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The following datasets have been accessed via the UK Data Archive at Essex University:

National Patient Survey Programme (England), SN5167 (group 33348). Deposited by Healthcare Commission.

Home Office. Communities Group and National Centre for Social Research, Home Office Citizenship Survey, 2005 [computer file]. Colchester, Essex: UK Data Archive [distributor], June 2006. SN: 5367.

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The report presents findings based on research datasets which may not exactly reproduce national statistics published elsewhere.

Web sources acknowledgements

The websources cited in this report have been accessed over the course of the HRMF project between October 2009-December 2011.

List of acronyms

AP	Action Plan
ASBOs	Anti-Social Behaviour Orders
BIHR	British Institute of Human Rights
CASE	Centre for Analysis of Social Exclusion
CIRI	Cingranelli-Richards
CCTV	Closed Circuit Television
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CMF	Children's Measurement Framework
COs	Country Offices
COSLA	Convention of Scottish Local Authorities
CSOs	Civil Society Organisations
CTO	Community Treatment Order
DCSF	Department for Children, Schools and Families
DH	Department of Health
DNA	Deoxyribonucleic Acid
ECHR	European Court of Human Rights
ECtHR	European Court of Human Rights
EHRC	Equality and Human Rights Commission
EMF	Equality Measurement Framework
EU	European Union
FRA	Fundamental Rights Agency
FRS	Family Resources Survey
FREDA	Fairness, Respect, Equality, Dignity and Autonomy
GDI	Gender Related Development Index
GDP	Gross Domestic Product
GEM	Gender Empowerment Measure

GEO	Government Equalities Office
GNI	Gross National Income
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
HM	Her Majesty's
HMIP	Her Majesty's Inspectorate of Prisons
HPI	Human Poverty Index
HR	Human Rights
HRA	Human Rights Act
HRJRAMP	Human Rights Joint Risk Assessment and Management Plan
HRMF	Human Rights Measurement Framework
HURIDOCS	Human Rights Information and Documentation Systems
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHRP	International Council on Human Rights Policy
ISOs	Individual Support Orders
LEA	Local Education Authority
LSE	London School of Economics
MDG	Millennium Development Goals
MoJ	Ministry of Justice
MP	Member of Parliament
MSP	Member of the Scottish Parliament
NGOs	Non-Government Organisations
NHRIs	National Human Rights Institutions
NHS	National Health Service
OHCHR	Office of the High Commissioner for Human Rights
ONS	Office for National Statistics
OPM	Office for Public Management

PCT	Primary Care Trust
RIO	Regulators, Inspectorates and Ombudsman (Forum)
SCs	(Human Rights) Senior Champions
SHRC	Scottish Human Rights Commission
SMART	Specific, Measurable, Attainable, Relevant, and Time-framed
SATs	Standard Assessment Tests
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCESCR	United Nations Committee on Economic, Social and Cultural Rights
UNCRC	United Nations Committee on the Rights of the Child
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNHRC	United Nations Human Rights Council
VAW	Violence Against Women
VCS	Voluntary and Community Sector
WAG	Welsh Assembly Government
WGI	Worldwide Governance Indicators
WHO	World Health Organisation

Executive summary

The Human Rights Measurement Framework (HRMF) is a new ‘analytical tool’ that brings together evidence for human rights analysis and assessments, and makes this information available to the Equality and Human Rights Commission (‘the Commission’), the Scottish Human Rights Commission (SHRC), regional and international human rights monitoring mechanisms, Government, public bodies, Non-Government Organisations (NGOS), etc. It has been developed in order to begin to meet the need for a comprehensive evidence base for evaluating compliance with, and progress towards, the implementation of human rights in England, Scotland and Wales.

The HRMF panels and indicator set have been developed and agreed through a combined process of research and consultation with subject experts and stakeholders, as well as extensive discussion with an advisory group and a project management group. This approach, we believe, has resulted in a high quality and analytically focused output that builds on recognised international best practice while fully reflecting and incorporating particular human rights issues and concerns in England, Scotland and Wales.

Conceptually, the HRMF is anchored in the Indicators Framework developed by the United Nations Office for the High Commissioner for Human Rights (OHCHR) developed as a response to the growing international demand for indicators that can be used to promote and monitor the implementation of human rights and to make information about the progress that states are making in fulfilling the obligations that flow from human rights available to human rights monitoring bodies and civil society (OHCHR, 2008, 2006b, 2010).

The development of the HRMF has also built on a process of consultation with human rights stakeholders, subject experts and NGOs. The HRMF Specialist Consultation was undertaken from mid-June to mid-September 2010 with the principal aim of reaching maximum possible agreement on a set of indicators that should be used as a basis for evaluating compliance with, and progress towards, the implementation of human rights in England, Scotland and Wales. Participants were invited to comment on the nature and scope of the indicators that should be used to ‘populate’ the HRMF and to provide feedback on their legitimacy, validity and importance.

Legal and normative underpinnings

The HRMF covers both rights that have a clear basis for enforcement in domestic law through the Human Rights Act (HRA) (which incorporates many of the UK’s obligations under the European Convention on Human Rights (ECHR)) and additional rights that are drawn from the international instruments that the UK has signed up to (such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD)). For the purposes of this report we describe the rights that are set out in the ECHR and incorporated into domestic law by the HRA, in the following way: Right to life, HRA, Article 2. The rights that are drawn from international instruments that the UK has signed up to, such as the ICESCR, are described as follows: Right to highest attainable standard of physical and mental health, ICESCR, Article 12.

What is being measured/monitored?

The HRMF evidence base brings together information about domestic human rights law and treaty ratifications with a broad range of other evidence including information about the regulatory and public policy framework for protecting human rights; information on case law outcomes (ie information on violations/breaches); concerns highlighted by domestic and international human rights monitoring bodies (for example, the Joint Committee on Human Rights (JCHR) and United Nations treaty monitoring committees); findings of investigations, inquiries and reviews; issues raised by regulators, inspectorates and ombudsmen; and allegations and concerns raised by NGOs and other civil society mechanisms such as media reports. The HRMF also draws on a wide range of statistical sources including administrative data and social surveys.

It is critical to understand that the HRMF is not intended as a violations counting system. Many of the indicators go beyond the concept of ‘legal enforcement’, ‘violations’ and ‘minimum compliance’. They aim to provide evidence of the incorporation of human rights standards into broader public policy and the emergence of a so-called ‘culture’ of respect for human rights. Proactive public policy measures as well as broader societal developments can help to reduce the risks of legal breaches of human rights and may ultimately reduce the need for legal enforcement activities and case law. A key aim of the HRMF is to capture and convey evidence about broader progress of this type.

When using the HRMF attention should be given to interpreting the different types of information and evidence that are covered in the HRMF indicators and evidence base. Particular care should be taken to distinguish between those rights that are domestically enforceable through the HRA, and other rights which are set out in the various regional and international human rights instruments that the UK has signed up to. Further, whilst some of the indicators in the HRMF provide direct evidence on breaches and violations (for example, case law outcomes) other elements of the HRMF evidence base provide more general information about overall patterns and trends as well as background and contextual information on the broader picture in relation to which a human rights concern is being raised. It is critical that both the qualitative and quantitative indicators within the HRMF are appropriately interpreted in line with the guidance provided in Part II.

Panels, indicators and evidence base

The HRMF is made up of a series of panels each of which focuses on a single right (for example, Panel 1 focuses on the Right to Life). Each Panel has a corresponding ‘indicator dashboard’ that has been developed and agreed through the Specialist Consultation process and by applying the project indicator selection criteria (as discussed in Chapter 2). The indicator dashboards’ each include ‘a balance of 10 qualitative and quantitative indicators and draw on both official and non-official sources. An evidence base’ against each of the indicator dashboards’ is presented in this report in a series of tables. This sets out the qualitative and quantitative information that has been gathered against each of the HRMF indicators to date.

Coverage

Due to time and resource constraints, it has not been possible to develop and agree panels for all of the human rights that are incorporated in the HRA and/or reflected in international human rights instruments within the scope of the current project. The project has resulted in the development and agreement of eight prototype panels, five with a clear basis in domestic legislation (the HRA) and three drawn directly from the UK's obligations under the ICESCR. These are:

Domestic basis:

- The Right to Life (HRA, Article 2)
- The Prohibition on Torture and Inhuman or Degrading Treatment or Punishment (HRA, Article 3)
- The Right to Liberty and Security of the Person (HRA, Article 5)
- The Right to a Fair Trial (HRA, Article 6)
- The Right to Respect for Private and Family Life (HRA, Article 8)

International basis:

- The Right to the Highest Attainable Standard of Physical and Mental Health (Universal Declaration of Human Rights (UDHR), Article 25; ICESCR, Article 12)
- The Right to Education (UDHR, Article 26; ICESCR, Article 13/14; United Nations Committee on the Rights of the Child (UNCRC), Article 28; HRA, Protocol 1 Article 2)¹
- The Right to an Adequate Standard of Living (UNCRC, Article 27; ICESCR, Article 11)

It is anticipated that the HRMF will be expanded over time to incorporate the full range of human rights that are protected and promoted in domestic, regional and international instruments.

Guidance on using and interpreting the HRMF

Part II of this report provides further guidance on using and interpreting the HRMF indicators and should be read before using and interpreting the HRMF indicators.

Chapter 3 provides guidance on the legal and normative underpinnings of the HRMF. It is particularly important that readers are aware of the critical distinction between those human rights that have an explicit basis in UK domestic law (the Human Rights Act 1998, which incorporates most of the rights in the ECHR) and those human rights that are protected and promoted in other regional and international treaties and instruments that the UK has signed and ratified (such as the ICESCR, the Convention Against Torture (CAT) and the CRC).

Chapter 4 provides further guidance and clarification on using and interpreting the HRMF. The different types of information that are included within the HRMF are distinguished and the need for careful interpretation of both the qualitative and quantitative indicators is highlighted. An example of how one of the HRMF ‘indicator dashboards’ works (focusing on the right to life) is also provided.

Summary of the HRMF indicators

A summary of the indicators that have been developed and agreed for each of the HRMF panels is given below.

The Right to Life (HRA, Article 2) Indicator dashboard

Indicator 1: Legal and constitutional framework

Indicator 2: Legal precedents, gaps and standard-setting

Indicator 3: Regulatory framework

Indicator 4: Public policy framework

Indicator 5: Outcomes of key judicial, regulatory and investigative processes

Indicator 6: Spotlight statistics: Deaths in the police and criminal justice system context

Indicator 7: Spotlight statistics: Deaths within health and social care institutions/community care

Indicator 8: Spotlight statistics: Protection from third party violations – homicide within society, community and families

Indicator 9: Spotlight statistics: Premature mortality within families, community and society

Indicator 10: Spotlight statistics: Public attitudes, understanding and experiences.

The Prohibition on Torture and Inhuman Or Degrading Treatment or Punishment (HRA A3) Indicator dashboard

Indicator 11: Legal and constitutional framework

Indicator 12: Legal precedents, gaps and standard-setting

Indicator 13: Regulatory framework

Indicator 14: Public policy framework

Indicator 15: Outcomes of key judicial, regulatory and investigative processes

Indicator 16: Spotlight statistics: The use of restraint, punishment and conditions of detention

Indicator 17: Spotlight statistics: Physical violence, physical and sexual abuse, and victimisation within miscellaneous establishments

Indicator 18: Positive duties and effective protection from sexual violence, domestic violence, hate crime and abuse within families, communities and society: Spotlight statistics on prevalence, detection and prosecution

Indicator 19: Denial of basic needs

Indicator 20: Spotlight statistics: Public attitudes, understanding and experiences.

The Right to Liberty and Security of the Person (HRA, Article 5) Indicator dashboard

Indicator 21: Legal and constitutional framework

Indicator 22: Legal precedents, gaps and standard-setting

Indicator 23: Regulatory framework

Indicator 24: Public policy framework

Indicator 25: Outcomes of key judicial, regulatory and investigative processes

Indicator 26: Spotlight statistics: Deprivation of liberty – Custodial context

Indicator 27: Spotlight statistics: Deprivation of liberty – Noncustodial context

Indicator 28: Spotlight statistics: Administrative detention – Mental health detention and issues of capacity/consent

Indicator 29: Spotlight statistics: Detention within the asylum and immigration system

Indicator 30: Spotlight statistics: Public attitudes, understanding and experiences.

The Right to a Fair Trial (HRA, Article 6) Indicator dashboard

Indicator 31: Legal and constitutional framework

Indicator 32: Legal precedents, gaps and standard-setting

Indicator 33: Regulatory framework

Indicator 34: Public policy framework

Indicator 35: Outcomes of key judicial, regulatory and investigative processes

Indicator 36: Spotlight statistics: Access to courts and tribunals

Indicator 37: Spotlight statistics: Special prosecution

Indicator 38: Spotlight statistics: Appropriate justice for children and young people

Indicator 39: Spotlight statistics: Treatment of victims and witnesses protection

Indicator 40: Spotlight statistics: Public attitudes, understanding and experiences.

The Right to Respect for Private and Family Life (HRA, Article 8) Indicator dashboard

Indicator 41: Legal and constitutional framework

Indicator 42: Legal precedents, gaps and standard-setting

Indicator 43: Regulatory framework

Indicator 44: Public policy framework

Indicator 45: Outcomes of key judicial, regulatory and investigative processes

Indicator 46: Privacy, identity and autonomy

Indicator 47: Spotlight statistics: The detention context

Indicator 48: Spotlight statistics: Unmet basic needs that may meet the Article 8 threshold

Indicator 49: Spotlight statistics: Abuse, neglect, discrimination, lack of dignity and respect

Indicator 50: Spotlight statistics: Public attitudes, understanding and experiences.

The Right to the Highest Attainable Standard of Physical and Mental Health (UDHR, Article 25; ICESCR, Article 12) Indicator dashboard

Indicator 51: Legal and constitutional framework

Indicator 52: Legal precedents, gaps and standard-setting

Indicator 53: Regulatory framework

Indicator 54: Public policy framework

Indicator 55: Outcomes of key judicial, regulatory and investigative processes

Indicator 56: Spotlight statistics: Mortality rates, healthy life expectancy and ill health

Indicator 57: Spotlight statistics: Prevalence of self-harm, access to health services and health outcomes – at risk/vulnerable groups

Indicator 58: Spotlight statistics: Spotlight statistics: Non-discrimination, autonomy and dignity and respect

Indicator 59: Spotlight statistics: 'Social determinants', environmental and occupational health

Indicator 60: Public attitudes, understanding and experiences.

The Right to Education (UDHR Article 26; ICESCR Article 13/14; UNCRC Article 28; HRA Protocol 1, Article 2²) Indicator dashboard

Indicator 61: Legal and constitutional framework

Indicator 62: Legal precedents, gaps and standard-setting

Indicator 63: Regulatory framework

Indicator 64: Public policy framework

Indicator 65: Outcomes of key judicial, regulatory and investigative processes

Indicator 66: Spotlight statistics: Inequalities in educational attainment

Indicator 67: Spotlight statistics: Exclusions and access to education/training and educational attainment for at risk/vulnerable groups

Indicator 68: Spotlight statistics: Support for those with Special Educational Needs

Indicator 69: Spotlight statistics: Bullying and treatment with dignity and respect – subjective measures

Indicator 70: Spotlight statistics: Public attitudes, understanding and experiences.

The Right to an Adequate Standard of Living (UNCRC, Article 27; ICESCR, Article 11) Indicator dashboard

Indicator 71: Legal and constitutional framework

Indicator 72: Legal precedents, gaps and standard-setting

Indicator 73: Regulatory framework

Indicator 74: Public policy framework

Indicator 75: Outcomes of key judicial, regulatory and investigative processes

Indicator 76: Spotlight statistics: Income poverty and material deprivation

Indicator 77: Spotlight statistics: Child income poverty and material deprivation – reporting against the Child Poverty Act targets (fulfilment of the Child Poverty Duty)

Indicator 78: Spotlight statistics: Deprivation in other basic needs

Indicator 79: Spotlight indicators: Adequate standard of living – at risk/vulnerable groups

Indicator 80: Spotlight statistics: Public attitudes, understanding and experiences.

Chapter notes

- 1 The right to education is also set out in the ECHR Protocol 1 Article 2 and is incorporated into domestic law in the HRA. This is a more limited right than the broader right to education derived from the ICESCR.
- 2 The right to education is also set out in the ECHR Protocol 1 Article 2 and is incorporated into domestic law in the HRA. This is a more limited right than the broader right to education derived from the ICESCR.