

# **Ist es möglich, die schrittweise Verwirklichung der Menschenrechte zu messen?**

Vortrag am 14.01.2010 in Berlin

# Einführung

- Moderne Zeiten: der Glaube an Zahlen
- Unverrechenbarkeit von Menschenwürde

# Fragestellung

- Schrittweise Verwirklichung
- Anknüpfungspunkte in der Konvention
- Welche Ansätze gibt es?
- Wie sind diese Ansätze zu bewerten?

# Überblick

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# Grundlagen

- Ansatz: *Menschenrechts-basierte* Indikatoren
- Stand der Entwicklungen
- Haltung der Vereinten Nationen

# Typen von Indikatoren

- Strukturindikatoren
- Prozessindikatoren
- Ergebnisindikatoren

# Beispiel: Recht auf Gesundheit

- Sexuelle und reproduktive Gesundheit
- Kindessterblichkeit / Versorgung von Mädchen und Jungens
- Wesentliche Umweltfaktoren
- Krankheitsprävention
- Zugang zu Einrichtungen der Gesundheitsversorgung

## Fokus: Zugang

- Ist der Zugang zu medizinischer Versorgung durch ein individuelles Recht abgesichert?
- Wie viel Prozent der Bevölkerung haben mangels Einkommen keinen Zugang zu medizinischer Versorgung?
- Wie hoch ist die Lebenserwartung im Zeitpunkt der Geburt / im Alter von 1?



List of illustrative indicators on the right to enjoyment of the highest attainable standard of physical and mental health (UDHR, Art. 25) (\* MDG related indicators)

|                   | Sexual and reproductive health  | Child mortality and health care  | Natural and occupational environment   | Prevention, treatment and control of diseases   | Accessibility to health facilities and essential medicines  |
|-------------------|---|--|--|---|---|
| <b>Structural</b> | <ul style="list-style-type: none"> <li>International human rights treaties, relevant to the right to enjoyment of the highest attainable standard of physical and mental health (right to health), ratified by the State</li> <li>Date of entry into force and coverage of the right to health in the Constitution or other forms of superior law</li> <li>Date of entry into force and coverage of domestic laws for implementing the right to health, including a law prohibiting female genital mutilation</li> <li>Number of registered and/or active non-governmental organizations (per 100,000 persons) involved in the promotion and protection of the right to health</li> <li>Estimated proportions of births, deaths and marriages recorded through vital registration system</li> </ul> |  |  |   |   |
|                   | <ul style="list-style-type: none"> <li>Time frame and coverage of national policy on sexual and reproductive health</li> <li>Time frame and coverage of national policy on abortion and foetal sex-determination</li> </ul>   | <ul style="list-style-type: none"> <li>Time frame and coverage of national policy on child health and nutrition</li> </ul>   | <ul style="list-style-type: none"> <li>Time frame and coverage of national policy on physical and mental health,</li> <li>Time frame and coverage of national policy for persons with disabilities</li> <li>Time frame and coverage of national policy on medicines, including list of essential medicines, measures for generic substitution</li> </ul>   |   |   |
| <b>Process</b>    | <ul style="list-style-type: none"> <li>Proportion of received complaints on the right to health investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded to effectively by the government</li> <li>Net official development assistance (ODA) for the promotion of health sector received or provided as a proportion of public expenditure on health or Gross National Income*</li> </ul>   |  |  |   |   |
|                   | <ul style="list-style-type: none"> <li>Proportion of births attended by skilled health personnel*</li> <li>Antenatal care coverage (at least one visit and at least four visits)*</li> <li>Increase in proportion of women of reproductive age using, or whose partner is using, contraception (CPR)*</li> <li>Unmet need for family planning*</li> <li>Medical terminations of pregnancy as a proportion of live births</li> <li>Proportion of reported cases of genital mutilation, rape and other violence restricting women's sexual and reproductive freedom responded to effectively by the government</li> </ul>   | <ul style="list-style-type: none"> <li>Proportion of school-going children educated on health and nutrition issues</li> <li>Proportion of children covered under programme for regular medical check-ups in the reporting period</li> <li>Proportion of infants exclusively breastfed during the first 6 months</li> <li>Proportion of children covered under public nutrition supplement programmes</li> <li>Proportion of children immunised against vaccine-preventable diseases (e.g. measles*)</li> </ul> | <ul style="list-style-type: none"> <li>Proportion of targeted population that was extended access to an improved drinking water source*</li> <li>Proportion of targeted population that was extended access to improved sanitation*</li> <li>CO2 emissions per capita *</li> <li>Number of cases of deterioration of water sources brought to justice</li> <li>Proportion of population or households living or working in or near hazardous conditions rehabilitated</li> <li>Number of prosecutions under domestic law on natural or workplace environment</li> <li>Proportion of driving licences withdrawn for breaches of road rules</li> </ul> | <ul style="list-style-type: none"> <li>Proportion of population covered under awareness raising programmes on transmission of diseases (e.g. HIV/AIDS*)</li> <li>Proportion of population (above age 1) immunised against vaccine-preventable diseases</li> <li>Proportion of population applying effective preventive measures against diseases (e.g. HIV/AIDS, malaria*)</li> <li>Proportion of disease cases detected and cured (e.g. tuberculosis*)</li> <li>Proportion of population abusing substances, such as drug, chemical and psychoactive substance, brought under specialised treatment</li> <li>Proportion of mental health facilities inspected in the reporting period</li> </ul> | <ul style="list-style-type: none"> <li>Per capita government expenditure on primary health care and medicines</li> <li>(Improvement in) Density of medical and para-medical personnel, hospital beds and other primary health care facilities</li> <li>Proportion of population that was extended access to affordable health care, including essential drugs*, on a sustainable basis</li> <li>Proportion of people covered by health insurance in reporting period</li> <li>Proportion of persons with disabilities accessing assistive device</li> <li>Share of public expenditure on essential medicines met through international aid</li> </ul> |
| <b>Outcome</b>    | <ul style="list-style-type: none"> <li>Proportion of live births with low birth-weight</li> <li>Perinatal mortality rate</li> <li>Maternal mortality ratio*</li> </ul>  | <ul style="list-style-type: none"> <li>Infant and under-five mortality rates*</li> <li>Proportion of underweight children under-five years of age*</li> </ul>  | <ul style="list-style-type: none"> <li>Prevalence of deaths, injuries, diseases and disabilities caused by unsafe natural and occupational environment</li> </ul>  | <ul style="list-style-type: none"> <li>Death rate associated with and prevalence of communicable and non-communicable diseases (e.g. HIV/AIDS*, malaria*, tuberculosis*)</li> <li>Proportion of persons abusing harmful substances</li> <li>Life expectancy at birth or age 1 and health-adjusted life expectancy</li> <li>Suicide rates</li> </ul>   |   |

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*All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metasheets*

## Artikel 31 UN-BRK

- Staatliche Verpflichtung zu Statistik und Datensammlung
- Aufschlüsselung von Daten, soweit angemessen
- Fokus auf Hindernisse in Bezug auf Umsetzung und Rechtsausübung
- Anforderungen an die Verfahren zur Sammlung und Aufbewahrung von Daten

# Herausforderungen

- Vorgehensweise
- Forschungsaufwand
- Sensibilität von Daten

# Positive Aspekte

- Faktische Grundlagen
- Darstellung von Entwicklungen
- Bewertung aus menschenrechtlicher Perspektive
- Basis für sinnvolle politische Maßnahmen
- Steuerung von Fehlentwicklungen

# Nutzbarmachung

- Staat: Politik / Umsetzung der Konvention/  
Staatenberichterstattung
- Forschung: Orientierungsfunktion
- Nichtregierungsorganisationen: Grundlage  
für menschenrechtliche Kritik /  
Parallelberichterstattung
- Ausblick Monitoring-Stelle: Entwicklung  
von Indikatoren

# Zusammenfassung

- Menschenrechtsgestützte Indikatoren ein Zugang zur Wirklichkeit; wichtig: Rückbindung an die Normstruktur der Menschenrechte
- Einsatz von Indikatoren ist *ein* wichtiges Hilfsmittel, um menschenrechtlich relevante Entwicklungen erkennbar zu machen

**Ich danke Ihnen für  
Ihre Aufmerksamkeit!**