Making Communities Count

ESCR-Net members' experiences with strengthening communities' participation in official data

Participation is key to fulfilling human rights, particularly economic, social, and cultural rights. Participation means that people can freely, actively, and meaningfully influence decision-making processes that affect their lives.

States have a legal obligation to ensure that communities participate in decision-making processes. Rights-holders have first-hand knowledge on the enjoyment of economic, social, and cultural rights based on their lived experiences, which is vital information that warrants consideration in decision-making processes. However, official data – that is, data collected by states and public authorities- often does not accurately reflect the needs and perspectives of communities. This results in a gap between the communities' needs and what public policies and political decisions make available to them. This brief illustrates strategies that ESCR-Net members have put in place to close this gap by strengthening communities' participation in official data collection.

Data is about identity and visibility: what is not counted does not count. Participation in official data gathering can be an inroad for communities that have historically been side-lined due to colonialism, patriarchy, and racism to have a say in policy and decision making, including around planning and resource allocation.

> **Participation must be meaningful. The right to participate should be understood in the broadest possible sense to include not just participating in democratic processes, such as elections and referenda, but also in all political processes that affect economic, social, and cultural rights.**
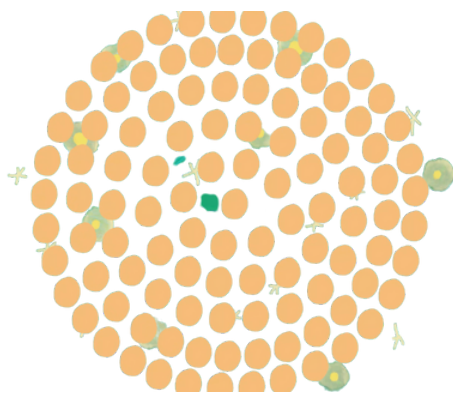
ESCR-Net Collective Position on Data for Economic Social and Cultural Rights

WHAT CHALLENGES AND BARRIERS DO COMMUNITIES FACE IN PARTICIPATING IN OFFICIAL DATA COLLECTION

Official data collected by states and public authorities usually does not fully represent communities' needs. Members have highlighted several gaps that lead to communities being excluded from data collection and decision-making processes:

- People and communities with first-hand knowledge are not usually considered 'experts' about issues that they face or the context where they live. As a result, they are not involved in decisions about what data should be gathered and how.

- Official data tends to homogenize the population into broad categories that communities do not necessarily identify with. This makes some groups, and their characteristics, invisible. For example, Indigenous People often do not find themselves represented in official data that accurately denotes their identity.

- States and decision-makers generally prefer quantitative data (numbers, statistics) over qualitative types (stories, testimonies etc). However, qualitative data is essential to capture core elements of human rights obligations and people's experiences with fulfilling their rights.

- Data collected by communities themselves tends to not be seen as legitimate and valid and therefore not taken into account in policy and decision-making processes.

- When official data is available, it is often not in an accessible format. Data and information of public interest are not always easy to understand and interpret.

- Data literacy, which means people's ability to understand and use data, is also necessary to guarantee that people are able to read and understand the data and to participate from an informed perspective.

- Some types of data collected by governments or third parties can harm communities and replicate discriminatory practices. For example, people who are part of the informal economy or informal settlements are not included in policy processes and resource allocation, but they are counted for the purposes of tax collection.

HOW DO CIVIL SOCIETY AND HUMAN RIGHTS ADVOCATES ADDRESS THESE CHALLENGES

Communities can have ownership of data and information and have a real influence on power structures and decision-making. Efforts of ESCR-Net members to increase the participation of communities in data collection and decision-making are twofold: a) advocating with states and public authorities, and b) working with communities to produce data that reflects their issues and needs. For example:

ARGENTINA

In Argentina, **the Asociación Civil por la Igualdad y la Justicia (ACIJ)** has been working to ensure that informal settlement residents have a say on infrastructure projects taking place in their communities. Following years of advocacy, the Buenos Aires City Government decided to invest significant funding to improve public infrastructure in informal settlements. However, residents lacked information on approved projects and mechanisms to monitor the status of public works and participate in decision-making. ACIJ worked with communities to document information gaps and barriers to participation. In parallel to this, the organization set up a web portal to systematize information on ongoing public works and make it accessible to residents. Read more about the project here.

IRELAND

In Ireland, **Pavee Point Traveller and Roma Centre** have advocated since 1993 for the collection of disaggregated data based on ethnicity, inclusive of Travellers and Roma, in line with European data protection law and within a human rights framework. Pavee Point argues that ethnic equality monitoring, inclusive of disaggregated ethnicity data, is required to protect the human rights of minorities, to promote equality and counter discrimination. Without data disaggregated on the basis of ethnicity, it is impossible to

highlight the existence of systemic or indirect discrimination and to inform good policy and practice. Pavee Point applies a two-pronged approach in working on ethnic equality monitoring with Travellers, Roma and state actors to (1) improve knowledge, capacity, skills and confidence among relevant state actors to implement, monitor and evaluate ethnic data in line with human rights standards; and (2) build awareness among Traveller and Roma leaders about the importance of ethnic equality monitoring and the need to encourage communities to voluntarily self-identify in order to inform policy, prevent discrimination and promote equality of access, participation and outcomes. Pavee Point has worked in partnership with various public bodies to ensure that data collection adheres to equality and human rights standards and that data collectors are given the necessary skills and confidence to monitor and evaluate ethnic data within a human rights framework. This work has also directly resulted in the explicit inclusion of Traveller and Roma ethnicity in the national census. Pavee Point also works to ensure an evidence base is used to inform policy development and services in addressing health inequalities using a peer-led approach, including overseeing the ground-breaking national research Our Geels: All Ireland Traveller Health Study (2010) and supporting the implementation of the first national Roma needs assessment in Ireland,

NORTHERN IRELAND

In Northern Ireland, **Participation and the Practice of Rights (PPR)** organizes alongside marginalized communities, supporting people to gather data about their experiences of housing, mental health, asylum and the economy. This data is compared with benchmarks and standards in international human rights law, and the community sets human rights-based indicators for change. Communities then monitor the response of government authorities to their demands, placing data at the center of a participatory campaign strategy. Recently PPR has been exploring the role of technology to gather and display data, creating an accessible accountability mechanism across issues such as housing needs, mental health counselling availability, and public investment in services.

ASIA

For the **Asia Indigenous Peoples Pact (AIPP)**, data is a key tool to support Indigenous People's self-determination. AIPP has developed an Indigenous Data Sovereignty (IDS) framework to re-claim Indigenous People's right to develop, own and control data that reflects their communities' identities and priorities. Indigenous People in Asia face insufficient recognition of their collective rights, such as the rights to self-determination, livelihood, land and natural resources. Land is a particularly crucial issue. In several Asian countries, official land data make Indigenous communities invisible, leading to forced displacement and violations of the rights to livelihood and cultural identity, among others. To address these challenges AIPP has been documenting Indigenous' knowledge, practices, and cultures, as well as the use of customary land through community maps, which constitute alternatives to official government maps. AIPP has also encouraged the development of data protocols to regulate ownership and community data sharing with external stakeholders. In addition, AIPP has established an initiative called Indigenous Navigator to monitor the implementation of the United Nations Declaration on the Rights of Indigenous People in several countries in Asia.

EGYPT

In Egypt, **civil society groups** have been leveraging legal provisions on participation to increase accountability in decision making around infrastructural projects. Egyptian environmental law requires entrepreneurs (public or private) to make environmental impact assessments available to communities and seek their consent through two public hearings. However, too often impact assessments are not available and public hearings are conducted without meaningful engagement, becoming a tick-box exercise to adhere with procedural requirements. In 2019, the government announced a plan to establish a coal-fired power plant in Hamrawin (Red Sea port). Local organizations demanded the Environmental Affairs Agency to access the environmental impact assessment and be involved in public hearings, which the Agency agreed agreed to. While the project was later suspended, the Agency's official reply has been serving as a basis to advocate for communities' access to information and participation in the context of other infrastructural projects.

KENYA 🇰🇪

In Kenya, **Pamoja Trust** has been working with communities in urban informal settlements to support them to shape development plans for their neighborhoods. To do so, Pamoja promotes the Adaptive Settlement Planning approach, which is a systematic way of conducting strategic planning at the community level where data collection and analysis are critical to shape communities' agenda. Communities conduct their own enumeration process, capturing social and spatial information through survey questionnaires coupled with gender-sensitive focus group discussions to verify the information collected. Pamoja Trust has supported the use of tools such as the Social Tenure Domain Model developed by Global Land Tools Network to collect and package social and spatial information. The information collected using this tool is domiciled in the community and the community leadership controls the addition, editing and any other data manipulation processes. This information shapes the contents of the plans developed and is also shared with the relevant government authorities. Over time, the organization has realized that the government and other stakeholders recognize the legitimacy of these types of data and have used it for various purposes linked to the community in question. The outputs developed using this data have shaped the community's engagement in key processes in their counties, including work on the development plans (such as County Integrated Development Plans), influencing overall public resource allocation in their neighborhood.

MEMBERS RELY ON THE FOLLOWING ARGUMENTS WHEN ADVOCATING WITH PUBLIC AUTHORITIES:

Instrumental argument: Community participation increases data accuracy: if parts of the population are not represented in the data, the decisions taken on that basis will not be effective. Advocacy efforts have been more successful when working in partnership with other movements and organizations, pointing at the benefits of involving communities in monitoring the impact of resources invested to ensure public funding is spent efficiently.

Fulfilment of equality legislation: For example, in Ireland, like in many other countries, based on the Irish Human Rights and Equality Commission Act 2014, publicly funded bodies must demonstrate compliance with public sector equality and human rights duty legislation; eliminate discrimination; promote equality of opportunity and treatment for staff and beneficiaries of services; and protect the human rights of staff and beneficiaries of services.

Right to participation: Members have also used arguments based on the right to participation in public affairs, which enjoys different degrees of protection across legislations.

HERE IS A LIST OF DEMANDS THAT CIVIL SOCIETY ORGANIZATIONS AND MOVEMENTS CAN ADVOCATE FOR:

- Communities should be involved in decisions about the scope and methodologies of data gathering, including in setting indicators and benchmarks.
- Data should be gathered and disaggregated by equality categories relevant to the local context (e.g., ethnicity, gender, age, disability, others).
- Relevant data should be used. Quantitative data is not enough by itself; qualitative information reflecting people's experiences is key to inform public policies and decisions.
- Community data should be seen as credible and legitimate and be given adequate weight in decision-making processes.
- Public officials should be made aware of the long-term benefits of participation and community data.
- Communities should have access to data and information about decisions and processes that affect them, and this information should be provided in accessible and usable formats.

Data and monitoring processes must be accountable to communities. States and governments must ensure and implement the right to participate in data and decision-making processes by allowing communities to:

- Set the agenda and have ownership of monitoring and data processes

- Have real influence and power over official monitoring and decision-making processes

- Undertake their own monitoring and data gathering initiatives

- Have access to relevant information they need to meaningfully participate in decision-making.

States should also support communities in designing and carrying out monitoring projects and the production of community-generated data. To do so, states should:

- Ensure that communities have the resources to produce, analyze, and preserve more—and better—data

- Strengthen communities' capacity and resources to gather and use their own data

- Ensure that those gathering data at the community level, such as human rights and environmental defenders, can do so safely and free from threats, harassment, and retaliation.

For example, the Kenya National Bureau of Statistics has developed guidelines for using "citizen-generated data" for reporting, particularly in the context of the Sustainable Development Goals. The guidelines introduce the concept of citizen-generated data (CGD), provide an opportunity for CGD to be applied for official purposes or government statistics, and create opportunities for partnership between the government and non-state actors, particularly civil society and private sector—including through the allocation of funds for data-driven initiatives by the government. To curb the limitations that may come with the use of CGD, the guidelines emphasize that not all CGD is meant to be applied for official purposes or government statistics. However, communities and non-state actors are encouraged to run independent CGD initiatives and produce data that can be used by relevant stakeholders.

The following international instruments can be referenced when advocating for participation and community-centered data:

➢ International Covenant on Civil and Political Rights
➢ United Nations Declaration on the Rights of Indigenous Peoples
➢ International Labour Organization Convention 169
➢ Convention on the Elimination of All Forms of Discrimination Against Women
➢ Convention on the Rights of Persons with Disabilities
➢ International Convention on the Rights of All Migrant Workers and Members of their Families
➢ International Convention on the Elimination of All Forms of Racial Discrimination