HUMAN RIGHTS IN THE DATA REVOLUTION: CATALYST OR CASUALTY?

Dialogue: Data and Accountability for the Post-2015 Development Framework
New York, January 29-31, 2014
WHY ARE HUMAN RIGHTS IMPORTANT IN THE POST-2015 DEVELOPMENT FRAMEWORK?

- **Realizing human rights as the goal of development**: “the ultimate aspiration of the development agenda beyond 2015 is to create a just and prosperous world where all people realize their rights and live with dignity and hope” *(Secretary General’s Report)*

- **Aligning the SDGs with the human rights framework can tackle MDG shortcomings**: inequality-blindness, reductive scope, skewed accountability.

- **Human rights as an accountability framework** for post-2015:
  - universally agreed framework of rights and duties that specify who is accountable to whom, for what, and how.
  - Reinforces three dimensions of accountability in development: responsibility, answerability, enforceability *(CESR and OHCHR, 2013)*
WHY IS DATA NECESSARY TO SECURE HUMAN RIGHTS ACCOUNTABILITY IN DEVELOPMENT?

Better data makes it possible to:

- **uncover economic and social rights deprivations** that would otherwise remain invisible

- **assess whether governments are complying with their obligations** to realize these rights progressively using the maximum of available resources, without discrimination

- **Example: Visualizing Rights in Egypt** linked rising poverty to stagnant social policies in post-revolutionary Egypt
HUMAN RIGHTS UNDERPIN A TRANSFORMATIVE DATA REVOLUTION

- Agreement on the need for the data revolution to be **empowering and transformative**. But actually achieving this is much less certain.

- The human rights framework can contribute to a transformative data revolution by **offering guidance on**:
  - **What** data should be prioritized?
  - **How** should data be collected, analyzed and disseminated?
  - **Who** are the users of data, and for what purpose?
Obligations of Conduct

- To take steps (legislative, judicial, budgetary, administrative and other) to fulfill ESCR
- To generate and allocate maximum available resources to the realization of rights, including resources provided through international cooperation
- To ensure participation, accountability and transparency in the policy-making process

Obligations of Result

- Minimum core obligations: immediate duty to prioritize achieving minimum essential levels of rights enjoyment universally
- Progressive realization: move swiftly towards increased levels of rights enjoyment, with no deliberate retrogression
- To ensure relevant infrastructure, goods and services are increasingly available, accessible to all, acceptable and of adequate quality
- Non-discrimination: duty to ensure substantive equality
- To protect against violations by non-state actors.

Prioritize data that measures human rights standards
HOW? Ensure rights holders can meaningfully participate in data initiatives

Initiatives to facilitate local data collection

• Great potential to spark grassroots ‘demand’ for data.
• But must be genuinely participatory, not extractive.

Initiatives to open up official statistics

• Improve data literacy so that methodology for collecting and analyzing data is understood and seen as legitimate by community.
• Acute need to create feedback loops between national statistical offices and people.

Initiatives to harness ‘big data’

• Important to counter risk of dehumanization by placing a premium on “experiential” expertise.
• Right to privacy must be a guiding principle.
Focus on human rights accountability mechanisms as info-mediaries

- Theory of change: data + *in the hands of* affected communities + translated into a rights claim + channeled through an accountability mechanism = change.
- So strengthening the statistical capacity of these mechanisms needs to be a focus of the data revolution.

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<th>National accountability</th>
<th>International accountability</th>
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<td><strong>Social</strong>: e.g. community-based auditing, media, movement building</td>
<td><strong>International human rights mechanisms</strong>: e.g. treaty bodies, Human Rights Council</td>
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<td><strong>Political</strong>: e.g. parliamentary committees</td>
<td><strong>Intergovernmental political bodies</strong>:</td>
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<td><strong>Administrative</strong>: e.g. codes of conduct, citizen consultation groups</td>
<td><strong>Transnational regulatory frameworks</strong></td>
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<td><strong>Independent oversight bodies</strong>: e.g. national human rights commissions and ombuds-offices</td>
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<td><strong>Judicial</strong>: national courts</td>
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FINAL THOUGHTS

- **High expectations** around a post-2015 framework that serves to advance human rights accountability.

- The post-2015 accountability infrastructure must be more than a weak system of voluntary monitoring and crowdsourced opinion polls— it must serve to reinforce a web of accountability mechanisms.

- Fetishizing data risks overstating its capacity to shift power. Real power shift comes from seeing people as citizens and rights-holders not users and consumers.