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Séptima reunión de los comités que son órganos
de tratados de derechos humanos
Ginebra, 23 a 25 de junio de 2008

**INFORME SOBRE LOS INDICADORES PARA PROMOVER Y
VIGILAR EL EJERCICIO DE LOS DERECHOS HUMANOS***

Resumen

El presente informe fue preparado por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH) para atender la petición formulada en la reunión de los comités que son órganos de tratados en junio de 2006 de que la Secretaría validara la metodología para la utilización de la información estadística de los informes de los Estados partes (HRI/MC/2006/7), elaborara nuevas listas de indicadores y presentara un informe sobre esa labor a la séptima reunión de los comités en 2008. En el presente informe se expone el marco conceptual y metodológico adoptado para establecer los indicadores cuantitativos pertinentes tras la evolución registrada en los dos últimos años. Se examina la utilidad de una configuración de indicadores *estructurales*, de *proceso* y de *resultados* en dicho marco y se ponen de relieve algunos aspectos que hay que considerar en la selección de los indicadores ilustrativos de distintos derechos humanos. Se esbozan los resultados de las consultas a nivel regional y nacional y la información procedente de los ejercicios de validación de este trabajo. También se hace una reflexión sobre algunas cuestiones pertinentes al ulterior desarrollo de esta labor en el plano nacional. En la última sección se hace un resumen del estado actual de los trabajos y se formulan sugerencias para el proceso de seguimiento.

* Los anexos se reproducen únicamente en el idioma en que se presentaron originalmente.

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LA UTILIZACIÓN DE INDICADORES PARA PROMOVER Y VIGILAR EL EJERCICIO DE LOS DERECHOS HUMANOS

INFORME SOBRE LA LABOR DE LA OFICINA DEL ALTO COMISIONADO PARA LOS DERECHOS HUMANOS EN MATERIA DE INDICADORES PARA LOS ÓRGANOS DE TRATADOS

INTRODUCCIÓN

1. El presente informe fue preparado por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH) para atender una petición que formuló en junio de 2006 la reunión de los comités que son órganos de tratados. En esa reunión se examinó un informe (HRI/MC/2006/7) en que se esbozaba un marco conceptual y metodológico para la determinación de indicadores para vigilar el cumplimiento de instrumentos internacionales de derechos humanos. También se pidió a la Secretaría que validase los indicadores ilustrativos seleccionados, en particular mediante su ensayo experimental por los comités correspondientes, y que elaborase nuevas listas de indicadores en colaboración, cuando procediese, con entidades de las Naciones Unidas. También se pidió a la Secretaría que presentase un informe sobre esas actividades a la séptima reunión de los comités en 2008 y que proporcionase información, en particular la opinión de los expertos, sobre los progresos realizados a cada uno de los órganos de tratados durante 2006 y 2007 (véase el documento A/61/385). En el presente informe se pasa revista a los avances en esta labor desde junio de 2006, en particular, los resultados de los ejercicios de validación realizados en los dos últimos años para perfeccionar el marco presentado en el informe anterior.

2. La labor en materia de indicadores se inició en la Oficina del Alto Comisionado a petición de la reunión de los comités para ayudarlos a utilizar la información estadística presentada en los informes en los Estados partes al evaluar la observancia de los derechos humanos¹. El ACNUDH llevó a cabo un amplio estudio de la literatura y las prácticas predominantes entre las organizaciones nacionales e internacionales en lo que respecta a la utilización de información cuantitativa en la vigilancia de los derechos humanos². Tras examinar los últimos adelantos en la materia, se adoptaron medidas para elaborar, en consulta con un grupo de expertos, un marco conceptual y metodológico que permitiese establecer indicadores de los derechos humanos que fuesen operacionalmente viables³. El marco se presentó a la reunión de los comités celebrada en

¹ En junio de 2005 los Presidentes de los órganos de tratados de derechos humanos, en su 17ª reunión, pidieron a la Secretaría (A/60/278, inciso g) de la página 10) que prosiguiera la labor que había iniciado para prestar asistencia a los órganos de tratados en el análisis de la información estadística de los informes de los Estados partes y que preparara para la reunión de comités en 2006 un documento de antecedentes sobre los posibles usos de los indicadores.

² Véase Malhotra y Fasel, "Quantitative Human Rights Indicators - A survey of major initiatives", ponencia presentada en la reunión de expertos celebrada en Turku, del 10 al 13 de marzo de 2005.

³ El informe sobre los indicadores para vigilar el cumplimiento de los instrumentos internacionales de derechos humanos (HRI/MC/2006/7) define a los indicadores de los derechos humanos como información concreta sobre el estado de un acontecimiento, actividad o resultado

junio de 2006. Sobre la base del enfoque estructurado, se confeccionaron listas de indicadores ilustrativos para una serie de derechos humanos -tanto derechos civiles y políticos como económicos, sociales y culturales⁴. Se sometió a esos indicadores a un proceso de validación que consistió, en una primera etapa, en un examen con un grupo selecto de expertos, que incluía expertos de los órganos de tratados, titulares de mandatos de procedimientos especiales de derechos humanos, institución de educación superior, organizaciones no gubernamentales (ONG) y organizaciones internacionales pertinentes. En una segunda etapa se celebraron consultas con interlocutores nacionales, en particular instituciones de derechos humanos, autoridades normativas y organismos encargados de presentar los informes sobre la aplicación de los tratados de derechos humanos, organismos de estadística encargados de la recopilación de datos y representantes de las ONG competentes. Esas consultas tuvieron lugar en talleres regionales y nacionales. Los talleres brindaron una oportunidad para sensibilizar a los interesados sobre las posibilidades de utilizar la información estadística disponible para promover y vigilar la observancia de los derechos humanos en el plano nacional. También fueron útiles para obtener la opinión de los interlocutores sobre la pertinencia y la utilidad en el plano nacional de la labor desarrollada por el ACNUDH.

3. En la sección I del informe se describe el marco conceptual y metodológico adoptado para determinar los indicadores cuantitativos pertinentes⁵ tras la evolución registrada en los dos últimos años. En la sección II se examina la utilidad de una configuración de indicadores *estructurales*, de *proceso* y de *resultados* para dicho marco y se ponen de relieve algunas consideraciones para la selección de los indicadores ilustrativos de distintos derechos humanos. En la sección III se esbozan los resultados de las consultas regionales y nacionales y la información procedente de los ejercicios de validación de este trabajo. También se hace una reflexión sobre algunas cuestiones pertinentes al ulterior desarrollo de esta labor en el plano nacional. En la última sección se hace una recapitulación del estado actual de esta labor y de las sugerencias que se someten a los órganos de tratados en relación con el proceso de seguimiento.

que puede relacionarse con las normas de derechos humanos; que aborda y refleja problemas y principios de derechos humanos, y que se utiliza para evaluar y vigilar la promoción y protección de los derechos humanos.

⁴ Los derechos humanos para los que ya se han preparado indicadores son: el derecho a la vida, el derecho a la libertad y a la seguridad personal, el derecho a participar en los asuntos públicos, el derecho a no ser sometido a tortura ni tratos o penas crueles, inhumanos o degradantes, el derecho a la libertad de opinión y de expresión, el derecho a un juicio con las debidas garantías, el derecho al disfrute del más alto nivel posible de salud física y mental, el derecho a una alimentación adecuada, el derecho a una vivienda adecuada, el derecho a la educación, el derecho a la seguridad social y el derecho al trabajo.

⁵ Aunque tanto los indicadores cualitativos como los cuantitativos son de utilidad para la labor de los órganos de tratados, el presente informe se centra en los indicadores cuantitativos y las estadísticas atendiendo a la petición específica de la reunión de los comités.

I. EL MARCO CONCEPTUAL Y METODOLÓGICO

4. El objetivo básico del desarrollo de un marco conceptual y metodológico era adoptar un método estructurado y coherente para traducir las normas universales de derechos humanos en indicadores que fuesen pertinentes en los distintos contextos y útiles en el plano nacional. Se necesita una base conceptual adecuada para poder contar con un fundamento teórico que permita definir y concebir los indicadores pertinentes y evitar que esa labor se reduzca a un mero listado de posibles opciones. Es importante que esos indicadores estén definidos explícitamente y con precisión, se basen en una metodología aceptable de recopilación y presentación de datos, y se utilicen o puedan utilizarse de forma periódica. También es importante que los indicadores se adecúen al contexto en el que se apliquen. De no abordarse estos aspectos, puede que no resulte viable y que los Estados partes o los comités ni siquiera consideren aceptable la utilización de indicadores cuantitativos en la preparación de los informes y en el proceso de seguimiento.

Algunas consideraciones conceptuales

5. En primer lugar, para que el marco tenga sentido conceptualmente, es necesario que los indicadores seleccionados para un derecho humano tengan asidero en el contenido normativo de ese derecho, enunciado en los correspondientes artículos de los tratados y en las observaciones generales de los comités. En segundo lugar, el objetivo primordial de la evaluación de la observancia de los derechos humanos es medir el esfuerzo que hacen las entidades responsables para cumplir sus obligaciones -con independencia de que apunte a la promoción de un derecho o a su protección. Si bien es esta faceta de la medición la que permite apreciar el valor añadido del método, es igualmente importante obtener una medida de la "intención o compromiso" del Estado parte, así como de la consolidación de sus esfuerzos, que se expresa en los correspondientes indicadores de "resultados". Esta conceptualización también ayuda a poner a todos los derechos humanos en pie de igualdad, poniendo de relieve la interdependencia e indivisibilidad de los derechos civiles, culturales, económicos, políticos y sociales. En tercer lugar, el marco que se apruebe debe poder reflejar la obligación de la entidad responsable de *respetar, proteger y hacer efectivos* los derechos humanos. Por último, es necesario tener presentes y reflejar las normas y los principios transversales de derechos humanos (como la no discriminación y la igualdad, la indivisibilidad, la rendición de cuentas, la participación y el empoderamiento) en la elección de los indicadores, así como en el proceso de evaluación. Estos aspectos se abordaron de la siguiente manera.

Determinación de los atributos

6. Con respecto a cada uno de los derechos humanos, lo primero es traducir el texto de la norma jurídica del derecho en un número limitado de atributos característicos que faciliten la determinación estructurada de indicadores apropiados para vigilar la observancia de ese derecho. En efecto, el concepto de atributos de un derecho permite concretar el contenido de un derecho y hacer explícito el vínculo existente entre, por un lado, los indicadores establecidos para un derecho y, por otro, las disposiciones normativas de ese derecho. A menudo ocurre que la enunciación de las normas sobre un derecho en los artículos pertinentes y su elaboración en las observaciones generales correspondientes son muy generales e incluso se superponen, cosa que no facilita el proceso de determinación de los indicadores. Al seleccionar los atributos de un derecho, resulta más fácil determinar los indicadores o el grupo de indicadores adecuados, pues

se consigue una categorización clara, concreta y tal vez más "tangibile" que facilita la selección de los indicadores.

7. En el caso de la mayoría de los derechos humanos para los que se establecieron indicadores se constató que, en promedio, unos cuatro atributos podían recoger con mediana precisión la esencia del contenido normativo de esos derechos. Por ejemplo, en el caso del derecho a la vida, teniendo en cuenta principalmente el artículo 3 de la Declaración Universal de Derechos Humanos, el artículo 6 del Pacto Internacional de Derechos Civiles y Políticos y la Observación general N° 6 del Comité de Derechos Humanos, se determinaron cuatro atributos del derecho a la vida: "privación arbitraria de la vida", "desaparición de personas", "salud y nutrición" y "pena de muerte". También sirvieron de base para determinar atributos del derecho a la vida los artículos 10 a 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales, el artículo 5 b) y e-iv) de la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial, el artículo 12 de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer, los artículos 1 a 16 de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes, el artículo 6 de la Convención sobre los Derechos del Niño, el artículo 9 de la Convención Internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares y el artículo 10 de la Convención sobre los derechos de las personas con discapacidad. Del mismo modo, en el caso del derecho a la salud se determinaron cinco atributos: la salud sexual y reproductiva, la mortalidad infantil y la atención de la salud, el entorno natural y de trabajo, la prevención, el tratamiento y control de las enfermedades y la accesibilidad de los centros de salud y los medicamentos esenciales. Estos atributos se basan principalmente en la lectura del artículo 25 de la Declaración Universal de Derechos Humanos, el artículo 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales y la Observación general N° 14 del Comité de Derechos Económicos, Sociales y Culturales, la Recomendación general N° 24 del Comité para la Eliminación de la Discriminación contra la Mujer y las Observaciones generales Nos. 3 y 4 del Comité de los Derechos del Niño. El párrafo 1 del artículo 6 del Pacto, el artículo 5 e-iv) de la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial, los artículos 12 y 14 2-b) de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer, el artículo 24 de la Convención sobre los Derechos del Niño, los artículos 28 y 43 e) de la Convención Internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares y el artículo 25 de la Convención sobre los derechos de las personas con discapacidad también resultaron útiles al determinar esos atributos. De este modo, se utilizaron los artículos pertinentes de la Declaración Universal de Derechos Humanos y los tratados internacionales básicos de derechos humanos, así como su desarrollo en las respectivas observaciones generales de los comités para recoger el contenido normativo de los 12 derechos humanos para los que se han preparado indicadores⁶. Para la elección de los 12 derechos (véase el anexo I) se tomó en consideración en primer lugar el hecho de que estaban reconocidos en la Declaración Universal de Derechos Humanos y de que esos derechos serían los elementos de base para confeccionar, llegado el momento, una lista de indicadores ilustrativos para cada tratado. En ese contexto, tal vez sea necesario seguir afinando

⁶ Véanse en la nota 4 *supra* los pormenores de los derechos seleccionados para elaborar los indicadores.

o reagrupando los atributos específicos de los derechos humanos para que reflejen mejor los intereses específicos de cada tratado.

La medición del compromiso - los esfuerzos - los resultados en materia de derechos humanos

8. Una preocupación fundamental al elaborar el marco fue la de velar por que éste reflejase correctamente la complejidad intrínseca de los derechos humanos, en particular en el contexto de su aplicación, y por que, al mismo tiempo, tuviese una estructura lo suficientemente operacional que permitiese establecer indicadores cuantitativos. Era necesario medir el compromiso de las entidades responsables respecto a las normas de derechos humanos, los esfuerzos emprendidos para hacer realidad ese compromiso y los resultados de esos esfuerzos en el tiempo expresados en indicadores de síntesis adecuados. Así pues, en el marco se optó por utilizar una configuración de indicadores estructurales, de proceso y de resultados que atendiese la necesidad de reflejar el compromiso, los esfuerzos y los resultados de la entidad responsable, respectivamente. En otras palabras, mediante la determinación de indicadores estructurales, de proceso y de resultados para cada uno de los atributos de un derecho humano es posible proceder a una evaluación de las medidas adoptadas por los Estados partes para cumplir sus obligaciones en materia de derechos humanos. Los motivos para establecer las tres categorías de indicadores y la lógica de la selección de los indicadores en cada categoría se explican en la siguiente sección.

9. Al respecto cabe plantearse hasta qué punto la utilización de indicadores estructurales, de proceso y de resultados para cada atributo de los derechos humanos refleja las obligaciones de los Estados de *respetar, proteger y hacer efectivos* los derechos humanos y si la utilización de ese tipo de configuración de indicadores para "disociar" el texto del contenido normativo de un derecho es una opción mejor que establecer indicadores para las tres obligaciones señaladas respecto de cada derecho. Hay por lo menos dos buenos motivos para elegir las primeras categorías de indicadores para el marco. En primer lugar, se trata de categorías de indicadores que ya se utilizan ampliamente en el contexto de las políticas de desarrollo y es probable que estén familiarizados con ellas los encargados de formular y aplicar las políticas y los profesionales del desarrollo y los derechos humanos, que son, en cierto sentido, los destinatarios principales de esta labor. De hecho, la utilización de indicadores estructurales, de proceso y de resultados en la promoción y la vigilancia del ejercicio de los derechos humanos ayudará a desmitificar el concepto de los derechos humanos y a llevar el discurso de los derechos humanos más allá de los confines del debate jurídico y judicial, además de facilitar la integración de las normas y los principios de derechos humanos de lleno en la formulación de las políticas y las actividades de desarrollo. En segundo lugar, puede que no siempre sea posible establecer un indicador cuantitativo que refleje de modo exclusivo uno de los tres tipos de obligaciones. A menudo un indicador basado en los datos estadísticos y administrativos de uso común puede acabar reflejando más de un tipo de obligaciones, lo que puede resultar poco conveniente si lo que se persigue es concebir un método estructurado, común y coherente de elaboración de indicadores para todos los derechos enunciados en los distintos tratados de derechos humanos. Dicho esto, al establecer los indicadores para cada atributo de un derecho humano se intentó incluir a todos los indicadores que reflejasen de modo explícito y singular las obligaciones del Estado de respetar, proteger y hacer efectivos los derechos humanos. Además, se estableció una combinación adecuada de indicadores estructurales, de proceso y de resultados, en particular de

indicadores de proceso, a fin de facilitar la evaluación del cumplimiento de tales obligaciones del Estado.

Indicadores para las normas transversales de derechos humanos

10. Los indicadores relativos a las normas o los principios transversales de derechos humanos no pueden identificarse exclusivamente con la realización de un determinado derecho humano, sino que están concebidos para mostrar en qué medida el proceso para aplicar y hacer efectivos los derechos humanos es, por ejemplo, participativo, integrador, potenciador, no discriminatorio o responsabilizador. Cabe señalar que no es fácil que esas normas y principios transversales queden reflejados explícitamente en la selección de indicadores. Para integrar la norma de no discriminación e igualdad en la selección de indicadores estructurales, de proceso y de resultados un punto de partida es la búsqueda de datos desglosados por motivos de discriminación prohibidos como el sexo, la discapacidad, el origen étnico, la religión, el idioma, la condición social o la identidad regional de las personas. Por ejemplo, si el indicador de la proporción de niños matriculados en la escuela primaria, dado que la enseñanza primaria debe ser gratuita, está desglosado por grupos étnicos o minorías religiosas de un país, será posible captar algún aspecto de la discriminación de la que puedan ser víctimas en ese país determinados grupos o minorías en el acceso a la educación y el disfrute de su derecho a la educación. En algunos casos, esta norma transversal, al igual que algunas otras, podría ser considerada como un derecho "adjetivo" o "procedimental" que afecta al ejercicio de un derecho "sustantivo", y de ahí que se defina en referencia a ese derecho⁷. De este modo, el cumplimiento de la norma de no discriminación en el contexto del derecho a la educación, en cuanto derecho sustantivo, puede medirse utilizando un indicador como la proporción de niñas en edad escolar matriculadas respecto a la proporción de muchachos del mismo grupo de edad escolarizados. Del mismo modo, el desglose por grupos étnicos o minorías de la proporción de acusados que solicitan o hacen uso de la asistencia jurídica gratuita podría ayudar a determinar la no discriminación y la igualdad en la aplicación del principio de disponibilidad de recursos eficaces y garantías procesales. Y lo que es más importante aún, al reflejar la norma transversal de la no discriminación y la igualdad hay que hacer hincapié en indicadores que describan el carácter del acceso, y no sólo la disponibilidad, a ese tipo de bienes y servicios que permiten a una persona disfrutar de sus derechos.

11. Del mismo modo, en el caso de un principio de derechos humanos como el de la participación se persigue determinar en qué medida se ha consultado a los grupos vulnerables y marginados de la población de un país en la selección de los indicadores incluidos en el proceso de presentación de informes del país, o hasta qué punto éstos han participado en la determinación de las medidas que está adoptando la entidad responsable para cumplir sus obligaciones. En un plano superior de agregación, se han utilizado indicadores como el coeficiente de Gini, que expresa la distribución del gasto en consumo o de los ingresos de las familias, para estimar si el proceso de desarrollo de un país fomenta o no la participación, la integración y la igualdad en la

⁷ Los derechos sustantivos tienen un contenido relativamente claro y también pueden tener un componente de "gradualidad o progresividad" en su ejercicio, como el derecho a la educación o el derecho a la vida. Los derechos de carácter más procedimental, como el derecho a no ser discriminado o el derecho a un recurso, son fundamentales para hacer efectivos los derechos sustantivos y pueden resultar más fáciles de definir en el contexto específico de los derechos sustantivos.

distribución de los ingresos. Indicadores como la tasa de participación en el mercado de trabajo y el nivel educativo de la población, en general, y de grupos específicos, en particular (por ejemplo, las mujeres y las minorías) también ayudan a estimar en qué medida la entidad responsable respeta y promueve el principio de empoderamiento de la persona. Por último, el primer paso para aplicar el principio de responsabilización se da cuando se traduce el contenido normativo de un derecho en indicadores cuantitativos. En efecto, la disponibilidad de información sensible a los derechos humanos, así como su recopilación y difusión a través de mecanismos independientes que utilicen procedimientos transparentes, fortalece la responsabilización/rendición de cuentas. Además, como se verá en la siguiente sección, al establecer un indicador de proceso como medida que vincula el esfuerzo de un Estado a una relación específica ante una "acción normativa y un jalón", el marco permite mejorar de manera importante la rendición de cuentas del Estado por la observancia de los derechos humanos.

Algunas reservas metodológicas

12. Para que resulten útiles para vigilar la aplicación de los tratados de derechos humanos, los indicadores cuantitativos han de definirse de forma explícita y precisa, basarse en una metodología aceptable de recopilación, tratamiento y difusión de datos, y poder utilizarse regularmente. El principal problema de metodología que se plantea guarda relación con las fuentes de datos y los mecanismos de generación de datos y los criterios de selección de los indicadores. También se plantea la cuestión de la flexibilidad del marco para admitir indicadores contextualmente pertinentes.

Fuentes y mecanismos de generación de datos

13. En el contexto que nos ocupa se consideró conveniente centrarse en dos fuentes complementarias de datos: las estadísticas socioeconómicas y otras estadísticas administrativas y los datos fácticos de violaciones de los derechos humanos. Las estadísticas socioeconómicas se refieren a la información cuantitativa recopilada y difundida por el Estado mediante sus registros administrativos y estudios estadísticos, normalmente en colaboración con los organismos nacionales de estadística y bajo la orientación de organizaciones internacionales y especializadas. Para el sistema de vigilancia de los órganos de tratados esta categoría de indicadores reviste una importancia primordial, habida cuenta del compromiso de los Estados, como partes en los instrumentos internacionales de derechos humanos, de informar sobre su cumplimiento y del hecho de que se trata de información que registran las autoridades administrativas (es decir las entidades responsables de la observancia de los derechos) al nivel de su interacción con los ciudadanos (es decir los titulares de los derechos). Las estadísticas socioeconómicas proporcionan información sobre cuestiones relacionadas no sólo con los derechos económicos, sociales y culturales sino también con los derechos civiles y políticos, como las que se refieren a la administración de justicia y al estado de derecho (por ejemplo, las sentencias de muerte ejecutadas, la población carcelaria y la incidencia de los delitos violentos). La utilización de una metodología uniforme para la recopilación de información, ya sea mediante las actividades del censo, encuestas de hogares o sistemas de registro civil, y normalmente con un alto nivel de fiabilidad y validez, hace que los indicadores basados en esa metodología sean esenciales para los esfuerzos encaminados a mejorar la transparencia, la credibilidad y la responsabilidad en la vigilancia de los derechos humanos.

14. Los datos fácticos son principalmente datos sobre casos señalados o denunciados de violaciones de los derechos humanos, las víctimas identificadas y los autores. Hay indicadores, como la supuesta incidencia de la privación arbitraria de la vida, las desapariciones forzadas o involuntarias, la detención arbitraria y la tortura, que suelen ser comunicados por las ONG, pero son o pueden ser sometidos a un tratamiento estandarizado por otras entidades, como por ejemplo las instituciones nacionales de derechos humanos y los procedimientos especiales de las Naciones Unidas. Puede ocurrir que en general con esos datos se subestime la incidencia de las violaciones e incluso que resulte imposible hacer comparaciones válidas entre períodos o regiones, pero también es posible que ofrezcan indicaciones a los órganos de tratados para evaluar la situación de los derechos humanos en un país⁸. Aunque las últimas tentativas han demostrado que también se puede emplear para supervisar la protección de los derechos económicos, sociales y culturales, este método se ha utilizado principalmente y con mayor eficacia sólo para vigilar las violaciones de los derechos civiles y políticos⁹.

Criterios para la selección de indicadores cuantitativos

15. La principal consideración al adoptar una metodología para definir y crear indicadores de los derechos humanos, o indicadores de cualquier otro tipo, es su pertinencia y eficacia al abordar los objetivos que éstos han de perseguir. Casi todos los demás requisitos metodológicos se desprenden de esta consideración. En el contexto de la labor realizada por los órganos de tratados para vigilar la observancia de los derechos humanos, los indicadores cuantitativos deberían, idealmente: ser pertinentes, válidos y fiables; ser simples, oportunos y pocos; estar basados en información objetiva¹⁰ y en mecanismos de generación de datos¹¹; prestarse a la comparación temporal y espacial y ajustarse a las normas de estadísticas internacionales pertinentes y prestarse al desglose por sexos, edad y sectores vulnerables o marginados de la población. La producción de cualquier tipo de estadísticas también tiene repercusiones para el derecho a la intimidad y la protección de datos y plantea cuestiones de confidencialidad; puede requerir, por consiguiente, la adopción de las disposiciones jurídicas e institucionales

⁸ También es posible que se presenten problemas de sobrestimación. En general sería conveniente contar con indicaciones sobre los márgenes de error o los intervalos de confianza correspondientes a esos datos, lo cual facilitaría su utilización como indicadores válidos y fiables.

⁹ En el documento al que se hace referencia en la nota 2 se describen otros dos mecanismos de generación de datos, a saber, las encuestas de hogares y de opinión y los datos basados en valoraciones de expertos.

¹⁰ Los indicadores deben basarse en información relativa a objetos, hechos o acontecimientos que en principio puedan observarse o verificarse directamente (por ejemplo, el peso de los niños, el número de víctimas o la nacionalidad de la víctima), y no en percepciones, opiniones, evaluaciones o juicios expresados por expertos o personas.

¹¹ Los indicadores deben producirse y difundirse de forma independiente, imparcial y transparente y deben basarse en metodología, procedimientos y conocimientos sólidos.

pertinentes¹². En el marco se atiende a estas consideraciones metodológicas de la selección de indicadores mediante la preparación de una ficha de metadatos para cada uno de los indicadores incluidos en la lista ilustrativa. En el anexo II del presente informe figuran ejemplos de fichas de metadatos sobre determinados indicadores. Éstos pertenecen a diferentes categorías, correspondientes a todo el espectro de derechos, tanto los civiles y políticos como los económicos, sociales y culturales.

Pertinencia contextual de los indicadores

16. La pertinencia contextual de los indicadores es una consideración clave para su aceptabilidad y utilización entre los posibles usuarios. Los países y dentro de ellos las regiones difieren en cuanto al nivel de desarrollo y de realización de los derechos humanos. Estas diferencias se reflejan en la naturaleza de las instituciones, las políticas y las prioridades del Estado. Por lo tanto, puede que no sea posible establecer un conjunto de indicadores universales para evaluar el grado de realización de los derechos humanos. Dicho esto, también es verdad que ciertos indicadores de derechos humanos, como los que describen el ejercicio de algunos derechos civiles y políticos, pueden ser pertinentes en todos los países y sus regiones, mientras que otros que se refieren a la realización de derechos económicos o sociales, como el derecho a la salud o a una vivienda adecuada, quizá deban adaptarse para ser de utilidad en distintos países. Incluso en este último caso convendría vigilar el contenido básico mínimo de los derechos a nivel universal. Por ello, al elaborar un conjunto de indicadores de los derechos humanos, al igual que cualquier otro conjunto de indicadores, será necesario hallar el equilibrio entre los indicadores de pertinencia universal y los que se adaptan a un contexto específico, ya que ambos tipos de indicadores son necesarios.

II. PERTINENCIA Y SELECCIÓN DE LOS INDICADORES ESTRUCTURALES, DE PROCESO Y DE RESULTADOS

17. La elección de indicadores estructurales, de proceso y de resultados en el marco conceptual adoptado para esta labor responde principalmente al objetivo de traducir de forma coherente y exhaustiva el contenido de las normas de derechos humanos con la ayuda de indicadores que puedan reflejar los aspectos de compromiso, esfuerzo y resultados en materia de derechos humanos utilizando la información cuantificable existente. Al adoptar esta configuración de indicadores se simplifica su selección, se fomenta el uso de información contextualmente pertinente, se facilita una cobertura más amplia de los diferentes atributos de un derecho y quizá también se reduce al mínimo el número total de indicadores necesarios para vigilar el cumplimiento de las normas de derechos humanos de que se trate.

Indicadores estructurales

18. Los indicadores estructurales reflejan la ratificación y adopción de instrumentos jurídicos y la existencia de mecanismos institucionales básicos que se consideran necesarios para facilitar la realización de un derecho humano. Reflejan el compromiso o la intención del Estado de adoptar

¹² Véanse, por ejemplo, los diez Principios fundamentales de las estadísticas oficiales, de las Naciones Unidas (<http://unstats.un.org/unsd/gp.funprincipales.aspx>).

medidas para hacer efectivo ese derecho. Los indicadores estructurales deben, ante todo, centrarse en la naturaleza de las leyes nacionales aplicables al derecho de que se trate -es decir, indicar si han incorporado las normas internacionales- y en los mecanismos institucionales que promueven y protegen las normas. Los indicadores estructurales deben también reflejar las políticas y las estrategias del Estado pertinentes a ese derecho. Esto es particularmente importante en la perspectiva de los derechos humanos. Una política nacional declarada sobre determinado tema suele ser un instrumento en el que un gobierno define objetivos, un marco normativo, una estrategia y/o un plan de acción concreto para atender los problemas que conlleva el tema en cuestión. Al ser indicativa de la voluntad del gobierno de ocuparse del tema en cuestión, la política declarada puede ofrecer además los parámetros para que el gobierno rinda cuenta de sus acciones u omisiones con respecto a ese tema. Además, una política declarada es un medio para traducir las obligaciones de un Estado parte en materia de derechos humanos en un programa de acción viable que contribuya a la realización de los derechos humanos. Así pues, además de seleccionar los indicadores estructurales relativos a diferentes derechos y sus atributos, se intentó destacar la importancia de contar con políticas declaradas sobre las cuestiones directamente relacionadas con atributos específicos de los derechos humanos. Se observó que muchos indicadores estructurales posibles eran comunes a todos los derechos humanos y que otros eran pertinentes para determinados derechos e incluso para uno de sus atributos en particular.

Indicadores de proceso

19. Los indicadores de proceso relacionan los instrumentos de política de los Estados con jalones u objetivos intermedios que acumulados se convierten en indicadores de resultados, los cuales a su vez pueden relacionarse de manera más directa con la realización de los derechos humanos. Los instrumentos de la política de Estado son todas las medidas (programas públicos e intervenciones concretas) que un Estado está dispuesto a adoptar para materializar su intención o su compromiso de alcanzar los resultados que corresponden a la realización de un determinado derecho humano. Al definir los indicadores de proceso en forma de relación causal concreta se puede evaluar mejor la forma en que un Estado cumple sus obligaciones. Al mismo tiempo estos indicadores ayudan a vigilar directamente el ejercicio progresivo del derecho o el proceso de protección del derecho, según el caso, para la realización del derecho en cuestión. Los indicadores de proceso son más sensibles a los cambios que los indicadores de resultados y por tanto describen mejor la realización progresiva del derecho o los esfuerzos de los Estados partes para proteger los derechos.

20. Los indicadores de proceso se seleccionaron y formularon atendiendo a dos consideraciones. En primer lugar, se veló por que la articulación de los indicadores de proceso reflejara una relación de causalidad con el indicador estructural y el indicador de resultados pertinentes. Por ejemplo, uno de los indicadores de proceso del derecho a la salud -el porcentaje de escolares que reciben educación sobre cuestiones de salud y nutrición- se estableció de modo que pudiera relacionarse con el indicador estructural correspondiente ("perspectiva temporal y alcance de la política nacional de salud y alimentación de la infancia") y con el indicador de resultados ("porcentaje de niños menores de 5 años con un peso inferior al normal"). En segundo lugar, al elaborar un indicador de proceso, era preciso tener en cuenta la necesidad de medir de algún modo el esfuerzo desplegado por la entidad responsable para cumplir sus obligaciones. Así pues, se incluyeron en la categoría de indicadores de proceso indicadores como "porcentaje de solicitudes de prestaciones de seguridad social examinadas y atendidas en

determinado período" o "porcentaje de la población al que se brindó acceso a mejores servicios de saneamiento en determinado período". A veces, esto supuso que se reformulara un indicador común en el último caso (un indicador de los objetivos de desarrollo del Milenio) y/o que se realizara una estimación adicional del contenido informativo básico del indicador.

Indicadores de resultados

21. Los indicadores de resultados describen los logros, individuales y colectivos, que reflejan el grado de realización de un derecho humano en un determinado contexto. No se trata sólo de una medida más directa de la realización del derecho humano sino también de la importancia de esa medida para apreciar el disfrute del derecho. Puesto que refleja los efectos acumulados de diversos procesos subyacentes (que pueden ser descritos por uno o más indicadores de proceso), un indicador de resultados suele ser un indicador lento, menos sensible a las variaciones transitorias que un indicador de proceso¹³. Por ejemplo, los indicadores de la esperanza de vida o la mortalidad podrían depender de la inmunización de una población, de la educación o conocimiento de la población en materia de salud pública, así como de la disponibilidad de suficientes alimentos y del acceso que tenga a ellos la población. Resulta, por tanto, instructivo considerar los indicadores de proceso y de resultados como variables dinámicas y estáticas, respectivamente¹⁴, con la salvedad de que a menudo un mismo resultado puede ser producto de uno o más procesos y en otros casos el mismo proceso puede influir en más de un resultado.

22. Es importante considerar que los indicadores de proceso y de resultados pueden no ser mutuamente excluyentes. Es posible que un indicador de proceso correspondiente a un derecho humano resulte ser un indicador de resultados en el contexto de otro derecho. El principio rector

¹³ Existe cierta similitud entre los indicadores de proceso y los de resultados, pues todo proceso puede medirse desde el punto de vista de los insumos o bien de los productos o resultados que genera. Así pues, en el caso de un proceso de inmunización de niños, los indicadores pueden medir los recursos o gastos públicos destinados a los programas de inmunización (es decir la variante insumos) o el porcentaje de niños atendidos por los programas (es decir la variante resultados o efectos). Según la definición que figura en esta nota, los dos son indicadores de proceso. Son factores que contribuyen a la disminución de la mortalidad infantil y ésta es un indicador de resultados, pues refleja el efecto acumulado de los programas de inmunización en determinado período y puede relacionarse de forma más directa con la realización del derecho a la salud. Para medir un indicador de proceso, es preferible considerar el resultado físico del proceso y no los recursos que consume, pues la experiencia en diferentes países y en diferentes regiones de un mismo país muestra que no hay una correspondencia unívoca entre el gasto público y el resultado físico que genera ese gasto. El resultado físico depende de los recursos y otros factores institucionales y no institucionales que varían de un lugar a otro, por lo que es difícil interpretar los indicadores de gasto público. Por ejemplo, puede ocurrir que en determinada región de un país se obtengan mejores resultados que en otra en la que el gasto público per cápita es más alto.

¹⁴ La variable estática es aquella que puede medirse en determinado momento (por ejemplo, el número de personas detenidas al final del período examinado), mientras que la variable dinámica se mide a lo largo de un período prolongado (por ejemplo, el número de detenciones registradas en el período examinado).

es que para cada derecho, o más bien atributo de un derecho, es importante definir por lo menos un indicador de resultados que pueda vincularse estrechamente a la realización o disfrute de ese derecho o atributo. Los indicadores de proceso se determinan de manera que reflejen los esfuerzos de las entidades responsables para alcanzar el resultado deseado o perseguido. Dicho esto, en la lista de indicadores ilustrativos (véase el anexo I) se intenta utilizar un enfoque coherente para diferenciar los indicadores de proceso de los indicadores de resultados.

Otros indicadores comunes

23. La lista de indicadores ilustrativos se debe considerar en el contexto de cierta cantidad de información básica que cada Estado parte en los tratados internacionales debe proporcionar con arreglo a las directrices generales para la presentación de informes¹⁵. Esa información básica, expresada con indicadores adecuados, debe referirse a la población y las tendencias demográficas generales, la situación social y económica, la situación civil y política y la administración de justicia y el estado de derecho. Además, para vigilar la realización de todos los derechos humanos es también útil la información sobre determinados indicadores estructurales, como el número de instrumentos internacionales de derechos humanos ratificados por el Estado (de una lista seleccionada de tratados y protocolos de derechos humanos, artículos pertinentes, convenios de la OIT, etc.); la existencia de una declaración de derechos en la Constitución u otras formas de ley suprema; el tipo de acreditación de las instituciones nacionales de derechos humanos según el reglamento del Comité Internacional de Coordinación de las Instituciones Nacionales; y el número de ONG y otros actores (asalariados y voluntarios) que participan oficialmente en la protección de los derechos humanos a nivel nacional. Por lo tanto, esta información debe estar reflejada en el preámbulo de los cuadros de indicadores ilustrativos. Algunos de estos indicadores se han incorporado en los 12 cuadros para facilitar su comprensión.

Otras consideraciones relativas a la selección de indicadores

24. En general, es fundamental obtener para todos los indicadores datos desglosados sobre la situación de los derechos humanos de los grupos vulnerables y marginados con respecto al resto de la población¹⁶. Una segunda consideración, relacionada con el principio de la indivisibilidad de los derechos humanos, obliga a contemplar a los indicadores en su totalidad en todo el

¹⁵ Véase la Compilación de directrices relativas a la forma y el contenido de los informes que deben presentar los Estados partes en los tratados internacionales de derechos humanos (HRI/GEN/2/Rev.2).

¹⁶ En la Observación general N° 19 del Comité de Derechos Económicos, Sociales y Culturales figura una lista exhaustiva de los posibles motivos de discriminación, con respecto a los cuales podría ser necesario desglosar datos, en caso de que fuera factible. Así pues, en la Observación general (párr. 29, E/C.12/GC/19) se aboga por la prohibición de toda discriminación, de hecho o de derecho, directa o indirectamente, por motivos de raza, color, sexo, edad, idioma, religión, opinión política o de otra índole, origen nacional o social, posición económica, nacimiento, discapacidad física o mental, estado de salud (incluido el VIH/SIDA), orientación sexual, estado civil o cualquier otra condición política, social o de otro tipo que pretenda o tenga por efecto anular o menoscabar el igual disfrute o ejercicio de los derechos humanos.

espectro de los derechos y no simplemente considerar los marcos sectoriales anclados en el contenido normativo de cada derecho humano concreto. Con todo, al establecer los indicadores para el derecho a la vida, por ejemplo, tal vez haya que establecer indicadores sobre el atributo de ese derecho referido a la salud dentro de su propio contenido normativo y no en función del contenido normativo del derecho a la salud. Al mismo tiempo, algunos aspectos relacionados con el derecho de la persona a controlar su propia salud y su propio cuerpo podrán tener que formularse en los indicadores sobre el derecho a no ser sometido a torturas ni a tratos o penas crueles, inhumanos o degradantes, y no en el contexto del derecho a la salud, tanto para facilitar el análisis como para facilitar en general el manejo del número de indicadores. En última instancia, a nivel de un convenio o en el contexto de una evaluación de la observancia de los derechos humanos por temas (por ejemplo, la violencia contra la mujer, los derechos en la primera infancia), quizá haya que racionalizar la lista de indicadores en vista de la necesidad de respetar el principio de indivisibilidad e interdependencia.

25. En algunos casos, por ejemplo, el del derecho a la salud, tal vez no sea posible que los indicadores de resultados dependan exclusivamente de los esfuerzos realizados en el marco de las obligaciones asumidas por el Estado en relación con el derecho a la salud. Sin embargo, quizá siga valiendo la pena incluir esos indicadores por su importancia para la realización de ese derecho y para facilitar el establecimiento de prioridades y la orientación de los esfuerzos. También hay que tener en cuenta que la selección de todos los indicadores tiene que guiarse principalmente por la prueba empírica de su uso. Si los indicadores establecidos no se ajustan a los criterios de la pertinencia empírica no serán útiles como instrumentos de vigilancia. A este respecto se ha tenido especial cuidado de dar a los indicadores seleccionados una fundamentación técnica rigurosa. Así pues, se están elaborando fichas de metadatos en las que se destaca la información principal relativa a los indicadores seleccionados, que incluye la terminología correspondiente y el nombre común del indicador, su definición internacional normalizada o su definición nacional, las fuentes de los datos, su disponibilidad, el nivel de desglose e información sobre otros indicadores conexos o indirectos. Se anexa al presente informe un conjunto de muestra de las fichas de metadatos.

26. Es importante señalar que para los indicadores que figuran en los cuadros (anexo I) se adoptó una formulación genérica. En su caso, en la ficha de metadatos relativa al indicador en cuestión se ha indicado una formulación alternativa o más precisa que podría ser pertinente a determinados contextos solamente, como el de los países en desarrollo o los países desarrollados. De igual manera, se adoptó el término general "grupo objetivo" con referencia a determinados grupos de la población, como las mujeres, los niños, las minorías étnicas o religiosas o sectores vulnerables y marginados de la población que podrían necesitar una atención especial según el contexto del país. Por último, al elaborar los cuadros ilustrativos, se ha tenido cuidado de destacar el papel de la principal entidad responsable de la realización del derecho en cuestión. En ese sentido, además de los indicadores que reflejan el alcance de los recursos judiciales y su grado de utilización, en el marco se señalan indicadores sobre el papel que podrían desempeñar en la realización de los derechos humanos los agentes no judiciales (administrativos), judiciales y cuasijudiciales (por ejemplo, las instituciones nacionales de derechos humanos). También se ha procurado determinar, mediante indicadores estructurales y de proceso apropiados, el papel de las ONG y de la cooperación internacional en el fomento de la realización de los derechos humanos.

III. VALIDACIÓN E INTERCAMBIO DE INFORMACIÓN SOBRE LA LABOR REALIZADA

27. Al emprender esta labor, el ACNUDH estableció un grupo oficioso de expertos, parte de cuya composición cambiaría según las necesidades del programa de consultas. Este grupo de expertos examinó todas las propuestas de la Secretaría sobre el concepto, la metodología y la elección de los indicadores ilustrativos, así como el proceso de validación de los resultados a nivel nacional. El Grupo se reunió cinco veces en los tres últimos años¹⁷. Estuvo integrado por expertos y profesionales que se ocupaban de los indicadores para evaluar la situación de los derechos humanos, procedentes de instituciones académicas, organismos internacionales, ONG, órganos de los tratados de derechos humanos y titulares de mandatos de los procedimientos especiales. El propósito era elaborar una visión común del enfoque conceptual y metodológico que se aplicaría a la selección de indicadores adecuados para vigilar el cumplimiento de los instrumentos internacionales de derechos humanos y sacar provecho de los conocimientos y la experiencia de cada cual. Participaron en estas consultas directamente o respondiendo a consultas expertos de varias organizaciones internacionales: la Organización Mundial de la Salud (OMS), el Programa de las Naciones Unidas para los Asentamientos Humanos (HABITAT), la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura (UNESCO), la División de Estadística de la Comisión Económica para Europa (CEPE) de las Naciones Unidas, la Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO), el Banco Mundial, la Oficina de las Naciones Unidas contra la Droga y el Delito (ONUDD) y, más recientemente, la Organización Internacional del Trabajo (OIT) y la División de Estadística de las Naciones Unidas.

28. Se organizaron algunos talleres para celebrar consultas y validar la labor realizada con los interesados a nivel de los países. Asistieron representantes de instituciones nacionales de derechos humanos, autoridades normativas y organismos encargados de presentar informes sobre los tratados o con mandatos de ejecución en relación con determinados derechos, oficinas de estadística encargadas de reunir y difundir información, así como ONG y funcionarios de los equipos de las Naciones Unidas en los países.

29. El ACNUDH colaboró con la FAO para validar los indicadores ilustrativos sobre el derecho a una alimentación adecuada en consultas nacionales realizadas en talleres regionales en Uganda (octubre de 2006) y Guatemala (diciembre de 2006). En un taller organizado en Uganda en noviembre de 2006 como parte de los talleres de seguimiento de la aplicación de las observaciones finales de los órganos de tratados a nivel nacional, se presentó un módulo de indicadores ilustrativos sobre el derecho a la salud y el derecho a la revisión judicial de la detención. En 2007, el ACNUDH organizó talleres subregionales de validación en Asia (Nueva Delhi, julio de 2007) y África (Kampala, octubre de 2007)¹⁸. Además, el trabajo sobre

¹⁷ Las consultas se celebraron en Ginebra en agosto de 2005, marzo de 2006, diciembre de 2006, diciembre de 2007 y abril de 2008.

¹⁸ Los participantes en el taller subregional de Nueva Delhi procedían del Afganistán, Bangladesh, Bhután, Filipinas, la India, Indonesia, Malasia, Maldivas, Nepal, el Pakistán, la República Islámica del Irán y Sri Lanka y representaban al Foro de Asia y el Pacífico. En Kampala, los participantes procedían de Burundi, Etiopía, Kenya, la República Unida de Tanzania, Rwanda, Somalia, el Sudán y Uganda.

los indicadores se dio a conocer en un taller internacional organizado en el Brasil (São Paulo, junio de 2007), un taller regional latinoamericano organizado en Chile (Santiago, junio de 2007) y una consulta a nivel nacional organizada en Río de Janeiro (diciembre de 2007). También se dio a conocer al proyecto Metagora del Consorcio Paris 21 (Consorcio de Estadísticas para el Desarrollo en el Siglo XXI (París 21), en una conferencia internacional de evaluación del impacto en los derechos humanos (Países Bajos, noviembre de 2006), en las consultas organizadas por el Organismo Canadiense de Desarrollo Internacional en el Canadá (Ottawa, marzo de 2006 y mayo de 2007), a la Organización de Cooperación y Desarrollo Económicos (Dublín (Irlanda), abril de 2007) y en el noveno Foro Anual de ONG de la Unión Europea, organizado bajo la Presidencia de Portugal (Lisboa, diciembre de 2007).

30. En 2007-2008, se organizaron sesiones de información para el Comité de Derechos Económicos, Sociales y Culturales, el Comité contra la Tortura, el Comité de los Derechos del Niño, el Comité para la Eliminación de la Discriminación Racial, el Comité de Derechos Humanos y el Comité sobre los Trabajadores Migratorios. Se ha previsto organizar en los próximos meses otras sesiones de información para los órganos de tratados, además de celebrar una consulta con otros interesados y las organizaciones del sistema de las Naciones Unidas antes de pasar a la siguiente etapa de esta labor.

31. En base a la información recibida de los participantes en esas consultas se ha procurado seguir perfeccionando el marco y mejorando la selección de indicadores ilustrativos. Los interesados consultados a nivel nacional dieron un gran apoyo a este trabajo. Se destacó repetidamente la pertinencia del marco y de los indicadores seleccionados. La metodología participativa adoptada para las sesiones de taller ayudó a superar el escepticismo inicial de algunos participantes ante la aparente complejidad del marco conceptual adoptado para el estudio de los indicadores de los derechos humanos. Los participantes apreciaron las sesiones de trabajo en que se les pidió en primer lugar que señalaran el contenido principal o los atributos característicos de los derechos examinados. En segundo lugar, los participantes seleccionan los indicadores pertinentes para determinados contextos, sobre los atributos de los derechos, a fin de captar aspectos de los compromisos y los esfuerzos de los Estados partes, y los resultados de esos esfuerzos. Ello permitió evaluar cómo las entidades responsables cumplían sus obligaciones de hacer efectivos los derechos humanos en sus respectivos países. El resultado de esta actividad fue una asombrosa coherencia entre los atributos y los indicadores señalados por los participantes para los derechos en cuestión y los cuadros preparados por el ACNUDH (los cuadros se entregaron a los participantes sólo al final de cada sesión de trabajo), lo que ayudó a validar el marco del ACNUDH y la lista de indicadores ilustrativos.

32. Los participantes de los diversos talleres aprobaron el marco conceptual y metodológico presentado en el taller. Pusieron de relieve el sentido práctico y la transparencia del método de dissociar el contenido normativo de los derechos. Los indicadores ilustrativos se consideraron instrumentos concretos para fomentar la rendición de cuentas y la adopción de políticas adecuadas por parte de las entidades responsables para promover la realización de los derechos humanos. Se consideró que en general se disponía de la mayoría de los indicadores seleccionados para evaluar el ejercicio de los derechos, que podían extraerse principalmente de registros administrativos, aunque en ocasiones su alcance era insuficiente. Los participantes reconocieron la utilidad de la aplicación del marco de indicadores de los derechos humanos y el valor que añadía a los objetivos de desarrollo del Milenio, y pusieron de relieve la existencia de una cierta arbitrariedad en la elección de los indicadores de los objetivos de desarrollo del

Milenio, la insensibilidad de las metas e indicadores correspondientes para captar los aspectos contextuales, la obsesión con los promedios en lugar de utilizar indicadores ajustados según la desigualdad o la distribución y la falta general de atención a las estrategias y los procesos para alcanzar las metas.

33. En las consultas se subrayó la necesidad de seguir simplificando el marco conceptual, o más concretamente de mejorar su comunicación y accesibilidad para que pudiera ser apreciado por un mayor número de interesados en el campo de los derechos humanos, incluidos los profesionales de los derechos humanos, el desarrollo y la estadística. En ese contexto recibió un apoyo general la propuesta de elaborar un manual del usuario y un juego de instrumentos para los interesados de los países. Varios participantes manifestaron su interés en organizar reuniones de seguimiento en los países, como talleres o cursos de formación.

Algunas consideraciones para el ulterior desarrollo de esta labor a nivel nacional

34. Durante las consultas, los interesados pidieron información más de una vez sobre qué tipo de proceso se preveía para la ulterior aplicación y mejora de esta labor en los países. También preguntaron si los indicadores seleccionados en el contexto de la labor para los órganos de tratados también podrían ayudar a construir y perfeccionar la metodología de vigilancia basada en los derechos.

35. La vigilancia basada en los derechos no está separada de otros métodos de vigilancia como los que aplica cualquier órgano administrativo nacional o subnacional para vigilar, por ejemplo, a la producción agrícola y la seguridad alimentaria, o la administración de justicia, o incluso los resultados y los efectos de los proyectos. Sin embargo, necesita disponer de un determinado mecanismo institucional para reunir información y centrarse en información específica que abarque y refleje el ejercicio de los derechos humanos por los grupos de población más vulnerables y marginados, que en el contexto de este trabajo se consideran los grupos objetivo. Dejando de lado los promedios nacionales para concentrarse en la situación de los grupos objetivo, e idealmente llegar al nivel individual, se puede estimar la magnitud de la discriminación o la desigualdad, o incluso la violación de determinados derechos de algunos, lo que constituye un interés primordial al vigilar la realización de los derechos humanos. No cabe deducir, no obstante, que la vigilancia basada en los derechos consista nada más que en el desglose de la información y los indicadores. De hecho, requiere usar un conjunto adecuado de indicadores que estén explícitamente arraigados en el marco normativo de los derechos humanos, como instrumentos que faciliten una evaluación digna de crédito de la realización de los derechos humanos. El objetivo del estudio realizado por el ACNUDH para los órganos de tratados es seleccionar indicadores cuantitativos pertinentes que puedan utilizarse para evaluar la situación de los derechos humanos. En esa medida este trabajo puede ayudar a construir y reforzar un método de vigilancia basado en los derechos en general.

36. Es fundamental que el país asuma el proceso de vigilancia basada en los derechos y lo aplique. También es fundamental que el proceso sea lo suficientemente descentralizado e incluyente como para reflejar los intereses de las diferentes partes. Al establecer un proceso de vigilancia basada en los derechos a nivel nacional o reforzar un mecanismo existente para vigilar la realización de un determinado derecho humano, se deben considerar, entre otras, las siguientes cuestiones.

A. Determinar quiénes son los interesados en la vigilancia

37. Como primera medida, sería necesario identificar a los diversos interesados institucionales y no institucionales que contribuirían al proceso de vigilancia proporcionando información o interpretando de modo independiente la información disponible o aprovechando esa información como usuarios finales para articular sus reivindicaciones y vigilar la realización de los derechos humanos. Entre ellos podrían contarse la institución nacional de derechos humanos, organismos administrativos como los ministerios competentes proveedores de la información, las ONG pertinentes dedicadas a la vigilancia de los derechos humanos, grupos de consumidores, otros grupos sociales, como comisiones parlamentarias y reivindicadores en general. Una vez determinados los interesados en la vigilancia a nivel nacional, sería necesario reunirlos en un proceso participativo en que sus respectivas competencias y perspectivas contribuyeran al proceso de vigilancia, merced a la complementariedad de sus objetivos (por ejemplo, la concertación en diferentes aspectos de un derecho) y sus métodos de reunión de información. Un elemento importante de este proceso es la selección de una institución independiente que asuma la interpretación de la información disponible desde la perspectiva de los derechos humanos y quizá también la coordinación de la evaluación de otros asociados. Podría tratarse de una institución nacional de derechos humanos o de una ONG de derechos humanos, con lo cual se facilitaría la creación de un mecanismo de vigilancia propio del país.

B. Determinar cuáles son los principales grupos vulnerables

38. Es posible que debamos señalar como grupos objetivo a diferentes sectores de la población que son vulnerables según diferentes atributos o elementos básicos de determinado derecho humano. Por ejemplo, si se considera el derecho a una alimentación adecuada, en algunos casos probablemente sean los niños los más afectados por una dieta inadecuada o la malnutrición, mientras que una población de trabajadores o migrantes puede ser más vulnerable a problemas de seguridad alimentaria y de protección del consumidor. Por lo tanto, convendría que en cada país se estudiaran los grupos de población y las regiones para determinar los grupos objetivo. El proceso de determinación de los grupos objetivo mediante criterios adecuados también debe basarse en las normas generales de derechos humanos y los principios de participación y transparencia, y permitir, de ser necesario, que las personas se autodeclaren miembros del grupo objetivo. Con ello se constituiría el grupo objetivo para la vigilancia basada en los derechos y, al mismo tiempo, se facilitaría la estimación del grado de desglose necesario de la información para los indicadores seleccionados.

C. Prestar especial atención a los indicadores de la no discriminación y la accesibilidad

39. Dado que los derechos humanos son universales e inalienables, en el contexto de la vigilancia basada en los derechos, es imprescindible prestar una atención especial a los indicadores que describen en qué medida la discriminación de las personas y los grupos de población influye en el ejercicio de sus derechos humanos. Por lo tanto, la noción de "accesibilidad", en contraste con la mera "disponibilidad", reviste particular importancia en el marco de los derechos humanos y en el contexto de la vigilancia basada en los derechos. Por consiguiente, al emprender la vigilancia basada en los derechos o evaluación de los derechos humanos, es necesario determinar qué información es pertinente en relación con la

discriminación y adaptar los mecanismos de generación de información para reunir, recopilar y presentar esa información en forma de indicadores adecuados.

D. Periodicidad de los informes, publicación, acceso a la información y seguimiento

40. Dado que la realización de los derechos humanos no es algo que ocurre de una vez y para siempre y que la protección y la promoción de los derechos humanos deben tener carácter continuo, convendría disponer de información para vigilar el derecho humano en cuestión por lo menos en diferentes momentos o, en el mejor de los casos, a través de una adecuada serie cronológica de observaciones. De esa forma sería más fácil vigilar la realización progresiva del derecho y la incidencia de su violación a lo largo del tiempo. Un mecanismo de vigilancia basado en los derechos también requiere que todos los interesados, en particular quienes reivindican los derechos, tengan acceso a la información y a los datos disponibles pertinentes al disfrute de los derechos humanos. Para ello hace falta un marco con un plan de publicación y difusión de la información pertinente. Como complemento del proceso de vigilancia, también se requiere un marco que permita usar la información disponible como instrumento de promoción, para crear conciencia sobre los derechos y las obligaciones y ayudar a articular mejor las reivindicaciones de los titulares de los derechos y a vigilar la evolución del cumplimiento de las obligaciones de las entidades responsables.

IV. CONCLUSIONES

41. En este informe se ha pretendido resumir los principales elementos de un marco conceptual y metodológico elaborado a lo largo de los tres últimos años mediante un proceso de consulta estructurado en que han participado expertos y profesionales de los derechos humanos a nivel internacional y nacional. Como elemento fundamental del informe, se presenta una lista de indicadores ilustrativos de 12 derechos humanos y el criterio de selección y contextualización de los indicadores con miras a alentar a la aplicación de este trabajo a nivel nacional y en los órganos de tratados. También se presentan ejemplos de fichas de metadatos para algunos indicadores seleccionados.

42. El marco conceptual y metodológico adoptado para elaborar indicadores de diferentes derechos humanos presenta varias características generales. En primer lugar, se sigue un criterio común para seleccionar los indicadores de la promoción y la vigilancia de los derechos civiles y políticos, y de los derechos económicos, sociales y culturales, cosa que refuerza la noción de indivisibilidad e interdependencia de los derechos humanos. En segundo lugar, el marco traduce íntegramente el texto del contenido normativo de los derechos humanos (comenzando con las disposiciones conexas de los instrumentos internacionales de derechos humanos y las observaciones generales de los órganos de tratados) en unos pocos atributos característicos y en una configuración de indicadores estructurales, de proceso y de resultados. Los indicadores seleccionados llevan al primer plano la evaluación de las medidas adoptadas por el Estado parte para cumplir sus obligaciones -desde el compromiso con las normas internacionales de derechos humanos (indicadores estructurales) pasando por los esfuerzos que realiza la primera entidad responsable, el Estado, para cumplir las obligaciones derivadas de las normas (indicadores de proceso), hasta los resultados de esos esfuerzos desde el punto de vista de los titulares de los derechos (indicadores de resultados).

43. En tercer lugar, el marco facilita la selección de indicadores contextualmente significativos para las normas de derechos humanos universalmente aceptadas. No pretende establecer una lista común de indicadores que deba aplicarse en todos los países independientemente de su desarrollo social, político y económico, ni tampoco abogar por la elaboración de una medida global para hacer comparaciones entre los países de la realización de los derechos humanos. En cambio sí permite a los posibles usuarios elegir con conocimiento de causa el tipo y el nivel de desglose de los indicadores que mejor satisfaga sus necesidades contextuales en lo que respecta a la realización de los derechos humanos o únicamente algunos de los atributos de un derecho, mientras reconoce el pleno alcance de las obligaciones en relación con las normas pertinentes de derechos humanos. En efecto, el marco permite mantener un equilibrio entre el uso de un conjunto básico de indicadores de los derechos humanos que pueden tener pertinencia universal y, al mismo tiempo, conservan la flexibilidad de una evaluación más detallada y específica de determinados atributos de los derechos humanos pertinentes, dependiendo de las exigencias de una determinada situación.

44. En cuarto lugar, el marco se centra en dos categorías de indicadores y mecanismos de generación de información: a) los indicadores que son o pueden ser recopilados por los sistemas estadísticos oficiales utilizando las encuestas estadísticas y los registros administrativos; y b) los indicadores o información normalizada que suelen ser recopilados por entidades no gubernamentales y organizaciones de derechos humanos en base a presuntas violaciones denunciadas por víctimas, testigos u ONG. La intención es estudiar y agotar el uso de la información fácilmente disponible, particularmente la procedente de conjuntos de datos objetivos, para vigilar la observancia de los derechos humanos. Por último, el marco se centra principalmente en indicadores cuantitativos y en algunos indicadores cualitativos como base para una evaluación transparente de la realización de los derechos humanos. Se ha procurado que los indicadores seleccionados sean sencillos y se basen en una metodología normalizada de reunión de información y, en lo posible, se ha insistido en el desglose de la información por motivos prohibidos de discriminación y por grupos de población vulnerables o marginados, a quienes debe dirigirse el apoyo oficial en la labor de promoción de los derechos humanos.

45. En las conversaciones con los posibles usuarios de este trabajo, en particular los interesados a nivel nacional, se ha puesto de relieve una importante demanda insatisfecha de material de referencia adecuado, incluidos un manual del usuario y otros juegos de instrumentos sobre la aplicación de la información cuantitativa en apoyo del cumplimiento de las obligaciones de los Estados partes en materia de derechos humanos. Este trabajo realizado por el ACNUDH para los órganos de tratados podría llegar a satisfacer gran parte de esa demanda y ayudar a los interesados a promover y proteger los derechos humanos en los países. Si bien es necesario seguir validando y poniendo a prueba esta labor, especialmente entre los usuarios que todavía no están plenamente informados de la iniciativa, convendría que en la reunión de los comités se examinaran los posibles modos de ayudar a difundir mejor los resultados de este trabajo. Ello ha de facilitar la labor de los órganos de tratados de vigilar el ejercicio de los derechos humanos.

ANNEXES

Annex I

LISTS OF ILLUSTRATIVE INDICATORS

List of illustrative indicators on the right to life (UDHR, Art. 3) (* MDG related indicators)

	Arbitrary Deprivation of life	Disappearances of Individuals	Health and Nutrition	Death Penalty
Structural	<ul style="list-style-type: none"> International human rights treaties, relevant to the right to life, ratified by the State Date of entry into force and coverage of the right to life in the Constitution or other forms of superior law Date of entry into force and coverage of domestic laws for implementing the right to life 			
	<ul style="list-style-type: none"> Date of entry into force and coverage of formal procedure governing inspection of police cells, detention centres and prisons by independent inspection agencies 	<ul style="list-style-type: none"> Date of entry into force and coverage of <i>habeas corpus</i> provision in the Constitution 	<ul style="list-style-type: none"> Time frame and coverage of national policy on health and nutrition 	<ul style="list-style-type: none"> Number of sub-national administrative entities that have abolished death penalty
Process	<ul style="list-style-type: none"> Proportion of received complaints on the right to life investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government Type of accreditation of National Human Rights Institutions by the rules of procedure of the International Coordinating Committee of National Institutions 			
	<ul style="list-style-type: none"> Proportion of communications sent by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions responded to effectively by the government in the reporting period Proportion of law enforcement officials (including police, military and State security force) trained in rules of conduct concerning proportional use of force, arrest, detention, interrogation or punishment Proportion of law enforcement officials formally investigated for physical or non-physical abuse or crime that caused death or threatened life in the reporting period Proportion of formal investigations of law enforcement officials resulting in disciplinary actions or prosecution in the reporting period Proportion of identified perpetrators of reported cases of arbitrary deprivation of life pursued, arrested, adjudicated, convicted or serving sentence in the reporting period 	<ul style="list-style-type: none"> Proportion of communications sent by the UN Working Group on Enforced or Involuntary Disappearances responded to effectively by the government in the reporting period Proportion of cases where pre-trial detention (before being brought before a court) exceeded the legally stipulated time limit in the reporting period Number of <i>habeas corpus</i> and similar petitions filed in courts in the reporting period Proportion of identified perpetrators of reported cases of disappearances pursued, arrested, adjudicated, convicted or serving sentence in the reporting period 	<ul style="list-style-type: none"> Proportion of population using an improved drinking water source* Proportion of births attended by skilled health personnel* Proportion of population below minimum level of dietary energy consumption* Proportion of targeted population covered under public nutrition supplement programmes Proportion of population using an improved sanitation facility* Proportion of one-year-old immunised against vaccine-preventable diseases (e.g. measles*) Proportion of disease cases detected and cured (e.g. tuberculosis*) 	<ul style="list-style-type: none"> Number of convicted persons on death row in the reporting period Average time spent by convicted persons on death row Proportion of accused persons facing capital punishment provided with access to a counsellor or legal aid Proportion of convicted persons facing capital punishment exercising the right to have their sentence reviewed by a higher court Reported cases of expulsion or imminent expulsion of persons to a country where they may face death penalty
Outcome	<ul style="list-style-type: none"> Number of homicides and life threatening crimes, per 100,000 population Number of deaths in custody per 1,000 detained or imprisoned persons, by cause of death (e.g. illness, suicide, homicide) Reported cases of arbitrary deprivation of life (e.g. as reported to the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions) 	<ul style="list-style-type: none"> Reported cases of disappearances (e.g. as reported to the UN Working Group on Enforced or Involuntary Disappearances) Proportion of cases of disappearance clarified, by status of person at the date of clarification (at liberty, in detention or dead). 	<ul style="list-style-type: none"> Infant and under-five mortality rates* Life expectancy at birth or age 1 Prevalence of and death rates associated with communicable and non-communicable diseases (e.g. HIV/AIDS, malaria* and tuberculosis*) 	<ul style="list-style-type: none"> Proportion of death penalty sentences commuted Number of executions (under death penalty)
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>			

List of illustrative indicators on the right to liberty and security of person (UDHR, Art. 3)

	Arrest and detention based on criminal charges	Administrative deprivation of liberty	Effective review by court	Security from crime and abuse by law enforcement officials
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to liberty and security of person, ratified by the State • Date of entry into force and coverage of the right to liberty and security of person in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to liberty and security of person • Time frame and coverage of policy and administrative framework against any arbitrary deprivations of liberty, whether based on criminal charges, sentences or decisions by a court or administrative grounds (e.g. immigration, mental illness, educational purposes, vagrancy) • Type of accreditation of National Human Rights Institutions by the rules of procedure of the International Coordinating Committee of National Institutions 			
	<ul style="list-style-type: none"> • Legal time limits for an arrested or detained person before being informed of the reasons for the arrest or detention; before being brought to or having the case reviewed by an authority exercising judicial power; and for the trial duration of a person in detention 	<ul style="list-style-type: none"> • Time frame and coverage of policy and administrative framework on security, handling of criminality and abuses by law enforcement officials 		
Process	<ul style="list-style-type: none"> • Proportion of received complaints on the right to liberty and security of person investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government • Proportion of communications sent by the UN Working Group on Arbitrary Detention responded to effectively by the government • Proportion of law enforcement officials (including police, military and State security force) trained in rules of conduct concerning proportional use of force, arrest, detention, interrogation or punishment 			
	<ul style="list-style-type: none"> • Number/proportion of arrests or entries into detention (pre- and pending trial) on the basis of a court order or due to action taken directly by executive authorities in the reporting period • Number/proportion of defendants released from pre- and trial detentions in exchange for bail or due to non-filing of charges in the reporting period 	<ul style="list-style-type: none"> • Number/proportion of arrests or entries into detention under national administrative provisions (e.g. security, immigration control, mental illness and other medical grounds, educational purposes, drug addiction, financial obligations) in the reporting period • Number/proportion of releases from administrative detentions in the reporting period 	<ul style="list-style-type: none"> • Proportion of cases where the time for arrested or detained persons before being informed of the reasons of arrest; before receiving notice of the charge (in a legal sense); or before being informed of the reasons of administrative detention exceeded the respective legally stipulated time limit • Number of <i>habeas corpus</i> and similar petitions filed in courts in the reporting period • Proportion of bail applications accepted by the court in the reporting period • Proportion of arrested or detained persons provided with access to a counsellor or legal aid • Proportion of cases subject to review by a higher court or appellate body • Reported cases where pre- and trial detentions exceeded the legally stipulated time limit in the reporting period 	<ul style="list-style-type: none"> • Proportion of law enforcement officials formally investigated for physical and non-physical abuse or crime, including arbitrary arrest and detention (based on criminal or administrative grounds) in the reporting period • Proportion of formal investigations of law enforcement officials resulting in disciplinary actions or prosecution in the reporting period • Number of persons arrested, adjudicated, convicted or serving sentence for violent crime (including homicide, rape, assault) per 100,000 population in the reporting period • Proportion of law enforcement officials killed in line of duty in the reporting period • Firearms owners per 100,000 population / Number of firearms licences withdrawn in the reporting period • Proportion of violent crimes with the use of firearms • Proportion of violent crimes reported to the police (victimisation survey) in the reporting period
Outcome	<ul style="list-style-type: none"> • Number of detentions per 100,000 population, on the basis of a court order or due to action by executive authorities at the end of the reporting period • Reported cases of arbitrary detentions, including post-trial detentions (e.g. as reported to the UN Working Group on Arbitrary Detention) in the reporting period 	<ul style="list-style-type: none"> • Proportion of arrests and detentions declared unlawful by national courts • Proportion of victims released and compensated after arrests or detentions declared unlawful by judicial authority 		<ul style="list-style-type: none"> • Proportion of population feeling ‘unsafe’, (e.g. walking alone in area after dark or alone at home at night) • Incidence and prevalence of physical and non-physical abuse or crime, including by law enforcement officials in line of duty, per 100,000 population, in the reporting period
24.04.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>			

List of illustrative indicators on the right to adequate food (UDHR, Art. 25) (* MDG related indicators)

	Nutrition	Food Safety and Consumer Protection	Food Availability	Food Accessibility
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to adequate food, ratified by the State • Date of entry into force and coverage of the right to adequate food in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to adequate food • Number of registered and/or active non-governmental organizations (per 100,000 persons) involved in the promotion and protection of the right to adequate food 			
	<ul style="list-style-type: none"> • Time frame and coverage of national policy on nutrition and nutrition adequacy norms 	<ul style="list-style-type: none"> • Time frame and coverage of national policy on food safety and consumer protection • Number of registered and/or active civil society organisations working in the area of food safety and consumer protection 	<ul style="list-style-type: none"> • Time frame and coverage of national policy on agricultural production and food availability • Time frame and coverage of national policy on drought, crop failure and disaster management 	
Process	<ul style="list-style-type: none"> • Proportion of received complaints on the right to adequate food investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government • Net official development assistance (ODA) for food security received or provided as a proportion of public expenditure on food security or Gross National Income 			
	<ul style="list-style-type: none"> • Proportion of targeted population that was brought above the minimum level of dietary energy consumption* in the reporting period • Proportion of targeted population covered under public nutrition supplement programmes • Coverage of targeted population under public programmes on nutrition education and awareness • Proportion of targeted population that was extended access to an improved drinking water source* in the reporting period 	<ul style="list-style-type: none"> • Disposal rate or average time to adjudicate a case registered in a consumer court • Share of public social sector budget spent on food safety and consumer protection advocacy, education, research and implementation of law and regulations relevant to the right • Proportion of food producing and distributing establishments inspected for food quality standards and frequency of inspections • Proportion of cases adjudicated under food safety and consumer protection law in the reporting period 	<ul style="list-style-type: none"> • Proportion of female headed households or targeted population with legal title to agricultural land • Arable irrigated land per person • Proportion of farmers availing extension services • Share of public budget spent on strengthening domestic agricultural production (e.g. agriculture-extension, irrigation, credit, marketing) • Proportion of per capita availability of major food items sourced through domestic production, import & food-aid • Cereal import dependency ratio in the reporting period 	<ul style="list-style-type: none"> • Share of household consumption of major food items for targeted population group met through publicly assisted programmes • Unemployment rate or average wage rate of targeted segments of labour force • Proportion of targeted population that was brought above the poverty line in the reporting period • Work participation rates, by sex and target groups • Estimated access of women and girls to adequate food within household • Coverage of programmes to secure access to productive resources for target groups
Outcome	<ul style="list-style-type: none"> • Prevalence of underweight and stunting children under-five years of age* • Proportion of adults with body-mass index (BMI) <18.5 	<ul style="list-style-type: none"> • Number of recorded deaths and incidence of food poisoning related to adulterated food 	<ul style="list-style-type: none"> • Per capita availability of major food items of local consumption 	<ul style="list-style-type: none"> • Proportion of population below minimum level of dietary energy consumption* / proportion of undernourished population • Average household expenditure on food for the bottom three deciles of population or targeted population
	<ul style="list-style-type: none"> • Death rates, including infant and under-five mortality rates, associated with and prevalence of malnutrition (including under-, overnutrition and inadequate intake of nutrients) 			
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>			

List of illustrative indicators on the right to enjoyment of the highest attainable standard of physical and mental health (UDHR, Art. 25) (* MDG related indicators)

	Sexual and reproductive health	Child mortality and health care	Natural and occupational environment	Prevention, treatment and control of diseases	Accessibility to health facilities and essential medicines
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to enjoyment of the highest attainable standard of physical and mental health (right to health), ratified by the State • Date of entry into force and coverage of the right to health in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to health, including a law prohibiting female genital mutilation • Number of registered and/or active non-governmental organizations (per 100,000 persons) involved in the promotion and protection of the right to health • Estimated proportions of births, deaths and marriages recorded through vital registration system 				
	<ul style="list-style-type: none"> • Time frame and coverage of national policy on sexual and reproductive health • Time frame and coverage of national policy on abortion and foetal sex-determination 	<ul style="list-style-type: none"> • Time frame and coverage of national policy on child health and nutrition 	<ul style="list-style-type: none"> • Time frame and coverage of national policy on physical and mental health, • Time frame and coverage of national policy for persons with disabilities • Time frame and coverage of national policy on medicines, including list of essential medicines, measures for generic substitution 		
Process	<ul style="list-style-type: none"> • Proportion of received complaints on the right to health investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government • Net official development assistance (ODA) for the promotion of health sector received or provided as a proportion of public expenditure on health or Gross National Income* 				
	<ul style="list-style-type: none"> • Proportion of births attended by skilled health personnel* • Antenatal care coverage (at least one visit and at least four visits)* • Increase in proportion of women of reproductive age using, or whose partner is using, contraception (CPR)* • Unmet need for family planning* • Medical terminations of pregnancy as a proportion of live births • Proportion of reported cases of genital mutilation, rape and other violence restricting women's sexual and reproductive freedom responded to effectively by the government 	<ul style="list-style-type: none"> • Proportion of school-going children educated on health and nutrition issues • Proportion of children covered under programme for regular medical check-ups in the reporting period • Proportion of infants exclusively breastfed during the first 6 months • Proportion of children covered under public nutrition supplement programmes • Proportion of children immunised against vaccine-preventable diseases (e.g. measles*) 	<ul style="list-style-type: none"> • Proportion of targeted population that was extended access to an improved drinking water source* • Proportion of targeted population that was extended access to improved sanitation* • CO2 emissions per capita * • Number of cases of deterioration of water sources brought to justice • Proportion of population or households living or working in or near hazardous conditions rehabilitated • Number of prosecutions under domestic law on natural or workplace environment • Proportion of driving licences withdrawn for breaches of road rules 	<ul style="list-style-type: none"> • Proportion of population covered under awareness raising programmes on transmission of diseases (e.g. HIV/AIDS*) • Proportion of population (above age 1) immunised against vaccine-preventable diseases • Proportion of population applying effective preventive measures against diseases (e.g. HIV/AIDS, malaria*) • Proportion of disease cases detected and cured (e.g. tuberculosis*) • Proportion of population abusing substances, such as drug, chemical and psychoactive substance, brought under specialised treatment • Proportion of mental health facilities inspected in the reporting period 	<ul style="list-style-type: none"> • Per capita government expenditure on primary health care and medicines • (Improvement in) Density of medical and para-medical personnel, hospital beds and other primary health care facilities • Proportion of population that was extended access to affordable health care, including essential drugs*, on a sustainable basis • Proportion of people covered by health insurance in reporting period • Proportion of persons with disabilities accessing assistive device • Share of public expenditure on essential medicines met through international aid
Outcome	<ul style="list-style-type: none"> • Proportion of live births with low birth-weight • Perinatal mortality rate • Maternal mortality ratio* 	<ul style="list-style-type: none"> • Infant and under-five mortality rates* • Proportion of underweight children under-five years of age* 	<ul style="list-style-type: none"> • Prevalence of deaths, injuries, diseases and disabilities caused by unsafe natural and occupational environment 	<ul style="list-style-type: none"> • Death rate associated with and prevalence of communicable and non-communicable diseases (e.g. HIV/AIDS*, malaria*, tuberculosis*) • Proportion of persons abusing harmful substances • Life expectancy at birth or age 1 and health-adjusted life expectancy • Suicide rates 	
24.04.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>				

List of illustrative indicators on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (UDHR, Art. 5)

	Physical and mental integrity of detained or imprisoned persons	Conditions of detention	Use of force by law enforcement officials outside detention	Community and domestic violence
Structural	<ul style="list-style-type: none"> International human rights treaties, relevant to the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (RtnT), ratified by the State Date of entry into force and coverage of the RtnT in the Constitution or other forms of superior law Date of entry into force and coverage of domestic laws for implementing the RtnT, including code of conduct on medical trials and scientific experimentation on human beings Type of accreditation of National Human Rights Institution by the rules of procedure of the International Coordinating Committee of National Institutions 			
	<ul style="list-style-type: none"> Date of entry into force of code of conduct for law enforcement officials, including on rules of conduct for interrogation of arrested, detained and imprisoned persons Date of entry into force and coverage of formal procedure governing inspection of police cells, detention centres and prisons by independent inspection institutions Legal maxima for <i>incommunicado</i> detention Time frame and coverage of health policy for detention centres and prisons 			<ul style="list-style-type: none"> Date of entry into force and coverage of specific legislations on community and domestic violence Number of rehabilitation centres for victims of domestic violence including women, partners and children
Process	<ul style="list-style-type: none"> Proportion of received complaints on the RtnT investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government Proportion of communications sent by the Special Rapporteurs on torture and on violence against women responded to effectively by government in the reporting period Proportion of law enforcement officials (including police, military, specialised investigation agencies and custodial staff) trained in rules of conduct concerning proportional use of force, arrest, detention, interrogation or punishment 			
	<ul style="list-style-type: none"> Proportion of detained or imprisoned persons in facilities inspected by an independent body in the reporting period Proportion of custodial staff formally investigated for physical and non-physical abuse or crime on detained or imprisoned persons (including torture and disproportionate use of force) in the reporting period Proportion of formal investigations of custodial staff resulting in disciplinary action or prosecution 	<ul style="list-style-type: none"> Actual prisons occupancy as a proportion of prison capacity in accordance with relevant UN conventions on prison conditions Proportion of detained and imprisoned persons in accommodation meeting legally stipulated requirements (e.g. drinking water, cubic content of air, minimum floor space, heating) Number of custodial and other relevant staff per inmate Proportion of detention centres and prisons with facilities to segregate persons in custody (by sex, age, accused, sentenced, criminal cases, mental health, immigration related or other cases) 	<ul style="list-style-type: none"> Proportion of law enforcement officials formally investigated for physical and non-physical abuse or crime (including torture and disproportionate use of force) in the reporting period Proportion of formal investigations of law enforcement officials resulting in disciplinary action or prosecution Proportion of arrests and other acts of apprehending persons where a firearm was discharged by law enforcement officials 	<ul style="list-style-type: none"> Proportion of public social expenditure on campaigns to sensitise people on violence against women & children (e.g. violence by intimate partners, genital mutilation, rape) Proportion of healthcare and community welfare professionals trained in handling domestic violence issues Proportion of teaching staff trained against the use of physical violence against children Proportion of teaching staff subjected to disciplinary action, prosecuted for physical and non-physical abuse on children Proportion of women reporting forms of violence (physical, sexual or psychological) against self or her children initiating legal action or seeking help from police or counselling centres Number of persons arrested, adjudicated, convicted or serving sentence for violent crime (including homicide, rape, assault) per 100,000 population in the reporting period
Outcome	<ul style="list-style-type: none"> Incidence and prevalence of death, physical injury and communicable and non-communicable diseases (HIV/AIDS, malaria/tuberculosis*, mental illness) in custody Proportion of detained or imprisoned persons held <i>incommunicado</i> or in prolonged solitary confinement Reported cases of inhuman methods of execution and treatment of persons sentenced to death /incarcerated in the reporting period Proportion of detained or imprisoned persons with body mass index < 18.5 			
	<ul style="list-style-type: none"> Incidence of death and physical injury resulting from arrests or other acts of apprehending persons by law enforcement officials in the reporting period Proportion of children or pupils per 1000 enrolled and patients who experienced corporal punishment in teaching and medical institutions Incidence and prevalence of deaths and crimes related to community and domestic violence (including homicide, rape, assault) in the reporting period 			
24.04.08	<ul style="list-style-type: none"> Reported cases of torture or cruel, inhuman or degrading treatment or punishment perpetrated by an agent of the State or any other person acting under government authority or with its complicity, tolerance, or acquiescence, but without any or due judicial process (e.g. as reported to the UN Special Rapporteur on Torture/ Violence against Women), in the reporting period Proportion of victims of torture or cruel, inhuman or degrading treatment or punishment who received compensation and rehabilitation, in the reporting period 			
<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>				

List of illustrative indicators on the right to participate in public affairs (UDHR, Art. 21) (* MDG related indicators)

	Exercise of legislative, executive and administrative powers	Universal and equal suffrage	Access to public service positions
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to participate in public affairs, ratified by the State • Date of entry into force and coverage of the right to participate in public affairs in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to participate in public affairs, including freedom of opinion, expression, information, media, association and assembly • Date of entry into force of universal suffrage, right to vote, right to stand for election, legal provisions defining citizenship and limitations (including age limits) on permanent residents with respect to the right to participate in public affairs at national and local level • Quota, time frame and coverage of temporary and special measures for targeted populations in legislative, executive, judicial and appointed bodies • Type of accreditation of National Human Rights Institutions by the rules of procedure of the International Coordinating Committee of National Institutions • Number of registered and/or active non-governmental organisations (per 100,000 persons) involved in the promotion and protection of the right to participate in public affairs 		
	<ul style="list-style-type: none"> • Periodicity of executive and legislative elections at national and local level • Date of entry into force and coverage of laws establishing an independent national electoral body 	<ul style="list-style-type: none"> • Date of entry into force and coverage of legal provisions guaranteeing access to public service positions without discrimination • Date of entry into force and coverage of administrative tribunals or dedicated judicial redress mechanism for public service matters 	
Process	<ul style="list-style-type: none"> • Proportion of received complaints on the right to participate in public affairs investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government 		
	<ul style="list-style-type: none"> • Number of suffrages (election, referendum and plebiscite) at national and local level held during the reporting period • Number of legislations adopted by national and sub-national legislatures during the reporting period • Proportion of elections and sessions of national and locally elected bodies held as per the schedule laid down by constitutional or statutory bodies • Proportion of election campaign expenditure at national and sub-national level met through public funding • Proportion of elected personnel whose term of service was interrupted, by cause of interruption • Proportion of women and target groups included in the membership of national political parties or presented as candidate for election 	<ul style="list-style-type: none"> • Proportion of the voting-age population registered to vote • Reported irregularities (intimidation, corruption or arbitrary interference) with registration, maintenance and review of electoral rolls • Number of complaints per elected position recorded and addressed in the election process by national and sub-national electoral authorities • Share of public expenditure on national and sub-national elections spent on voter education and registration campaigns • Number of political parties registered or recognised at national level • Proportion of voting age population not affiliated to political parties 	<ul style="list-style-type: none"> • Proportion of vacancies in (selected) public authorities at national and sub-national level filled through selection of women and candidates from target population groups • Proportion of cases filed in administrative tribunals and dedicated judicial redress mechanism for public service matters adjudicated and finally disposed during the reporting period • Proportion of positions in the public service reserved to nationals or citizen
Outcome	<ul style="list-style-type: none"> • Proportion of seats in parliament*, elected and appointed bodies at sub-national and local level held by women and target groups 	<ul style="list-style-type: none"> • Average voter turnout in national and local elections, by sex and target groups • Proportion of invalid and blank votes in elections to national and sub-national legislatures 	<ul style="list-style-type: none"> • Reported cases of denial of access to public service or position on account of discrimination • Proportion of public service positions held by women and members of target groups
24.04.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>		

List of illustrative indicators on the right to education (UDHR, Art. 26) (* MDG related indicators)

	Universal Primary Education	Accessibility to Secondary and Higher Education	Curricula and Educational Resources	Educational Opportunity and Freedom	
Structural	<ul style="list-style-type: none"> International human rights treaties, relevant to the right to education, ratified by the State Date of entry into force and coverage of the right to education in the Constitution or other form of superior law Date of entry into force and coverage of domestic laws for implementing the right to education, including prohibition of corporal punishment, discrimination in access to education, making educational institutions barrier free and inclusive education (e.g. children with disabilities, children in detention, migrant children, indigenous children) Date of entry into force and coverage of domestic law on the freedom of individuals and groups (including minorities) to establish and direct educational institutions Number of registered and/or active non-governmental organisations (per 100,000 persons) involved in the promotion and protection of the right to education 				
	<ul style="list-style-type: none"> Time frame and coverage of the <i>plan of action</i> adopted by State party to implement the principle of compulsory primary education free of charge for all Stipulated duration of compulsory education and minimum age for admission into school 	<ul style="list-style-type: none"> Time frame and coverage of national policy on education for all, including provision for temporary and special measures for target groups (e.g. working and street children) Time frame and coverage of national policy on vocational and technical education Date of entry into force and coverage of regulatory framework including standardised curricula for education at all levels Proportion of education institutions at all level teaching human rights / number of hours in curricula on human rights education Proportion of education institutions with mechanisms (student council) for students to participate in matters affecting them 			
Process	<ul style="list-style-type: none"> Proportion of received complaints on the right to education investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government Public expenditure on primary, secondary and higher education as proportion of gross national income; Net official development assistance (ODA) for education received or provided as proportion of public expenditure on education * 				
	<ul style="list-style-type: none"> Net Primary Enrollment ratio* by target groups, including children with disabilities Drop out rate for primary education by grades for target groups Proportion of enrolled children in public primary education institutions Proportion of students (by target groups) covered under publicly supported additional financial programmes or incentives for primary education Proportion of public schools with user charges for services other than tuition fees Proportion of primary education teachers fully qualified and trained Proportion of children getting education in their mother tongue Proportion of students in grade 1 who attended pre-school 	<ul style="list-style-type: none"> Transition rate to secondary education by target groups Gross enrollment ratio for secondary and higher education by target groups Drop out rate for secondary education by grades for target groups Proportion of enrolled students in public secondary and higher education institutions Share of annual household expenditure on education per child enrolled in public secondary or high school Proportion of students (by target groups) receiving public support or grant for secondary education Proportion of secondary or higher education teachers fully qualified and trained Proportion of students enrolled in vocational education programmes at secondary and post secondary level 	<ul style="list-style-type: none"> Proportion of schools or institutions conforming to stipulated national requirements on academic and physical facilities Periodicity of curricula revision at all levels Number of educational institutions by level recognized or derecognised during the reporting period by relevant regulatory body Average salary of school teachers as percentage of regulated minimum wages Proportion of teachers at all levels completing mandatory in-service training during reporting period Ratio of students to teaching staff, in primary, secondary, public and private education 	<ul style="list-style-type: none"> Proportion of education institutions engaged in “active learning” activities Proportion of adult population covered under basic education programmes Proportion of students, by level, enrolled under distance and continuing education programmes Number of institutions of ethnic, linguistic minority and religious population groups recognized or extended public support Proportion of labour force availing retraining or skill-enhancement at public or supported institutions Proportion of higher learning institutions enjoying managerial and academic autonomy Personal computers in use per 100 population* 	
Outcome	<ul style="list-style-type: none"> Ratios of girls to boys in primary education* by grades for target groups Proportion of students starting grade 1 who reach grade 5 (primary completion rate)* Proportion of out of school children in primary education age group 	<ul style="list-style-type: none"> Ratio of girls to boys in secondary or higher education* by grades Proportion of children completing secondary education (secondary completion rate) Number of graduates (first level University degree) per 1000 population 	<ul style="list-style-type: none"> (Improvement in) Density of primary, secondary and higher education facilities in the reporting period 	<ul style="list-style-type: none"> Proportion of women and targeted population with professional or university qualification 	
	<ul style="list-style-type: none"> Youth (15-24 years)* and adult (15+) literacy rates (i.e. reading, writing, calculating, problem-solving and other life skills) 				
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>				

List of illustrative indicators on the right to adequate housing (UDHR, Art. 25) (* MDG related indicators)

	Habitability	Accessibility to Services	Housing Affordability	Security of Tenure
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to adequate housing, ratified by the State • Date of entry into force and coverage of the right to adequate housing in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to adequate housing • Type of accreditation of National Human Rights Institutions by the rules of procedure of the International Coordinating Committee of National Institutions. • Number of registered and/or active non-governmental organizations (per 100,000 persons) involved in the promotion and protection of the right to adequate housing 			
	<ul style="list-style-type: none"> • Time frame and coverage of national housing policy or strategy for the progressive implementation of measures, including special measures for target groups, for the right to adequate housing at different levels of government • Time frame and coverage of national policy on rehabilitation, resettlement and management of natural disaster 	<ul style="list-style-type: none"> • Date of entry into force and coverage of legislation on security of tenure, equal inheritance and protection against forced eviction 		
Process	<ul style="list-style-type: none"> • Proportion of received complaints on the right to adequate housing investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded effectively by the government • Number of and total public expenditures on housing reconstruction and rehabilitation by evicted/displaced persons during the reporting period • Net official development assistance (ODA) for housing (including land and basic services) received or provided as proportion of public expenditure on housing or GNI* 			
	<ul style="list-style-type: none"> • Proportion of habitations (cities, towns and villages) brought under the provisions of building codes and by laws in the reporting period • Share of public expenditure on social or community housing • Habitable area (sq. m) added through reclamation, including of hazardous sites and change in land use pattern in the reporting period • Habitable area (sq. m per capita) earmarked for social or community housing during the reporting period 	<ul style="list-style-type: none"> • Share of public expenditure on provision and maintenance of sanitation, water supply, electricity and physical connectivity of habitations • Proportion of targeted population that was extended sustainable access to an improved water source*, access to improved sanitation*, electricity and garbage disposal in the reporting period 	<ul style="list-style-type: none"> • Proportion of households that receive public housing assistance, including those living in subsidised rented housing and households subsidised for ownership • Proportion of targeted households living in squatter settlements rehabilitated in the reporting period • Proportion of homeless population that was extended the use of public and community based shelters in the reporting period 	<ul style="list-style-type: none"> • Average time taken to settle disputes related to housing and land rights in courts and tribunals • Number/proportion of legal appeals aimed at preventing planned evictions or demolitions ordered by court in the reporting period • Number/proportion of legal procedures seeking compensation following evictions in the reporting period, by result after adjudication • Number and proportion of displaced or evicted persons rehabilitated or resettled in the reporting period
Outcome	<ul style="list-style-type: none"> • Proportion of population with sufficient living space (persons per rooms or rooms per household) or average number of persons per room among target households • Proportion of households living in permanent structure in compliance with building codes and by-laws • Proportion of households living in or near hazardous conditions 	<ul style="list-style-type: none"> • Proportion of urban population living in slums* • Proportion of population using an improved drinking water (public / private) source, sanitation facility, electricity and garbage disposal • Proportion of household budget of target population groups spent on water supply, sanitation, electricity and garbage disposal 	<ul style="list-style-type: none"> • Proportion of households spending more than 'X' percent of their monthly income or expenditure on housing or average rent of bottom three income deciles as a proportion of the top three • Annual average of homeless persons per 100,000 population ('X' being defined normatively for the country context) 	<ul style="list-style-type: none"> • Reported cases of "forced evictions" (e.g. as reported to UN special procedures), in the reporting period • Proportion of households with legally enforceable, contractual, statutory or other protection providing security of tenure or proportion of households with access to secure tenure • Proportion of women with titles to land or property
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>			

List of illustrative indicators on the right to social security (UDHR, Art. 22) (* MDG related indicators)

	Income security for workers	Affordable access to health care	Family, child and adult dependent support	Targeted social assistance schemes
Structural	<ul style="list-style-type: none"> • International human rights and ILO treaties relevant to the right to social security ratified by the State • Date of entry into force and coverage of the right to social security in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to social security, including in the event of sickness, old age, unemployment, employment related injury, maternity, paternity, disability or invalidity, survivors and orphans, health care (including reproductive health care), and family and child support • Time frame and coverage of policy for universal implementation of the right to social security 			
	<ul style="list-style-type: none"> • Date of entry into force and coverage of insurance or tax-based social security scheme • Legally prescribed qualifying period, rate of contribution, duration (e.g. length of maternity / leave) and rate of benefits under different schemes • Date of entry into force and coverage of international agreements on export of social security benefits (including on double taxation) to country of origin for migrant workers and families 	<ul style="list-style-type: none"> • Date of entry into force and coverage of regulation on mandatory health insurance • Time frame and coverage of national policy on health and access to health care, including for reproductive health and for persons with disabilities • Time frame and coverage of national policy on drugs, including on generic drugs 	<ul style="list-style-type: none"> • Date of entry into force and coverage of public support for family, including single-parent family, children and dependent adults • Legally prescribed qualifying period, rate of contribution, duration and rate of allowances 	<ul style="list-style-type: none"> • Timeframe and coverage of social assistance programmes and non-contributory schemes for persons in specific situation of needs (e.g. IDP, refugees, war victims, long-term unemployed, persons, homeless) • Time frame and coverage of national policy on unemployment
Process	<ul style="list-style-type: none"> • Proportion of received complaints on the right to social security investigated and adjudicated by the national human rights institution, human rights ombudsperson or other relevant mechanism and the proportion of these responded to effectively by the government • Proportion of targeted population appropriately informed on its entitlements and benefits (in cash or in kind) under the applicable social security schemes • Net official development assistance (ODA) for implementing this right, received or provided as a proportion of public expenditure on social security and Gross National Income 			
	<ul style="list-style-type: none"> • Number of workers newly registered as participant in the social security scheme in the reporting period • Proportion of requests for benefits (e.g. unemployment, pension benefits) reviewed and met in the reporting period • Proportion of cases or complaints, concerning social security obligations of enterprises, effectively responded to by government or relevant social security agency • Proportion of enterprises covered under domestic social security regulations and proportion thereof subjected to administrative action or prosecution 	<ul style="list-style-type: none"> • Per capita public expenditure on primary health facilities (including for reproductive health care) and essential medicines • Number of targeted individuals newly registered as participant in the health insurance system in the reporting period • Proportion of household expenditures on health goods and services covered by health insurance / public support • Proportion of births attended by skilled health personnel* • Proportion of target population within X hour of medical and para-medical personnel and relevant health care facilities 	<ul style="list-style-type: none"> • Public expenditure on family, children and adult- dependent allowance or benefit schemes per beneficiary • Proportion of household expenditure (food, health, day care, education, housing) on children and adult- dependent covered by public support • (Improvement in) Density of nursery/child care centers and old age homes for the targeted population or regions in the reporting period 	<ul style="list-style-type: none"> • Public expenditures for targeted social assistance schemes per beneficiary • (Improvement in) Density of administrative offices and personnel providing targeted social assistance • Proportion of requests for social assistance (e.g. income transfer, subsidized housing, calamity relief) reviewed and met
Outcome	<ul style="list-style-type: none"> • Proportion of labour force participating in social security scheme(s) • Proportion of workers covered under social security who availed and received stipulated social security benefits in the reporting period 	<ul style="list-style-type: none"> • Proportion of population covered by health insurance (public or private) • Proportion of persons with affordable access to health care, including essential drugs*, on a sustainable basis 	<ul style="list-style-type: none"> • Proportions of entitled families, children and dependents receiving public support 	<ul style="list-style-type: none"> • Proportion of population in specific situations of needs receiving social assistance for food, housing, health care, education, emergency or relief services
	<ul style="list-style-type: none"> • Proportion of individuals in the formal or informal economy below national poverty line before and after social transfers* 			
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>			

List of illustrative indicators on the right to work (UDHR, Art. 23) (* MDG related indicators)

	Access to decent and productive work	Just and safe working conditions	Training, skill upgradation and professional development	Protection from forced labour and unemployment
Structural	<ul style="list-style-type: none"> • International human rights and ILO treaties relevant to the right to work ratified by the State • Date of entry into force and coverage of the right to work in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to work including regulations to ensure equal opportunities for all and eliminate employment-related discriminations as well as (temporary) special measures for target groups (e.g. women, children, indigenous, migrants) • Number of registered and/or active non-governmental organisations (per 100,000 persons), including trade unions, involved in the promotion and protection of the right to work 			
	<ul style="list-style-type: none"> • Time frame and coverage of a national policy for full and productive employment • Date of entry into force and coverage of regulations and procedures to ensure safe and healthy working conditions, including an environment free of sexual harassment, and establishing an independent monitoring body • Maximum number of working hours per week stipulated by law • Minimum age for employment by occupation type • Duration of maternity, paternity and parental leave and leave entitlements on medical grounds and proportion of wage paid in covered period 	<ul style="list-style-type: none"> • Time frame and coverage of national policy on vocational education and skill upgradation • Proportion of administrative regions with specialised public agencies to assist individuals in finding employment 	<ul style="list-style-type: none"> • Time frame and coverage of awareness raising programme on labour standards • Time frame and coverage of policy for the elimination of forced labour, including child labour, migrant worker and of domestic work 	
Process	<ul style="list-style-type: none"> • Proportion of complaints on the right to work, including just and safe working conditions, investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms (e.g. ILO procedures, trade unions) and the proportion of these responded to effectively by the government 			
	<ul style="list-style-type: none"> • Proportion of target population receiving effective support for their (re-) entry into the labour market • Annual employment growth (job creation rates), by education level • Average time spent on unpaid domestic family care work as well as in unpaid work of family business by women,, men and children • Proportion of requests by parent or guardian for certified child care arrangements reviewed and met in the reporting period • Proportion of workers who moved from precarious to stable contracts during the reporting period 	<ul style="list-style-type: none"> • Proportion and frequency of enterprises inspected for conformity with labour standards and proportion of inspections resulting in administrative action or prosecution • Proportion of inspected enterprises conform with labour standards • Proportion of employed persons, including domestic workers, whose salary level is covered under legislation (e.g. minimum wage) and/or wage setting procedures involving social partners (unions) 	<ul style="list-style-type: none"> • Proportion of labour force undergoing some training during their employment • Proportion of unemployed persons involved in skill upgradation and other training programmes, including publicly financed jobs • Improvement in secondary and tertiary enrolment ratios in the reporting period 	<ul style="list-style-type: none"> • Proportion of informal sector workers shifted to formal sector employment in the reporting period • Proportion of economically active children • Estimated number of labour force in the informal sector receiving some public support • Proportion of targeted unemployed persons covered by unemployment / social security benefits
Outcome	<ul style="list-style-type: none"> • Employment-to-population ratios*, by sex, target group and education level • Proportion of voluntary part-time workers to total part-time employed population • Share of women in wage employment in the non-agricultural sector* • Proportion of workers in precarious employment (e.g. short, fixed term, casual, seasonal workers etc.) 	<ul style="list-style-type: none"> • Incidence of accident at work and occupational diseases • Ratio of women to men wages, by sector and by other target groups • Proportion of identified positions (e.g. senior officials, managerial positions in public/private service)held by women and other target groups 	<ul style="list-style-type: none"> • Proportion of workers employed after skill upgradation and other training programmes, including publicly finance jobs • Long-term unemployment rates (1 year or more of unemployment), by sex, target groups or regions • Distribution of labour force by level of education 	<ul style="list-style-type: none"> • Unemployment rates, by sex, target groups and level of education (LFS/registered) • Incidence of forced labour, including worst forms of child labour and of domestic work • Reported cases of violations of the right to work, including forced labour, discrimination, worst forms of child labour and of domestic work and unlawful termination of employment and proportion of victims who received adequate compensation
	<ul style="list-style-type: none"> • Gini indices and ratio of lowest/highest income quintiles or consumption expenditures (before and after taxes) 			
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>			

The right to freedom of opinion and expression (UDHR, Art. 19) (* MDG related indicators)

	Freedom of opinion and to impart information	Access to information	Special duties and responsibilities
Structural	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to freedom of opinion and expression (RFoE), ratified by the State • Date of entry into force and coverage of the RFoE in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the RFoE, including availability of judicial review of any decision taken by the State to restrict RFOE • Number of registered and/or active non-governmental organisations (per 100,000 persons) involved in the promotion and protection of the RFoE • Date of entry into force and coverage of code of conduct/ethics for journalists and other media persons 		
	<ul style="list-style-type: none"> • Date of entry into force and coverage of legislation for the protection of the freedom of the media, including decriminalization of libel, defamation and slander • Date of entry into force and coverage of domestic law for the protection and safety of journalists and any other media persons, including protection against disclosure of sources • Date of entry into force and coverage of domestic law for equal opportunity of access to radio concessions and TV broadcast frequencies • Time frame and coverage of national policy on education for all, including provisions for temporary special measures for target groups, human rights curricula and “active learning” 	<ul style="list-style-type: none"> • Date of entry into force and coverage of legislation on access to information • Date of establishment of an independent monitoring mechanism (e.g. Information Commissioner) • Date of entry into force and coverage of statistical legislation to protect independence and quality of official statistics • Timeframe and coverage of national policy to promote access to information technology 	<ul style="list-style-type: none"> • Date of entry into force and coverage of domestic law prohibiting propaganda for war • Date of entry into force and coverage of domestic law(s) prohibiting advocacy of national, racial, religious or sexist hatred constituting incitement of discrimination, hostility or violence
Process	<ul style="list-style-type: none"> • Proportion of received complaints on RFoE investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government • Proportion of communications sent by the UN Special Rapporteurs (e.g. Special Rapporteur on the promotion and protection of RFoE), responded to effectively by the government 		
	<ul style="list-style-type: none"> • Number of newspapers, magazines, radio stations, TV broadcasts, internet sites by ownership (public or private) and audience figures • Number of mergers or buying by the media companies investigated, adjudicated and refused by an independent competition commission in the reporting period • Number of newspapers, articles, internet sites and other media broadcasts closed or censored by regulatory authorities • Proportion of complaints filled by journalists or any other media persons investigated, adjudicated and approved by court or other competent mechanisms • Number of media institutions of ethnic, linguistic minority and religious population groups recognized or extended public support • Proportion of requests for holding demonstrations accepted by administrative authorities • Proportion of schools engaged in “active learning “ activities, giving children the opportunity to express themselves freely 	<ul style="list-style-type: none"> • Proportion of information requests by the media responded to effectively by government • Subscriptions and average daily sales of national and main regional newspapers • Proportion of population with access to TV and radio broadcasts • Number of personal computers in use with internet access per 100 population* • Number of internet domains registered per 1000 population 	<ul style="list-style-type: none"> • Proportion of judicial actions on alleged libel, defamation and slander investigated and resulting in conviction • Proportion of judicial actions against propaganda for war investigated and resulting in conviction • Proportion of (quasi-) judicial actions against advocacy of national, racial, religious or sexist hatred investigated and resulting in conviction
Outcome	<ul style="list-style-type: none"> • Number of journalists and any other media persons who reported sanctions, political or corporate pressure for the publication of information 	<ul style="list-style-type: none"> • Reported cases of non-disclosure of documents, archives and administrative or corporate data of public interest (e.g. justice records, arms exports, environmental data, asylum seekers) • Proportion of linguistic population having access to media broadcasts in their own language 	<ul style="list-style-type: none"> • Proportion of victims of libel, defamation and slander who received compensation and rehabilitation
	<ul style="list-style-type: none"> • Reported cases of killing, disappearance, detention and torture against journalists, human rights defenders or any other persons who exercised her/his RFoE, perpetrated by an agent of the State or any other person acting under government authority or with its complicity, tolerance or acquiescence, but without any or due judicial process (e.g. reported to UN special procedures) 		
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets</i>		

List of illustrative indicators on the right to a fair trial (UDHR, Art. 10-11)

	Access to and equality before courts and tribunals	Public hearing by competent and independent courts	Presumption of innocence and guarantees in the determination of criminal charges	Special protection for children	Review by a higher court
	<ul style="list-style-type: none"> • International human rights treaties, relevant to the right to a fair trial, ratified by the State • Date of entry into force and coverage of the right to a fair trial in the Constitution or other forms of superior law • Date of entry into force and coverage of domestic laws for implementing the right to a fair trial, including on procedures for appointment, remuneration, dismissal of persons exercising judicial functions • Number of registered and/or active non-governmental organisations (per 100,000 persons) involved in the promotion and protection of the right to a fair trial 				
Structural	<ul style="list-style-type: none"> • Date of entry into force and coverage of legislation guaranteeing non-discriminatory access to courts (e.g. for unaccompanied women, children and migrants) • Date of entry into force and periodicity of review of civil and criminal procedure codes 	<ul style="list-style-type: none"> • Timeframe and coverage of national policy on judicial services, including on court strengths, against extortion, bribery or corruption • Date of entry into force and coverage of regulatory bodies for judicial and legal profession 	<ul style="list-style-type: none"> • Identified/prescribed time limits to guide pre- and trial stages in the determination of charges against a person • Timeframe and coverage of national policy on the provision of legal aid to specific population groups 	<ul style="list-style-type: none"> • Date of entry into force and coverage of juvenile court • Date of entry into force and coverage of rehabilitation systems for children involved in crime • Legal age of criminal responsibility 	<ul style="list-style-type: none"> • Date of entry into force and coverage of the right to appeal in a higher court and full review of legal and material aspects of person's conviction and sentence
Process	<ul style="list-style-type: none"> • Proportion of received complaints concerning the right to a fair trial investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and proportion of these responded to effectively by the government • Number of communications sent by the Special Rapporteur on the independence of judges and lawyers and proportion responded to effectively by the government • Proportion of judges, prosecutors and lawyers trained on human rights and related standards for the administration of justice 				
	<ul style="list-style-type: none"> • Proportion of population covered within X hour of a fully functioning court or number of persons with judicial functions per 100,000 population • Proportion of requests for legal assistance and free interpreters being met (criminal and civil proceedings) annually Number/proportion of cases referred to alternative dispute resolution (ADR) • Proportion of crimes (e.g. rape, physical assaults, domestic violence) reported to the police (victimisation survey) • Proportion of crime victims in cases sent to court by police who confirm charges or appear at proceedings with the court or prosecutors 	<ul style="list-style-type: none"> • Proportion of persons with judicial functions (e.g. judges and prosecutors) formally investigated for breach of duty, irregularity, abuses (e.g. corruption) • Proportion of formal investigations of persons with judicial functions resulting in disciplinary action or prosecution • Number/proportion of civilians tried by military courts or special courts • Average number of cases assigned/completed by person with judicial functions at different levels of judiciary • Share of public expenditure on courts and prosecution system • Average salary of persons with judicial functions as percentage of regulated minimum wages 	<ul style="list-style-type: none"> • Proportion of cases where the time for arrested persons before receiving notice of the charge (in a legal sense and in language they understand) exceeded statutory or mandated timeframe • Proportion of public attendees at court who rate services and court as highly accessible in their own language (court user survey) • Proportion of defendants with access to adequate facilities and counsellor for their defence • Proportion of pending cases and average duration of criminal trials • Proportion of cases where time between arrest and trial exceeded statutory or mandated timeframe • Reported cases of killing, assault, threat and arbitrary dismissal of persons with judicial functions 	<ul style="list-style-type: none"> • Proportion of prosecutors and defence lawyers working on juvenile cases with specialized training in juvenile justice • Proportion of juvenile detainees provided with free legal assistance within 24 hours of the start of custody • Proportion of juveniles in custody receiving education/vocational training by trained teachers for same hours as student that age at liberty • Proportion of courts adapted to handling juvenile cases • Proportion of convicted juveniles sentenced to imprisonment • Proportion of juveniles accessing rehabilitation services after release 	<ul style="list-style-type: none"> • Proportion of convictions for serious offences in which the person convicted received legal assistance to consider seeking review by higher court/tribunal • Proportion of cases appealed by defendants or by prosecutors • Proportion of cases where the right to appeal is excluded or restricted to specific issues of law
Outcome	<ul style="list-style-type: none"> • Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyer of their own choice • Proportion of crimes (e.g. rape, physical assaults) brought before judicial authorities 	<ul style="list-style-type: none"> • Proportion of total hearings opened to general public • Proportion of adjudicated cases for which at least one irregularity in the pre-trial determination of charges was noted by the courts 	<ul style="list-style-type: none"> • Proportion of convictions obtained in absentia (in whole or in part) • Reported cases of guilt presumption and prejudgment by a court or public authorities (e.g. adverse public statements) 	<ul style="list-style-type: none"> • Number of children arrested/detained by 100,000 child population • Recidivism rates of juveniles 	<ul style="list-style-type: none"> • Proportion of criminal convictions in which sentence was reduced or a criminal conviction vacated or returned for retrial or resentencing
	<ul style="list-style-type: none"> • Conviction rates by type of adjudicated crimes (e.g. rape, homicide, physical assaults) and characteristics of victims and perpetrators (e.g. sex, juvenile) • Reported cases of arbitrary detentions in the reporting period • Reported cases of miscarriage of justice and proportion of victims who received compensation within a reasonable time 				
24.4.08	<i>All indicators should be disaggregated by prohibited grounds of discrimination as reflected in metasheets</i>				

Annex II

SAMPLES OF META-DATA SHEETS ON IDENTIFIED INDICATORS

Indicator 1	International human rights treaties, relevant to the right to life, ratified by the State (see structural indicators in the table on the right to life)
Definition	Proportion of international and regional human rights treaties, with direct reference and/or relevance to the realisation of the right to life, that have been ratified by the State. ‘International human rights treaties’ is used as a generic term embracing all instruments binding under international human rights law, regardless of their formal designation (e.g. Covenant, Convention or Optional Protocol). The reference to the ‘right to life’ follows primarily the formulation used in article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights and its elaboration in General Comment No. 6 of the Human Rights Committee.
Rationale	Ratification of an international human rights treaty reflects a certain acceptance of concerned human rights standards by a State and gives an indication, notably at international level, of a State’s commitment to undertake steps that help in the realisation of those rights. When the State has ratified a treaty it assumes a legal obligation to respect, protect and fulfil the human rights standards reflected in that treaty. The indicator is a <i>structural indicator</i> that captures the ‘commitment’ of a State to implement its human rights obligations.
Method of computation	<i>The indicator is computed as a ratio of the actual number of treaties ratified by the State to the reference list of treaties. A reference list of core international human rights treaties, including optional protocols, adopted and opened for ratification by the General Assembly of the United Nations is available at http://www2.ohchr.org/English/law/index.htm#instruments.</i>
Data collection and source	<i>The main source of data on the indicator is administrative records at the depository authority, namely the United Nations Office of Legal Affairs (see http://untreaty.un.org/ola/). The OHCHR website also presents this information and updates it periodically.</i>
Periodicity	<i>The indicator database is reviewed periodically and information can be accessed on a continuous basis.</i>
Disaggregation	<i>Disaggregation of information is not applicable for this indicator.</i>
Comments and limitations	The right to life finds its most general recognition in article 3 of the Universal Declaration of Human Rights. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right of every person to life, adding that this right “shall be protected by law” and that “no one shall be arbitrarily deprived of life”. The right to life of persons under the age of 18 and the obligation of States to guarantee the enjoyment of this right

to the maximum extent possible are both specifically recognized in article 6 of the Convention on the Rights of the Child, UDHR, article 3, ICESCR, article 12(2-a), CERD, article 5, ICRMW, article 9, CEDAW, article 12 and CRPD article 10 are other examples of provisions relevant to the right to life and this indicator.

The indicator provides information on acceptance by a State of international human rights standards and its intention or commitment to undertake steps to realise human rights in conformity with the provisions of the relevant instruments. It does not, however, capture the actual process of implementation or the results thereof.

Ratification constitutes an act whereby a State establishes its consent to be legally bound by the terms of a particular treaty. At the international level, it requires depositing a formal “instrument of ratification or accession” to the depository authority. At the national level, ratification may require a State to undertake certain steps, in accordance with its constitutional provisions, before it consents to be bound by the treaty provisions internationally. The process of ratifying a treaty is normally initiated with a State signing a treaty as a means of authentication and expression of its willingness to continue the treaty-ratification process. The signature qualifies the signatory State to proceed to ratification. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty. Accession is the term used in situations where the State has not signed the treaty beforehand, but has directly expressed its consent to become a party to that treaty.

The indicator does not reflect possible “reservation” entered by a State on a treaty. A reservation is a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that State. A reservation enables a State to accept a multilateral treaty as a whole by providing it with the possibility of not applying certain provisions with which it does not want to comply. Reservations can be made by a State when the treaty is signed, ratified or acceded to and in conformity with the objective and purpose of the treaty itself and the Vienna Convention of the Law of Treaties, 1969.

Indicator 2 **Time frame and coverage of national policy on sexual and reproductive health** (see structural indicators in the table on the right to health)

Definition The indicator refers to the date of adoption or the period for which the national policy statement on sexual and reproductive health has been put into effect at the country level. The indicator also captures the population coverage or the spatial administrative scope of the policy statement, such as in countries where there is division of responsibilities between the national government and the sub-national/local governments.

Rationale A national policy statement on a subject is an instrument that is expected to outline a government's objectives, policy framework, strategy and/or a concrete plan of action to address issues under that subject. While providing an indication on the commitment of the government to address the concerned subject, it may also provide relevant benchmarks for holding the government accountable for its acts of commission or omission concerning that subject. Moreover, a policy statement is a means to translate the human rights obligations of a State party into an implementable programme of action that helps in the realisation of the human rights. The indicator is a *structural indicator* that captures the 'commitment' of a State to implement its human rights obligations in respect of the 'sexual and reproductive health' attribute of the right to health.

Method of computation The indicator is computed separately for time frame or period of application and the coverage or administrative scope of the policy. Time frame is the date of adoption (e.g. 1/1/2006) of the policy statement by a country or the time period for which the policy should be implemented (e.g. 1/1/2006 - 1/1/2010). Coverage is computed as a proportion of sub-national administrative units or population covered under the ambit of national policy.

Data collection and source The main source of data is administrative records at the national and sub-national level.

Periodicity The indicator database can be normally reviewed and accessed on a continuing basis.

Disaggregation While disaggregation of information on the indicator is not conceptually feasible, a national policy may focus on specific areas, regions or population groups, in which case it may be desirable to highlight it.

Comments and limitations The indicator provides information on a State's commitment to undertake steps, outlining its policy framework and programme of action, to realise human rights in conformity with the provisions of relevant human rights standards on sexual and reproductive health. It does not, however, capture the actual process of implementation or the results thereof.

For many countries, national policy on sexual and reproductive health may not be a separate policy document; rather it may well be a part of general policy statement on health or a human rights action plan. Accordingly, a judgment may have to be exercised on the extent to which sexual and reproductive health issues and the relevant human rights standards on reproductive health are reflected in the national policy on health or the human rights action plan.

In its General Comment No. 14 (ICESCR Art. 12) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights elaborates on the need to develop comprehensive national public health strategy and plan of action to address the health concerns of the

population, including reproductive health. It underlines that such a strategy should inter alia be devised on the basis of a participatory and transparent process and include indicators and benchmarks relevant to monitor the right to health. The Committee points out that “Reproductive health means that women and men have the freedom to decide if and when to reproduce and the right to be informed and to have access to safe, effective, affordable, and acceptable methods of family planning of their choice as well as the right of access to appropriate health-care services that will, for example, enable women to go safely through pregnancy and childbirth.” Similarly, CEDAW Committee General Recommendation 24 (1999) points out that access to health care, including reproductive health, is a basic right under the Convention on the Elimination of All Forms of Discrimination against Women.

UDHR, article 25, ICESCR, articles 10(2) and 12, ICERD, article 5(e-iv), ICRMW, articles 28 and 43(e), CEDAW, articles 12 and 14(2-b) and CRPD article 25 are examples of provisions relevant to the right to health.

Indicator 3 **Date of entry into force and coverage of the right to education in the Constitution or other form of superior law** (see structural indicators in the table on the right to education)

Definition The indicator refers to the date on which provisions of the Constitution or other superior laws relating to the right to education became enforceable. The indicator also captures the spatial or population coverage of the relevant provisions related to the right to education, such as in countries where there is division of legal competencies between the national government and the sub-national or local governments. ‘Constitutional or other form of superior law’ refers to the system of fundamental laws that prescribes the functions and limits of government action and against which other supportive legislation is assessed for its validity. The reference to the ‘right to education’ follows primarily the formulation used in article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights and its elaboration in General Comment No. 13 of the Committee on Economic, Social and Cultural Rights. The right to education is also developed in other core international human rights treaties, such as in articles 23, 28 and 29 of the Convention on the Rights of the Child.

Rationale Inclusion of the right to education in the Constitution or other form of superior law reflects a certain acceptance of this right by a State and gives an indication, notably at the national level, of a State’s commitment to protect and implement this right. When the State has enshrined a right in its Constitution or other form of superior law, it also assumes a legal obligation to ensure that other legislation (national and sub-national legislation) is in

conformity with and not contradictory to the right. The indicator is a *structural indicator* that captures the ‘commitment’ of a State to implement its human rights obligations in respect of the right to education.

Method of computation	<i>The indicator is computed separately for the date of entry into force and the coverage or administrative scope of the law. The date of entry into force is the date on which the law or provision became enforceable. Coverage is computed as a proportion of sub-national administrative units or population covered under the law. Information on the date of entry into force should be provided with a direct and accurate link to the relevant provisions.</i>
Data collection and source	<i>The main source of data on the indicator is the legal records of the State.</i>
Periodicity	<i>The indicator data can be normally reviewed and accessed on a continuing basis.</i>
Disaggregation	<i>Disaggregation of information is not applicable for this indicator, however provisions under the Constitution or other superior law may have particular reference to the protection of the right to education for certain groups (e.g. minorities or girl child), in which case it may be desirable to highlight it.</i>
Comments and limitations	<p>This indicator provides information on the extent to which a State protects the right to education in its Constitution or superior laws, demonstrating its acceptance of international human rights standards and its intention or commitment to legally protect this right. It does not, however, capture the extent to which the legal protection of the right to education in the Constitution or superior laws is implemented and upheld at other levels of the legal system, nor how broadly or narrowly the right is applied, or the degree to which the right can be enforced and by whom. This indicator does not capture the actual process of implementation or the results thereof.</p>

This indicator could be difficult to assess if the right to education is not explicitly articulated in the Constitution or superior laws. Moreover, provision for the right to education in the Constitution does not necessarily mean that the right is being protected by law (for example, further judicial interpretations may have rendered the Constitutional protection meaningless). Likewise, a lack of Constitutional protection may lead one to believe that there is no recognition of the right when this may not be the case. For example, in some countries there are only a few rights written into the Constitution or superior laws, and it is left to the judiciary to interpret the rights as being implied. In this instance, a mere reading of provisions may yield an inaccurate conclusion on the enforcement and coverage of the concerned right. A correct reading, in such cases, requires a detailed analysis of relevant jurisprudence/case law or administrative decisions.

UDHR, article 26, ICESCR, articles 13 and 14, ICERD, article 5 (e-v), ICRMW, articles 30 and 43 (a-c), CRC, articles 23, 28 and 29, CEDAW, articles 10 and 14(2-d), and CRPD, article 24 are examples of provisions relevant to the right to education and this indicator.

Indicator 4	Proportion of births attended by skilled health personnel (see process indicators in the table on the right to health)
Definition	The indicator refers to proportion of deliveries attended by persons trained to give necessary supervision, care and counsel to women during pregnancy, labour and the post-partum period; to conduct deliveries on their own; and to care for newborns.
Rationale	Health and well-being of the woman and the child during and after delivery greatly depends on their access to birth delivery services, the quality of these services and the actual circumstances of delivery. All of these are influenced by the State health policies, public provisioning of health services and regulation of private health care. Indeed availability of professional and skilled health personnel to assist in child birth is essential for reducing mortality - maternal as well as of the child - during and after delivery. The indicator captures efforts being made by the State to promote and provide professional and skilled health personnel to attend to the medical needs of pregnancy and birth. It is a <i>process indicator</i> related to 'sexual and reproductive health' attribute of the right to health.
Method of computation	The indicator is computed as a ratio of births attended by skilled health personnel (doctors, nurses or midwives) to the total number of deliveries.
Data collection and source	<p>The main sources of data are country level administrative records maintained by local authorities, registration system for population data, records of health ministries and household surveys, including Demographic and Health Surveys.</p> <p>The World Health Organization (WHO) and the United Nations Population Fund (UNFPA) compile country data series based on these sources. The United Nations Children's Fund (UNICEF) also provides country data series through the implementation of its Multiple Indicator Cluster Surveys.</p>
Periodicity	In general, the indicator based on administrative records is available annually and the indicator based on household survey every three to five years.

Disaggregation Disaggregation of indicator by region or areas, for example between rural and urban areas, is useful in assessing disparities in the availability of health services. In addition, data should be disaggregated by the age of women (at least for women under the age of 18 years) and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities, indigenous and migrants) and socio-economic status (income or consumption expenditure quintiles).

Comments and limitations Skilled health personnel include only those who are properly trained and who have appropriate equipment and drugs. Traditional birth attendants, even if they have received a short training course, are not included.

CEDAW, in its General Recommendation No. 24 (1999), requests States to inform about the “supply of free services where necessary to ensure safe pregnancies, childbirth and post-partum periods for women. Many women are at risk of death or disability from pregnancy-related causes because they lack the funds to obtain or access the necessary services, which include antenatal, maternity and post-natal services. The Committee notes that it is the duty of States parties to ensure women’s right to safe motherhood and emergency obstetric services and they should allocate to these services the maximum extent of available resources.” The CESCR, in its General Comment No. 5 (1994) on Persons with disabilities, states that “Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy.”

UDHR, article 25, ICESCR, articles 10(2) and 12, ICERD, article 5(e-iv), ICRMW, articles 28 and 43(e), CEDAW, articles 12 and 14(2-b) and CRPD article 25 are examples of provisions relevant to the right to health.

This is a [Millennium Development Goal indicator](#).

Indicator 5 **Proportion of received complaints on the *right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment* investigated or adjudicated by the national human rights institution, human rights ombudsperson and other mechanisms, and the proportion responded to effectively by the government in the reporting period** (see process indicators in the table on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

Definition The indicator refers to the proportion of received individual complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment that were investigated or adjudicated by made to the national human rights institution, human rights ombudsperson and/or other officially recognised independent mechanisms during the reporting period. Where the mechanism transmits complaints to the government, or communicates in respect of the complaints, the indicator includes the proportion of such transmissions or communications that have received an effective response from the government. Useful guidance on what ought to

be included in a complaint can be found on the OHCHR website, notably in the model complaint form for communications to the Human Rights Committee, Committee Against Torture, Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination Against Women.

Rationale	The indicator captures to an extent the effort required of States to respect, protect and fulfil the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, in conformity with article 7 of the International Covenant on Civil and Political Rights, the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the provisions of other international laws. States parties must ensure that individuals have access to effective remedies to vindicate their right. States Parties should make appropriate reparation, take provisional or interim measures as necessary, as well as measures to prevent a recurrence of violations of the right, and ensure that those responsible are brought to justice (Human Rights Committee General Comment 31, CCPR/C//Rev.1/Add.13). It is a <i>process indicator</i> that reflects the willingness of States to take steps towards the realisation of the right.
Method of computation	The number of complaints is calculated as the sum of individual complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment received by all relevant independent bodies at national level. The proportion investigated or adjudicated is calculated as the ratio of the number of complaints received during the reporting period which were investigated or adjudicated to the total number of complaints received. The proportion effectively responded to by the government is calculated as the ratio of the number of complaints to which an effective response was made by the government to the total number of complaints communicated to the government during the reference period.
Data collection and source	The main sources of data are administrative records maintained by the national human rights institution, human rights ombudsperson and other mechanisms.
Periodicity	The information is normally compiled and published annually.
Disaggregation	To enable detection of the pattern of abuse against particular groups or in particular areas, the indicator should be disaggregated by region and the characteristics of the alleged victim (sex, age, ethnic/racial/national/religious/political affiliation, disability, sexual orientation, profession, whether or not detained at the time of the alleged abuse). Similarly, the indicator should be disaggregated according to whether the abuse is alleged to have been committed by a State agent, with the complicity/tolerance/acquiescence of a State agent, or by a private individual or individuals.

To have an overall assessment of the effectiveness of investigation and adjudication procedures, data related to this indicator should be disaggregated by the end result of the procedure.

Comments and limitations

Where there is a communication with a government, the indicator will require a judgement to be made on what constitutes an “effective” response. While an official denial without supporting evidence or investigation of the alleged facts will not meet the criterion of effectiveness, the precise application of the criterion may vary from case to case. An assessment of the effectiveness of the response is best carried out by the national human rights institution, human rights ombudsperson or other mechanism in a transparent manner and may involve considerations like timeliness and completeness of the response, its adequacy in responding to specific questions posed or suggestions for action, as well as the effectiveness of action initiated by the government, which may include investigation, release or changes in the treatment of a detained or imprisoned person, payment of compensation, amendment of legislation, etc.

The basic source of information for this indicator comes from *events-based data on human rights violations*. Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of torture or cruel, inhuman or degrading treatment or punishment, if used in a casual manner to draw generalised conclusions for the country as a whole. Moreover, in most instances, the number of cases reported to independent bodies depends on the awareness, access to information, motivation and perseverance of the alleged or potential victim, his or her family and friends, or civil society organisations in the country concerned.

The Human Rights Committee, in its General Comment No. 20 (1992) states, in its paragraph 14, that “the right to lodge complaints against maltreatment prohibited by article 7 must be recognized in the domestic law. Complaints must be investigated promptly and impartially by competent authorities so as to make the remedy effective. The reports of States parties should provide specific information on the remedies available to victims of maltreatment and the procedure that complainants must follow, and statistics on the number of complaints and how they have been dealt with.”

UDHR, article 5, CAT, articles 1-16, ICERD, article 5(b), ICRMW, articles 10 and 11, CEDAW, articles 2 and 16, CRPD article 15 and CRC articles 37 and 39, are examples of provisions relevant to the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Model questionnaires for complaints are available on the OHCHR website at <http://www2.ohchr.org/english/bodies/question.htm>.

Indicator 6 **Ratio of students to teaching staff in primary and secondary, public and private, education institutions** (see process indicators in the table on the right to education)

Definition The ratio of students to teaching staff or the pupil-teacher ratio is the average number of pupils per teacher at the level of education specified in a given school- year, based on headcounts for both pupils and teachers. Teachers or teaching staff include the number of persons employed full time or part time in an official capacity to guide and direct the learning experience of students, irrespective of their qualifications or the delivery mechanism, i.e. face-to-face and/or at a distance. This excludes educational personnel who have no active teaching duties (e.g. headmasters, headmistresses or principals who do not teach) and persons who work occasionally or in a voluntary capacity.

Rationale The ratio of students to teaching staff is an important indicator of the resources that a country devotes to education. To a limited extent, the indicator can also be interpreted as reflecting a qualitative aspect of education infrastructure in a country. Teachers are the most important resource in an educational environment, particularly at the primary and secondary levels. The student-teacher ratio provides a measure of students' access to teachers, and thus reflects an important element of the provisioning that the State may have to make for meeting its obligations on the realisation of the right to education This indicator is a *process indicator* related to the 'curricula and educational resources' attribute of the right to education.

Method of computation The indicator is computed by dividing the number of full-time equivalent students at a given level of education by the number of full-time equivalent "teachers" at that level and in similar types of institutions, in a given school year. Some data collection methods include counts of all teaching staff, and since all teaching staff includes staff with administrative duties and both full- and part-time teachers, comparability of these ratios may be affected as the proportion of part-time teachers may vary from one country to another.

Data collection and source *The main source of data at the country level is administrative records on school enrolments and staff strengths maintained by the relevant public agencies.*

The UNESCO Institute for Statistics (UIS) compiles and provides national level information on the pupil-teacher ratio for both primary and secondary education, based on data reported by national education ministries or national statistical agencies. The information is gathered through questionnaires sent annually to countries and is made available by UIS with a two years lag with respect to the reference year.

While information on this indicator is not currently collated on a disaggregated basis for public and private schools at the international level, it should generally be available at the national level and could be useful to report in instances where there may be significant differences in the quality of public and private education at the primary and secondary levels.

- Periodicity** For most countries the pupil-teacher ratio is available annually.
- Disaggregation** Beyond the disaggregation referred to in the indicator itself (primary/secondary, public/private) further disaggregation may be necessary for this indicator, for instance, by region or areas. A break-up for rural and urban areas, is useful in assessing possible disparities across different regions. In addition, it may be useful to disaggregate the data for teaching staff and students by sex and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities, indigenous, migrant children, children with disabilities).
- Comments and limitations** Teachers are the most important resource in an educational environment, particularly at the primary and secondary levels. The student-teacher ratio provides a measure of students' access to teachers, and thus reflects an important element of the provisioning that the State may have to make for meeting its obligations on the realisation of the right to education.

Because of the difficulty of constructing direct measures of quality of education being imparted, this indicator is also used as a proxy for assessing the education quality, on the assumption that a smaller ratio of students to teaching staff means better access by students to teaching resources. A lower ratio would generally imply that a teacher can potentially pay more attention to individual students, which may, in the long run, result in a better performance of students. There may be situations where such a conclusion may not be true due to accountability issues and ineffective use of teaching resources. However, a very high ratio of students to teaching staff certainly suggests insufficient professional support for learning, particularly for students from disadvantaged home backgrounds.

“Teaching staff” refers to professional personnel directly involved in teaching students. The classification includes classroom teachers; special education teachers; and other teachers who work with students as a whole class in a classroom, in small groups in a resource room, or in one-to-one teaching inside or outside a regular classroom. Teaching staff also includes chairpersons of departments whose duties include some amount of teaching, but it does not include non-professional personnel who support teachers in providing instruction to students, such as teachers' aides and other para-professional personnel.

The concept of a ratio of students to teaching staff is different from that of class size. Although one country may have a lower ratio of students to teaching staff than another, this does not necessarily mean that classes are smaller in the first country or that students in the first country receive more teaching inputs. The relationship between the ratio of students to teaching staff and average class size is influenced by factors like differences between countries in the length of the school year, the annual number of hours for which a student attends class, the annual time teachers are expected to spend teaching, the grouping of students within classes, and the practices related to team learning.

This indicator does not take into account differences in teachers' qualifications, pedagogical training, experiences and status, teaching materials and variations in classroom conditions, factors which could affect the quality of teaching/learning.

UDHR, article 26, ICESCR, articles 13 and 14, ICERD, article 5 (e-v), ICRMW, articles 30 and 43 (a-c), CRC, articles 23, 28 and 29, and CEDAW, articles 10 and 14(2-d) are examples of provisions relevant to the right to education and this indicator.

Indicator 7	Reported cases of forced evictions in the reporting period (see outcome indicators in the table on the right to adequate housing)
Definition	This indicator refers to the number of reported individual cases of forced eviction during the reference period. "Forced eviction" is defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to appropriate forms of legal or other protection" (General Comment No. 7, ICESCR).
Rationale	The Committee on Economic, Social and Cultural Rights has observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It has argued that forced evictions are <i>prima facie</i> incompatible with the requirements of the ICESCR (General Comment No. 7). Moreover, given the interdependence of all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the ICESCR, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. It is an <i>outcome indicator</i> intended to analyze the degree to which States protect the security of tenure.
Method of computation	The indicator is computed as a head count of all reported cases of forced eviction in a specific period of time.

- Data collection and source** The main data source for this indicator is records maintained by national human rights institutions, non-governmental organisations and in certain instances records of administrative agencies responsible for or monitoring rehabilitation.
- Periodicity** Information on the indicator should be available on a periodic basis. It is often reported annually by organisations monitoring security of tenure.
- Disaggregation** In order to be meaningful, the information on this indicator should be disaggregated by sex and age (at least for children or young people under the age of 18 years) and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities and migrants) and socio-economic status (income or consumption expenditure quintiles).
- Comments and limitations** The indicator can be one good summary measure of the realisation of the right to adequate housing. Yet like all indicators that are based on *event-based data on human rights violations* and depend on multiple information sources, the indicator may suffer from reliability issues. It may underestimate (or sometimes, though rarely, even overestimate) the incidence of forced evictions, if used in a casual manner to draw generalised conclusions for the country as a whole. Moreover, in most instances, the number of cases reported would depend on the awareness, access to information, motivation and perseverance of the civil society organisations agencies and the media in following the relevant events.

The term “forced evictions” is, in some respects, problematic. This expression seeks to convey a sense of arbitrariness and of illegality. For many observers, the reference to “forced evictions” is a tautology, while others have criticized the expression “illegal evictions” on the ground that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant, which is by no means always the case. Similarly, it has been suggested that the term “unfair evictions” is even more subjective by virtue of its failure to refer to any legal framework at all. The international human rights community, especially in the context of the UN human rights system, has opted to use “forced evictions”, primarily because all suggested alternatives also suffer from certain ambiguities. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their

particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of ICESCR impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

UDHR article 25, ICESCR article 11, CERD article 5, CEDAW article 14, CRC article 27, CMW article 43 and CRPD article 28 have references of relevance to the indicator. The CESCR also recognizes legal security of tenure under its General Comment No. 4 (1991) on the right to adequate housing: “Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats”.

Some institutions, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD) have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects.

Indicator 8	Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyers of their own choice (see outcome indicators in the table on the right to fair trial)
Definition	The indicator measures the ratio of conviction rate of defendants who were provided with free legal representation to that of defendants who had legal counsel of their own choice, in the reporting period. Though the indicator could be used separately for the two conviction rates, it is more useful when used as a ratio of the two.
Rationale	Article 14(3)(d) ICCPR provides that defendants should have legal assistance assigned to them, in any case where the interests of justice so requires, and without payment if they do not have sufficient means to pay for it. The Human Rights Committee, in its General Comment 32, states that “Counsel provided by the competent authorities on the basis of this provision must be effective in the representation of the accused”. Furthermore, blatant incompetence by assigned counsel may entail the responsibility of the State. The indicator is an <i>outcome indicator</i> that relates to the access to and equality before the courts attribute of the right to a fair trial. As such, it measures the extent to which equality is achieved in practice.

Method of computation	The indicator is computed separately for defendants provided with legal representation and for defendants with a lawyer of their own choice before taking the ratio of the two. For each group, the indicator is calculated as the ratio of the number of defendants in that group who were convicted to the total number of defendants in that group who stood trial during the reporting period.
Data collection and source	The main sources of data are court records and reports of the office of the prosecutor at the national or sub-national level.
Periodicity	The data, if compiled, should be available on an annual basis.
Disaggregation	The indicator should be disaggregated by type of crimes (e.g. homicide, rape, assault, robbery, etc.), stage of proceedings (first hearing or appeal), and by region or administrative unit. It should also be disaggregated by characteristics of the defendant, in particular by sex, age (at least for children or young people under the age of 18 years), and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities, migrants, persons with disabilities, sexual orientation).
Comments and limitations	<p>The indicator is a good measure of the relative level of competence of assigned lawyers, and thus of the effective implementation of the right to a fair trial regardless of economic status of the defendant. However, particularly in regions or States with a small number of cases, the indicator should not be over-analysed; each case must be assessed on its own merits. It may also be useful to use this indicator jointly with an indicator on the nature and average length of sentences for indigent defendants and defendants with lawyers of their own choice.</p> <p>UDHR articles 10-11, ICCPR articles 14-15, ICERD article 5(a), CEDAW article 2, CRC articles 12(2), 37(d) and 40, ICRMW articles 16(5-9) and 18, and CRPD article 13, are examples of references of relevance to the right to a fair trial.</p>
Indicator 9	Infant mortality rate (see outcome indicators in the tables on the right to life, the right to adequate food and the right to health)
Definition	The indicator refers to infants dying before reaching the age of one year per 1000 live births during the specified period.
Rationale	As a measure of child survival, the infant mortality rate is a key socio-economic statistic for many human rights, including the right to life, the right to health and the right to adequate food. The level of this indicator can be potentially influenced by a wide range of economic, social, political and environmental determinants. As a consequence, the indicator will be

particularly important in the monitoring of the results of State parties' actions in fulfilling their obligations in creating favourable and necessary conditions in which infant mortality rates are minimised. In the tables of indicators, it has been identified as an *outcome indicator* for the right to life, the right to health and the right to adequate food.

Method of computation	The indicator is computed as number of deaths of infants under one-year of age per 1000 live births in that year. The number of deaths is divided by the number of births and the result is multiplied by 1000.
Data collection and source	<p>The main sources of data at the country level are national administrative records, including the vital statistic registration system and records of statistical agency, sample surveys, population censuses and household surveys, including Demographic and Health Surveys.</p> <p>The World Health Organisation (WHO) compiles aggregate country data series based on administrative and survey data. The United Nations Children Fund (UNICEF) also provides country data series in its Multiple Indicator Cluster Surveys.</p>
Periodicity	In general, the indicator based on administrative records is available annually, and the indicator based on household surveys every 3 to 5 years.
Disaggregation	Disaggregation of indicator by geographic or administrative regions, for example between rural and urban areas, is essential in assessing disparities in the infant mortality pattern across different regions. In addition, the indicator should be disaggregated by cause of death, by sex and, as applicable, by relevant demographic groups (e.g. ethnic groups, indigenous, minorities, migrants) and socio-economic status (income or consumption expenditure quintiles).
Comments and limitations	<p>The indicator is widely used and can be a good summary measure of the realisation of the right to life, the right to highest attainable standard of physical and mental health and the right to adequate food. The infant mortality rate is considered to be a more robust estimate than the under-five mortality rate if the information is drawn from vital statistics registration covering at least 90 per cent of vital events in the population. For household surveys, infant mortality estimates are obtained directly (Demographic and Health Surveys) or indirectly (Multiple Indicator Cluster Surveys). When estimated indirectly, the under-one mortality estimates must be consistent with the under-five mortality estimates.</p>

Girls have a survival advantage over boys during the first year of life, largely based on biological differences. This is especially so during the first month of life when perinatal conditions are most likely to be the cause or a contributing cause of death. While infant mortality is generally higher for

boys than for girls, in some countries girls' biological advantage is outweighed by gender-based discrimination. However, under-five mortality better captures the effect of gender discrimination than infant mortality, as nutrition and medical interventions are more important after age one.

In its General Comment No. 14 (ICESCR Art. 12) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights interprets that “the provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child” (Art. 12.2(a)) may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information.

In its General Comment No. 6 (ICCPR Art. 6) on the right to life, the Human Rights Committee noted that the right to life has been too often narrowly interpreted. The expression “inherent right to life” cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In this connection, the Committee considers that it would be desirable for States parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics.

Administrative and household survey data may underestimate infant mortality. It is also important that the main causes of mortality be carefully investigated to ascertain the extent to which it is caused by poor healthcare services, poor health conditions of infants and health problems of their mothers and/or due to some other extraneous reasons that are difficult to anticipate so that policy measures may be suitably formulated to address the problem.

UDHR articles 3 and 25, ICESCR articles 10-12, ICCPR articles 6, ICERD article 5, CEDAW article 2, 12 and 14, CRC articles 6, 27 and 24, ICRMW article 9, 28 and 43, and CRPD article 10, 28 and 25 are examples of references of relevance to the indicator.

This is a [Millennium Development Goal indicator](#).
