national implementation of the covered SDGs.

The General Opinion focused on 5 goals[15] with an environmental sustainability focus most in line with the mandate and expertise of the HOFG that were also focus at the 2018 session of the High Level Political Forum on Sustainable Development (HLPF):[16]

- Goal 6 (ensure availability and sustainable management of water and sanitation for all),
- Goal 7 (ensure access to affordable, reliable, sustainable and modern energy for all),
- Goal 11 (make cities and human settlements inclusive, safe, resilient and sustainable),
- Goal 12 (ensure sustainable consumption and production patterns), and
- Goal 15 (protect, restore and promote sustainable use of terrestrial ecosystems).

The General Opinion identified 60 measures and policy changes that are most urgent for realising the covered SDGs in the Hungarian context by linking them to a specific SDG target in order to reveal the relationship between the SDGs and domestic human rights requirements. To enable the monitoring and measuring of the progress in implementation, the Opinion developed a handful of possible new, national human rights-based indicators for the given SDGs. It used the knowledge generated from complaints data, as well as other experience from its human rights work, to advocate with the NSO on collecting new data to fill the gaps and better measure progress.[17]

Development of these indicators created the opportunity for the HOFG to initiate a meeting with the NSO in 2018 and discuss these indicators with them. As a follow-up to the process, in 2021 the HOFG was approached by the NSO for a multi-stakeholder roundtable process involving relevant ministries and regulatory bodies for the development of national indicators. The entire Office of the Commissioner for Fundamental Rights participated in the process with several experts covering various human rights fields.

Lessons learned

- The availability of information from its investigations and the analysis of individual complaints enabled the HOFG to identify data gaps from a human rights perspective, develop indicators, and thereby engage with the NSO.
- The initiative of the HOFG to develop the General Opinion with specific recommendations and indicators created the opportunity for the HOFG to be invited to participate in national SDG processes (such as the Voluntary National Review (VNR)), and take the initiative to engage with key stakeholders such as the NSO for the preparation of national indicators.
- The HOFG was proactive in offering national indicators in its General Opinion in 2018, but the NSO at that time was not ready to drive the whole process. The solution came when the NSO took ownership of the project and created a multi-stakeholder consultation process inviting the whole Hungarian NHRI along with ministries and regulatory bodies for the joint development of the indicators. The involvement of the NHRI was most likely also the result of the early proactivity of the HOFG. [18]

NHRI functions employed

✓ Advisory

✓ Complaints handling

✓ Cooperation

✓ Monitoring

In many cases, SDG indicators can also be contextualised to make them more relevant for the national context – particularly when it comes to identifying specific groups at risk of discrimination in a given national context. SDG targets and indicators are global and generic and often do not mention groups that are particularly at risk in specific countries as this varies considerably.

Example: Ensuring those left behind are represented in data - collaboration between the Equality and Human Rights Commission with the Office for National Statistics (ONS), UK

The Equality and Human Rights Commission (EHRC) has engaged directly with the Office for National Statistics (ONS) in the context of SDGs. The objective of this engagement has been to improve the data collection system and data quality in line with a HRBA to data. Specifically, through direct consultations with the ONS, it has aimed to improve the quality of national data collection on inequality and discrimination.

The Commission has engaged with the ONS through advisory activities. Specific recommendations for the ONS have included:

- Work on advancing data disaggregation through identifying relevant groups, particularly protected characteristics as outlined in the Equality act 2006, those left behind in terms of higher risk of harm, abuse, discrimination or disadvantage, and other variables across which the data should be disaggregated

The Commission has also identified data gaps, mainly with regard to the inconsistent or inadequate collection of protected characteristics data across multiple areas due to poor sample sizes and inappropriate classifications systems.

An important element of formal engagement with the ONS is that the EHRC sits on the Strategic Advisory Group for the ONS Centre for Equalities and Inclusion, which is a multi-stakeholder group working on equalities data and analysis aiming to improve the relevant evidence base.

The EHRC has also engaged to contribute on human rights aspects of the 2021 UK Census.

The EHRC has also developed a Prejudice Barometer, a methodology for assessing levels of prejudice and discriminatory attitudes and has recommended its adoption as a regular survey, distinct to or within the British Social Attitudes Survey

Through these elements of engagement, the Commission has aimed to advance data disaggregation and improve data collection on specific groups, which in turn would allow more effective monitoring of progress towards the SDGs at the domestic level.

Lessons learned

- EHRC's mandate on equality issues gives it a strong basis to advise on ensuring that relevant groups are represented in data
- Specific entry points for engagement such as the existence of the Strategic Advisory Group at the Centre for Equalities and Inclusion provided strategic avenues for engagement
- Contextualising indicators in this case meant that groups not referred to in SDG indicators could be addressed.

NHRI functions employed

✓ Advisory

✓ Cooperation

2.1.3. TAKEAWAY POINTS

Strategic engagement in monitoring frameworks and initiatives

→ An important first step in deciding which monitoring frameworks are of relevance to engage with, is to map out and identify the relevant monitoring set-ups at national level. There may be existing human rights monitoring frameworks, for example, which could be effectively aligned with SDG monitoring frameworks.

→ Lack of awareness of a HRBA to monitoring and indicators on the part of other state institutions is a significant challenge that requires active engagement to overcome.

→ Becoming an active part of monitoring initiatives can be more effective than providing advice from an external perspective.

Identifying complementary indicators and measurements

→ NHRI expertise on HRBA is critical for indicator development and monitoring.

→ Contextualising indicators allows for groups or issues impacting on SDG and human rights realisation not referred to in SDG indicators to be included in national data initiatives as complementary measurements.

→ NHRIs' expertise on equality issues gives them a strong basis to advise on ensuring that relevant groups are represented in data including through the development of complementary indicators to reflect the particular issues they face, or through disaggregation (see Section 2.2 for more guidance on disaggregation).

→ Strategic identification of institutional frameworks, technical working groups and focal points for indicator development and monitoring, and specific data

collection exercises and surveys, are essential to ensure effective engagement by NHRIs to help fill the gaps from a human rights perspective.

- Where relevant, NHRIs can publish Opinions with specific recommendations to provide a clear basis for engagement and development of complementary indicators.
- Engagement in the development or adaptation of complementary measurements necessitates a process of engagement, and where possible, becoming part of a specific technical working group or other official body can facilitate NHRI engagement and increase likelihood of NHRI advice being taken on board.
- Creation of a common understanding between NHRIs and NSOs or other relevant bodies can help build a shared agenda from the outset and help reduce resistance to NHRI recommendations.

2.2 DATA DISAGGREGATION AND LEAVING NO ONE BEHIND

2.2.1 MEASURING INEQUALITY: GAPS AND OPPORTUNITIES IN THE SDG INDICATOR FRAMEWORK

Under international law, **discrimination** is generally defined as **any distinction, exclusion or preference** based on **specific grounds of discrimination** that has the **purpose or effect of nullifying or impairing an individual's ability to enjoy their human rights**. Non-discrimination is a cross-cutting principle that applies to the application of international human rights instruments in their entirety.

As explained in section 1.4.1.B, human rights are universal and should be enjoyed without distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth or 'other status'. Different international treaties and declarations may enunciate different **prohibited grounds of discrimination** (sometimes also called 'protected characteristics'), depending on their focus.

Inequality and discrimination can inhibit progress towards all SDGs and the realisation of all human rights. In order for states to ensure that human rights are exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively.[19] In the 2030 Agenda, and in a human rights-based approach to indicators, there are several complementary approaches suggested to address this: data disaggregation (discussed here); and development of specific indicators and/or data collection efforts. Data disaggregation is a means of monitoring unequal progress for different population groups.[20] Human rights bodies have also highlighted that appraisals or assessments of the need for laws and policies and related special measures should be carried out on the basis of accurate data, disaggregated on the basis of specific prohibited grounds of discrimination,[21] and with the participation of those groups concerned in a given country.

Data disaggregation is a critical way to represent uneven outcomes and is thus helpful for measuring formal and substantive equality. Disaggregation is also a powerful way of getting information on different aspects of equality of access to goods and services in relation to economic, social and cultural rights or the SDG targets that correspond to these.

In recognition of the role that inequality and discrimination play in hindering progress towards the achievement of the SDGs, the 2030 Agenda makes a cross-cutting pledge to 'leave no one behind', recognising the importance of "high-quality, timely, reliable and disaggregated data" in this regard.[22] To this end, target 17.18 aims explicitly to "increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts."

However, suggestions or requirements as to which characteristics disaggregation should reflect, vary considerably across the indicators for the 17 goals. This means that disaggregated data is not always required by SDG indicators, even where there may be disparities that require the collection of disaggregated data.

For example, in the table below, we can see that the suggested characteristics to be reflected by disaggregation can vary, making a coherent approach difficult to devise.

TARGET AND RELATED INDICATOR	SUGGESTED DISAGGREGATION IN THE ASSOCIATED INDICATORS AND METADATA
Target 1.4 By 2030, aims to ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance. **Indicator 1.4.2.** Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure	• The wording of the target suggests that the full extent of disaggregation should also include 'the poor and the vulnerable'. • The suggested disaggregation in text of part (b) indicator and related metadata only includes sex and tenure type. • This could exclude groups which are at heightened risk of not having access to secure tenure rights, such as indigenous peoples, slum dwellers, internally-displaced persons, minorities and refugees, among others.
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 **Indicator 10.3.1 (and 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.	• Indicator 10.3.1 (and 16.b.1) refers only to 'proportion of the population'. If inequality of outcome is to be measured, the data needs to be disaggregated in accordance with the prohibited grounds of discrimination enshrined in human rights law. • The metadata for this indicator refers to the prohibited grounds of discrimination under international human rights law and recommends that data collectors identify contextually relevant and feasible lists of grounds of discrimination.[23] • The survey module for 10.3.1/16.b.1 has been integrated into the SDG 16 Survey, a compilation of all survey-based SDG 16 indicators. The Survey also contains a demographic module that seeks to promote meaningful data disaggregation.

2.2.2. AVAILABLE DATA ON THOSE LEFT BEHIND

Despite the overall intention of the 2030 Agenda to disaggregate data according to all the characteristics outlined in target 17.18, there remain - 6 years into its implementation - serious challenges around the capacity of NSOs to disaggregate data on the basis of the characteristics suggested, let alone to undertake full disaggregation in line with prohibited grounds of discrimination enshrined in international human rights instruments.

Of course, a certain level of national-scale disaggregation can be achieved through censuses, on the basis of the use of identifiers to reflect certain characteristics, and censuses remain one of the most significant and important ways of collecting disaggregated data because they are periodic and national-level.

Population and housing censuses are an unique data source that allow the collection of detailed statistics on population and its characteristics, including organisation, composition and spatial distribution. This universal, simultaneous and generally periodic data collection on individuals serves as an essential tool for evidence-based decision-making at country level, and periodically assessing the data they generate.

Censuses have a significant potential specifically in relation to the 2030 Agenda for Sustainable Development, and to monitor many SDGs, given the range of topics they cover. They can measure progress regarding population-based indicators, meaning those referring to individuals or households among other things.

Specific surveys and investigations conducted by NSOs can help to obtain more detailed data, either on the basis of smaller sample sizes, or focussing on specific issues. If focussing on smaller-scale targeted surveys, for example, data can be collected on a targeted basis to fill some of the gaps, but by no means all. Smaller surveys, however, do represent a key source of information and an area where NSO – NHRI cooperation is particularly relevant, for example, in the design phase.

Full disaggregation of data in national statistical systems is also a significant challenge due to capacity and financing issues. There are few, if any NSOs that are capable of collecting data against all the indicators in the SDG framework, let alone disaggregating this data according to the full scope of what is required. In some cases, capacity issues imply that NSOs simply do not have sufficient staff and time resources to fulfil the full scope of what is required. In others, and particularly from a human rights perspective, there may be a lack of understanding of the grounds of discrimination prohibited by law, and how to disaggregate data on that basis.

There may also be legal and political limitations related to the recognition of specific groups and therefore the collection of data on their situation. This is often related to context-specific sensitivities around recognition of specific groups of rights-holders or acceptance of certain prohibited grounds of discrimination such as sexual orientation and gender identity (SOGI), indigenous peoples, certain ethnic minorities and other groups. In some cases, such national sensitivities may be highly politicised, and reluctance or fear on the part of specific groups of rights-holders to self-identify as belonging to a specific group may also play a part – particularly if the group in question is persecuted or threatened. Disaggregation by an NSO may also simply not be possible if the group in question is not legally recognised in a given country, or there is no clear legal advice on categories of persons. NHRIs can provide their own legal advice or engage with relevant ministries in this regard to ensure that specific groups can be included in official data.

Example: including an "intersex" identifier in the national census in Kenya

The invisibility of intersex persons and the consequent lack of data on the barriers they face, has been a matter of concern for the Kenya National Commission on Human Rights (KNCHR). Kenya's Persons Deprived of Liberty Act and previous High Court judgements which KNCHR had participated in, recognise the rights of intersex persons. In 2017, a specific taskforce was created by the Attorney General to probe the policy, legal, institutional and administrative reforms necessary to safeguard the rights of intersex children and adults.

This work is part of a set of strategies that KNCHR carried out to ultimately ensure the inclusion of rights-holder groups in the national Census. It submitted advisories on laws and policies to duty-bearers and carried out a media campaign through radio, TV and social media to sensitize persons in Kenya of the inclusion of certain groups.

The inclusion of the KNCHR in the Technical Committee on the Census, hosted by the Kenya National Bureau of Statistics (KNBS), provided significant impetus to this cause as KNCHR was able to advise and actively lobby for the inclusion of intersex in the review of the enumeration instruments.

This process concluded with the inclusion of 'intersex' as a third sex in the Census questionnaire. This will lead to better data on this group that can feed into ongoing discussions about institutional and administrative reforms to safeguard their rights.

Lessons learned

- Building on historically identified groups and working with other institutions was key to the success of this work.
- Inclusion in official statistical technical committees is crucial as an advocacy strategy to bring change from 'inside'.
- The Office of the Attorney General and Department of Justice was also instrumental as the legal adviser to the Government. It was able to provide an Opinion on the legal basis for inclusion of the intersex category in the census.

NHRI functions employed

✓ Advisory

✓ Cooperation

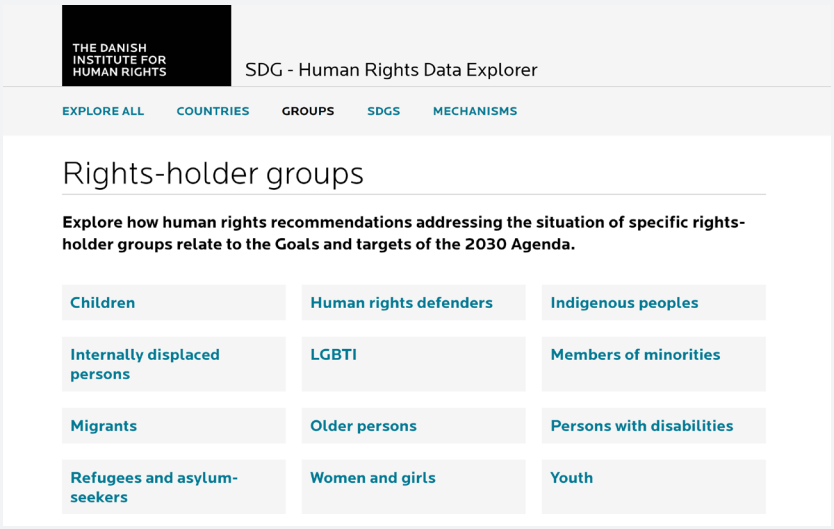
✓ Promotion

2.2.3. IDENTIFYING THOSE LEFT BEHIND

International human rights bodies and NHRIs can both play a significant role in identifying those groups who are left behind in terms of their ability to enjoy their human rights or in terms of sustainable development.

- NHRIs conduct investigations and research, engage with specific groups of rights-holders and collect complaints data. All of these activities can support the identification of specific groups who are discriminated against in certain contexts as well as the issues they are facing.
- International human rights bodies frequently highlight specific situations or general trends where groups of rights-holders face discrimination, inequality or are left behind.

The recommendations of international human rights bodies can be used to identify those groups who are left behind, or at risk of being left behind. NHRIs report to international and regional human rights bodies on a range of human rights issues, depending on the focus of the treaty in question or other human rights body that they are reporting to. Based on their mandates, they often provide detailed information in these reports on groups left behind or at risk of being left behind. International and regional human rights bodies take this information into consideration when they are reviewing states' reports or the human rights situation in a given country, and information provided by NHRIs is often reflected in their Observations or Recommendations. By identifying those left behind in their reports to international and regional human rights bodies, NHRIs can support a fuller analysis by these bodies, and more targeted recommendations which can in turn be used to inform SDG implementation and priorities for data collection.



The **SDG – Human Rights Data Explorer** enables exploration of 150,000 recommendations and observations from 67 monitoring mechanisms of the international human rights system – many of direct relevance for:

- identifying those left behind or facing discrimination;
- identifying areas where disaggregated data is needed; and
- identifying legal, policy and process gaps to ensure the fulfilment of human rights and equality.

The information can be filtered by country, **affected group of rights-holders (particularly important to guide disaggregation efforts)**, SDG target and other relevant parameters.

Available at: http://sdgdata.humanrights.dk/

Given their experience in addressing inequality and discrimination that affects the enjoyment of human rights through a wide range of their functions, NHRIs can also play a significant role at national level in supporting the identification of groups covered by prohibited grounds of discrimination, or who cannot fully enjoy their rights due to discrimination. The example below from Kenya is one way in which this has been done by an NHRI. NHRIs may have data from their monitoring, research, complaints or specific investigations that can contribute to the identification of such groups.

Example: identifying those left behind in Kenya

With a view to identifying groups who are left behind in SDG implementation, and to address data gaps, a collaboration between the Kenya National Commission on Human Rights (KNCHR) and the Kenya National Bureau of Statistics (KNBS) jointly identified these groups in the Kenyan context. The process of identifying the groups being left behind began with the organisation of joint workshops between KNCHR and KNBS, carried out in collaboration with OHCHR in 2017. These meetings aimed to pinpoint data gaps. As a result, both institutions developed a **preliminary list of 28 population groups who are at risk of being left behind in Kenya**.

Lesson learned
The process of KNCHR and KNBS jointly identifying groups being left behind proved to be an important step towards gathering data in a number of key areas, due to its partial translation into the Population and Housing Census of 2019.

2.2.4. ADVISING ON DATA DISAGGREGATION

NHRIs are uniquely placed to support better data disaggregation and to ensure that the prohibited grounds of discrimination are reflected in national data collection efforts, and to ensure that adequate measures are put in place to address the disparities highlighted in data.

Example: ensuring data is disaggregated according to prohibited grounds of discrimination in South Africa

The South African Human Rights Commission (SAHRC) collaborated with Statistics South Africa (Stats SA) and OHCHR in order to develop a methodology to support the re-classification of Indicator 10.3.1 ('Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law') from Tier III to Tier II.

In a report intended to contribute to South Africa's 2019 VNR, the SAHRC highlighted that it "consistently reports on an annual basis that equality complaints constitute the largest proportion of complaints received by it nationally" and that "equality-related complaints have consistently constituted the highest number of complaints received over the past six financial years". In doing so, it highlights the importance of NHRIs' own data in contributing to a better understanding of the equality and non-discrimination-related SDG targets such as 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) as well as other SDG targets whose achievement is affected negatively by discrimination and inequality.

The SAHRC thus highlighted that the persistence of equality-related complaints pointed to the need for educational programmes and policy reform to foster greater social cohesion. It also recommended that the VNR Report include this data, as well as including reference to the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances, since it is imperative for government to eradicate both horizontal (status) and vertical (economic) inequality comprehensively.[24]

Given serious limitations in national data capacity, full disaggregation is not always possible. This means that in their engagement with NSOs, NHRIs often need to make strategic choices about what is feasible and which forms of data collection can support the disaggregation required. This might mean zooming in on a few strategically important issues or on a particular data collection process.

Example: working with censuses to produce disaggregated data in Kenya

KNCHR has engaged with KNBS through the Technical Working Committee (TWC) of the Kenya Population and Housing 2019 Census to support generation of disaggregated data through the Census.

The TWC supervised the preparation process and execution of the Pilot Census carried out in August 2018 which covered 12 counties. This exercise is generally carried out a year before the main Census, to test the instruments and logistical aspects. KNCHR supported this operation by being actively involved in inputting to the instruments, preparing an enumerators' and supervisors' manual, developing training modules and conducting training of trainers. They also accompanied other officers on the ground in selected stations and witnessed first-hand how the pilot census exercise was carried out and any challenges/gaps arising. They also participated in the final country report evaluating the experience. All these activities provided them with the opportunity to closely supervise and support the operation.

Joint workshops between KNCHR and KNBS, in collaboration with OHCHR to pinpoint data gaps. As a result, both institutions developed a preliminary list of population groups who are at risk of being left behind in Kenya.

KNCHR joins the **Technical Working Committee (TWC)** of the 2019 Kenya Population and Housing Census and participates in the preparatory process and 2018 pilot study.

Execution of the **2019 Kenya Population and Housing Census**, including intersex category, "indigenous tribe" identifiers and disability.

Creation of the **Disability Statistics Technical Working Group (TWC)** in 2020.

Lessons learned

- Strategic choices had to be made about the feasibility of disaggregation, how it could be done and what the information could be used for.
- The process was highly technical and required training and constant engagement and dialogue.
- KNCHR expertise was intrinsic to ensuring that equality and non-discrimination considerations were part and parcel of the technical discussions.

NHRI functions employed

✓ Promotion

✓ Advisory

✓ Cooperation

2.2.5. TAKEAWAY POINTS

Identifying groups left behind

- NHRIs and information from international human rights bodies can support identification of groups covered by prohibited grounds of discrimination, or who cannot fully enjoy their rights due to discrimination.
- It may be difficult to ensure inclusion of specific groups, identifiers or characteristics in official data collection initiatives due to definitional or legal issues. In some cases, involving ministries or departments of justice or human rights, or attorney general offices can help provide a legal basis for their inclusion. NHRIs can also provide their own legal advice or engage with relevant ministries in this regard to ensure that specific groups can be included in official data.
- Creation of a common agenda and shared understanding between NSOs and NHRIs about which groups are being left behind is essential to ensure that these groups can be considered in official data.

Supporting and advising on data disaggregation

- Data disaggregation is a critical way to highlight uneven outcomes and is thus helpful for measuring formal and substantive equality.
- NHRI expertise and mandate on equality and non-discrimination can underpin their provision of advice on state obligations that need to be captured in data collection design and gathering.
- There may be a lack of understanding on the part of NSOs of the grounds of discrimination prohibited by law, and how to disaggregate data on that basis.
- It is important to make strategic and realistic choices about what aspects of data disaggregation to focus on when engaging with NSOs.
- Identification of key data collection initiatives can be done by NHRIs on the basis of strategic choices about the feasibility of disaggregation, how it could be done and what the information could be used for.
- Constant dialogue between NHRIs and NSOs as well as state bodies responsible for legal recognition of specific grounds of discrimination, is critical to ensure mutual understanding and provide technical support from a human rights perspective.

2.3 FILLING THE DATA GAPS: THE ROLE OF NHRIS

2.3.1. DATA AVAILABILITY, DATA GAPS

One of the most significant challenges for monitoring SDG progress is lack of data, or lack of quality data. During the first five years of SDG implementation, countries have persistently reported on outstanding challenges related to (1) methodology for SDG indicators at the global and national levels, (2) data collection, and (3) statistical analysis.[25] Limited institutional statistical capacity, significant data gaps and lack of sufficient disaggregated data continue to impair countries' ability to unveil the situation of the most vulnerable populations and to adequately report on the SDGs.

On one hand, the limitations of the SDG global indicator framework as described in section 2.1.3 highlight the need for concerted efforts to improve the overall availability of data on the different aspects of the SDGs for comparability at the global level, including disaggregated data. On the other, they accentuate the demand for countries to complement the global framework with nationally relevant human rights indicators and to complement data collection against the global SDG indicators with information from other data sources.

The number of SDG indicators is high. In no country is the ability to fulfil all the data requirements to measure all SDG indicators at 100%. Countries face differing challenges and have data gaps in different areas, but all have data gaps.

There is a general consensus that statistical capacity need to be increased, but not all of the SDG data can be produced by official statistics using traditional methods. Some SDG data is needed from outside official statistical systems, otherwise it will not be possible to have disaggregated data to ensure "nobody is left behind". The challenge is to ensure the quality and impartiality of such data.[26]

The reality of the current data ecosystem is that that not all statistics, and not all data are produced by NSOs. The volume of data, available technologies and the number of data producers has increased and continues to do so. The data revolution has proven the importance of reliable data, and the 2030 Agenda has consolidated the need for comparable indicators and disaggregated, diverse and high-quality data that allow monitoring of progress.

Through the use of their various functions to engage with SDG and human rights data, and through linking this with binding human rights obligations and other human rights commitments, NHRIs fulfill an important role ensuring accountability through data. Through using their monitoring and advisory roles in particular, they play an important part in the 'web of accountability' that is necessary to ensure SDG and human rights progress. In this endeavour, NSOs are complementary and necessary partners.

2.3.2. DIVERSE DATA ECOSYSTEMS AND NHRIS AS DATA PRODUCERS

NHRIs are also data producers themselves and thus constitute one of the key stakeholders within a country's diverse data ecosystem. This role crosscuts many NHRI functions. Their independence and human rights knowledge places them in a privileged position to provide pertinent credible information regarding human rights.

The data revolution for sustainable development specifically entails integrating traditional and new data, guaranteeing open data produced in accordance with human rights standards and keeping in mind the goal of better lives for people and the planet (UN Data Revolution Group, 2014). The need for specific quantitative data and qualitative information positions NHRIs as particularly relevant data providers.

Although NSOs are clear protagonists in accounting for the SDGs at the national level, their mandate has evolved. In addition to their historic data collection responsibilities, they have taken on a much more active advisory role, evolving from sole data producers

to coordinators, managing various data inputs from the broader ecosystem of data and ensuring data quality and harmonisation. NSOs are faced with new challenges among the growing need for information. Some of the most important tasks include official recognition of data produced outside the traditional data environment, and in many cases with no statistical framework. This process involves not only citizen-generated data, but also data gathered by other state institutions such as NHRIs.

The purposes of information produced by NHRIs can be summarised as follows:

Main Purposes of NHRI-produced Data

1. **Fulfill NHRI mandate**

- Strengthen NHRI capacity to advance human rights.
- Strengthen NHRI ability to fulfil other roles as accountability, advisory, capacity building and bridging between other institutions.

2. **Support Human Rights accountability at country level, especially regarding SDGs.**

- Fill-in data gaps on specific topics or populations.
- Provide contextual/qualitative information.
- Point out relevant data from existing data sources.
- Evaluate the degree of implementation of specific instruments or rights.

3. **Enhance other state actors' human rights work.**

- Identify needs for policy or law development.
- Inform the content of policies and laws.
- Monitor the implementation of policies and strengthen the relevance of monitoring.
- Strengthen the application of an HRBA to data, policies and laws.
- Highlight the relevance of long-term planning and monitoring of implementation processes.
- Contribute to further quantitative or official data, by enhancing statistical visibility.
- Contribute to develop qualitative and non-official data work, as well as administrative records.

4. **General contribution to human rights and data.**

- Contribute to develop international methodologies for qualitative, non-official and administrative records methodologies.

NHRI experience with applying HRBAs from an independent viewpoint and national stance, is invaluable. They occupy a privileged position to bring human rights to the fore. They can not only contribute to filling data gaps but demonstrate where data gaps are also human rights gaps.

	NHRIs	NSOs
Technical experience	Human Rights-Based Approach, international standards. Qualitative and contextual information on Human Rights.	International standards and ethical principles regarding statistics. Quantitative data collection, processing, disaggregation and dissemination.
Potential for	• Timeliness, ability to produce targeted information when specific issues arise. • Human rights-compliant indicators • Addressing inequality, disaggregated data • Relationship with a wide range of actors (CSOs, international human rights bodies, private sector).	• Defined periodicity. • Fulfilling data quality standards. • Geographic coverage. • Understanding of national comparability and how other data sources relate to the National Statistical System. • Relationship with government's national and local statistical offices and officers and a broad range of actors.

From NHRI experience, a number of main challenges have been identified in relation to NHRI data being used to fill the gaps:

1. Lack of strategic identification by NHRIs of gaps and of their added value in data ecosystem.
2. Absence of acknowledgement of the need for collaboration regarding data and filling data gaps.
3. Lack of recognition of NHRI data as official data due to technical, methodological and other issues.

2.3.3. STRATEGIC IDENTIFICATION OF DATA GAPS WHERE NHRIS CAN ADD VALUE

In order for NHRI data to be recognised as part of the data ecosystem, identifying data gaps is a key step. By identifying data gaps that are aligned with NHRI priorities and areas of expertise, NHRIs can position themselves as key actors to support the filling of key gaps and provide data and expertise in specific areas.

Example: filling gaps on poverty data in Croatia

NHRIs can play a crucial role to advise NSOs to build comprehensive data collection methodologies/systems in line with HRBA to data and human rights standards, and to monitor who is being left behind. This includes designing data collection methodologies on poverty that ensure filling the data gaps, particularly on the 'missing poor'.

In this regard, Croatia's Ombudswoman engaged in site visits to Roma settlements and advocated/informed the government on the risk of this group facing poverty. Identifying and filling data gaps on poverty, particularly on the 'missing poor' which are excluded from data, represent an important practice to ensure HRBA to poverty measurement.[27]

Example: identifying data gaps in Argentina - gender identity

The Defensoría del Pueblo de la Nación in Argentina has worked with the national statistical office to address some of the data gaps that are noted in its reports.

When the Defensoria started working on SDGs, it undertook a general analysis of available statistics in the country and identified major data gaps in government-produced data and in relation to data produced by other data producers such as civil society.

This information was communicated to the National Institute of Statistics and Census of Argentina (Instituto Nacional de Estadística y Censos (INDEC)) and eventually resulted in exchanges with INDEC regarding the 2020 population census. The Defensoria subsequently participated in several consultations organized by INDEC with different experts, in particular in relation to gender, housing and registration.

The Defensoria made a case for the inclusion of gender identity in the questionnaire relating to the Census.

2.3.4. WHAT TYPES OF DATA CAN NHRIS PROVIDE?

NHRIs are important data providers within the data ecosystem at national and international levels.

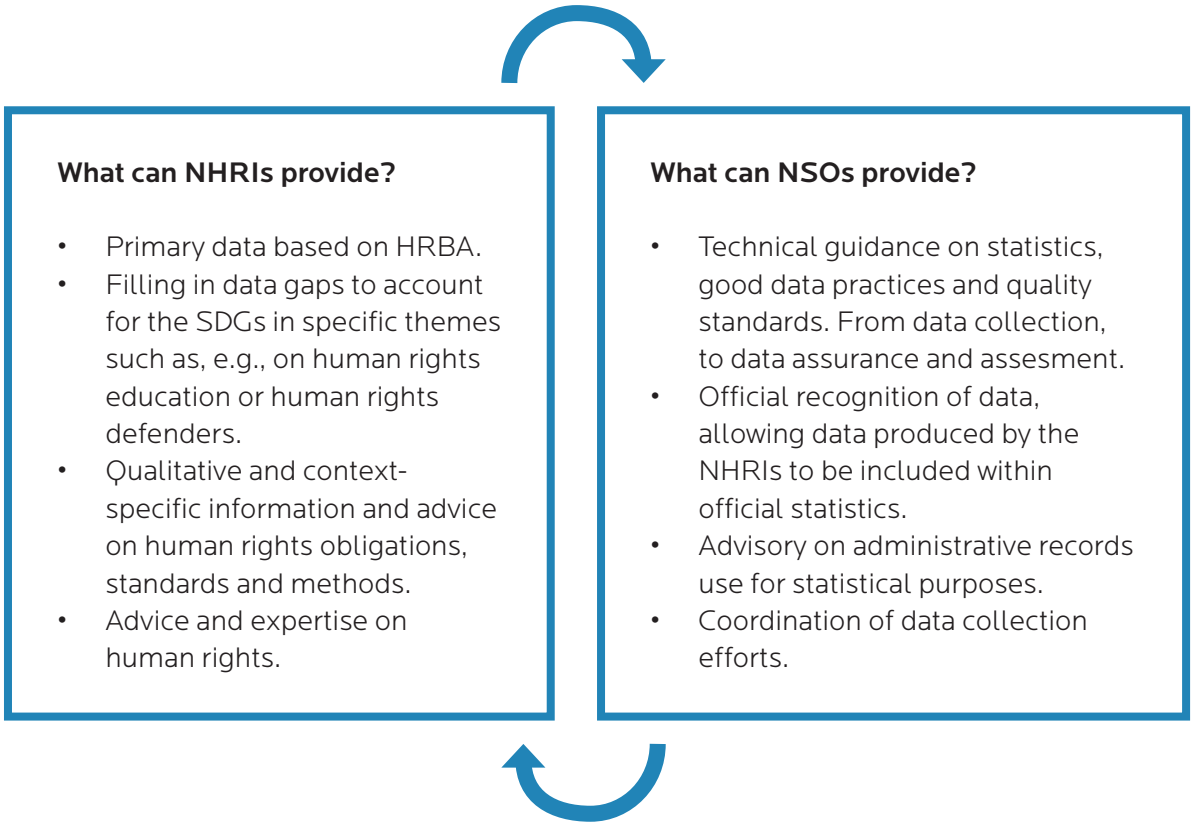
NHRIs gather information with different objectives. The data NHRIs work with or collect can be classified according to different criteria. The following chart summarises the different type of data NHRIs work with:

DATA TYPE	DESCRIPTION	EXAMPLES
1. Quantitative & primary data	First-hand numerical information, usually gathered in a systematic way. Its structure allows aggregation and statistical operations. It requires a robust mechanism and database.	Statistics produced by NHRIs from complaints databases, surveys, thematic investigations.
2. Quantitative & secondary data	Summarising or reporting numerical data, usually gathered in a systematic way and representative of the larger population, produced by others.	Data which is produced by other institutions can also be used by NHRIs. This may include information gathered through surveys, censuses, administrative records or other quantitative methods by NSOs, CSOs, government-published data to account for the SDGs, or United Nations country data.
3. Qualitative & primary data	First hand, non-numerical, descriptive information gathered in a structured or unstructured way. It can serve as an original data source for NHRIs or as advice on context information for quantitative data produced by other institutions. Depending on how it is structured and collected, it can also be quantified in some cases.	Data from research, engagement with rights-holders, tracking of the implementation of human rights recommendations or any other in-depth investigation the NHRI conducts on specific topics. It also involves analysis of complaints gathered by the NHRIs, as identification of groups being left behind / subject to human rights violations, evidence of human rights need for advance in certain populations, or demonstration of trends on specific topics.
4. Qualitative & secondary data	Non-numerical, descriptive information gathered by other institutions and analysed by NHRIs.	Includes monitoring of implementation of human rights recommendations by states, research on certain topics, civil society's analysis on human rights violations.

The classification of NHRI data also depends on the treatment given to information. In the case of complaints gathered by NHRIs, depending on the way the data is collected, organized, and processed, it may serve as either quantitative or qualitative analysis.

Based on the scope of information NHRIs produce, working with NSOs presents some key opportunities:

- For NHRIs to provide supplementary and contextual information on data, or to advise on data gathered by other institutions from a human rights perspective. This might be the case for NSO-gathered information or information gathered by other institutions NSOs supervise. This role entails NHRIs being able to elaborate on specific populations, contributing to hard-to-reach groups sampling, or providing data on human rights violations that inform changes in trends, or data on specific situations.
- NHRIs have the potential to serve as focal points for data collection and NSOs can play an important role in advising them on the methodology for collection and presentation of that data. In cases where NHRIs collect primary data, they may be able to contribute actual data but it requires them to have sound methodologies and fulfil minimum quality standards. Collaborating with NSOs might ensure higher quality information that corresponds better to official statistical standards.
- NHRIs can also collaborate with rights-holders and civil society organisations on data collection, serving a verification role for data. For example, in the area of SDG 16.10, official data on the situation of human rights defenders is relatively scarce. As it constitutes a key gap where NSOs lack data, NHRI collaborations with others to collect this data can help fill official data gaps.



Notwithstanding the type of collaboration, experiences show that the NHRI data provision role is the most challenging when it comes to working with NSOs. The major challenges have been in relation to the value attributed to the data they already collect particularly if it is to be considered as official data. Other challenges relate to:

- The way NHRI data is categorised and structured.
- The methodologies used for collecting and documenting NHRI data and the presentation of this data.
- The lack of systematisation of definitions and concepts in data collection.
- The level of disaggregation of NHRI data.

Some NHRIs have commissioned reviews of their own data in order to assess its use and provide recommendations on how their data collection and presentation can be improved.

Case study: assessing the potential of NHRI data to contribute to SDG monitoring in Ghana[28]

With a view to ascertaining the potential of the data of the Commission on Human Rights and Administrative Justice (CHRAJ) to contribute to the monitoring and reporting on the SDGs, and particularly in relation to specific SDGs within its jurisdiction, research was undertaken to map and systematise the type and scope of data produced by the CHRAJ.

The data produced by CHRAJ can be linked to different thematic areas in the SDGs. The mapping of CHRAJ's data to the SDGs indicate that the data can be linked to some aspects of Goals 1, 2, 3, 5, 8, 11 and 16. This indicates the cross-cutting nature of human rights in the SDGs.

A key characteristic of the outputs of CHRAJ is the employment of both quantitative and qualitative data collection.

- In fulfilment of its constitutional obligation, CHRAJ produces a number of reports. These include annual reports, investigative reports, research reports, reports on the state of human rights in Ghana, special reports, conference reports, articles and speeches. The Annual Reports form the main and most important product of the Commission.
- As with many NHRIs, the principal method of data collection of quantitative data is through documentation of complaints. Except for the surveys (Child labour in fishing industry and Forced marriages) and monitoring of the Prisons where CHRAJ collected the data, all other data produced by CHRAJ were from data supplied to it by complainants (i.e., administrative data). Despite some caveats, the data at the current stage provide good information for gauging the direction, increase or decrease of human rights violations.

The data was shown to have some key limitations:

- Current disaggregation does not include a number of vulnerable and marginalised population groups as well as key characteristics of the complainant (victim) and the culprit, which could enable better disaggregation of data to leave no one behind
- Key concepts and their definitions were not clarified or systematized in data production activities.

Notwithstanding these limitations, the data CHRAJ collects are relevant because they relate to specific human rights which the 2030 Agenda seeks to realise. The data as a whole throw light on both qualitative and quantitative perspectives of the human rights situations in Ghana. The thematic reports such as the Report on Prisons, the Child Labour Report in selected fishing communities and the Report on Forced Marriages are classic examples of data that could be used for monitoring human rights in specific areas, communities, and population sub-groups in Ghana.

The methodologies used to map and systematise the data produced by CHRAJ were varied. Relevant resources of CHRAJ including annual reports, special reports, research/survey reports, relevant laws and other documents were reviewed. Other materials referred to include the SDGs and the indicator framework of The Office of the United Nations High Commissioner for Human Rights (OHCHR). The review of these documents helped to identify and assess the main technical characteristics (type of data, sources, definitions and concepts, data collection methodology, coverage, availability and frequency of production, unit of measurement, and level of disaggregation) of the data produced by CHRAJ. The analysis guided the preparation of an assessment matrix and the report.

The matrix was used for the mapping of CHRAJ's data because it made room to accommodate the main themes around which CHRAJ collected the data which also emanate directly from its mandate.

Furthermore, the review and analysis of the relevant literature led to the identification of the main data gaps and areas of improvement in data collection and SDGs reporting based on CHRAJ's current areas of work. The adequacy of the current data to contribute to SDGs monitoring was highlighted and appropriate recommendations were made to guide future data production activities of CHRAJ.

NHRIs can provide NSOs with an unique approach to users and complementary competences and the human rights experience that they possess can contribute to NSOs' statistical expertise. Likewise, the statistical experience of NSOs can help to improve the quality of NHRI data.

2.3.5. NHRI COMPLAINTS DATA

Considering their mandate, one of the most common forms of data gathered by NHRIs is complaints data, which is a form of administrative data.

Human Rights complaints received by NHRIs are:

- ✓ Collected on a permanent, ongoing basis through diverse means (on site, in person, or remotely by telephone or online).
- ✓ Generally not collected with a statistical aim, but with an administrative and legal objective.
- ✓ Aimed at documenting human rights violations, they mainly serve the NHRI monitoring and accountability role.
- ✓ A potential data source for quantitative or qualitative information that may inform NHRIs, NSOs and other national and international stakeholders.
- ✓ A potential source to fill relevant data gaps, especially regarding SDG 16 (for example, information on human rights defenders and discrimination) and underrepresented rights-holder groups.

There is a long history of administrative data being used with statistical purposes, including civil registrations, vital statistics on births and deaths and economic units registers, among others. All the same, administrative records involve the challenge that the information has not been gathered for research purposes, but to register day-to-day activities or keep record of a determined phenomenon. For quantitative studies, this characteristic entails a series of challenges to transform the data for statistical exploitation, including processing and defining methodology, quality and coverage.

In order to use NHRI complaints data as statistical data, some of the key questions concerning NHRI complaints data would include addressing the following questions, among others:

- What is the statistical unit being used?
- Defining what is a complaint and which aspects of complaints will be tagged – human rights violations, rights-holders affected, remedies applied, etc.?

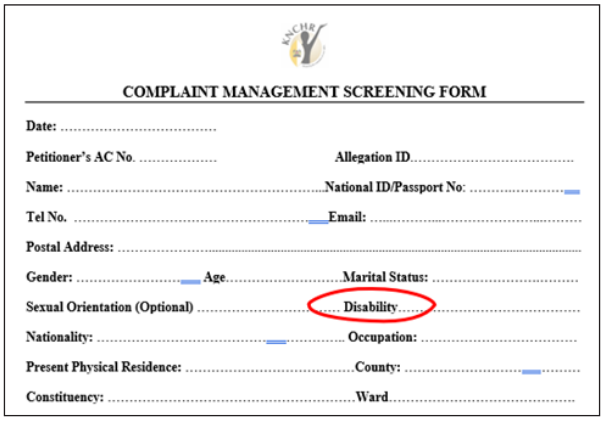
In some cases, this is an area where NSOs can support NHRIs to transform their complaints data into a form that is usable from a statistical perspective.

Example: mutual capacity-building and technical advice on NHRI complaints data in Kenya

As described earlier, the type of primary data generated through NHRI complaints management systems (CMS) is one of the most illustrative examples of NHRIs' role as data providers.

KNCHR receives complaints by various means including physical reporting at the office, online reporting on its website or via email, SMS or telephone, and referrals from other organisations. Once these complaints are received, they are systematised and details of the complainant and type of violation is entered into the Commission's CMS. The CMS classifies the type of violation under civil and political rights; economic, social and cultural rights; and group rights. KNCHR has an extensive CMS which has been digitised and is underpinned by a database of all the information collected about complaints.

KNCHR Complaint Management Screening Form



COMPLAINT MANAGEMENT SCREENING FORM

Date: .....

Petitioner's AC No. ..... Allegation ID.....

Name: ..... National ID/Passport No: .....

Tel No. ..... Email: .....

Postal Address: .....

Gender: ..... Age..... Marital Status: .....

Sexual Orientation (Optional) ..... Disability.....

Nationality: ..... Occupation: .....

Present Physical Residence: ..... County: .....

Constituency: ..... Ward.....

A jointly-organised training and workshop on a HRBA to SDG data in June 2021 allowed for KNCHR and KNBS to exchange knowledge and information on different data sources and methodologies for ensuring human rights-compliant data and data on human rights to fill the gaps. One of the sources of administrative data identified as being of potential use was KNCHR's administrative data, in the form of the data in its CMS.

The potential use of complaints data as a contribution to different surveys conducted by KNBS was discussed and identified.

Lessons learned

- If NHRI data collection or categorisation methods do not allow for it to be used directly as official data, ongoing dialogue on data and technical review and advice from NSOs, can support recognition of NHRI data. If NHRIs and NSOs have an ongoing institutional collaboration where they jointly agree on priorities for the data issues to be addressed, this can greatly facilitate the process.
- NHRIs occupy an important space in the data chain, not just as data consumers but data producers as well. Engagement with NSOs on how this administrative data can be assimilated in the national statistical system and regularly reported is crucial.

2.3.6. OTHER FORMS OF NHRI DATA

As demonstrated in the table in section 2.3.4, NHRIs also collect other data that can contribute to filling the data gaps, but also to informing other data collection exercises through the identification of challenges and vulnerable groups from a human rights perspective.

Tools are also available to support NHRIs to collect data on specific topics that serve a dual purpose of monitoring and reporting on both human rights and SDG progress. The methodology underpinning these tools can also be of direct use to NHRIs when devising their own data collection exercises on other topics.

Example: the SDG 4.7 tool - enabling NHRIs to collect data on human rights education

Human rights education (HRE) is essential for building peaceful and just societies, and is reflected in SDG target 4.7., which aims to ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among other things, through education for human rights.

Many NHRIs already dedicate considerable efforts towards promoting human rights education in their countries. The SDG 4.7/Human Rights Education Monitoring Tool can help improve HRE data, which can serve to guide a process towards enhanced national implementation of HRE.

The Danish Institute for Human Rights's (DIHR) SDG 4.7 / Human Rights Education Monitoring Tool enables national human rights institutions and/or state parties to monitor the implementation of the human rights education element of global SDG target 4.7 and related human rights provisions.

The tool facilitates integrated human rights and SDG reporting, where the data generated can be used in reporting on progress.

The tool is conceptualised as a contribution to monitoring implementation of the human rights education component of SDG target 4.7 and the UN World Programme for Human Rights Education (WPHRE), as well as the legally binding international treaties with provisions on human rights education, which form the legal foundation of the WPHRE. The tool thus has four objectives (a) to encourage and support national tracking systems for human rights education; (b) to enhance monitoring of human rights education by United Nations Mechanisms and involvement of UN Country Teams where relevant; (c) to harmonize the work of intergovernmental organisations in this area; and (d) to fully utilize the opportunities provided by the 2030 Agenda for Sustainable Development and in particular target 4.7 to enhance national efforts on human rights education.

The indicators are designed in accordance with the human rights-based approach to indicators, with a primary focus on data that is immediately available from public authorities (administrative data such as education laws, policies, frameworks, budgets, etc.). The criteria behind the selection of indicators have been the following:

- Indicators are applicable across a great spectrum of varying national situations.
- Indicators have clear links to HRE treaty provisions and the core elements of the WPHRE, and its operational guidance for implementation of WPHRE Phase 1 (primary and secondary school).
- Data are available from public authorities (administrative data on laws, policies, education planning and budgeting, etc.) to make data collection feasible also in contexts where limited time and budgets are available. This also gives transparency and validity to the data.

https://sdg47-hre.humanrights.dk/en [29]

While the 2030 Agenda for Sustainable Development has provided a new platform to generate regular monitoring of sustainable development and many aspects of human rights, data against many SDG 16 goals and targets, notably SDG 16.10.1 which relates to human rights defenders, remain scarce and limited to the most serious violations faced by human rights defenders e.g. killings for defending rights.

NHRIs, the Marrakesh Declaration and SDG data[30]

The Marrakesh Declaration, adopted by GANHRI in October 2018, provides a strong basis for NHRIs to collect, provide and report on data as it relates to human rights defenders, disappearances and killings, as well as in promoting participation, in particular that of women.

The Marrakesh Declaration draws on the UN Declaration on Human Rights Defenders[31] and the UN General Assembly Resolution on Women Human Rights Defenders.[32] In it NHRIs resolve, among other things, to "monitor and report on civic space – online and offline - through the collection and analysis of disaggregated data, including gender-based disaggregation and statistics related to killings, fabricated legal charges, misuse of specific laws and other attacks against human rights defenders, journalists and trade unionists, lawyers, students, academics, in line with SDG indicator 16.10.1".

Many NHRIs monitor the situation of human rights defenders, produce data, and are uniquely placed in a national context to provide collect data on this. They also monitor issues underpinning the broader enabling environment for human rights defenders including in terms of respect for fundamental freedoms and civil and political rights. SDG indicator 16.10.1 is an example of an SDG indicator that is being compiled using administrative data held by NHRIs, among other national stakeholders. This is currently being piloted in Kenya and the Philippines.

2.3.7. TAKEAWAY POINTS

Strategic identification of added value

- In order for NHRI data to contribute to the data ecosystem, identifying data gaps is a key step. By identifying data gaps that are aligned with NHRI priorities and areas of expertise, NHRIs can position themselves as key actors to support the filling of key gaps and provision of data and expertise in specific areas.
- Institutional collaboration and initial joint identification of data gaps and challenges to be addressed can help to form a solid foundation for collaboration to fill data gaps. Such collaboration and joint identification of priorities at the outset can also help avoid situations in which NHRIs collect data which is not usable or not accepted by NSOs.

Types of NHRI data

- NHRIs are data producers and thus constitute one of the key stakeholders within a country's diverse data ecosystem. Their independence and human rights knowledge places them in a privileged position to provide pertinent credible information regarding human rights.
- Main opportunities for NHRIs to engage with NSOs as data providers fall in two main areas:
    - Providing ancillary or contextual information for data gathered by other institutions such as NSOs.
    - Collaborating on primary data to be recognized as official data and account for SDGs indicators.

Addressing the quality of NHRI data

- NHRIs can identify key strategic areas in which to engage and to improve their own data quality and therefore increase its use in the data ecosystem.
- Some NHRIs have found it useful to commission reviews of their data by statistical experts which then make recommendations to improve NHRI data quality.
- If NHRI data collection or categorisation methods do not allow for it to be used directly as official data, ongoing dialogue on data and technical review and advice from NSOs can support recognition of NHRI data. NSOs can assist with the transformation of NHRI data into a statistical product.
- In order for NSOs to be able to support more official use of NHRI data, both parties need to agree on a human rights and data common agenda and methodology. Collaborating with NSOs allows making use of a long tradition of research and data analysis, and learning from methodological experience.

Complaints data

- As administrative data, complaints data from NHRIs can be a valuable contribution to the data ecosystem.
- In order to use NHRI complaints data as statistical data, key issues to address include defining the statistical unit being used, defining what is a complaint and which aspects of complaints will be counted – human rights violations, rights-holders affected, remedies applied, etc.

2.4 INSTITUTIONAL COORDINATION OF NHRIS AND NSOS

As stated in previous sections, there are several challenges related to SDG indicators and data that necessitate better coordination among potential data providers to ensure better quality data and to fill some of the significant data gaps.

- There are significant data gaps in all countries. To fill these, improved collaboration is needed between national data collection institutions beyond the traditional NSOs.
- Not all useful data for measuring progress towards SDGs and human rights fulfilment is statistical data. Quantitative and qualitative data can complement

each other and allow for a more complete picture of progress, lack thereof, and the reasons behind it.

- NSOs do not generally have capacity on HRBA to data and indicators, or in-depth knowledge of their country's human rights obligations that would allow them to develop a HRBA.
- Institutions such as NHRIs which gather data do not necessarily enjoy official recognition of that data and lack statistical capacity.

2.4.1. ESTABLISHING PARTNERSHIPS AND BUILDING CAPACITY

According to the United Nations Statistics Division's Global Review 2013, Principle 8 – National Coordination ("Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system") is among the least implemented of the Fundamental Principles of Official Statistics.

Mutually-agreed objectives and roles are essential to ensure that NSOs and NHRIs can work together to tackle some of the common challenges associated with human rights data, and a human rights-based approach to data and indicators. Establishing institutionalised partnerships can be a means of ensuring ongoing collaboration based on mutual objectives. In the areas of data, some international initiatives have focussed on the key success factors for data partnerships.

Key considerations for establishing data partnerships

The Inclusive SDG Data Partnerships Initiative has as its main purpose to advance data partnerships for the SDGs and to strengthen multi-actor data ecosystems at the national level. The goal is to meet the SDG data challenge by improving the use of alternative data sources, particularly data produced by civil society and human rights institutions, and complementary to official statistics. It is co-organised by Partners for Review (hosted by GIZ), the Danish Institute for Human Rights, and the International Civil Society Centre.

Following a series of consultations and workshops with key partners in several countries to share experiences of working with data, this initiative has outlined several key considerations for establishing data partnerships including civil society, NHRIs, rights-holders and duty-bearers:

- Ensure there is a mutual willingness and capacity for collaboration and teamwork;
- Agree on a common starting point, e.g. jointly identify which are the SDG targets or indicators which best offer an entry point for piloting a collaboration;
- Formulate realistic overarching goals for the collaboration;
- Identify relevant actors and potential data contributors and onboard them in the process from the onset of the initiative;

- Agree on which are the marginalised groups affected by the scope of the collaboration, and on the steps to include them in the process;
- Develop a mutual understanding of the priorities, roles, capacities and limitations of all involved actors to guide the expectations, rules and standards of the partnership; and
- Conduct tailored capacity building for (a) non-official data providers to get closer to official quality standards and (b) NSOs and government to incorporate non-official data in the SDG processes.[33]

Meaningful inclusion of rights-holders and civil society stakeholders in these partnerships can bring additional value in terms of ensuring data accuracy and relevance and NHRIs' bridging role and experience in ensuring inclusion and participation of rights-holders is critical in this respect.

Example: supporting capacity to gather disability data

To support data generation on persons with disabilities in the national census, KNCHR, in close collaboration with civil society organisations working on disability and representatives of persons with disabilities, has advised on the use of the 'Washington Group Short Set of Questions on Disability'.[34] The methodology consists of questions intended to capture difficulties in performing daily life activities and related aspects.

KNCHR arranged a specialised training carried out by the Washington Group, where their methodology was presented, including the arguments for its accuracy. Although the NSO arranged this training and studied the methodology, and the creation of the Group formalised a consultation process to monitor the application of the Washington group suggestions, it has shown to be challenging.

Work on disability data in Kenya has highlighted the importance of participation of representatives of rights-holders (in this case, persons with disabilities and their representative organisations) in defining the most appropriate ways in which to design data collection and gather data, ensuring that the specific needs and concerns of the rights-holders in question are properly taken into account.

2.4.2. ESTABLISHING CLEAR COLLABORATION PATHS: USING MEMORANDA OF UNDERSTANDING

Memoranda of Understanding (MoUs) between NSOs and NHRIs have been used as a means of establishing and defining collaboration in a number of countries, with several initial lessons emerging from these experiences. MoUs are intended to formalize a collaboration between two (or more) institutions. They are also an opportunity to establish the scope of a collaboration and guide its application. Many useful collaboration practices can be formalised, establishing clear responsibilities, designating focal points, time frames and expected outputs.

Model MoU between NSOs and NHRIs

The OHCHR has developed a model MoU as a tool for the formalisation of collaborative working relationships between NSOs and NHRIs. The model MoU seeks to assist parties in sharing knowledge and expertise and collaborating on official data collection, dissemination and analysis. These relationships could be valuable in implementing and measuring progress of the 2030 Agenda and translating the Merida Declaration into actions at the country level.

As of July 2021, such MOUs had been signed in Palestine, Kenya, Uganda, Mexico, Liberia, Albania, Kosovo, Moldova, Mongolia and the Philippines. Other countries discussing similar MOUs are Peru, Tajikistan, Colombia, Ghana and Egypt.

Example: coordination between the People's Advocate and the Institute of Statistics in Albania

In December 2016, the People's Advocate of Albania conducted a conference in cooperation with the UN, on "Intertwining the Objectives of Sustainable Development and Human Rights - Sustainable Development Goals and the role of Human Rights Institutions in their implementation".

The conference focused on combining sustainable development and human rights objectives, as well as focusing on the role of human rights institutions in achieving them. During this conference, a series of challenges for the People's Advocate of Albania were identified. Cooperation with other institutions that produce and collect statistical data, including INSTAT, Alania's Institute of Statistics, was highlighted as a potential solution.
In December 2017, the Ombudsperson Institution conducted a second National Conference with a focus on human rights of children, women and people on the move, in the context of the SDGs and the 2030 Agenda.

In September 2020, the People's Advocate of Albania signed an MoU with INSTAT under the OHCHR initiative. To materialise their cooperation, the Ombudsperson institution and INSTAT have established a joint working group and assigned focal points from the senior management of both institutions to maintain the communication and coordination. Establishing the joint working group and focal points has been an effective engagement modality for both institutions, particularly in drafting a joint work plan, and defining key mechanisms for coordination and communication. The People's Advocate has also played a key bridging role between INSTAT and other stakeholders, including on increasing their participation/ cooperation in drafting, research, and improvement of data collection and reporting.

The UN Office in Albania proposed the MoU to both institutions and coordinated the process of signing the MoU.

Example: MoU development in the Philippines

Through a MoU, the Commission on Human Rights of the Philippines (CHR) began technical cooperation with the OHCHR on capacity building for NHRIs, including on SDGs. One component of the capacity building SDG 16, the other on thematic training.

In July 2021, the Philippines Statistical Authority (PSA) and the CHR approved the MoU, which will enable the concerned institutions to engage in a more substantial level of partnership.

The collaboration to date has focussed on data-sharing of relevant statistics related to human rights and on exchanging expertise.

According to the agreement, the CHR will provide expertise on HRBA to data and the PSA will support the CHR with technical capacity on quantitative aspects of data for human rights monitoring.

- They conduct general activities, as organizing two trainings with PSA on SDGs indicators and data collection on September 2020 and January 2021.
- They particularly exchange information on migration. CHR monitors and implements the Migrant's rights observatory, which includes compiling documents relevant to migration. On the other hand, the PSA conducts annual migration surveys. CHR has attended meetings with the PSA and the launch of PSA's annual migration surveys. The data produced by the survey have been used for the CHR analysis on the state of migrants as part of the Observatory.

Takeaway points

- CHR has assumed an active role in the relationship, having included them in the cooperation already established by OHCHR, organizing activities and being flexible to the PSA's availability.
- Under the MOU, CHR will serve as the national data provider for SDG indicator 16.10.1, coordinating the various governmental and non-governmental data sources and using its own administrative data from cases it handles. CHR will also be a data provider for SDG indicator 16.1.2. Both institutions will also collaborate in the implementation of discrimination household surveys.
- The MoU is pivotal for cooperation to establish regular communication. CHR tries to keep this going on a monthly basis as it is important to not lose momentum for engagement and cooperation.

MoUs can provide a critical institutional basis for collaboration, in recognition of the independent state role of both NHRIs and NSOs. However, there are also challenges to be overcome. Some of the lessons learned from working under an MoU are highlighted in the below case study from Kenya.

Case study: experiences from MoU-based collaboration in Kenya

The signing of an MoU between the Kenya National Commission on Human Rights (KNCHR) and the Kenya National Bureau of statistics (KNBS) was an important milestone in the relationship between the two institutions. The focus of the MoU cuts across the multiple functions that an NHRI employs whilst engaging with an NSO. The MoU has two main **objectives**:

1. To promote greater understanding of the importance of developing and using statistical information to inform, implement and assess national policies and programs which may impact the respect, protection and fulfilment of human rights; and
2. To establish a collaborative relationship to strengthen cooperation on data collection, disaggregation, dissemination, and analysis to help measure progress and ensure that no one is left behind in the 2030 Sustainable Development Agenda, and to seek consistency with international human rights standards.

KNCHR took on the following **responsibilities** in this context:

- Advice KNBS on population groups relevant for data collection and disaggregation approaches in line with the 2030 Sustainable Development Agenda;

- Provide contextual information to assist with interpretation of data and improvement of data collection approaches;
- Assist KNBS in its engagement with representative groups for the purposes of participation in research design and improvement of data collections; and
- Provide KNBS with guidance on international human rights standards and recommendations on data requirements.

In order to ensure a consistent collaboration, each institution identified a **Focal Point** for coordinating on the MoU.

Main outcomes

The MoU has formed an institutional basis for a number of important collaborations on the following, among other things:

- Ensuring disaggregated data is available through the census and other means of data collection.
- Incorporating key elements of a HRBA to data in KNBS' data collection efforts.
- Mutual training and capacity building on HRBA to data and statistical standards and methods.
- Mutual identification of possible further collaboration such as reviewing KNCHR's Complaints Management System (CMS) to advise on technical elements required so that the data can be used officially, and providing guidance on HRBA to data for KNBS.
- Gathering information on victims of sexual and gender-based violence during the survey on violence against children in 2019, victims of FGM during the Violence Against Children Survey of 2019, and children in conflict with the law and in institutions of care through annual Economic Surveys.
- Work on a methodology for collection of data using a HRBA for 4 indicators under SDG 16 where official data is severely lacking.

As part of the overall collaboration, KNCHR has been able to join a number of national institutional working groups to guide official data collection, including the Technical Working Committee (TWC) of the Kenya Population and Housing 2019 Census.

In a complementary way, the MoU has also allowed a collaborative work on SDG 16 indicators, together with UNDP, UNODC and OHCHR.

Challenges

The MoU has proven to be a useful tool for engagement. At the same time, it has presented challenges, primarily regarding its operationalisation in practical terms.

Another key challenge has been the combining of two very different sets of expertise to the best effect possible.

Lessons learned

- The MoU has provided a strong institutional basis for collaboration between two independent state institutions that may not have come about without this common understanding. This formalised institutional collaboration, combined with KNCHR's specific expertise, has also allowed for KNCHR's participation in a number of key national data working groups and committees, thus allowing them to contribute their expertise in these areas.
- Clarity of the respective roles and expertise of both KNBS and KNCHR was important to identify the common areas of work to be covered under the MoU.
- The topics identified for joint work and collaboration need to be of direct interest and strategic importance to both institutions to ensure buy-in and adequate allocation of resources for working on them. On the one hand, the joint initiatives serve to fill gaps in KNBS' data; on the other, they serve to ensure data gathering on key groups of rights-holders and human rights issues of concern to KNCHR. In both cases, the initiatives embarked on have served to build the capacity of both institutions in respect of statistical standards and a HRBA to data.
- The respective capacities of KNCHR in human rights and KNBS in statistics can complement each other but in order for them to be fully realised in the activities of both organisations, there needs to be a very specific focus.
- Having external funding to ensure that coordination could take place to enable technical workshops, mutual training and the identification of, and work on specific priorities, to take place. This was essential to the operationalisation of the MoU.
- Having a focal point for the collaboration ensured consistency of communication and coordination.

2.4.3. TAKEAWAY POINTS

- MoUs provide a strong institutional basis for collaboration between NHRIs and NSOs.
- Clarity on the respective roles and expertise of parties to an MoU is essential to identify the common areas of work to be covered under the MoU.
- The respective capacities of NHRIs in human rights and NSOs in statistics can complement each other but in order for them to be fully realised in the activities of both organisations, there needs to be a very specific focus of the joint work, otherwise the collaboration remains at an abstract level.
- The topics identified for joint work and collaboration need to be of direct interest and strategic importance to both institutions to ensure buy-in and adequate allocation of resource for working on them.
- Having external funding is key to ensuring the operationalisation of an MoU.
- Having a focal point for institutional collaboration or for the oversight of an MoU ensures consistency of communication and coordination.

ENDNOTES

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