

# Rights to Privacy and Statistical Information under International Human Rights Law

UNECE Expert Meeting on Statistical Legislation  
03 November 2020

Marc Titus D. Cebreros  
Human Rights Indicators and Data Unit



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# States' duty to produce statistics on/for human rights

- Specific treaty provisions, e.g.
  - Statistical data to help implement Disability Rights convention (Art. 31, CRPD)
  - Indicators on violence against women (Art. 8(h) Convention of Belem do Para)
- Treaty body practice and interpretation
- Progressive realization obligation under IHRL
- SDGs and human rights, Target 17.18



# Scope of the obligation

- Data needs to be *duly* disaggregated.
- Data needs be collected in an independent and impartial manner.
- Data should be produced through a process with wide participation by relevant stakeholders.
- Accurate data as “empirical basis” for evaluating the enjoyment of rights and taking policies to enhance them.

# Potential Human Rights and Data Quality Standards

- Collected on a regular basis and in a timely manner;
- Standardized through different state governments and agencies;
- Interlinked and integrated through different state governments and agencies;
- Collected on the entire national territory;
- Collected regarding both citizens and non-citizens;



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# Potential Human Rights and Data Quality Standards

- The result of effective coordination among administrative units so as to avoid duplications and discrepancies;
- Comparable among different zones and periods of time;
- Collected taking in consideration methodologies by specialized agencies, such as, for data concerning people with disabilities, the Washington Group on Disability Statistics.



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# Structural and institutional considerations of the right

- States to ensure that NSO and NSS have ‘adequate human, financial, and technical resources’
- Treaty bodies have often recommended that States ‘enhance’ and ‘strengthen’ the capacity of NSOs
- Call to ‘avail [themselves] of technical and capacity building assistance, as necessary’ from ISS and global SDG custodians, for example



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# The limits: Privacy and other risks to human rights

- Right to privacy
- Do no harm principle – discriminatory effects and exposure to human rights harms
- Big Data associated risks
- Evidence of state practice



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# Access to Statistical Information

- Right to participation (Article 25, ICCPR)
- Access to information (Article 19, ICCPR)
- Right to benefit from scientific progress (Article 7UDHR, and Article 15, ICESCR)
- Statistics as a tool and input to human rights realization (CESCR GC 25)
- Broad public access to statistical information “public good character”: constitutional, legal and policy guarantees



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



Thank you.

*For more information and technical support:*  
[hrindicators@ohchr.org](mailto:hrindicators@ohchr.org) / [mcebreros@ohchr.org](mailto:mcebreros@ohchr.org)



UNITED NATIONS



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER