

# Development indicators at the service of human rights monitoring

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## International commitments and human rights

The General Assembly of the United Nations approved the Universal Declaration of Human Rights on 10 December 1948. Since then governments have signed a series of fundamental international treaties<sup>2</sup> on human rights that are legally binding at the international level. These international treaties and conventions proclaim specific rights that are indivisible and inalienable. The rights they proclaim are indivisible because human realization depends on the enjoyment of all human rights, and the deprivation of one specific right directly or indirectly affects the enjoyment of all the rights; they are inalienable because they cannot be taken away even if they are not exercised.

A long list of rights are consecrated through international agreements such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), including the right to life and physical integrity, to think and express oneself freely, to participate in the government of one's own country, to not be arrested without legal cause, to be judged with the guarantee of impartiality, and to own property, as well as the right to health, education, decent housing, freedom from discrimination, decent work for everyone and the rights of children, among others.

Upon signing and ratifying these international treaties, countries contracted certain obligations within the international system for protecting human rights. Among them are the commitment to guarantee the fulfilment of rights at the national level, by passing laws and implementing policies oriented toward their realization; to respect, promote and protect these rights; and to inform the United Nations on progress toward implementing these rights at the national level, presenting periodic reports before the respective watchdog organizations.<sup>3</sup>

In addition, throughout the 1990s the United Nations held a series of international conferences<sup>4</sup> that dealt with the major themes emerging in the area of social development, and the Declarations or Programmes of Action adopted at these meetings have given rise to a group of principles and commitments that have been assumed internationally.

The international commitments of these Summits have included diverse themes related to social development:

- extreme poverty and hunger
- universal access to primary education
- gender equity
- the health of the population (infant mortality, maternal health, HIV/AIDS, malaria and other diseases)
- environmental sustainability
- guidelines on forms of international cooperation to promote development, especially in the poorest countries.

In 1995, the Copenhagen Declaration adopted at the World Conference on Social Development introduced for the first time the quantification of the diverse goals by way of certain indicators considered key for the monitoring and achievement of the commitments in different areas of social development. Minimum thresholds were established that the countries would have to reach before the year 2000 for these goals to be successfully met.

Since 1995, Social Watch<sup>5</sup> has held governments, the United Nations and international organizations accountable by monitoring progress toward the achievement of the development commitments assumed at the international level for gender equity and the eradication of world poverty.

The Social Watch annual reports track the status of countries around the world with regard to poverty and monitor how governments are implementing policies to fulfil the commitments assumed, in particular during the World Summit on Social Development (Copenhagen, 1995) and at the Fourth World Conference on Women (Beijing, 1995), as well as the most recent goals expressed in the Millennium Declaration (New York, 2000).

Social Watch has contributed innovative methodological proposals for the creation of tools to evaluate the pace at which governments are advancing toward these goals. Based on the information available in official international statistical sources, Social Watch has designed specific indicators that allow for comparing the degree of advances and setbacks in countries around the world, as well as the sufficiency or insufficiency of the improvements made toward the assumed goals.

In 2000 the General Assembly of the United Nations presented the Millennium Declaration, which gave rise to new targets for 2015: the Millennium Development Goals (MDGs). These goals redefined previous targets in both quantitative and qualitative terms. While Social Watch has carried out a critical revision of the operationalization of the goals established in the Millennium Summit,<sup>6</sup> the MDGs are nonetheless considered a minimum threshold and important point of reference for monitoring social development and human security in the broadest sense.

Since 2004 the monitoring strategy of Social Watch has focused on a set of basic areas of social development that goes beyond what is strictly proposed by the MDGs. Criteria that permit the analysis of human security have been incorporated and strengthened. Toward that end, Social Watch presents in its annual report a series of statistical tables designed to allow country by country analysis of basic indicators in the different areas of social development.<sup>7</sup> The dimensions addressed by

1 The members of the Social Watch Research Team are listed in the credits at the start of this book.

2 Universal Declaration of Human Rights, 1948; International Convention on the Elimination of All Forms of Racial Discrimination, 1965; International Covenant on Economic, Social and Cultural Rights, 1966; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; United Nations Convention on the Rights of the Child (1989).

3 Social Watch annual reports monitor these last categories. See the table "Human Rights International Treaties: how do countries fulfil their obligations".

4 Second United Nations Conference on Human Settlements (Habitat II), Fourth World Conference on Women, International Conference on Population and Development, World Conference on Human Rights, United Nations Conference on Environment and Development, World Summit for Children (WSC), World Summit for Social Development.

5 The International Secretariat of Social Watch is based at the Instituto del Tercer Mundo (ItEM) in Montevideo, Uruguay. ItEM is one of the founding organizations of the Uruguayan Chapter of the Inter-American Platform on Human Rights, Democracy and Development.

6 The redefinition of the goals has meant for many areas reduced aims, meaning fewer demands on governments, focusing primarily on the countries in the worst situation.

7 The indicators selected for defining and evaluating these basic areas of development respond not only to conceptual criteria but also to functional criteria based on the evaluation of coverage and the international comparability of the indicators. In several areas the decision was made to include indicators that, in spite of having high correlations between them, assure that these areas are represented even when some of the indicators are absent from the summary value.

*"Everyone has the right to education. Education shall be free... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding [and] tolerance..."*

Universal Declaration of Human Rights, Article 26, 1948.

*"To ensure that [by 2015] children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education."*

Millennium Declaration, Paragraph 19, 2000.

## HUMAN RIGHTS

The **right to universal education** is enshrined in:

**Universal Declaration of Human Rights (1948):** Art. 26

**International Convention on the Elimination of All Forms of Racial Discrimination (1965):** Art. 5

**International Covenant on Economic, Social and Cultural Rights (1966):** Art. 13 & 14

**Convention on the Elimination of All Forms of Discrimination against Women (1979):** Art. 5, 10 & 14

**Convention on the Rights of the Child (1989):** Art. 28 & 29

## INTERNATIONAL COMMITMENTS

**Education** is considered in:

**Millennium Development Goals - Goal 2**

**World Summit for Social Development - Commitment 1**

**Fourth World Conference on Women - Beijing Platform for Action - Critical Areas of Concern**

these indicators also represent thematic areas relevant to the understanding of poverty from a multidimensional perspective.

### Beyond political will

The link between social development goals and economic, social and cultural rights is reflected in the tables presented in the Social Watch report. Both the goals and the rights concern issues such as health, education, housing, access to drinking water, work and international cooperation. One might surmise, then, that the concept of social development springs from the same source as the idea of the complete realization of the human being. In this sense one might say that these "agreements" compile a series of values or ethical principles that society has defined as fundamental for people to live with dignity.

The ICESCR, as with other international treaties on human rights, and unlike the declarations issued at United Nations conferences, is not a commitment of political will, but rather an enforceable legal commitment. The treaties are a matter of state and countries are obligated to respect the commitments signed and ratified by their governments.

Social Watch analyzes the performance of the world's countries with regard to meeting the MDGs and realizing and promoting the economic, social and cultural rights.

In this analysis each one of the commitments assumed at the Social Summits has been linked

to its corresponding Human Rights Covenant. One aspect that is very relevant for this comparison is that in both cases, these instruments are backed by the near-unanimous approval of world governments, given that the majority have signed and/or ratified them.

By means of example, let us take the area of **EDUCATION** and analyze which articles within the International Human Rights Conventions deal with the right to education, at the same time that we review the basic social development commitments.<sup>8</sup>

This linkage allows us to show how the achievement of commitments assumed internationally in United Nations international conferences has an enforceability that goes beyond mere political will of national governments. An international legal framework transforms these commitments into obligations.

The commitments to guarantee food security, universal access to education, health care improvements, gender equity, access to reproductive health services, access to information and to an adequate environment including housing are intrinsic **rights** of all human beings and thus cannot be granted or withheld, but rather must be guaranteed and protected.

Governments have the obligation to respect, protect and do everything within their power to ensure the respect and fulfilment of these rights. Human rights are universal, which means that they are valid and possess legal force anywhere in the world. At the same time they are also indivisible, together constituting a group of rights that cannot be divided.

At the same time, the thematic tables reflect the progress and regression in people's quality of life through the evolution of a series of basic indicators (access to education, health coverage, access to drinking water, women's participation in decision making, etc.).<sup>9</sup>

Progress and regression are evaluated on a scale comprising five categories and indicated in the tables by a column entitled "Progress and Regression."<sup>10</sup>

Let us take as an example some countries in the table on Education:<sup>11</sup>

<sup>8</sup> This does not imply disregard for commitments adopted at conferences of specific UN bodies, such as UNESCO, World Health Organization (WHO), etc.

<sup>9</sup> Available information from as close to 1990 as possible was taken as the starting point (except when information for all countries is more recent) and compared with the most recent figures available for each country.

<sup>10</sup> See the section on Methodology.

<sup>11</sup> See the complete table in the section of statistical tables.

PRESENT SITUATION		BCI RANKING (OUT OF 162 COUNTRIES)	LITERACY (15-24 YEARS OLD)			PRIMARY SCHOOL ENROLMENT RATE (NET)			CHILDREN REACHING 5TH GRADE	SECONDARY SCHOOL ENROLMENT RATE (NET)			TERTIARY SCHOOL ENROLMENT RATE (GROSS)		
			1990 (%)	2005 (%)	Progress or regression	1991 (%)	2004 (%)	Progress or regression	2003 (%)	1991 (%)	2004 (%)	Progress or regression	1991 (%)	2004 (%)	Progress or regression
○	Benin	126	40.4	59.0	→	41.0	82.6	→	69.4	15.9 <sup>N</sup>	17.1 <sup>P</sup>	→	2.4	3.0 <sup>P</sup>	
●	Canada	28				97.7	99.5 <sup>P</sup>			88.8	94.1 <sup>N</sup>	→	95.2	57.2 <sup>Q</sup>	←
●	Philippines	117	97.3	99.2		96.5	93.8 <sup>R</sup>	←	76.0 <sup>Q</sup>	49.3 <sup>M</sup>	59.2 <sup>R</sup>	→	27.1	29.4 <sup>R</sup>	
●	Portugal	6	99.5	99.8		98.4				82.9 <sup>N</sup>	82.3 <sup>R</sup>		23.0	55.5 <sup>R</sup>	→
○	Tunisia	70	84.1	95.7	→	94.1	97.2 <sup>R</sup>	→	96.2 <sup>Q</sup>	69.3 <sup>P</sup>	64.0 <sup>R</sup>	←	8.5	26.2 <sup>R</sup>	→
○	West Bank and Gaza	67				97.5 <sup>N</sup>	86.3	←		76.2 <sup>N</sup>	89.4	→	11.0 <sup>M</sup>	37.9	→

### The development indicators viewed from the perspective of the economic, social and cultural rights

From a human rights perspective, the indicators allow us to draw another lesson. Based on Article 2 of the ICESCR, it is possible to use these development statistics as tools to evaluate the current situation and the progress of the economic, social and cultural rights.

ICESCR, Article 2:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

At least two points which spring from this article show the pertinence of the use of indicators for monitoring and the contribution they can make through the work of Social Watch.

The first is the characteristic of **progress** and, above all, the absence of **regression**, which generates a commitment on the part of the governments and whose primary evaluation can be realized through indicators. The evolution across time of specific plans and processes implemented by governments to gradually guarantee the full exercise of rights can be monitored using indicators that demonstrate the result of these initiatives.

When it is said that a country falls back in one of the areas involved in the international development goals, it is evident that the country is not fulfilling its obligation to progress toward realizing that

right; nevertheless, to speak of violating a right it is necessary to have more information to that effect, because in general, violations of human rights are complex. Nevertheless, a situation of regression can signal a possible violation.

In the case of education, for example, the indicators Social Watch uses encompass some basic elements related to the right to education. Primary school completion rates reflect the results of actions taken to achieve universal access to primary education; stated differently, they show whether all boys and girls have access to the educational system. Nevertheless, access alone does not guarantee the fulfilment of the right to education. Monitoring must include at the least an examination of whether children can complete the first cycle of education. Thus the indicator "Children reaching 5<sup>th</sup> grade" may be used to evaluate to what extent public actions are permitting younger citizens to effectively exercise their right to gain an education, to the extent that they are staying in the system through at least the basic cycle of primary education.

Finally, literacy rates for young people between the ages of 15 and 24 indicate the results of recent steps taken to promote education. Nevertheless, as an indicator of results, these statistics are quite basic, as the classification of individuals as "literate" does not mean that they are fully exercising their right to an education.

With respect to an international comparison of statistics in the same area, the possibilities are limited to a small group of indicators. Nevertheless, within each country, the possibilities of monitoring based on specific indicators are much broader.

As part of their obligations in the area of human rights, states must produce the information necessary to diagnose and evaluate progress in the actions undertaken to guarantee the fulfilment of rights. At the same time, these indicators must be adapted to the realities and the goals proposed by each particular country.

In the area of education, for example, there are many countries where access to primary education and keeping children in the system throughout the basic primary school cycle are currently the principal challenge. Nevertheless, in other countries the greatest obstacle to realizing the right to education

is no longer at this level, but instead lies in assuring, for example, determined educational content and practices that guarantee a quality education for all students across the country. This means that it is necessary to consider other indicators that reveal evolution in the area of educational quality and not just access. In any case, to monitor against regression, it is necessary to continue following indicators of access and permanence within the system.

A second fundamental point that springs from the ICESCR and Article 2 in particular refers to the obligation on the part of governments to guarantee that rights are exercised by all members of society, without any form of discrimination. The governments have committed themselves not only to the ICESCR but also to conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, and to taking the action necessary to achieve these objectives.

In this case, to return to the example of education, when we analyze educational coverage rates and more specifically school completion rates, it is necessary to analyze who is being excluded from the system, beyond the numbers alone. It is possible to identify if these children belong to communities, groups or specific territorial areas which could mean they face discrimination. That is to say, the statistics also help us identify possible cases of discrimination if we use indicators that break down exactly which people are those "that are not included".

Gender equity is another area that Social Watch monitors in countries around the world. Both the tables on gender equity (in education, economic activity and empowerment) and the Gender Equity Index are fundamental tools for evaluating the progress made by countries in one of the most serious areas of discrimination. Once again, the lack of indicators that can be compared on an international level limits options for monitoring the distinct sources of discrimination, in particular discrimination on the basis of gender, but also on the basis of ethnicity and race.

At the national level in each country, nevertheless, greater possibilities should exist for adequate

indicators to allow monitoring of the reduction in inequities that translate into forms of discrimination against the exercise of rights.

## Conclusion

The information compiled and articulated in the international treaties on human rights and in the commitments assumed in previous UN conferences and in the Millennium Development Goals can constitute yet another lobbying tool that can be used by organizations to press their governments to take action aimed at the eradication of poverty and its causes, with the goal of ensuring equitable distribution of wealth and the realization of human rights.

Upon signing and/or ratifying the ICESCR, the governments committed themselves to doing everything possible to guarantee the progressive enjoyment of the rights therein articulated. To that end, policies and programmes to ensure basic development objectives must have as their objective the enjoyment of these rights by all members of society. In other words, the governments are committing themselves to taking actions with a focus on human rights. This means that each policy or programme implemented by the government must ensure that the distinct themes encapsulated therein consider the general framework of human rights.

The legal force of human rights can recast the struggle for social development in new terms. If civil society groups can base their lobbying efforts on the legal commitments unfulfilled by their governments, it will provide them with a more powerful tool in the pursuit of social development goals.

In that sense, the availability of specific measurements and a systematic monitoring programme for the fulfilment of rights constitute decisive contributions to the monitoring of commitments assumed in each state. ■

## WHEN INFORMING IS A STATE OBLIGATION AND A CITIZEN RIGHT

States have the obligation to immediately adopt measures to advance toward the progressive realization of rights. The results may take time to materialize, but the measures must be implemented immediately. Among the measures to adopt, the states have the obligation to revise national legislation to bring it into harmony with legal obligations that the state has contracted upon ratifying a document of international law. In addition to legislative measures, the states must adopt other measures of an administrative, judicial, economic and educational character, among others.

In order to be able to adopt pertinent measures of progress in the area of human rights, states must have information related to the status of each right. Consequently, other concrete obligations arise. The state has the obligation to produce information that allows for diagnosis of the current situation relative to each right, making known in particular the situation in the sectors that are especially vulnerable or those that might face discrimination. The state must also guarantee the broadest access to this information, favouring its free circulation, appropriation and the possibility of criticism stemming from it.

The state must design policies and define priorities compatible with the commitments of international law related to human rights, adopting plans of action that set forth goals and concrete timetables. The state must broadly publicize these plans favouring and promoting the broadest participation possible both in the process of policy design and in monitoring. The state must make periodic evaluations from a rights perspective and must explain the reasons why some of the goals might not have been reached.

The policies are aimed at guaranteeing the progressive realization of rights and in this sense create an obligation for progress whose fulfilment is evidenced in the periodic evaluations based on the established goals. They also imply an obligation against regression that is immediately applicable when state action has the effect of setting back the degree to which a right has been respected. Any measure that deliberately creates regression must become the subject of a careful examination and can only be justified with reference to all of the rights consecrated and in light of complete utilization of the resources available. ■