

INTERNATIONAL LAW, INDICATORS AND GLOBAL GOVERNANCE

DERECHO INTERNACIONAL, INDICADORES Y GOBERNANZA GLOBAL

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Abstract: The use of indicators in international law and global governance has recently developed as a basis for evaluation, decision-making and conceptual and methodological legitimation. This study will analyse the use of different measurement devices constructed at the international level. It will consider the assessment of the state of human security as a case study, placing a particular focus on the relationship of ‘narrow’ and ‘broad’ views of human security to all human rights: civil, political, economic, social and cultural, and incorporating the aggravated human security risks encountered globally by women and girls. As a result, the text presents a proposal of a more holistic and operational measurement of human security based on a gendered and human rights based-approach.

Keywords: indicators, international law, global governance, human security, human rights.

Resumen: El uso de indicadores en el derecho internacional y la gobernanza global ha crecido recientemente como base para la evaluación, la toma de decisiones y la legitimación conceptual y metodológica. Este estudio analizará el uso de diferentes dispositivos de medición construidos a nivel internacional. Considerará la evaluación del estado de la seguridad humana como un estudio de caso, prestando especial atención a la relación de la seguridad humana, en su concepción ‘estrecha’ y ‘amplia’, con todos los derechos humanos: civiles, políticos, económicos, sociales y culturales, e incorporando la perspectiva de los riesgos agravados de seguridad humana que enfrentan las mujeres y las niñas a nivel global. Como resultado, el texto presenta una propuesta de medición de la seguridad humana más integral y operativa basada en un enfoque de género y de derechos humanos.

Palabras clave: indicadores, derecho internacional, gobernanza global, seguridad humana, derechos humanos.

Summary: I. Introduction. II. Indicators and human security in international law. III. Measuring human security levels. 1. Human security as the protection from physical violent conflict and bodily injury (the ‘narrow’ view). 2. Human security as the defence from risks related to development and socio-economic conditions (the ‘broad’ view). 3. Eclectic positions. IV. A human security measurement founded on international law: gendered and human rights-based approaches to human security. 1. A threshold valuation to guide human security measurement. 2. Gender and human rights law as components of human security indicators. V. Conclusions.

I. Introduction

1. The use of indicators in international law and global governance has slowly, but steadily, progressed as a basis for evaluation, decision-making and conceptual and methodological legitimation. From international bodies, to government institutions, civil society organisations and corporate actors, measurement exercises and quantitative indicators have become the ‘modern’, technology-based tool to orient policy, law and even judicial resolutions.

2. Examples of the use of indicators, rating, indices and other measuring and ranking exercises, may be found at the global level in the context of the United Nations (UN), international bodies such as the World Bank, and international NGOs, in this last case, for instance through the Access to Medicine Index, Oxfam’s Behind the Brands Scorecard, Ranking Digital Rights, Human Rights Performance Benchmark, or Measuring Business and Human Rights,¹ as well as governance indicators like Transparency International’s Corruption Perception Index or the Rule of Law Index.² The UN Global Compact (UNGC) and the Global Reporting Initiative (GRI) have gone a great way in encouraging corporate social responsibility, and also base much of their work on indicators.³

3. In making visible previously neglected issues, and reinforcing or minimising others, indicators set the criteria for the political prioritisation of issues and the allocation of power and resources. At the same time, though, it has been argued that the use of indicators has created (willingly or not) a space for political contestation and a path for channelling social justice demands,⁴ among which one may find those related to the respect, protection and guarantee of human rights.

4. In this context, this study will analyse the use of different measurement devices constructed at the international level taking the assessment of the state of human security as a case study, and placing the focus on the relationship of human security to human rights.

5. Within human rights law itself, the use of indicators has also become a common resource. Illustrative samples may be found in the UN system of human rights, as well as in the practice of the Inter-American, European and African systems of human rights in recent years. Indeed, from measuring education statistics, corporate responsibility vis-à-vis the respect for human rights, to data on poverty and discrimination, as well as general human rights compliance and implementation, human rights bodies have turned to quantitative (although also to qualitative) indicators and standards to review State action, determine accountability and even to adjudicate State responsibility.⁵

6. One of the most pressing issues for human security and for human rights, that of violence against women and women’s human rights in general –potentially or actually affecting more than half

¹ BUSINESS AND HUMAN RIGHTS, News, available at <https://business-humanrights.org/en/measuring-business-human-rights-0>, consultation date: 9 January 2018.

² BOGDANDY et al., “Introduction”, in A.V. BOGDANDY, E. FERRER MAC-GREGOR, M. MORALES ANTONIAZZI, AND F. PIOVESAN (eds.), X. SOLEY (managing editor), *Transformative Constitutionalism in Latin America: The Emergence of a New Ius Commune*, Oxford University Press, Oxford, 2017, p. 12, specifically in relation to these governance indexes concerning Latin American countries.

³ S. ENGLE MERRY, “Measuring the World: Indicators, Human Rights, and Global Governance”, *Current Anthropology* 52, no. S3 (Supplement to April 2011), p. S83.

⁴ In this sense, see URUEÑA, RENÉ, “Indicadores, derecho internacional y el surgimiento de nuevos espacios de participación política en gobernanza global”, *International Law, Revista Colombiana de Derecho Internacional*, no. 25, 2014, pp. 543-584.

⁵ On regional human rights systems, see, e.g., the use of indicators on education to prove indirect discrimination against Roma people, in EUROPEAN COURT OF HUMAN RIGHTS, *D.H. and Others v. the Czech Republic* (GC), Appl. No. 57325/00, 13 November 2007; regarding the articulation of general indicators as related to economic, social and cultural rights, see INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, *Guidelines for Preparation of Progress Indicators in the Area of Economic, Social and Cultural Rights*, IACoHR, 2008; and R. MURRAY AND D. LONG, *The Implementation of the Findings of the African Commission on Human and Peoples’ Rights*, Cambridge University Press, Cambridge, 2015, especially at pp. 35-43. See also D. FELICE, “Business and Human Rights Indicators to Measure the Corporate Responsibility to Respect: Challenges and Opportunities”, in *Human Rights Quarterly*, Vol. 37, Number 2, 2015, pp. 511-555.

of the world's population—, has been measured in order to determine levels of gender equality in a given society and shape State obligations to that effect. As such, this study will explore the implications of a gendered perspective of human security that adequately reflects the developments of international human rights law in this area and conceptualises the threat or the experience of violence against women and girls as an authentic security concern.

7. Against this background, first this article will define the concept of indicators as well as that of human security as understood in relation to international law. Then it will explore the existing indicators and measurement tools for human security, doing so in a critical manner, referring to the different conceptions of human security that such measuring exercises connect to—a 'narrow' or a 'broad' view of human security. Generally speaking, the first perspective relates human security to physical and armed or openly violent conflict, while the second also contemplates development and socio-economic conditions, such as extreme poverty, hunger, ill-health, and environmental degradation, in its evaluation of levels of human security. These extremes have provoked the adoption of an 'eclectic position' as to the content of human security, within which one may also find measuring attempts, as reviewed in this text. This article spells out the implications of such notions in their relationship to *all* human rights considered by international law: civil and political rights, as well as economic, social and cultural rights (ESC Rights).

8. Ultimately, this article proposes an integral conception of human security based on human rights law, which adopts a cross-cutting gender perspective. As a result, it contends that measurements of human security thus understood would need to incorporate human rights indicators and standards in order to hold a solid normative grounding. It argues as well that an integral human security indicator would have to consider levels of gravity of the risk factors impacting concrete human rights at a given time and geographic context, more particularly those affecting persons in conditions of vulnerability.

II. Indicators and human security in international law

9. As explained by Sally Engle Merry, indicators are statistical measures that are used to consolidate complex data into a simple number or rank that is meaningful to policy makers and the public. They tend to ignore individual specificity and context in favour of superficial but standardized knowledge. An indicator presents clearly the most important features relevant to informed decision making about one issue or question.⁶ They have also been defined as

named collection of rank-ordered data that purports to represent the past or projected performance of different units. The data are generated through a process that simplifies raw data about a complex social phenomenon. The data, in this simplified and processed form, are capable of being used to compare particular units of analysis (such as countries or institutions or corporations), synchronically or over time, and to evaluate their performance by reference to one or more standards.⁷

10. As advanced above, this study focuses on mapping the use of indicators and measurement proposals of human security at the international level. To do so, let us recall in a nutshell that human security was fully articulated by the United Nations Development Program (UNDP) in its annual reports of 1993 and 1994.⁸ The 1994 formulation by the UNDP proposed, on the basis of the threats encountered by persons and communities, that human security encompasses seven types of security: economic security, food security, health security, environmental security, personal security, community security, and political security.⁹ A decade later, the 2003 Report of the Commission on Human Security, *Human Se-*

⁶ S. ENGLE MERRY, 2011, *op. cit.*, p. S86.

⁷ K. E. DAVIS, B. KINGSBURY AND S. ENGLE MERRY, "Indicators as a Technology of Global Governance", IILJ Working Paper 2010/2 Rev (revised August 2011), Global Administrative Law Series, New York University School of Law, p. 5.

⁸ See UNDP, *Human Development Report: People's Participation* (UNDP, 1993), iii; 2, 3, 7 (Summary), and 12 (full report); UNDP, *Human Development Report: New Dimensions of Human Security* (UNDP, 1994), Overview, 1, 5–6.

⁹ UNDP, 1994 *Human Development Report*, *ibid*, 23–25.

curity Now, further defined human security as the protection of the vital core of all human lives in ways that enhance human freedoms and human fulfilment from *critical (severe) and pervasive (widespread) threats* and situations.¹⁰ Two years later, the UN General Assembly (UNGA) considered human security as a ‘right’ in the *2005 World Summit Outcome*¹¹ and deriving from that, the role of human security escalated in the international scene. It means using processes that build on people’s strengths and aspirations, and creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of *survival, livelihood and dignity*.¹² Human security is comprehensive, multidimensional, context-specific, and prevention-oriented.¹³

11. This conception of human security thus relates to international law in several ways, among them, by contributing to strengthen or advance various insights that also touch on the axiology of human rights: its person-centred approach; its emphasis on intra-state violence and broader understandings of direct and indirect/structural violence; its underlining of socio-economic vulnerabilities as authentic security concerns; and its emphasis on interrelatedness transcending individual conditions of human rights violations. In its most recent definition, a ‘common understanding’ of human security was agreed upon by the UN General Assembly on the basis of *freedom from fear, freedom from want and freedom to live in dignity*. This common understanding of human security placed *all* (legal) human rights at its core –civil, political, economic, social and cultural– a position confirmed by the UN Secretary General’s Third Report on Human Security of 2013.¹⁴

12. As such, human security connects to human rights through the reflection of some of its elements in international law, particularly in international human rights law, but also in other areas such as international refugee law, humanitarian law, and criminal law. The approach of international law to *risk and vulnerability*, central elements of human security, is considered in the measurement devices analysed below as a general umbrella under which the development of security concerns for individual persons or groups (and not primarily the State) has taken place.

III. Measuring human security levels

13. ‘Broad’ understandings of human security consider all types of widespread threats, be it from a State or non-State source, stemming from armed conflict or not, and deriving from conditions of open violence or from socio-economic risk factors.¹⁵ In spite of the fact that UN instruments have adopted a broad conception of human security, the positions of States, the academic debate, as well as the measurement exercises of human security, have been fragmented into various stances.

14. In an overlook to summarize such positions one may find the conceptions reviewed below, which aim at highlighting the links of existing measuring exercises to specific human rights, and to conclude with a proposal to move forward on the basis of a holistic approach to human security.

¹⁰ COMMISSION ON HUMAN SECURITY (CHS), *Human Security Now*, Commission on Human Security, New York, 2003, p. 4.

¹¹ Para 143 of the UNGA, *2005 World Summit Outcome*, A/RES/60/1, 24 October 2005. On human security as an ‘emerging right’, see J. P. FERNÁNDEZ PEREIRA, *La seguridad humana: un derecho emergente*, Ariel, Spain, 2006.

¹² COMMISSION ON HUMAN SECURITY, 2003, *op. cit.*, p. 4, emphasis added.

¹³ See HUMAN SECURITY UNIT 2012.

¹⁴ UN GENERAL ASSEMBLY, ‘Follow-up to Paragraph 143 on Human Security of the 2005 World Summit Outcome’, A/Res/66/290, 10 September 2012 [3 a) and c)]; UN SECRETARY GENERAL, *Third Report of the UN Secretary General*, ‘Follow-up to General Assembly Resolution 66/290 on Human Security’, A/68/685, 23 December 2013.

¹⁵ See, e.g., A. CAHILL-RIPLEY, ‘Reclaiming the peacebuilding agenda: economic and social rights as a legal framework for building positive peace: a human security plus approach to peace-building’, in *Human Rights Law Review*, no. 16, vol. 2, 2016, pp. 223-246; Framework Treaty on Democratic Security in Central America, adopted in 1995 by the States of Central America: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, and entered into force 26 December 1997; and the activity by the Organisation of American States’ (OAS) Secretariat for Multidimensional Security, one of the six Secretariats of the OAS, at <http://www.oas.org/en/about/secretariats.asp>

1. Human security as the protection from physical violent conflict and bodily injury (the ‘narrow’ view)

15. This type of exercises analyse violent conflict, whether or not it stems from armed conflict between States, that is, also conflict deriving from political or criminal violence (usually referred to as the ‘narrow definition’ related more to ‘freedom from fear’), which one could consider mainly to affect the human rights to life, liberty and personal security, and physical integrity. Under this category, we may locate the following proposals:

16. The *Human Security Report Project*, coordinated by Andrew Mack and issued first by the University of British Columbia, and later by the Simon Fraser University, Canada.¹⁶ While recognizing that “hunger, disease and natural disasters kill far more people than war, genocide and terrorism combined”,¹⁷ this Report has been measuring since 2005 the world’s conditions of human security relating it to *violent conflict* and emphasizing (previously neglected) intra-State conflict.

17. In relation to the gendered perspective supported throughout this article, let us note that the *Human Security Report 2012*, dedicated partly to the study of intra-war sexual violence, emphasizes how in this context domestic violence against women –which actually is higher than war-related sexual violence–, is frequently overshadowed and dismissed, consistent with some of the underestimated challenges regarding the study of sexual and gender-based violence.¹⁸

18. In this same category of diagnosis efforts, although not under the label of ‘human security’, we may find other people-centred approaches such as the index developed in the report *Peoples under Threat (PUT)*, issued by Minority Rights Group International (MRGI). Based on previous research findings by other institutions, including UN bodies, MRGI has constructed a worldwide table, specifically designed to identify the *risk* of genocide, mass killing or other systematic violent repression, unlike most other early warning tools, which focus on *violent conflict as such*. Its primary application is civilian protection.¹⁹ With a stronger human rights based-approach than the previous Human Security Reporting Project, to provide an illustrative example, the report of PUT 2012 indicates a great increase in the likelihood of atrocity, in the face of certain characteristics at the State level, including habituation to *illegal violence* among the armed forces or police and prevailing *impunity for human rights violations*. The PUT report also recognizes that “some groups may experience higher levels of discrimination and be at greater risk than others in any given state”, and the report duly identifies the groups in each State which the authors conclude to be under most threat: usually ethnic or religious minorities.²⁰

2. Human security as the defence from risks related to development and socio-economic conditions (the ‘broad’ view)

19. This category of measuring exercises adopts the ‘broad definition’ of human security related more to ‘freedom from want’, an approach that remains closer to economic, social and cultural human rights (ESC Rights). These efforts have in general been less elaborated, possibly in part because of parallel existing indices carried out by the UNDP or the Millennium Development Goals, and the current Sustainable De-

¹⁶ The Human Security Report Project, coordinated by Andrew Mack, was transferred in May 2007 from the Human Security Centre at the Liu Institute for Global Issues, University of British Columbia, to the School for International Studies of Simon Fraser University in Canada. This School has continued the task of issuing the annual report.

¹⁷ HUMAN SECURITY REPORT PROJECT, *Human Security Report 2005. War and Peace in the 21st Century*, Human Security Centre, University of British Columbia, Canada, Oxford University Press, 2005, p. VIII.

¹⁸ HUMAN SECURITY REPORT PROJECT *Human Security Report 2012: Sexual Violence, Education, and War: Beyond the Mainstream Narrative*, Human Security Press, Vancouver, 2012.

¹⁹ *Peoples Under Threat, Online Briefing* (by Mark Lattimer), Minority Rights Group International, 2012, p. 7, available at <http://www.minorityrights.org/11337/peoples-under-threat/peoples-under-threat-2012.html>

²⁰ *Ibidem*.

velopment Goals (SDG) adopted by the UNGA in 2015, but mostly because the eclectic types of diagnosis have been predominant, as will be seen below. Such eclectic measurements build on the present proposals and duly relate development concerns with levels of risk and human rights enjoyment. However, under the purely 'broad' understanding of human security, there are two identifiable approaches worth mentioning:

20. The proposal of Gary King and Christopher Murray who try to focus the human security definition on one's "expectation of years of life without experiencing the state of *generalized poverty*". In their definition, 'generalized poverty' means "falling below *critical* thresholds in any domain of well-being"; for which they also provide a review and categories of "Domains of Well-being".²¹

21. Following this line, John F. Jones has advocated for the Millennium Development Goals (MDG)²² (a position that as of today would be applicable to the Sustainable Development Goals), as the adequate indicators to measure human security, as broad structural aims with quantitative and qualitative parameters in the socio-economic field, agreed upon by the international community within the formality of the UN institutional setting.²³ Carla Ferstman and Alice Edwards have also voiced their support for adopting a broad definition of human security to "combine both traditional security issues and their impact/intersection with non-citizens (e.g. terrorism and armed conflict), with issues that have not been traditionally seen within a security framework (e.g. development, poverty and the environment)".²⁴

3. Eclectic positions

22. These proposals attempt to further explore the triangle of security, development and human rights as advanced by recent ideas on human security, all sharing a risk-based focus and concentrating on a people-centred approach:

23. Some authors have attempted to determine if human security primarily is a phenomenon of economic development, institutional quality, geography, or some combination. Of these factors, they explore 'deep determinants': factors that are strongly correlated with increases or sustained levels of human security. An original proposal, with a very helpful historical perspective, has been presented in applying such model to a sample of former colonies. This focus allows for concentration on those populations facing the greatest human security risks. According to the authors, while economists have investigated some elements of the general human security puzzle, thus far their research has produced statistically robust yet theoretically thin findings. This model attempts to correct for these theoretical shortcomings through the inclusion of strictly focused political and social variables.²⁵

24. Thus, the authors propose human security as the dependent variable (DV) in their study, which is composed of the five main domains identified by King and Murray (referred to above in the previous section on the broad concept of human security): (1) income; (2) health; (3) education; (4) political freedom; and (5) democracy, applied to 72 former colonies, both developed and developing countries today. The study uses such domains as a departure point but places more emphasis on the *influence of institutions* as a deep determinant for human security, or its degradation.

²¹ G. KING, AND C.J.L. MURRAY, "Rethinking Human Security", in *Political Science Quarterly*, 2004, pp. 586-610. Emphasis added.

²² Millennium Development Goals, adopted by the UN General Assembly in 2000, available at <http://www.un.org/millenniumgoals/gender.shtml>. In 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals: see <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>

²³ See RDD. *Regional Development Dialogue: Assessing Human Security*, Vol. 31, No. 1, Spring 2010, United Nations Center for Regional Development, Nagoya, Japan.

²⁴ A. EDWARDS, AND C. FERSTMAN (editors), *Human Security and Non-Citizens: Law, Policy and International Affairs*, Cambridge University Press, Cambridge, 2010, p. 24.

²⁵ J.J. ST. MARIE, S.S. STANTON, JR. AND S. NAGHSHPOUR, "The Colonial Origins of Human Security: Economic, Geographic, and Institutional Determinants", in *Politics & Policy*, Volume 36, No. 1, 2008, pp. 80-106.

25. This analysis notes that while human security seems to be a more pressing concern in developing states, other points stick out in the results, leading to substantive conclusions. First, the level of democracy is not necessarily a good indicator of human security. While on the surface it is easy to claim that humans are more secure in democracies, this is not necessarily the case. In fact, the data indicate that given the type of exports and latitude, people may be safer in a more autocratic State, especially if the country has low levels of ethnic diversity. The authors find the controlling factor ‘ethnic linguistic differences’ to be substantively important. Second, economic factors seem to be reliable in explaining levels of human security. However, it is not all forms of economic behaviour that have correlations with human security. Openness to foreign trade and exchange rate do matter. The results for institutional factor are the most robust and significant, and they indicate that strong institutions can act as a guarantor of human security, even in developing countries.

26. This last finding would seem to point to the relevance of exploring the capabilities of human rights norms and standards as a an essential tool for designing and implementing public policies and building cooperative institutional networks, as the items identified in this article suggest.

27. One of the measurement proposals of human security, released in December 2010, has been developed building on existing quantitative and qualitative data and resources from several international organizations, academic institutions and NGOs, to generate a ‘Human Security Index’ (HSI). The HSI took the existing Human Development Index of the UNDP (HDI) as its main starting point, and expanded the geographic coverage to 232 countries and dependencies (compared to 169 measured in the 2010 UNDP report) improving what its central proponent, David A. Hastings, perceived as gaps in the HDI.²⁶ The HSI is built around a “trinity of Economic, Environmental, and Social Fabric Indices”, and integrates interesting data and existing composite indicators such as the Environmental Vulnerability Index and the Gender Gap Index. The HSI would appear at first stance as a review closer to ESC Rights. However, when looking at the determining components of the indexes, one finds income inequality, food security, health, *peacefulness and governance*, these two not far from classic concerns of civil and political rights. The element of *peacefulness* considers, for example, incarceration rates measured through the *World Prison Population List* and the *World Pre-Trial/Remand Imprisonment List*,²⁷ themes related primarily to the rights to liberty and security of the person, as well as the rights of access to justice and fair trial, again, typical civil and political rights.

28. Interestingly enough, viewed from a gendered perspective as that advocated for in this article, the HSI creators, based on a proposal by Janet Billson, consider that “*domestic violence* would be an invaluable, though very challenging, phenomenon to characterize through some form of indicator. Human Security Index... would be tempted to place such an indicator in this grouping on *peacefulness*”,²⁸ if such a measurement existed.

29. It is to be celebrated that the HSI reflects on the need of adopting a broader understanding of the peace/violence dichotomy, especially in relation to domestic violence, and the hope is expressed for a proper methodology to be developed in the future in order to duly incorporate such view to the Index.

²⁶ Human Security Index in its first version was proposed in 2008, building on the HDI, but modified in this exercise by indicators of equitability and inclusiveness. See Hastings, David A., "The Human Security Index: An Update and a New Release", HumanSecurityIndex.org, 2012, available at http://www.humansecurityindex.org/wordpress/wp-content/uploads/2012/02/hsiv2-documentation-report1_1.pdf. See also by the same author "From Human Development to Human Security: A Prototype Human Security Index", United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), Working Paper WP/09/03, 2009, available at <http://www.unescap.org/publications/detail.asp?id=1345>; "Filling Gaps in the Human Development Index". UNESCAP, Working Paper WP/09/02, 2009, available at <http://www.unescap.org/publications/detail.asp?id=1308>; and "Describing the Human Condition – from Human Development to Human Security", GIS-IDEAS 2008 Conference "Towards a Sustainable and Creative Humanosphere", 2008, available at <http://wgrass.media.osaka-cu.ac.jp/gisideas08/viewabstract.php?id=299>.

²⁷ See <http://www.humansecurityindex.org/?p=92>

²⁸ *Ibidem*.

It is submitted, though, that such a proposal would be enriched with looking also at human rights indicators and standards in this field, including the quasi-judicial and judicial criteria developed on the basis of the normative framework on Violence Against Women (which of course includes ‘domestic violence’), and the proper definition of this type of violence, as referred to in the following section.

30. In a line that places more emphasis on subjective elements of security, but also following an eclectic position that moves beyond measurement solely of physical violence and considers socio-economic-related risks, we may find the proposal by Ronald F. Inglehart and Pippa Norris. Their work firstly presents an analytical model of human security, and secondly, argues that it is important to measure how ordinary people perceive risks, moving beyond state-centric notions of human security. Also utilizing the work of King and Murray as a platform based on *levels of severity* of objective factors of well-being (referred in point 2 above), the authors move forward to examine new evidence that draws upon survey items specially designed to monitor perceptions of human security, included for the first time in the sixth wave of the World Values Survey (WVS), with fieldwork conducted in 2010-12. The results, taken through examining a group of seven countries with different levels of human development and democratization (United States, Sweden, Japan, the Republic of Korea, Spain, Trinidad and Tobago, and Morocco), demonstrate that people distinguish three dimensions –national, community and personal security– and consequently the authors explore some structural determinants driving these perceptions.²⁹

31. Within the questions presented by Inglehart and Norris to build their survey and indicators, specifically under the axis of national security, several are related to persons or groups in conditions of vulnerability, signalling illustrative perceptions related to gender inequality and social attitudes towards migrants: “When jobs are scarce, do men have more right to a job than women? Is a university education more important for a boy than for a girl? When jobs are scarce, should employers give preference to people of (your nationality) over foreigners? Would you be willing to have a foreign worker/immigrant as a neighbour?”

32. At the same time, the model also evidences perceptions of (in)security of immigrants themselves (among other sectors of national population), within the indexes of both community and personal security, under questions such as: “In the last 12 months, how often has your family– Gone without enough food to eat? Felt unsafe from crime in your home? Gone without medicine or medical treatment that you needed? Gone without a cash income?” Regarding personal security, the model reflects the results from questions as “How frequently do the following things occur in your neighbourhood? – Robberies; Alcohol consumption in the streets; Police or military interfere with people’s private life; Racist behaviour; Drug sale in streets”.³⁰

33. On the basis of the results, the authors discuss why perceptions of human security matter, particularly for explaining cultural values and value change around the world. The conclusion argues that the shift from a narrow focus on military security toward the broader concept of human security is a natural response to the changing challenges facing developed societies, in which the cost-benefit ratio concerning war has become negative and cultural changes have made war less acceptable. In this setting, valid measures of perceptions of human security have become essential, both to understand the determinants of the concept among ordinary people and to analyse their consequences.

IV. A human security measurement founded on international law: gendered and human rights-based approaches to human security

34. In line with the wide-ranging ‘common understanding’ of human security proposed by the UN SG in his Report of April 2012 and agreed upon by the UNGA in September 2012, this text argues

²⁹ See R. F. INGLEHART, AND P. NORRIS, ‘The Four Horsemen of the Apocalypse: Understanding Human Security’, The 2011 Johan Skytte Prize Lecture, *Scandinavian Political Studies*, Volume 35, Issue 1, 2012, pp. 71-96.

³⁰ *Ibid.*, Appendix, p. 94 and analysis on p. 84.

that a broad definition of human security, which encompasses *all* human rights, has many advantages. At the same time, it suggests that the incorporation of human rights standards may partly contribute in the task of better defining the scope of human security and providing tools for the assessment of concrete situations, in the ways spelled out in the following paragraphs.

1. *A threshold valuation to guide human security measurement*

35. To evaluate which threats are to be considered in relation to which rights within the human security measurement, will depend on the *critical* and *widespread* nature of the risk affecting a certain right or set of rights and the level of vulnerability experienced by certain persons or groups, and this will determine the prioritization and course of action that the realisation of human security and human rights require in each context-specific case. The methodology to identify such risks factors and conditions of vulnerability would be built upon the quantitative and qualitative proposals reviewed in this text as those closer to a holistic human rights' appraisal and would go a step further in incorporating UN human rights indicators, as well as other sources of diagnosis such as reports by regional human rights bodies, national and local human rights institutions, and civil society documentation.

36. Still, the inclusion of the whole panoply of human rights in the sphere of human security preoccupation may raise reasonable concerns as to whether the notion we end up with is too broad to be workable. It is therefore worth exploring some attempts to surpass a narrow conception of human security, while at the same time searching for a functional definition that enables its practical use. In view of the ongoing efforts in the UN context to discuss the notion of human security this exercise seems particularly timely.

37. Concerned with the breadth of the term, and in line with his holistic approach to human security explained below, Taylor Owen has proposed a *threshold-based* conceptualization, one rooted in the original UNDP definition. In his view, this perspective offers a conciliatory way forward to what is often characterized as a fractured debate. He suggests that limiting threat inclusion by severity, rather than by cause (socio-economic vs. political) bridges the divide between the broad and narrow proponents, addresses the many critiques of the concept, and provides a clear policy agenda operating on various scales.³¹

38. Thus, based on the 1994 UNDP classification of insecurities as well as the idea of threats drawn by the 2003 Report of the Commission on Human Security, he provides a definition of human security as “the protection of the vital core of all human lives from critical and pervasive environmental, economic, food, health, personal and political threats”.³² The UNGA position of 2012 also provides for an integral understanding of human security as concerned with civil, political, economic, social and cultural rights. As to the criteria for drawing the line of the threshold (whether number of deaths associated to the specific threats or monetary costs to provide due protection, for example), Owen's proposal is that this line is best seen as *political* and thus must be determined by political priority, capability and will. Acting in this way, he claims, the idea of human security may work “as a threshold beyond which a wide range of issues become something similar, something requiring the unified policy response granted to security threats”.³³

39. Supporting this threshold-based definition, Shahrbanou Tadjbakhsh has made the point that “Thresholds of human security are not to be defined in terms of isolated violent acts or by sporadic

³¹ See T. OWEN, “Human Security - Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for a Threshold-Based Definition”, in *Security Dialogue*, Vol. 35, No. 3, International Peace Research Institute, Oslo, Norway, Sage Publications, 2004, pp. 373-387.

³² *Ibid.*, p. 383. Notice that the category of “community security” proposed by the UNDP is purposely not included in Owen's definition. He defends the need to limit human security to critical and pervasive threats to the vital core, something he feels does not encompass the integrity of culture, footnote 17 on p. 383.

³³ *Ibid.*, p. 384.

human rights violations, but as *structural* in nature”,³⁴ in parallel to what is argued in this text. The identification of a human security concern should then consider qualitative and quantitative indicators, turning to subjective security –what people perceive as the main threats affecting them–, and objective security –risk assessment based on external criteria–. But the exercise of identification is also political “as it points up a wide range of issues for the national and international actors who are responsible for providing human security as a public good.

40. A threshold-based definition recognizes that certain threats cannot be dealt with by traditional institutions but are severe enough to require immediate action, both in the short term to handle the crisis and in the long term to prevent reoccurrence”.³⁵ Human rights indicators and standards can be of great relevance in identifying these issues that allow for drawing the threshold and that trigger the State’s human obligations, and the type of institutional responses required according to human rights criteria, as is developed in this article.

41. Thus interpreted, what the notion of human security mostly allows for is to identify situations of serious threats, which we could generically call *risk situations*. The factors that may come together in generating a risk situation might be several and can include the gravity of the violation of certain human rights; the widespread or systematic nature of a certain type of violations and/or the fact that the violations targets or has a disparate impact on what we could call a vulnerable population, meaning a population living in *structural* conditions of inequality or disadvantage, with a whole set of rights insufficiently guaranteed, and hence more susceptible to be severely affected by particular risk factors.

42. Taylor Owen underlines that the first opportunity and main responsibility for ensuring human security should fall on national governments,³⁶ a position confirmed by the Second and Third Reports on Human Security by the UNSG (2012 and 2013), and confirmed by the UNGA in 2012, as indicated above. Although the duty bearer for human security remains in the realm of public power as the adequate actor to guarantee the coordinated institutional mechanisms necessary for its protection, let us not forget that certain forms of “private” threats, such as those stemming from domestic violence and other forms of violence against women, should also be addressed by the State under the human security notion through a due diligence obligation, as this text argues. Regarding the realm of private power, one could also think of ongoing reflections on the role of transnational and other business corporations as creators or contributors to risk factors, conditions of vulnerability, and human rights violations, particularly of ESC Rights.

43. At the same time, let us keep in mind that the human security vision underlines equally strategies both of protection and of *empowerment*. In consequence, the identification of threats and the construction of norms and policies to address them, must involve community participation and civil society actors, through the assessment of their perceptions of risks and the best ways to build resilience to confront them. Indeed, being security an inter-subjective phenomenon, this social evaluation would

³⁴ S. TADJBAKSH, “Human Security: Concepts and Implications with an Application to Post-Intervention Challenges in Afghanistan”, in *Les Études du CERJ*, N° 117-118 - September 2005, p. 9.

³⁵ *Ibidem*.

³⁶ However, Taylor Owen indicates that if threats crossing the human security threshold are caused by governments or if governments are unable to protect against them, the international community should carry out actions, “Human Security - Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for a Threshold-Based Definition”, *op. cit.*, p. 384, but here one would be facing a scenario of possible humanitarian intervention, which is a whole other realm of proceedings. In any case, the criteria set forth in the UN Charter and Public International Law would have to be observed. One must keep in mind, though, that we are discussing two different concepts referred to two diverse stages, given that if humanitarian intervention –through the responsibility to protect or any other criteria– becomes necessary in a certain context, it is at a juncture in which a generalized condition of human security has failed in relation to that population. Also, as Yukio Takasu, Special Adviser of the UN Secretary General on Human Security, pointed out in summarizing the positions expressed in the UNGA informal debate of 14 April, 2011: there seems to be consensus among Member States on the reaffirmation that, in line with the Charter, armed force could never be used in any way to further the goals of human security, making a clear distinction with the ‘responsibility to protect’, as has been confirmed by the UN SG’s Report of 2012 (Personal record taken at the informal debate of 2011).

constitute one of the two basic foundations of human security, the other being objective indicators relating to the different elements of the notion, such as development, respect for human rights and effects of violent or armed conflict.³⁷ It is at this crossroads that human rights law becomes a necessary tool for helping to illustrate the possibilities for civil society and State action and cooperation, as well as to define more clearly State duties that impact on human security.

44. This vision of human security, which does not primarily rest on the hierarchical ordering of human rights, would have a *bi-directional relation* to the concept of human rights: on the one hand, in order to identify risks properly and define where to draw the threshold line but also what type of State (or other) action is required, one would have to use as an indicator the levels of enjoyment of human rights and also rely on the protection standards delimiting State obligations in human rights law, as illustrated in the previous section. To do this, more concretely, one would look at the sources of information that detect risks and highlight levels of enjoyment of human rights (or lack thereof) in concrete situations, as mentioned in this article.

45. Diagnoses applying legal analysis to factual situations would include, for example, reports by UN and regional human rights mechanisms on country visits, such as those of Special Rapporteurs and treaty bodies, NGO reports, and Public Programs or Governmental Plans of Human Rights designed and implemented with the cooperation of the UN Office of the High Commissioner for Human Rights.³⁸ The proposed examination would also take into account the normative standards contained in the jurisprudence and interpretative work that has been carried out by human rights mechanisms and courts.

46. On the other hand, in spelling out the human rights obligations deriving from risk situations, emphasis should be placed on the State's obligation to carry out primarily actions of *prevention*, as well as actions of *attention* and *mitigation*, against risks and vulnerabilities affecting people's overall level of security. The obligation of *reparation* under the human security notion should also be underlined, in cases in which the prevention, attention and mitigation failed, and the human rights violations were already produced. Such mechanisms of redress should be proportionate to the risk suffered and the vulnerability unattended, that is, in cases of structural vulnerability, the reparations should be consequently provided for in order to genuinely tend to the *repairing* of the damaged social environment which facilitated the human rights violations and to the *constructing* of collective and institutional conditions that allow for human rights' respect and protection.

47. Given that the proposed conception of human security would look at the severity of the threat or condition of structural vulnerability in order to decide when there is a risk situation, the declaration of a risk situation would act as a "detonator" activating human rights' obligations of the State, especially to take preventive measures, to address the violations of human rights that have already taken place as soon as possible and to grant reparations that redress individuals and communities for the harm they have suffered while seeking to address the systemic shortcomings. In this sense, the idea of human security risk would function as a kind of "red alarm" or state of exception, but in an inverse way,

³⁷ For example, from UN human rights mechanisms, the annual reports of Charter-based and treaty-based monitoring bodies; from international organizations, the Annual Human Development Index of UNDP, the World Development Report of the World Bank; from the academic and civil society sector, the Human Security Index, the Human Security Report Project, the Peoples Under Threat Report, the annual reports of Human Rights Watch or Amnesty International. Depending on the kind of threat and situation under review, the same type of analysis could be replicated at the regional, national or local level, looking at the equivalent institutions, and including national human rights institutions and judicial decisions by human rights courts in the applicable cases. See also *Human Security Handbook*, UNTFHS, OCHA, 2009.

³⁸ See for example those of Guatemala, Mexico (at the national level), and Mexico City, in: http://www2.ohchr.org/english/issues/plan_actions/docs/Guatemala2007-2017.pdf; <http://www.amdh.com.mx/ocpi/documentos/docs/6/27.pdf>; and <http://www.derechoshumanosdf.org/portal/> For a general analysis on the construction of public policies with a human rights-based approach, see D. VÁZQUEZ, AND D. DELAPLACE, "Public Policies from a Human Rights Perspective: A Developing Field", in *Sur – International Journal on Human Rights*, v. 8, n. 14, June 2011 (Biannual, English Edition), pp. 33-62, available at <http://www.surjournal.org/eng/conteudos/pdf/14/02.pdf>

meaning that the State would have reinforced obligations to prevent, protect and remedy in light of an endemic situation of violation human rights amounting to serious threats of basic human well-being.

48. This understanding of human security would have implications for poverty-stricken, marginalised or at risk sectors of the population, such as women and girls in danger of or experiencing violence. Identifying severe threats to their basic well-being, whether they be linked to the variety of human rights that are often not adequately guaranteed, the seriousness or systematic nature of some of the violations they suffer, but also the compounded effect of the violations in situations in which they encounter multiple and structural forms of discrimination, promises to deliver a much more complex picture than the one provided by an analysis that looks at different individual human rights violations as separate events affecting isolated individuals. It also renders obvious the need to give due visibility to threats stemming from private actors, by reinforcing State due diligence obligations in view of the fact that, in situations of risk, the State knew or should have known about existing conditions of vulnerability.

2. Gender and human rights law as components of human security indicators

49. Built upon the proposals reviewed in the sections above and moving a step further, this article proposes to conceive a human security diagnosis based on a human rights-based approach (HRBA).

50. As reviewed, a broad idea of human security seems to hold more promise in making visible the threats to persons or groups that would otherwise possibly remain unseen in two fronts: i) all the other categories of widespread threats that do not necessarily involve the most grave cases of harm: genocide, crimes against humanity, war crimes, mass killing or other systematic violent repression; but that represent nonetheless severe risks to persons or collectivities, for example, extreme poverty or systemic forms of violence that are frequently shadowed to the public eye, such as certain forms of violence against women, for example, domestic violence; and ii) the threats affecting a certain part of the population (think of women and girls), or certain sectors of society (consider undocumented migrants) - that because of their non-membership or contingent relationship to ethnic, linguistic or religious minorities, become trapped in the middle of other existing categories, and the particular risks confronted by them are underrepresented or rendered invisible. In these cases, gender and legal status related to entry or residence in a given State –possibly added to class, race, national origin, ethnicity or skin colour– become the two driving factors for discrimination and other human rights violations, a risk which human security may highlight in a more efficient and decided manner.

51. As Taylor Owen puts it,

the broad versus narrow conceptualization, while theoretically useful, is practically counter-productive. It implies that the narrower the definition, the easier the threat assessment and indicator selection and the more precise the final account will be. This need not be the case. Human security threats should be included not because they fall into a particular category, such as violence, but because of their actual severity. In this conception, what human security means is not defined by an arbitrary list, but by what threats are actually affecting people.³⁹

52. For this reason, and in line with his threshold-based approach reviewed above, Owen advocates in favour of a ‘hybrid definition’ that takes into account levels of severity of each particular threat.⁴⁰ Consequently, this study agrees with the position of a threshold-based definition, but proposes to incorporate gender and human rights standards into such evaluation of severity and at the same time to use such standards in order to translate the human security assessment into specific human rights obligations.

³⁹ T. OWEN, “Challenges and opportunities for defining and measuring human security”, *op. cit.*, p. 20.

⁴⁰ *Ibidem.*

53. Indeed, in conceptualising and measuring gender-based violence, particularly against women, various human rights standards have been formulated,⁴¹ for instance, recently by the Inter-American Commission on Human Rights (IACoHR), through the report *Legal Standards: Gender Equality and Women's Rights*, of 2015.⁴² Also, the most recent General Recommendation by the UN Committee on the Elimination of Discrimination Against Women (CEDAW), of 2017, endorses the measurement of State compliance with its due diligence duty to prevent violence against women and that of protecting them from this particular form of discrimination against women. Actually, it specifically recommends States to 'Ensure that the process of collecting and maintaining data on gender-based violence against women complies with *established international standards*'.⁴³

54. It must be noted in this respect that different scholars have examined the connections of human security to gender, feminism, and/or women's rights from a wide range of perspectives, academic disciplines, and positions. Feminist views have not always seen eye to eye with the human security concept. Indeed, some have been critical of human security as gender-neutral, and thus, gender-biased and gender-blind (under the consideration that we are all 'humans' without due regard of particular experiences of women, of intersectionality, or of myriad forms of gender-based discrimination and violence).⁴⁴

55. In this context, my view is that the notions of human security enshrined in the UNDP 1994 Report, the 2003 CHS Report and the 2012 UNSG Report are still worth defending, especially in view of competing and narrower notions enshrined elsewhere endorsing the dichotomous approach to the "freedom from fear" or the "freedom from want" dimension of human security, as analysed above.⁴⁵

56. At the same time, it is my understanding that the concept of human security could be improved and surmount feminist criticism, if it were able to duly take advantage of the way in which human rights standards and indicators can contribute in the definition and assessment of the levels of protection of human security in general,⁴⁶ and of the human security of women and girls in particular.

57. In the framework of international human rights law, we find some measurement devices that may be useful for such an endeavour:

The *Universal Human Rights Index (UHRI)* is designed primarily to facilitate access to human rights recommendations issued by three key pillars of the UN human rights protection system: the Treaty

⁴¹ For a full conceptual analysis, see, e.g., A. EDWARDS, *Violence against Women under International Human Rights Law*, Oxford University, Refugee Studies Centre, 2010. See also the UN Secretary General's Database on Violence Against Women (VAW), and UN Women Indicators on VAW, which consider the qualitative analysis by the different UN Special Rapporteurs on VAW (one of the human rights monitoring bodies appointed by the UN Human Rights Council), at <http://www.un.org/womenwatch/daw/vaw/v-issues-focus.htm>

⁴² IACoHR, *Legal Standards: Gender Equality and Women's Rights*, IACoHR, Washington, D.C., 2015.

⁴³ UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 'General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19', CEDAW/C/GC/35, 26 July 2017, para. F.,34,d; see also b) and e) in this respect.

⁴⁴ See, e.g., H. HUDSON, "'Doing" Security As Though Humans Matter: A Feminist Perspective on Gender and the Politics of Human Security', in *Security Dialogue*, vol. 36, no. 2 (June 2005) 155-174; and more generally A. TRIPP, M. MARX FERREE AND C. EWIG (eds), *Gender, Violence and Human Security: Critical Feminist Perspectives*, New York University Press, 2013.

⁴⁵ In particular, the idea of human security is still often limited to security as protection from violent conflict (both inter-State and increasingly also intra-State). Alternatively, as we have seen above, sometimes the emphasis is overwhelmingly placed on the protection from risks related to development aspects and socio-economic conditions, as the proposals by King and Murray. However, an integral approach to threats has actually been adopted in different national or regional UNDP Reports, for example the 2004 National Human Development Report on Afghanistan, *Security with a Human Face: Challenges and Responsibilities*, the *Arab Human Development Report 2009: Challenges to Human Security in Arab Countries*, and the *Human Development Report 2009/10, occupied Palestinian territory: Investing in Human Security for a Future State*.

⁴⁶ Interestingly enough, the need to turn to human rights indicators and profit from the extensive work already developed in this field and build upon the coordination carried out by the OHCHR, was actually highlighted more distinctly in the 2009 *Responsibility to Protect Report (R2P)* of the UNSG than in the 2010 analogous Report on Human Security. The human security advocates would possibly benefit from looking at the work by their neighboring companions from the R2P world.

Bodies established under international human rights treaties as well as the Special Procedures, and the Universal Periodic Review (UPR) of the UN Human Rights Council. The UHRI offers instant access to objective and comprehensive information on human rights situations around the world. The information compiled in the Index enables users to gain an international perspective on national and regional human rights developments; align the conclusions and/or recommendations of treaty bodies, the special procedures and the Universal Periodic Review of the UN Human Rights Council; and give an overview on cooperation between States and international bodies and mechanisms. According to the UN Office of the High Commissioner for Human Rights (OHCHR), the Index aims at assisting States in the implementation of recommendations and at facilitating follow-up. It also greatly simplifies the work of the United Nations, National Human Rights Institutions (NHRIs), non-governmental institutions and other civil society actors and researchers using these UN recommendations in their work.⁴⁷

58. Similarly, the *Report on Indicators for Promoting and Monitoring the Implementation of Human Rights* was prepared also by the UN OHCHR in response to a request from the inter-committee meeting of treaty bodies (ICM) in June 2006 asking the Secretariat to undertake validation of the approach on the use of statistical information in States parties' reports, develop further list of indicators and submit a report on this work to the seventh ICM in 2008.⁴⁸ This report outlines the adopted conceptual and methodological framework for identifying the relevant quantitative indicators as it evolved between 2006 and 2008. It discusses the relevance of using the configuration of "structural-process-outcome" indicators for the said framework and highlights some considerations in the selection of the illustrative indicators on different human rights. It outlines the results from regional and country-level consultations and feedback from the validation exercises undertaken for this work. It also reflects on some issues relevant for taking this work forward at country level.

59. The UN OHCHR's *Human Rights Indicators: A Guide to Measurement and Implementation* were issued in November 2012 as a set of markers for human rights' monitoring and diagnosis, resulting from the previous exercises. The indicators do not count for measuring a State's full compliance with human rights standards, but they do however, as the name signals, constitute a symbolic message in the sense of evaluating a State's performance in human rights issues. The Guide also mentions some successful experiences of application of such indicators as the basis for State reporting in compliance with human rights treaties, in the cases of Guatemala, Mexico, Kenya, Sweden and the United Kingdom. Guatemala is the first country to have used the indicators in 2009 to carry out its reports presented to monitoring mechanisms.⁴⁹ Such indicators open the door for further exploration as useful tools for a human security diagnosis with a strong HRBA in order to identify and assess levels of risk and vulnerability affecting human rights.

60. To relate human rights indicators to human security assessments as proposed in this text, let us consider for example the last section of the above mentioned UN OHCHR *Report on Indicators*. This part of the report presents a very useful set of tables that encapsulate in a graphic manner the theoretical and practical basis developed throughout the document, a feature which could prove very useful for the intended aim of facilitating State reporting to human rights monitoring bodies and the consequent work of analysis by such bodies. For instance, related to the topic the types of security considered within international human rights law, the charts of the UN OHCHR *Report on Indicators* present relevant parameters to summarize and assess the level of compliance in relation to the human rights of personal security, social security, food security (within the right to food) and security of tenure (within the right

⁴⁷ See <http://uhri.ohchr.org/about>

⁴⁸ UN International Human Rights Instruments, HRI/MC/2008/3, 6 June 2008.

⁴⁹ UN OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation*, HR/PUB/12/5, UN, New York and Geneva, 2012; see also "Ground breaking work from the UN Human Rights Office – UN High Commissioner for Human Rights Navi Pillay introduces a guide to human rights indicators", and "Indicators: essential tools for human rights", 7 November 2012, available at <http://www.ohchr.org/EN/NewsEvents/Pages/IndicatorsessentialtoolsinrealisationofHR.aspx>

to adequate housing)⁵⁰ and would, of course, have to be further explored in light of the publication of the *UN OHCHR Guide to Human Rights Indicators*, of November 2012, and updated views, for instance, on how to measure human rights to support sustainable development in light of the SDG adopted in 2015.⁵¹

61. Apart from the described universal index and the project for generally valid human rights indicators at the UN level, as referred to above, there are several developments in human rights law at the regional level also in the realm of creation of indicators, for example, in the field of economic, social and cultural rights in the Inter-American context or to measure State compliance with human rights standards and judgments within the European and African human rights systems.⁵²

62. These and other qualitative and rights-based criteria that can serve as guidelines, such as the jurisprudence created by international and regional human rights quasi-judicial and judicial bodies, would be used to examine in a human security evaluation the actual levels of (un)fulfilment of rights according to severity and pervasiveness. This assessment, in turn, would be one of the elements considered to identify and determine levels of risk to human rights and thus, the status of human (in)security in a given context.

63. In any case, these proposals as to how human security could integrate a gendered and HRBA in a manner relevant to international policy frameworks, and the implications of *global governance* for the law more generally, have been studied in detail and are still an issue open for further development.⁵³ Suffice it to say in this respect that a broader policy-prescriptive task is to be found in human security advocacy in the field of human rights, possibly influential at the global but also at the regional and national levels.⁵⁴ This function may be developed when dealing with structural vulnerabilities, precisely because of their collective, widespread and multidimensional character. Similar proposals for human rights institutions to work together with states in favour of human rights oriented public policies are already on the table in the Inter-American system.⁵⁵

64. In particular, this study proposes that the attention to risks affecting human rights of people could be benefitted from a human security analysis as a vehicle for highlighting the importance of certain concrete actions of prevention, mitigation, and if necessary, reparation, related to such risks or actual violations, and developing these actions further.

65. Some of the identified benefits of constructing indicators on this basis would be, for example, the facilitation of fact-finding and evidence-based work as part of preventive strategies; the coor-

⁵⁰ *Ibid.*, Annex I. List of Illustrative Indicators, pp. 21-33.

⁵¹ For detailed information, see UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Human Rights Indicators*, at <http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

⁵² See INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, *Guidelines for Preparation of Progress Indicators in the Area of Economic, Social and Cultural Rights*, IACoHR, 2008; and R. MURRAY AND D. LONG, *The Implementation of the Findings of the African Commission on Human and Peoples' Rights*, Cambridge University Press, Cambridge, 2015, especially at pp. 35-43. Think also of the monitoring mechanism of the European Committee of Ministers regarding implementation of judgements of the European Court of Human Rights.

⁵³ See K. E. DAVIS, B. KINGSBURY AND S. ENGLE MERRY, "Indicators as a Technology of Global Governance", *op. cit.*

⁵⁴ Academic work on human rights and public policy is starting to develop, as already referred to. Some examples of how this relationship unfolds in practice are also to be found. In addition to the cases of National Human Rights Programs of Mexico and Guatemala mentioned in section I.5.3 on the 'working understanding' of human security below, at a broader geographic level, in Latin America, we find another example in a concrete human security-human rights concern, in addressing violence against women. The Regional Program in Latin America of UNIFEM (today incorporated into UN Women), "Ciudades Seguras: Violencia hacia las Mujeres y Políticas Públicas" ("Safe Cities: Violence Against Women and Public Policies"), that serves the purpose of strengthening the active citizenship of women in the exercise of their rights, with the goal of reducing the public and private violence that is displayed against them in cities and urban centers. This is also an example of successful institutional partnership between a UN body, civil society and national governments, available at http://www.americalatinagenera.org/es/index.php?option=com_content&view=article&id=295&Itemid=170

⁵⁵ See A. DULITZKY, "The Inter-American Human Rights System Fifty Years Later: Time for Changes", *Quebec Journal of International Law* (Special Edition), 2011, pp. 142-143 and 163-164.

dination between different existing studies of quantitative nature, giving elements for the qualitative analysis of threats that emerges from the mapping of diverse reports and sources; the strengthening of a coordinated institutional response and dialogue between bodies that would normally not engage with each other; when called for, once the ‘alarm’ has been triggered, the activation of the State’s positive obligations, to take adequate operational preventive or corrective measures. These measures should reinforce human rights and establish a viable institutional system for granting reparations when required, but also enhance human capabilities, in order to increase the individual’s life options –particularly, the woman’s vital realm of choice– to be able to surpass her condition of structural vulnerability and fully experience *freedom from fear, from want and to live in dignity*.

66. As additional advantages of human security that may be further explored, we find its capacity of promoting successful institutional partnerships as well as joint collaborations with civil society, also in the field of legal norms and public policies with a human rights-based approach. This would contribute to advocating for legal interpretations recognizing the collective and interconnected dimensions of human rights, including in the issue of reparations and advancing a ‘rule of rights’ instead of only a ‘rule of law’.

67. Apart from the conceptual advantages of a gendered and human rights based-approach to human security, these examples illustrate how it may also be *strategically* and *institutionally* relevant to incorporate precise legal human rights components to certain identified elements of the human security notion, such as its conception of violence, for instance. And inversely, potentials may be found in applying a human security lens to human rights legal interpretation when confronted with situations affecting persons in conditions of structural vulnerability.

68. Under this light, what appears to hold promise in the human security approach, if it is to be relevant and add value to existing conceptions and methodologies, is its capability to highlight the *interrelatedness* between conditions that would otherwise be analysed in an isolated, and therefore incomplete, manner.

69. The concerns of human security and international human rights law share a human-centred perspective and overlap in their concern with collective or structural vulnerabilities, that is, those created by severe and widespread threats. While human security provides for the identification of such pervasive risks situations, human rights law gives us the normative tools to address them. Both may complement each other insofar as human security alone lacks a strong normative legal grounding and human rights law on its own is generally constructed in terms of individual rights, making it difficult to legally tackle structural risks to rights.

70. A human security-human rights symbiosis, though, opens the door for creative integrated interpretations of human rights that look at such socially extended risks in an interrelated, less fragmented, manner and offer legal avenues to reinforce obligations that cover the whole spectrum of actions of prevention, protection and reparations related to human rights violations. At the same time, such an interaction of human security with human rights directs us to the construction of a facilitating environment for the fulfilment of the human rights of all, particularly of those placed in conditions of vulnerability, such as millions of women and girls worldwide.

V. Conclusions

71. The use of indicators is a useful and innovative technique in international law and global governance. However, this study has contended that indicators and other forms of quantitative and qualitative measurement should be used with some form of normative reference to give them grounding, context and operational applicability.

72. In the case of human security, and other recent concepts in the international scenario, this study proposes that they have to be accompanied by human rights standards and indicators developed by international and regional human rights law.

73. From the whole examination presented above of the different conceptions and measuring exercises, it would seem that the human security debate had initially reproduced to a certain extent the division coming from the Cold War period, of separating human rights (civil and political/ESC Rights), based on hierarchical importance of rights and the risks related to their enjoyment. This seemed to be related as well to the perceived usefulness and viability –political or practical– of considering the fulfilment of certain rights or the protection of a set of risks as a matter of human security.

74. However, in the last few years, considering the creation of the HSI, the recent discussion within the UN, regional organizations, academic debate and civil society initiatives, there is evidence to suggest that, both at the conceptual and the operational level, there is relative agreement in adopting a broad understanding of human security that places at its core the protection of *all* human rights (even if for practical reasons, some measurement exercises have chosen to focus only on some aspects of the notion).

75. Such a position reinforces the international human rights law axiom of considering all human rights –civil, political, economic, social and cultural–, as universal, indivisible and interdependent. It must be flagged, however, that none of the measuring models of human security specifically adopt existing human rights indicators, and very few of the conceptual analysis explain exactly *how* human security relates to human rights, especially in the legal sense, and the potentials and implications of this relationship.

76. As it has been signalled, the criticisms, eulogies, and dominant trends of discussion described above have found their way inside the walls of the UN. A broad understanding of human security was, in fact, the view confirmed by international consensus through the adoption of a wide-ranging definition of human security by the UNGA in 2012 and confirmed by the UN Secretary General's Report of 2013.

77. I argue that any human security analysis would have to consider as one of the building-blocks –apart from the data on violent conflict, development and threats assessments indicated above–, the human rights indicators advanced by international human rights bodies (also regional and local if called for), such as the *Universal Human Rights Index*, the *Report on Indicators for Promoting and Monitoring the Implementation of Human Rights* and the *Human Rights Indicators: A Guide to Measurement and Implementation*, all advanced by the UN Office of the High Commissioner for Human Rights.

78. At the same time, it would have to include in its assessments of levels of risk, deprivation or violent conflict, indicators of human (in)security as related to violence against women, as well as broader diagnoses of discrimination against women under the normative human rights standards developed by international human rights law. At this point, let us only be reminded that conceptions of threat, conflict and violence, direct or indirect, related to armed force or not, should portray the threats posed to women and the experiences of violence as suffered by them in order to result in authentically representative and useful measurements of human security.

79. This would work for the benefit of human security and human rights and would orient better informed decisions and a more integral outlook to issues of global impact in the 21st century, particularly those affecting persons in conditions of discrimination and vulnerability, today counted in the billions and suffering human rights violations of a deep, chronic and grave qualitative character.