



DATA FOR ECONOMIC, SOCIAL, AND CULTURAL RIGHT

COLLECTIVE POSITION



TIME TO MAKE HUMAN RIGHTS COUNT!



Data plays a crucial role in realizing human rights, as it helps us understand the current human rights situation, make informed policy decisions, and assess the effectiveness of those policies. However, there is a **human rights data gap**.

Data is Not Objective or Neutral. It's Inherently Political

At both global and national levels, affected communities and marginalized groups are often excluded from data collection processes, rendering them invisible to policymakers and powerful actors, often resulting in further marginalization. Even when relevant data is collected, it is often not made available to communities in ways they can use to participate in relevant decision-making processes. When communities decide to gather their own data to influence decisions that affect them directly, this is often disregarded as not objective and credible.

From Human Rights Holders to Consumers; How Digitalization Has Shifted the Power Balance

The digitalization of all aspects of our lives has given technology companies enormous power over people's data, which has serious implications on public decision-making processes. Commercially produced data sees people as consumers, not as rights holders, and cannot replace public or community-based data collection. As a result, there is a significant power imbalance over public policies and practices, which affects people's lives. The issue warrants urgent attention from human rights and social justice advocates.

Breaking Down the Barriers of Data Exclusion

The Collective Position on Data and ESCR seeks to re-affirm the role of states in producing accurate, representative, and relevant data for policy making. It also seeks to regulate the private sector to protect human rights. The position is a concrete point of reference for civil society to advocate for data that centers rights-holders and affected communities. By doing so, it enables more inclusive, democratic, and effective decision-making processes.

FIVE PRINCIPLES OF A HUMAN RIGHTS-BASED APPROACH TO DATA

1. EQUALITY AND NON-DISCRIMINATION

The legal obligation to eradicate all forms of discrimination requires states to gather representative data, that captures the situation and needs of different groups and highlights patterns of inequalities in the enjoyment of economic, social and cultural rights. To this end states must produce data **disaggregated** by subcategories such as gender, disability, age, ethnic and religious identity, economic status, location, and others, and ensure that rights-holders are able to self-identify when being counted in data. Data that is not broken down obscures important differences between groups and leads to decisions that do not address the needs of all.



2. HIGH QUALITY DATA

States have obligations to gather high-quality human rights data. To be high-quality, data needs to have certain features, such as relevance, timeliness, accuracy, completeness, and consistency, as well as address all aspects of economic, social, and cultural rights, including **people's experience** in enjoying these rights. This requires states to use **human rights-relevant indicators**, **diversify the sources** and types of data, and **increase the use of qualitative data that reflects lived perspectives**.



3. PARTICIPATION

Rights-holders have a right to access information that is of public interest, including information and data on the status of their ESCR, and the steps states are taking to comply with their human rights obligations. This information and data must be **publicly available and accessible**, that is, all rights-holders must be able to understand and use it without discrimination. Those seeking to access public information must be able to do so safely and without facing threats or harm.



4. TRANSPARENCY & ACCESSIBILITY OF INFORMATION

Data should meaningfully enable the participation of everyone, particularly marginalized groups, in shaping decisions that affect economic, social, and cultural rights (ESCR). To this end, **communities should be able to set the agenda** over what types of official data should be gathered and made available, and how their perspectives should be best reflected. In addition, communities should be placed in the position to **carry out their own monitoring** and data-gathering initiatives free from threats, harassment, or interference from the state, corporate actors, or other powerful entities. It is crucial that public bodies recognize data gathered by **communities as legitimate and valid** and that the results are taken into account when making public decisions.



5. PRIVACY

Human rights data must be produced and used in such ways as to protect the rights to **privacy and security of a person**. The right to privacy must be guaranteed across states' functions that entail the collection and processing of data, whether for the purposes of designing policies and decision-making around ESCR, or for the delivery of public services that underpin ESCR.



TO WHAT AND TO WHOM DO THE FIVE PRINCIPLES APPLY?



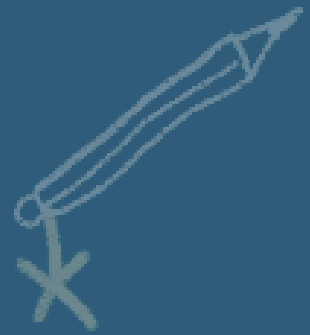
The five principles for a human-rights based approach to data have been developed based on obligations related to economic, social, and cultural rights, but are also relevant to civil, environmental, and political rights.

THE PRINCIPLES APPLY TO:

- Official data on economic, social, and cultural rights produced by states – including entities such as national statistical offices; ministries, and departments responsible for economic, social, and cultural rights.
- Non-state actors that take on state-like responsibilities, such as providing public services.
- Privately produced data that may hinder the enjoyment of economic, social and cultural rights.



BEHIND THE SCENES: THE MAKING OF THE COLLECTIVE POSITION



ESCR-Net – International Network for Economic, Social and Cultural Rights, is a global network of over 280 NGOs, social movements, and advocates across 75 countries committed to building a global movement to make human rights and social justice a reality for all. The ESCR-Net [Monitoring Working Group](#) consists of around 40 civil society organizations, focused on monitoring economic, social, and cultural rights globally. After two years (2020 - 2022) of in-person and virtual discussions and collective analysis, the group developed a position that draws on legal analysis and members' experiences as human rights researchers and advocates working with marginalized communities. The position was published in March 2022 and is available in [English](#), [Spanish](#), [French](#), and [Arabic](#).



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