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Experiences in collecting and using gender indicators for policymaking

Challenges in measuring equality and human rights

Note by the Equality and Human Rights Commission, United Kingdom¹

Summary

The United Kingdom's Equality and Human Rights Commission has a statutory remit to monitor equality and human rights in British society and to report to the UK Parliament every five years. As a National Human Rights Institution it also has a role in monitoring international conventions. The Measurement Framework is being developed for both these purposes. This paper describes the development and population of the Framework to date, and considers continuing challenges.

I. Introduction

A. Background

1. The Equality and Human Rights Commission's (EHRC's) purpose is to protect and promote equality and human rights in Great Britain, and it has been given a range of statutory powers and duties, which are set out in the Equality Acts. As a UN National Human Rights Institution (NHRI) it operates in accordance with the Paris Principles. It is

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also a National Equality Body (NEB) as mandated by the European Union Equal Treatment Directive.

2. The Commission has statutory obligations to monitor progress towards the aims in the Equality Acts and to assess the UK's compliance with the international human rights framework. The Commission is using a Measurement Framework to fulfil these requirements.

3. This paper outlines the process of developing and populating the Measurement Framework to date, starting with equality in Section II and the addition of human rights in Section III. Ongoing challenges relevant to the further development of the Framework and its communication to stakeholders are discussed in Section IV.

II. Developing the Framework for Equality

A. The underlying structure

4. Around the time of the establishment of the EHRC in 2007, work began to develop an approach to monitoring social outcomes from an equality and human rights perspective, providing a baseline of evidence to inform policy and campaigning priorities. This took as its basis both the capability approach developed by Amartya Sen and the international human rights framework. See Burchardt and Vizard (2007) and Alkire et al (2009) for details of the work summarised under this section and the following one.

5. The capability approach provided a definition of equality, based on the idea of 'substantive freedom' or equality in the central and valuable things in life that people can actually do and be, while the international human rights framework was used to draw up a core list of what those central and valuable freedoms might be. This list was supplemented and refined through a process of deliberative consultation – a programme of workshops and interviews with the general public and with individuals and groups at high risk of discrimination and disadvantage.

6. The result was a list of ten domains, with a separate project providing an eleventh domain of 'attitudes'.² The full list is:

- Life
- Health
- Physical security
- Legal security
- Education and learning
- Standard of living
- Productive and valued activities
- Individual, family and social life
- Identity, expression and self-respect
- Participation, influence and voice
- Attitudes

7. Within each domain, the topics to be covered were then identified. For example, here are the sub-domains for physical security:

² See Wigfield and Turner (2010) for details.

The capability to live in physical security including, for example, being able to:

- Be free from violence including sexual and domestic violence and violence based on who you are
- Be free from cruel, inhuman or degrading treatment or punishment
- Be protected from physical or sexual abuse (especially by those in positions of authority)
- Go out and use public spaces safely and securely without fear.

B. Identifying indicators and measures

8. Within the Measurement Framework, 'indicators' capture the underlying concepts that we are trying to measure. Then one or more 'measures' define specific statistics under each indicator. A technical assessment was also required to ensure that the final measures chosen were statistically robust and to make recommendations as necessary for future data collection.

9. It is not intended to try to measure all possible concepts within the specified domains in the Measurement Framework, hence the following set of essential criteria were drawn up for the selection of indicators and measures:

- **Relevance.** Relevance for assessing equality and human rights, important for one or more groups of people.
- **Legitimacy.** Relevant and legitimate in the sense that it is endorsed by relevant stakeholders.
- **Disaggregation by equality characteristics.** The indicator can be disaggregated as far as possible by: gender, ethnicity, disability, age, sexual orientation, transgender, religion and social class.
- **Geographical coverage.** For each indicator, measures are available that permit monitoring across all three countries that constitute Britain (that is, England, Scotland and Wales).
- **Aspect of inequality.** The indicator captures a result in terms of an outcome (achievement) or process (discrimination or other forms of disadvantage such as lack of dignity or respect).³
- **Frequency.** The indicator is (or could be) collected reasonably frequently (at least every three years⁴) for monitoring purposes.
- **Individual level.** The indicator relates where appropriate to individuals rather than households or broader social units.
- **Robustness.** The indicator is subject to the standard statistical requirements of accuracy, reliability and validity.

10. Several desirable criteria were also identified, including relevance to public policy. This states that selected indicators should be sensitive to the possibility of effective policy interventions, especially in the area of equality and human rights, but at the same time not being readily susceptible to artificial policy changes or the manipulation of statistics.

³ A third aspect of inequality, relating to autonomy, has also been identified; however data sources are still under development. See Burchardt *et al.* (2010) for details.

⁴ The reporting frequency has now been changed to every five years.

11. These criteria were then used to select a provisional short list of indicators and measures for each domain, which was revised following two rounds of consultation with subject specialists and stakeholders. For example, for the physical security domain the indicators and measures chosen were:

- Violent crime, with measures for violent crime overall, violent crimes involving knives, guns etc, sexual violence and domestic violence.
- Hate crime, with measures for hate crime related to race, religion, age, gender, disability, sexual orientation and transgender status.
- Physical security for people resident or detained in public and private institutions, with one measure for elder abuse and other abuse of the non-private household population.
- Fear of crime, with measures for feeling unsafe at home or in local area and for feeling worried about specific crimes.

12. A separate project identified a short list of indicators and measures for children and young people. See Holder *et al* (2011) for details. These are divided into the same domains as for adults, but differ in various respects, for example: as a result of recognition of issues specific to children and young people, the need for different approaches depending on age, and the availability of data. Within the physical security domain, two additional indicators cover: maltreatment, abuse and neglect of children and young people; and bullying of children and young people. Measures under the other four indicators may also differ, for example measures of young people in institutions relate to children and young people in custody.

C. Populating the Measurement Framework: An example

13. The population of the Measurement Framework then required analysis to be obtained for each measure broken down by as many equality characteristics as possible. The following example presents results on hate crime for adults in England and Wales.

Extract from the EHRC's Measurement Framework Series, Briefing paper no. 4 on Physical Security.

The prevalence of hate crime is an important way of understanding the extent to which people believe violence has been targeted at them based on the type of equality characteristic they possess.

There are seven measures on 'hate crime' for adults. Each measure relates to the percentage of people who are victims of hate crime by protected characteristic (race, religion, age, gender, disability, sexual orientation and transgender). The data are based on the British Crime Survey and the Scottish Criminal Justice Survey. The measures between the two surveys are similar but are not directly comparable. Survey data do not include victims of hate crime by transgender status. Police recorded data do include this information and have been included here.

The 2010-11 BCS survey asked victims of crime in England and Wales to say whether they had been targeted because of their age, disability, gender, sexual orientation or race. 222 people (0.6 per cent of the total sample) said that they had been a victim of one or more of these types of hate crime, with 253 hate crime incidents being recorded. Due to the small number of respondents reporting hate crime, there should be some caution when considering differences amongst equality groups.

As shown in Table 11, the Mixed, Asian and Black groups were all more likely to say that they had been a victim of racially motivated crime than the White group; similarly, higher percentages of Jews, Muslims, Buddhists and Hindus reported that they had been victims of racially motivated crime than those without a religion. (Continued)

In comparison, Muslims and Sikhs had the highest percentage rates amongst the religious groups for being victims of religiously motivated crime. Asian and Mixed race groups were also more likely than White people to say that they had been victims because of their religious affiliation.

Table 11 Victims of a racially or religiously motivated hate crime by ethnicity and religion, England and Wales, 2010-11

| | % of people who felt they were victims of crime which was: | | Unweighted base |
|------------------------|--|-----------------------|-----------------|
| | Racially motivated | Religiously motivated | |
| White | 0.1 | - | 42,991 |
| Mixed | 0.8** | 0.3* | 350 |
| Asian or Asian British | 1.4** | 0.7** | 1,676 |
| Black or Black British | 0.6** | - | 1,006 |
| Chinese or other | 0.2 | - | 655 |
| No religion | 0.1 | - | 8,508 |
| Christian | 0.1 | - | 35,686 |
| Buddhist | 1.4* | - | 222 |
| Hindu | 1.1** | 0.1 | 475 |
| Jewish | 1.6* | - | 148 |
| Muslim | 1.4** | 1.0** | 1,110 |
| Sikh | - | 0.3* | 188 |
| All | 0.2 | 0.1 | 46,754 |

Source: British Crime Survey, 2010-11. See data table GL2.2c (E,W).

Notes: Reference groups shown in bold. Significance testing which compares each group with the related reference group is indicated as follows:

* significant difference at 95% level; ** significant difference at 99% level.

For other types of hate crime, the youngest age group (16-24) was more likely to report that they had been victims of age motivated personal crime than any of the other age groups. Women were more likely than men to state that they had been a victim of a gender motivated personal crime and gay and lesbian people were more likely than heterosexual or straight people to say that they had been a victim of a sexual orientation motivated crime. A small number of people with a disability / long-term illness reported being a victim of disability hate crime (0.1 per cent compared with 0.0 per cent of people who have no disability).

14. A series of briefing papers were published by the EHRC during 2012 and 2013, which is available at:
<http://www.equalityhumanrights.com/key-projects/our-measurement-framework/>

15. These briefings contain predominantly equality indicators and measures for adults and children; however some human rights indicators were also included. These are described in the next section.

III. Extending the Framework to Human Rights

A. The underlying structure

16. Human rights measures have been developed in a separate project (see Candler et al., 2011 for full details), which took as its basis the Indicators Framework of the United Nations Office for the High Commissioner for Human Rights (OHCHR) (see OHCHR, 2012). This provided the underlying structure, which comprises a panel of indicators for each 'right', such as an article from the European Convention on Human Rights (ECHR) or from another international instrument to which the UK has signed up.

B. Identifying indicators and measures

17. A process of consultation with human rights stakeholders, subject experts and NGOs informed the specification of each panel. The aim was to identify a set of indicators that could be used to monitor the implementation of human rights in England, Scotland and Wales.

18. These indicators do not merely attempt to count violations, but to go further in showing the extent to which public policy has incorporated human rights standards and has encouraged respect for human rights. The indicators thus provide evidence of breaches and violations, for example through case law, plus overall patterns and trends, and broader contextual information on where concerns have been raised in relation to human rights.

19. Eight panels have so far been derived. These cover the following:

- Right to life (ECHR, Article 2)
- Prohibition on torture and inhuman or degrading treatment or punishment (ECHR, Article 3)
- Right to liberty and security of the person (ECHR, Article 5)
- Right to a fair trial (ECHR, Article 6)
- Right to respect for private and family life (ECHR, Article 8)
- Right to the highest attainable standard of physical and mental health (UDHR, Article 25; ICESCR, Article 12)
- Right to education (UDHR, Article 26; ICESCR, Article 13/14; UNCRC, Article 28; ECHR, Protocol 1 Article 2)
- Right to an adequate standard of living (UNCRC, Article 27; ICESCR, Article 11)

20. Each panel comprises a dashboard of ten indicators, both qualitative and quantitative, relating to:

- Legal and constitutional framework
- Legal precedents, gaps and standard-setting
- Regulatory framework
- Public policy framework
- Outcomes of key judicial, regulatory and investigative processes
- Spotlight statistics for five areas.

C. Populating the Measurement Framework: An example of human rights indicators

21. A major challenge has been to incorporate human right indicators within the existing Measurement Framework structure. This will be achieved by matching indicators to domains. For example, parts of the panel relating to the prohibition on torture and inhuman or degrading treatment or punishment have been matched to the legal security domain.

22. This panel covers:

- The use of restraint, punishment and conditions of detention
- Physical violence, physical and sexual abuse, and victimisation within miscellaneous establishments
- Positive duties and effective protection from sexual violence, domestic violence, hate crime and abuse within families, communities and society: prevalence, detection and prosecution
- Denial of basic needs
- Public attitudes, understanding and experiences

23. In 2013 the EHRC carried out a pilot project to develop processes for finding and recording data to populate the human rights indicators. This project collated data under the third point above in relation to rape, domestic violence and hate crime offences reported and brought to justice. These data covered: Key legislation, key principles established in case law, gaps in the legislation, the public policy context, resource allocation and outcomes for particular groups.

D. Further development

24. A new project has now been commissioned to populate further human rights indicators which will be incorporated into appropriate domains within the Measurement Framework. These will be published in future editions of domain briefings, as well as in EHRC reports for the UK's Universal Periodic Review in 2014 and for the next report to Parliament (Quinquennial Review) in 2015.

IV. Continuing challenges

A. Combining indicators for equality and human rights

25. As mentioned above, one challenge that we are faced with is combining equality and human rights issues into one Measurement Framework. The fact that the core list of domains was informed by human rights issues from the beginning has helped to achieve this

26. In addition, the domains are being used as the main organising factor for both equality and human rights issues and, as far as possible, all measures are broken down by equality characteristics. The structure of the briefings has also been adapted to incorporate qualitative indicators.

B. Updating existing measures and filling gaps

27. Other challenges relate to the availability of data with which to populate measures in the framework. Not all measures had an available source identified from the beginning and some relied on anticipated new developments which have not taken place.

28. Furthermore, cuts in public spending have led to several official surveys being discontinued, such as the Citizenship Survey and the TellUs Survey for children. Cost cutting has also affected some analysis and publication of results.

29. As a result, alternative sources have had to be identified and there is a continuing need for sources to be sought out and developed to fill the large number of gaps or for the choice of measures to be reviewed. Secondary analysis of existing sources may also help to increase the number of measures that can be populated or provide breakdowns by additional equality characteristics, for example to use new data on sexual orientation based on more than one year's survey responses.

C. Dissemination and communication

30. Finally, we are working on ways to disseminate information about the Measurement Framework and what it tells us about equality and human rights within Great Britain, also on promoting its use as an evidence-base for policy development and monitoring.

31. All information about the Measurement Framework has been published on the EHRC's website, including detailed statistical data alongside each briefing and syntax used for secondary analysis. We encourage any user to use these to build on our preliminary work, for example by: extracting additional information, carrying out intersectional analysis or exploring trends over time

32. Every opportunity is taken to raise awareness of the Measurement Framework and we have given presentations at various events, including the Government Statistical Service Annual Conference, the Equality and Diversity Forum, and on a visit to the European Institute for Gender Equality.

33. The Measurement Framework has already provided evidence for the EHRC's second strategic planning phase, informing the strategic plan and policy priorities, and for our international treaty monitoring work. With the addition of further analysis, it will feed into our report this year for the UK's Universal Periodic Review and into our next report to Parliament, the Quinquennial Review in 2015.

34. We are continuing to look for new ways to disseminate information and to promote the use of the Measurement Framework as an evidence-base for policy decisions. To help with this, we are investigating different ways of displaying a range of key results for different audiences, including infographics and data visualisation.

References

Alkire, S., Bastagli, F., Burchardt, T., Clark, D., Holder, H., Ibrahim, S., Munoz, M., Terrazas, P., Tsang, T. and Vizard, P. (2009) *Developing the Equality Measurement Framework: Selecting the Indicators*. EHRC Research Report no. 31. Manchester: Equality and Human Rights Commission.

Burchardt, T., Evans, M. and Holder, H. (2010) *Measuring inequality: Autonomy, the degree of empowerment in decision's about one's own life*. London: Government Equalities Office.

Burchardt, T. and Vizard, P. (2007) *Definition of equality and framework for measurement: Final recommendations of the Equalities Review Steering Group on Measurement, Paper 1*. London: Centre for Analysis of Social Exclusion.

Equality and Human Rights Commission (2010) *How fair is Britain? Equality, human rights and good relations in 2010. The first triennial review*. London: Equality and Human Rights Commission.

Holder, H.; Tsang, T. and Vizard, P. (2011) *Developing the Children's Measurement Framework: Selecting the indicators*. EHRC Research Report no. 76. Manchester: Equality and Human Rights Commission.

Office of the United Nations High Commissioner for Human Rights (OHCHR) (2012) *Human Rights Indicators: A guide to measurement and implementation*. Geneva: Office of the United Nations High Commissioner for Human Rights.

Wigfield, A. and Turner, R. (2010) *Good relations measurement framework*. EHRC Research Report no. 60. Manchester: Equality and Human Rights Commission.