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Introduction

Poverty is not only a lack of income; it is a lack of access to goods, services and participation in society, which are essential for the enjoyment of human rights. As both a cause and a consequence of human rights violations, poverty should be addressed with the state’s human rights obligations at the heart.

A human rights-based approach (HRBA) means that human rights standards and principles are placed at the centre of planning, policy and practice. In the context of poverty reduction and measurement, an HRBA can help ensure that strategies not only focus on reducing monetary poverty, but also address structural causes and related human rights violations. For such strategies to be effective, poverty itself should be measured as a multidimensional phenomenon. This approach is endorsed by the 2030 Agenda for Sustainable Development.

National Human Rights Institutions (NHRIs) are ideal actors in supporting an HRBA to poverty reduction and measurement, given their broad human rights mandate and position as interlocutors between civil society and the state. In accordance with the UN Paris Principles, NHRIs are mandated to promote and protect human rights, enabling them to hold states accountable, promote a culture of rights, and directly engage with rights-holders, including people living in poverty.

This Guide outlines seven principles for NHRIs to advance an HRBA to poverty reduction and measurement. It showcases practical examples of how European NHRIs already adopt this approach and concrete actions for NHRIs to take.

The Guide is based on a study conducted at ENNHRI’s request by Olivier De Schutter, Professor at Université catholique de Louvain and SciencesPo and Member of the UN Committee on Economic, Social and Cultural Rights. The study builds on information provided by 16 European NHRIs about poverty reduction and measurement strategies and National Action Plans to implement the Sustainable Development Goals (SDGs).

The principles are:

1. Accountability
2. Equality and non-discrimination
3. Participation
4. Data disaggregation
5. Using a plurality of methodologies
6. Measuring the non-take-up of rights
7. Safeguarding data

Poverty as a multidimensional phenomenon: current legal and policy frameworks

An HRBA ensures that poverty is understood and measured as a multidimensional phenomenon, combining lack of income (monetary poverty) and lack of access to the goods or services essential to the enjoyment of human rights (like adequate housing, education, healthcare, food, decent work and social security). While different international and regional frameworks and mechanisms recognise poverty in this way, many poverty reduction and measurement approaches in Europe continue to view poverty in narrow, monetary terms.

At the international level, the UN Committee on Economic, Social and Cultural Rights acknowledges the multidimensional nature of poverty, defining it as: ‘a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights’.

Similarly, the 2030 Agenda recognises that poverty reduction strategies shall not only focus on reducing monetary poverty, but that they must go hand-in-hand with strategies to build economic growth and address a range of social needs, such as education, health, social protection and job opportunities, while tackling climate change and providing environmental protection.

At the European level, the European Committee of Social Rights (ECSR) of the Council of Europe has reaffirmed the human rights approach to poverty when interpreting the Article 30 (the right to protection against poverty and social exclusion) of the (Revised) European Social Charter. The ECSR emphasises the close link between the effectiveness of this right and the enjoyment of rights.

Poverty as a multidimensional phenomenon

The Danish NHRI (Danish Institute for Human Rights) has developed the Human Rights Guide to the SDGs, an online tool illustrating the human rights anchorage of the 17 SDGs. The Guide makes concrete links between the 169 targets and relevant international and regional human rights instruments, international labour standards and key environmental instruments (some of which have human rights dimensions).

Based on the Guide, the Danish NHRI further set up the SDG-Human Rights Data Explorer, a searchable database that links monitoring information from the international human rights system to the goals and targets of the 2030 Agenda. It allows users to explore the recommendations and observations of international human rights monitoring bodies, as they relate to the implementation of the SDGs and their targets in specific countries. The Guide and the Explorer can be used as practical tools for NHRIs to integrate the SDGs into their human rights monitoring and reporting work.

5. Olivier De Schutter, The European Pillar of Social Rights, Data Explorer, a searchable database indicating the human rights anchorage of the 169 targets and relevant international and regional human rights instruments, international labour standards and key environmental instruments (some of which have human rights dimensions).

The Europe 2020 Strategy, the main EU policy document geared towards poverty reduction in the EU, defines poverty in monetary and material terms. It does not, however, fully refer to international and regional human rights frameworks. Similarly, the EU Statistics on Income and Living Conditions collect data using household surveys, but this limited methodology tends to lead to low response rates from people living in poverty and often does not reach marginalised groups such as people living in closed institutions.

At the national level, although there are some examples of good practice, poverty often appears to be inadequately measured as a multidimensional phenomenon. Also, government policies often do not fully capture an HRBA to poverty reduction and measurement. This was indicated by a survey of NHRIs across 14 European countries.

The SDGs can be a particularly useful tool in addressing these shortcomings, as they are grounded in international human rights instruments and formulate indicators that can reinforce an HRBA to poverty reduction and measurement.

The Global Alliance of NHRIs (GANHRI) and the Danish NHRI (Danish Institute for Human Rights) have published a report – National Human Rights Institutions: Accelerators, Guarantors and Indicators of Sustainable Development – that assesses progress towards the implementation of the SDGs with a special focus on SDG 16 and the NHRI indicator. It mentions that out of the 109 Voluntary National Reviews (VNR) submitted by governments to the UN High-Level Political Forum between 2015 and 2019, 15 referred to NHRIs as an element or indicator of SDG 16. In addition, 10 referred to NHRIs in relation to other SDGs or processes.

7. This includes the jurisdictions of: Belgium, Croatia, Denmark, Finland, France, Germany, Great Britain, Greece, Ireland, Latvia, Lithuania, Moldova, the Netherlands, Northern Ireland and Scotland. See full study: Olivier De Schutter, Human Rights in The Service of the Fight Against Poverty: A Rights-Based Approach To Addressing Poverty in the National Action Plans to Implement the Sustainable Development Goals (2018)
8. The Danish Institute for Human Rights & GANHRI, National Human Rights Institutions: Accelerators, Guarantors and Indicators of Sustainable Development (2019)
Principle 1: Accountability

An HRBA calls for the adoption of strategies and plans to address poverty, based on human rights as a legal obligation for which states should be held accountable. In order to achieve accountability, the inclusion of adequate human rights indicators, benchmarks and timeline into the strategy is needed.

Strategies and plans

A national poverty reduction strategy is a government’s key document prescribing its policies and actions on addressing poverty. Such a strategy should underline that people living in poverty have rights — legal entitlements which the state is obligated to fulfil. This adds legitimacy to demands for addressing poverty as a primary goal of government.

Similarly, National Action Plans (NAPs) to implement SDGs are developed by governments to set out the implementation the Agenda 2030. Given the interconnections between the SDGs and human rights, as well as the SDGs’ recognition of poverty as a multidimensional phenomenon, NAPs can be used to promote a multidimensional understanding of poverty and support an HRBA.

The implementation of poverty reduction strategies and NAPs should be monitored by independent mechanisms, such as NHRI’s, courts, parliamentary committees and regional and international human rights mechanisms.

Human rights indicators

In order to enable accountability, poverty reduction strategies and NAPs should include appropriate indicators, along with benchmarks, timetables and regular monitoring of progress. Indicators help to ensure that progress can be achieved within a specific timeline and that strategies and their implementation can be amended in line with an HRBA.

Human rights indicators are distinct from macroeconomic or development indicators which register socio-economic facts. They include the following:


  SNAP makes explicit connection with the SDGs, drawing on the Human Rights Guide to the SDGs from the Danish NHRI.

  Although SNAP ran for four years, ending in 2017, it had longer-term outcomes reflecting the 2030 timeline of the SDGs. The plan’s second iteration, which is under development, will show how and to what extent the different SNAP actions will support delivery of the SDGs.

9. UN OHCHR, Guiding Principles on Extreme Poverty and Human Rights (2012)
10. Ibid.
11. UN OHCHR, Human Rights Indicators: A Guide to Measurement We should never forget that behind every piece of statistical and Implementation (2012)

Applying a Human Rights-Based Approach to Poverty Reduction and Measurement
What can NHRIs do?

- Use international and legal frameworks to hold states accountable to their national poverty strategy and/or NAP, as well as their implementation, and ensure that they are based on human rights.

- Work with people living in poverty, national statistical offices and academic institutions to design a set of human rights-based indicators and monitor progress in poverty reduction.

The combination of structural, process and outcome indicators provide NHRIs with concrete and practical tools when monitoring human rights implementation to keep the state accountable and help to understand the situation of people living in poverty in its complexity.

The OHCHR has published Human Rights Indicators: A Guide to Measurement and Implementation to assist human rights actors, including NHRIs, in developing indicators to measure progress in the implementation of international human rights norms and principles. The Guide describes a conceptual and methodological framework for human rights indicators and provides concrete examples of indicators identified for a number of human rights.

The Dutch NHRI (Netherlands Institute for Human Rights) collaborated with data experts and representative organisations of persons with disabilities to develop quantitative indicators in the areas of participation in society, work, housing and education to measure participation of persons with disabilities in society. The development of indicators was partly inspired by the OHCHR Human Rights Indicators: A Guide to Measurement and Implementation which emphasised the importance of stakeholder involvement.
Principle 2: Equality and non-discrimination

Poverty may be caused by discrimination, just as discrimination may be based on poverty. Therefore, addressing discrimination is important in order to address poverty’s structural underpinnings. Through their broad human rights mandate under the UN Paris Principles, and in some cases, reinforced through their mandate as National Equality Bodies, NHRIs can address discrimination linked to poverty in a number of ways.

Advocacy for social condition as a ground of discrimination

The International Covenant on Economic, Social and Cultural Rights lists ‘social origin’ and ‘property’ as prohibited grounds of discrimination, along with race, colour, sex, language and religion, among others. In its general comment on non-discrimination, the UN Committee on Economic, Social and Cultural Rights (UN CESCR) reconfirms that nobody can be arbitrarily treated because of their belonging to a ‘certain economic or social group or strata within society’. It also recommends anchoring social condition as a ground of discrimination in existing national (and local, where applicable) human rights and anti-discrimination legislation. Advocacy for the explicit protection on the ground of social condition in anti-discrimination legislation can help ensure that individuals can seek access to justice before the courts and oblige policy makers to adopt policies that do not have an unfavourable impact on the people living in poverty.

In practice, discrimination on the grounds of social condition or socio-economic status tends to be combined with discrimination on other grounds, particularly sex, race or ethnic origin, disability or age.

Poverty impact assessments

Poverty impact assessments can be used to prevent discrimination against people living in poverty. This is a process by which a government assesses policies and programmes at the design, implementation and review stages in relation to the likely impact that they will have on poverty and inequalities, alerting policy makers of potentially negative impacts.

This process is essential when states face an economic or financial crisis and adopt fiscal consolidation (so-called “austerity”) measures. The UN CESCR has called on state parties to the ICESCR to avoid adopting fiscal consolidation policies which are discriminatory and to take all possible measures (such as tax measures) to mitigate inequalities worsened or arising in times of crisis.

15. UN Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) (2009)

16. UN Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Canada (2016)

17. The UN CESCR refers to social origin, but also emphasises the importance of economic and social situation as part of the ‘other grounds’ of prohibited discrimination in the UN ICESCR Comment No. 20. Additionally, it refers to social condition as a suspect ground for imposing differences in treatment.

Disaggregated data and indicators
To measure discriminatory impacts of policies on people living in poverty, there is a need for data disaggregation. The design and use of disaggregated indicators can improve understanding of how policies disproportionately affect certain groups. For more on this, see Principle 4.

What can NHRIs do?
• Advocate to bring domestic legislation in line with the international human rights standards
• Advise state authorities to include social origin and property (social condition) as a prohibited ground of discrimination under the domestic human rights and anti-discrimination law
• Highlight potential negative impacts of policy measures on people living in poverty and undertake poverty impact assessments, including as part of broader human rights impact assessments
• Scrutinise budgets from a human rights perspective to advise governments on potential discriminatory budgetary implications on people living in poverty
• Assist in ensuring that data relating to poverty is appropriately disaggregated to identify instances of discrimination or disparate impact

Human rights budget work
Human rights budget work can prevent a possible discriminatory impact of state actions on people living in poverty and other groups. The public budget should be designed in a way that effectively supports the implementation of regulatory and policy frameworks that are shaped by human rights standards.

Human rights budget work has two components:
• Human rights budgeting: using a rights-based process to design a budget that reflects human rights standards
• Human rights budget scrutiny: examining the budget to measure the government’s compliance with its human rights obligations

Human rights budget work recognises that decisions related to the budget can have different impacts on different groups, including people living in poverty.

In 2018, the Scottish NHRI (Scottish Human Rights Commission) developed a programme to better understand and support wider scrutiny of public spending decisions through a human rights lens. To support the programme, the NHRI chairs a working group drawing on expertise in economic and social rights, equality, gender and participative budgeting, alongside civil society and academic colleagues.

The working group has:
• Explored process indicators to support scrutiny of national and local government budget processes
• Launched six briefing papers to explain the “what, why and how” of using human rights to create and scrutinise Scotland’s national budget
• Organised capacity building activities on human rights budget scrutiny for stakeholders, including the Scottish Parliament and government, civil society, independent bodies and commissions, other NHRIs, academia and the public

In 2018, the Great Britain NHRI (Equality and Human Rights Commission) published two analyses of the combined impact of tax and social security reforms and public spending reforms since 2010. These two studies uncovered that poorer households and households with a disabled person, three or more children, ethnic minorities, single parents or women were the hardest hit by the reforms. This provided important evidence of the significant discriminatory effects of the reforms, which ultimately led to many people falling below an adequate standard of living.

Principle 3: Participation

The principle of participation is grounded in international human rights treaties, such as the ICESCR and the International Covenant on Civil and Political Rights. These instruments stipulate that, by virtue of their self-determination, people should be able to freely pursue their economic, social and cultural development, as well as participate in public affairs. Similarly, NHRIs are under the UN Paris Principles required to facilitate participation and represent diverse groups of society and be pluralistic.

In the context of poverty, the OHCHR Guiding Principles on Extreme Poverty and Human Rights establish that states should ensure the active, free, informed and meaningful participation of people living in poverty in the design, implementation, monitoring and evaluation of decisions and policies which affect them.

A specific mechanism or various institutional arrangements at different levels of decision-making should ensure meaningful participation, with particular attention given to the poorest and most socially excluded.

Meaningful participation is key to:

- Identifying the most appropriate structural, process and outcome indicators
- Guiding data collection and ensuring an inclusive and time-sensitive methodology
- Identifying areas in which poverty can become a source of discrimination
- Singing out gaps in existing national poverty measurement approaches
- Understanding why people living in poverty do not claim their benefits
- Creating trust between the surveyors in charge of collecting data and the broader public and leading to increase of the rate of responsiveness

What can NHRIs do?

- Support the participation of people living in poverty in the design, implementation and assessment of poverty reduction strategies
- Act as bridge in facilitating dialogue between people living in poverty and state authorities, including national statistical offices
- Set up participatory processes and seek advice from people living in poverty when designing human rights indicators
- Maintain regular contact with people living in poverty, receiving their support in NHRI boards, councils and advisory bodies or receiving their complaints

An ENNHRI member in Belgium, the Combat Poverty, Insecurity and Social Exclusion Service, has formulated policy recommendations based on dialogues with people living in poverty and a wide variety of other stakeholders (e.g. field organisations, labour unions, social organisations, researchers, policy departments and funds).

The institution developed the Research-Action-Training programme, involving people living in poverty, to improve indicators on assessing poverty. The programme confirmed the importance of involving people living in poverty in obtaining information, interpreting it within context and understanding the daily reality of people in these situations.
Principle 4: Data disaggregation

The objective of measuring poverty should not only be to produce a number (such as the percentage of the people living in poverty in the population) but to identify who these people are and how they experience poverty, and pinpoint those who are particularly deprived and marginalised.

This means that the data concerning access to goods and services corresponding to the enjoyment of human rights should be disaggregated by categories, such as income, gender, age, race, ethnicity, nationality, migratory status, disability/state of health and geographic location. The SDGs provide an encouragement to further disaggregate data about people living in poverty. Their overarching principle of data disaggregation sets forth that all SDG indicators should be disaggregated.

This process helps create an understanding of the difference between transient poverty (resulting from temporary setbacks that individuals or families may face; i.e. short-term poverty) and chronic poverty (affecting individuals or families that face permanent obstacles in a life-cycle perspective; i.e. long-term poverty). This is important because different measures are needed to address short-term as opposed to long-term poverty.

OHCHR’s guidance note A Human Rights-based Approach to Data can help to strengthen national capacity on statistics. It provides a template for a Memorandum of Understanding between NHRIs and national statistical offices to foster cooperation in the collection and analysis of disaggregated data.

What can NHRIs do?

• Collect detailed information about people living in poverty as a part of their investigation and complaints-handling function
• Using this information, contribute to drawing a clearer picture who people living in poverty are

The Great Britain NHRI (Equality and Human Rights Commission) has engaged in the UK’s SDG monitoring process through direct consultation with the Office for National Statistics (ONS), influencing work to improve the quality of national data collection around inequality and discrimination. It called on the ONS to:

• Help make the SDGs relevant to the domestic context, including by finding appropriate data sources
• Pursue disaggregation of SDG data by as many protected characteristics as possible, and include data on people at higher risk of harm, abuse, discrimination or disadvantage
• Involve civil society actors in the development of national indicators

The NHRI has also noted problems in the collection of data on violence against women and girls, specifically around the systemic underreporting of sexual violence, unsatisfactory official recording of reports by the police and the exclusion of older people from data collection.

The NHRI sits on the Technical Advisory Group for the ONS Centre for Equalities and Inclusion, which brings together stakeholders in equalities data and analysis to improve the relevant evidence base. It is also working to influence the 2021 UK Census in terms of greater representation for protected groups and the British Social Attitudes Survey to gather new information about national prejudice.

These efforts can allow more effective monitoring of progress towards the SDGs at the domestic level by helping identify data disaggregation needs and improve data collection on specific groups.

22. UN OHCHR, Guiding Principles on Extreme Poverty and Human Rights (2012)
23. This is in accordance with the Fundamental Principles of Official Statistics adopted by the UN General Assembly since 2014
**Principle 5: Using a plurality of methodologies**

Most European countries and the EU institutions rely on household surveys for their official statistics. However, this approach only covers a sample of the general population and does not count the so-called ‘missing poor’. These are people living in poverty who are institutionalised (e.g. in elderly care homes, children homes or mental health institutions), undocumented migrants, homeless people, or individuals who avoid contact with social services and authorities due to a fear of persecution (such as families who fear that their children would be removed, irregular migrants or street children).

A plurality of methodologies should be used to capture data about the ‘missing poor’, identify the specific nature of the deprivations they may face and ensure their visibility.

Similarly, the experiences of people living in poverty cannot be reflected only in statistical data. The combination of qualitative and quantitative data can, for example, be achieved through the participation of people living in poverty in data collection or through their direct engagement. New partnerships and the use of innovative technology and statistical techniques, including mapping, targeted surveys and small area estimation, may be required.

For example, NHRIs that are National Preventive Mechanisms (NPMs) are mandated to conduct regular visits to places where persons are deprived of liberty, such as detention facilities, migrant reception centres and closed institutions. NPMs must have the power to access all places of detention, without restriction, access all information and be able to talk with detained persons in private. In this way, they can collect first-hand information about some of the groups which can be identified as ‘missing poor’ as well as quantitative data.

**What can NHRIs do?**

- Develop alternative methodologies to household surveys to track poverty, in cooperation with researchers, civil society, social services and national statistical offices
- Provide human rights-based training to surveyors and national statistical officers to encourage a better understanding of the limitations of household surveys to measure poverty and its underlying causes
- Conduct activities to meet with people living in poverty who may not be identified by household surveys (e.g. monitoring or field visits) in close cooperation with local actors, like NGOs or communities which may have better access to individuals
- Using monitoring and complaints handling functions, help to collect a range of qualitative data to complete the analysis of the key factors of poverty
- Communicate first-hand experiences from the ground to policy and decision makers at the national level, as well as international human rights mechanisms

From 2015 to 2017, ENNHRI conducted a project to increase awareness of the human rights of older persons living in or seeking access to long-term care in Europe. Six NHRIs from Belgium, Croatia, Germany, Hungary, Lithuania and Romania carried out intensive monitoring visits and collected quantitate and qualitative data in the long-term care institutions.

A range of methods were used for data collection, including: focus groups and interviews with staff and residents, consultation of registers and other documentation and interviews with a director. This helped to ensure that the voice of older persons was central to the monitoring work.

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31. Ibid.

An ENNHRI member in Belgium, the Combat Poverty, Insecurity and Social Exclusion Service, cooperated with an academic institution and a market research company in adapting the EU Statistics on Income and Living Conditions for two groups: people who are homeless and undocumented migrants. The aim was to involve these groups in the survey and collect the responses of those who live in difficult socio-economic situations.

The Service acted as a bridge in the collaboration between the research team, the survey team and the social sector, which helped ensure that individuals belonging to these groups could be reached. The findings suggested that surveys should be further simplified, interviewers should have clear instructions and training, and interviewees should have enough time.

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22. Applying a Human Rights-Based Approach to Poverty Reduction and Measurement
Many people living in poverty depend on different allowances, financial and social benefits and other related help or assistance in order to realise their rights. However, they often need to take active steps to access their rights, and different kinds of barriers often result in the ‘non-take-up of rights’, or situations where rights are not claimed.

Reasons for this may include:

- A lack of information about one’s rights
- Complexity and length of procedures
- A lack of trust in the authorities, previous denial of benefits or considering oneself to have low chances of accessing a service
- Shame people may have of their situation or when they are seen to depend on public support
- A fear of adverse effects of claiming or exercising rights (e.g. eviction from a property as a result of a complaint made by the tenant, a fear of deportation for undocumented migrants, a fear that children shall be removed from the family home if considered at risk)
- Being institutionalised or detained in prison, administration detention or closed centres
- Inability to comply with conditionalities of the benefit (e.g. condition to be actively seeking employment)

What can NHRIs do?

- Advise state authorities to take adequate measures to tackle the non-take-up of rights, such as through simplifying procedures or by facilitating access to services and benefits for specific groups of people living in poverty
- Educate people about their rights and raise awareness of human rights entitlements among the general public, including through cooperation with the media
- Provide legal advice and clarify the conditions of entitlements, benefits and services to individuals, including in the context of individual complaints-handling
- Advocate for the inclusion of relevant structural, process and outcome indicators (see Principle 1) in poverty measurement

In the context of poverty measurement, the non-take-up of rights can be addressed by using specific structural, process and outcome indicators (see Principle 1) to measure the gap between the existence of legal entitlements and the effective enjoyment of rights, as well as to identify the reasons why the gap exists and persists.

An ENNHRI member in Belgium, the Combat Poverty, Insecurity and Social Exclusion Service, undertakes a range of activities to address the non-take-up of rights.

In 2014, it organised a colloquium to better understand the reasons why people living in poverty refrain from taking up their rights and to explore possible solutions, including:

- Simplified legislation
- Simplified administrative procedures
- Automatic assignment of social rights
- Less conditionality of social rights
- More and better information
- Personal contact and guidance for potential beneficiaries

The Service has produced a publication and a video explaining the non-take-up of rights to raise awareness of the phenomenon in Belgium. It also provides expertise for a research project that aims to increase the take-up of social rights.
Principle 7: Protecting personal data

When collecting and processing data concerning people living in poverty, it is crucial to ensure adequate safeguards. As a minimum, the following three safeguards, which are based on international and regional standards, should be considered: personal data protection, self-identification and transparency.

Personal data protection

Information collected from individuals in the context of poverty measurement should be treated as personal data and follow relevant data protection standards.

In the Council of Europe, Recommendation No. R (97) 18 of the Committee of Ministers (1997) provides clarifications of the key principles of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (1981). It sets out that the processing of personal data is only lawful if prescribed or permitted by law and the individual concerned consents in an explicit, free and informed manner.

Moreover, in the EU, the General Data Protection Regulation (2017) confirms that ‘processing for ... statistical purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject’.

Self-identification

In line with the Council of Europe Framework Convention for the Protection of National Minorities, the principle of self-identification implies that belonging to a national minority should be a matter of a person’s individual choice and that no disadvantage should arise from such choice. Accordingly, in the context of data collection through surveys, people surveyed should be able to decide whether to respond to questions concerning their ethnicity, religion or language and be free to choose more than one affiliation.

However, the principle of self-identification is not absolute. While every individual is free to choose their self-identification, in some cases, the exercise of self-identification can be questioned, especially when there are presumptions that the self-identification is not based on good faith and may be solely motivated by advantages or benefits.


Other standards at the international level include the UN Guidelines for the Regulation of Computerized Personal Data Files (1990) and the International Standards on the Protection of Privacy with regard to the processing of Personal Data (2009).

Transparency

The principle of transparency requires that the person whose personal data is processed is made fully aware of the purposes and legal basis of such processing and informed about their rights. To achieve transparency and build trust in the methods for the preparation of statistics, official statistical agencies should also document the processes used to collect, combine and analyse data from multiple sources and make that documentation publicly available.

The Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data includes a detailed list of elements of which any person whose personal data is processed should be made fully aware.

What can NHRIs do?

• Cooperate with Data Protection Authorities – independent public authorities supervising the application of the data protection law in EU Member States – to advocate for the processing of data in line with applicable safeguards
• Make use of the expertise of Data Protection Authorities to ensure that the NHRI processes data in line with applicable standards
• Promote awareness of the right to privacy and the protection of data

Recommendations for NHRIs

1. Accountability
   • Use international and legal frameworks to hold states accountable to their national poverty strategy and/or NAP, as well as their implementation, and ensure that they are based on human rights
   • Work with people living in poverty, national statistical offices and academic institutions to design a set of human rights-based indicators and monitor progress in poverty reduction

2. Equality and non-discrimination
   • Advocate to bring domestic legislation in line with the international human rights standards
   • Advise state authorities to include social origin and property (social condition) as a prohibited ground of discrimination under the domestic human rights and anti-discrimination law
   • Highlight potential negative impact of policy measures on people living in poverty and can undertake poverty impact assessments, including as part of broader human rights impact assessments
   • Scrutinise budgets from human rights perspective to advise governments on potential discriminatory budgetary implications on people living in poverty
   • Assist in ensuring that data relating to poverty is appropriately disaggregated to identify instances of discrimination or disparate impact

3. Participation
   • Support the participation of people living in poverty in the design, implementation and assessment of poverty reduction strategies
   • Act as bridge in facilitating dialogue between people living in poverty and state authorities, including national statistical offices
   • Set up participatory processes and seek advice from people living in poverty when designing human rights indicators
   • Maintain regular contact with people living in poverty, receiving their support in NHRI boards, councils and advisory bodies or receiving their complaints

4. Data disaggregation
   • Collect detailed information about people living in poverty as a part of their investigation and complaints-handling function
   • Using this information, contribute to drawing a clearer picture who people living in poverty are
   • Make recommendations to state authorities and statistical offices, underlining the different situations of different groups and advising on methods of data disaggregation

5. Using a plurality of methodologies
   • Develop alternative methodologies to household surveys to track poverty, in cooperation with researchers, civil society, social services and national statistical offices
   • Provide human rights-based training to surveyors and national statistical offices to encourage a better understanding of the limitations of household surveys to measure poverty and its underlying causes
   • Conduct activities to meet with people living in poverty who may not be identified by household surveys (e.g. monitoring or field visits) in close cooperation with local actors, like NGOs which may have better access to people
   • Using monitoring and complaints handling functions, help to collect a range of qualitative data to complete the analysis of the key factors of poverty
   • Communicate first-hand experiences from the ground to policy and decision makers at the national level, as well as international human rights mechanisms

6. Measuring the non-take-up of rights
   • Advise state authorities to take adequate measures to tackle the non-take-up of rights, such as through simplifying procedures or by facilitating access to services and benefits for specific groups of people living in poverty
   • Educate people about their rights and raise awareness of human rights entitlements among the general public, including through cooperation with the media
   • Provide legal advice and clarify the conditions of entitlements, benefits and services to individuals, including in the context of individual complaints-handling
   • Advocate for the inclusion of relevant structural, process and outcome indicators (see Principle 1) in poverty measurement

7. Protecting personal data
   • Cooperate with Data Protection Authorities – independent public authorities supervising the application of the data protection law in EU Member States – to advocate for the processing of data in line with applicable safeguards
   • Make use of the expertise of Data Protection Authorities to ensure that the NHRI processes data in line with applicable standards
   • Promote awareness of the right to privacy and the protection of data
Further Reading

- Combat Poverty, Insecurity and Social Exclusion Service: Armoede en ineffectiviteit van rechten, non-take-up van rechten / Pauvreté et ineffectivité des droits, non-recours aux droits (2017)
- Danish Institute for Human Rights and GANHRI: National Human Rights Institutions; Accelerators, guarantors and indicators of sustainable development (2019)
- EUROFOUND: Reducing poverty and improving fairness by ensuring that people receive the social benefits to which they are entitled: Evidence from the EU (pp. 85-105) (2017)
- Volker Busch-Geertsema, Dennis Culhane and Suzanne Fitzpatrick: A global framework for understanding and measuring homelessness (2015)

About ENNHRI

ENNHRI, the European Network of National Human Rights Institutions, works to enhance the promotion and protection of human rights in Europe through strengthening, supporting and connecting European NHRI. It is made up of over 40 institutions across Europe.

The network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRI at the European level.

ENNHRI’s work on economic and social rights

ENNHRI members have chosen ‘economic and social rights’ (ESR) to be one of the thematic priorities for the network, with special attention given to synergies between regional and international frameworks, including the SDGs.

Activities in this area are focused on: strengthening capacities of NHRI when monitoring ESR, including in divided societies and conflict; communicating and promoting ESR; ensuring an HRBA to economic and social policies; and encouraging the participation of rights-holders in policy making.