



Background Paper

The Sustainable Development Goals (SDGs) – Contributions of the UN Human Rights Council to the Debate so far

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In July 2014, after two years of broad-based **consultations** with people across the globe and 18 months of intergovernmental debate, Member States in the so-called Open Working Group on Sustainable Development Goals (**OWG**) submitted to the UN General Assembly a draft of 17 Sustainable Goals (SDGs) and 169 targets to replace the Millennium Development Goals (MDGs) from 2016. Between January and July 2015, Member States are holding **negotiations at the level of the General Assembly** to determine the overall Post-2015 Development Agenda which will likely consist of four parts: 1) a Declaration, 2) the SDGs, 3) Means of Implementation and a Global Partnership and 4) a Monitoring and Review Mechanism. The **United Nations Summit to Adopt the Post-2015 Development Agenda** is scheduled for 25-27 September 2015.

From the beginning, human rights have featured strongly in the debate on the SDGs. For example, one of the strongest messages from the extensive global and national consultations with **civil society** was for the new agenda to be built on human rights (*A Million Voices – The World We Want*, 2013). **UN organisations** in the Secretary General's Task Team on the Post-2015 Development Agenda stressed in May 2012 that the new agenda should be based on the principles of human rights, along with equality and sustainability. **Member States** themselves agreed that the new goals should be "consistent with international law" (Rio+20 Outcome Document, para 246) which includes human

rights. Consequently, the intergovernmental OWG held a specific session on "Human rights, the right to development" in December 2013 and invited the High Commissioner for Human Rights to address the Group.

Engagement of the Human Rights Council

The Human Rights Council (HRC) has contributed to the debate on the SDGs since 2012 through various means: the HRC annual mainstreaming panel (at its 22nd, 25th and 28th Session), various HRC resolutions and a President's Statement (28th Session). Substantively, two different kinds of contributions can be distinguished: general

contributions, i.e. on the Post-2015 process as a whole, and specific contributions, i.e. highlighting topics of particular relevance to the Post-2015 Agenda. The following section presents (non-comprehensively) key contributions of the HRC in chronological order.

HRC contributions on the Post-2015 Development Agenda in general

Already in September 2012, the HRC called upon States *“to build the post-2015 framework on the values outlined in the Millennium Declaration around the fundamental principles of respect for human rights, equality and sustainability”* (A/HRC/ RES/21/2, para 14).

On 1st March 2013, during its 22nd session, the HRC held its annual high-level panel on human rights mainstreaming specifically on the theme of *“human rights and the post-2015 development agenda”*¹. Introductory remarks were made, inter alia, by the United Nations Secretary-General, the United Nations High Commissioner for Human Rights and the Secretary of State for Foreign Affairs and Cooperation of Portugal, Luís Brites Pereira. Keynote addresses were delivered by the Consort of His Highness the Emir of the State of Qatar, Chairperson of Qatar Foundation for Education, Science and Community Development and UNESCO Special Envoy for Basic and Higher Education, Her Highness Sheika Moza bint Nasser and the Assistant-Secretary-General and Special Adviser of the Secretary-General on Post-2015 Development Planning. Panellists included Irina Bokova (UNESCO), Guy Ryder (ILO), Margaret Chan (WHO), Rebeca Grynspan (UNDP) and Yoka Brandt (UNICEF). While the event had a focus on areas related to the right to education, the panellists also discussed more broadly how the integration of a human rights’ perspective can

contribute to the realization of post 2015 goals, and vice-versa, and made suggestions to the High Level Panel of Eminent Persons on the Post-2015 Development Agenda.

On 13 June 2014, on the margins of the Council’s 26th session, the Permanent Missions of Gabon, Poland, Thailand and Uruguay held a side event on *“Human Rights Mainstreaming in the Post-2015 Development Agenda – Views from Presidents of the Human Rights Council (5th-8th cycle)”* to which Flavia Pansieri, UN Deputy High Commissioner for Human Rights offered introductory remarks. The panellists reflected on how far human rights had already been mainstreamed in the Post-2015 Development Agenda process and the Sustainable Development Goals and how these efforts could be secured and deepened.

On 3 March 2015, during its 28th session, the HRC dedicated its High-level panel discussion on human rights mainstreaming to the topic of *“Enhancement of international co-operation in the field of human rights”* with a focus on the right to development, the post-2015 development agenda and Beijing +20². Opening remarks were made by Joachim Rucker, President of the Human Rights Council, and Flavia Pansieri, UN Deputy High Commissioner for Human Rights. A keynote address was delivered by Abbas Bagherpour Ardekani, Ambassador and Deputy Permanent Representative of Iran to the United Nations Office at Geneva, speaking on behalf of the Non Aligned Movement. Panellists included Martin Khor, Executive Director of the South Centre, Malaysia; Juan Somavía, former Director-General of the ILO and Special Adviser of the Secretary-General on Interregional Policy Cooperation; Kristin Hetle, Director of the Strategic Partnerships Division of UN Women; Alexey Borodavkin, Permanent

¹ <http://www.ohchr.org/AR/NewsEvents/Pages/DisplayNews.aspx?NewsID=13619&LangID=E>

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15636&LangID=E>

Representative of Russia to the United Nations Office at Geneva; and Juan Carlos Monedero Fernández-Gala, Professor of political science at the Universidad Complutense de Madrid. With regard to the post-2015 Development Agenda, many speakers emphasised the importance of accountability and transparency, the inclusion of the right to development in the goals and targets and the placing of the human being and human dignity at the heart of the agenda.

HRC contributions on the Post-2015 Development Agenda on specific topics

In its 21st session, the HRC encouraged the Special Rapporteur on the human right to safe drinking water and sanitation *“to continue to make contributions to the discussions on the United Nations development agenda beyond 2015, in particular on the integration of the human right to safe drinking water and sanitation and [calls upon States] to integrate the **human right to safe drinking water and sanitation** into the international development agenda beyond 2015”* (A/HRC/RES/21/1, para 14, adopted without a vote). This call was reiterated in Resolution A/HRC/RES/24/18 (adopted without a vote), stressing in particular the principles of equality and non-discrimination.

It also encouraged the Independent Expert on human rights and international solidarity’s *“active engagement in the post-2015 process, stressing the role of **international solidarity** as a key element to achieve a sustainable and more inclusive development* (A/HRC/RES/21/10, para 11). This call was reiterated in Resolution A/HRC/RES/23/12.

In its human rights mainstreaming panel at its 22nd session, the HRC put a particular focus on the **right to education** and reaffirmed the importance of integrating it in the Post-2015 Development Agenda (see footnote 1). This

call was reiterated in Resolution A/HRC/RES/23/4, without a vote.

It also welcomed the decision of the General Assembly to hold a high-level meeting, on 23 September 2013, with the overarching theme *“The way forward: a disability inclusive development agenda towards 2015 and beyond”* and looked forward *“to the contribution that the outcome document thereon could make in mainstreaming **the rights of persons with disabilities** in the post-2015 development agenda”* (A/HRC/RES/22/3, adopted without a vote).

In addition, it recommended that *“consideration be given to including universal health coverage in the discussions on the post-2015 development agenda in the context of the global health challenge, and stresses the need for better coordination among accountability and monitoring mechanisms for the realization of the **right of the child to the highest attainable standard of health**”* (A/HRC/RES/22/32, para 51, adopted without a vote).

In its 24th session, the HRC encouraged States *“to consider **the rights of indigenous peoples** in the discussion of the United Nations development agenda beyond 2015”* (A/HRC/RES/24/10, para 16, adopted without a vote). This call was reiterated in Resolution A/HRC/27/13 (adopted without a vote) which encouraged States *“to give due consideration to all the rights of indigenous peoples in the process of the elaboration of the post-2015 development agenda and to take measures to ensure the participation of indigenous peoples, and in particular indigenous youth, in national processes for the implementation of the new development goals”*.

It also recognized that *“the persistence of child, early and forced marriage contributes to impairing the achievement of the Millennium Development Goals and sustainable and*

*inclusive economic growth and social cohesion and that therefore **the elimination of child, early and force marriage** should be considered in the discussion of the post-2015 development agenda” (A/HRC/RES/24/23, adopted without a vote). This call was reinforced by the HRC’s panel discussion on preventing and eliminating child, early and forced marriage which agreed that “ensuring child, early and forced marriage features in the post-2015 development agenda is critical” and stressed that “the Council needs to remain actively engaged in this issue” (A/HRC/27/34).*

At its 25th session, during the Human Rights Mainstreaming Panel on “The protection and promotion of the human rights of migrants”, Member States (including the African Group, CELAC, the Group of Like Minded Group, EU, Mexico, China, Sri Lanka) supported the inclusion of **migration and the human rights of migrants** in the Post-2015 Development Agenda³.

At its 26th session, in the HRC’s annual full day of discussion on women’s rights, Member States made suggestions on how the post-2015 development agenda could ensure **women’s human rights**, empower women, and transform the structural factors that underpin gender inequality⁴.

At its 27th Session, the HRC specifically urged “the international community to keep the issue of the **elimination of female genital mutilation** on the agenda of development policies, within the framework of the process of developing the post-2015 development agenda” (A/HRC/27/22, para 12, adopted without a vote).

It also underlined that that “the post-2015 development agenda will need to aim at strengthening a new, more equitable and

*sustainable national and international order, as well as the promotion and protection of all human rights and fundamental freedoms” and encouraged Member States “to pay particular consideration to the **right to development** in the context of the elaboration of the post-2015 development agenda” (A/HRC/RES/27/2).*

At the 28th session, the HRC, in a President’s Statement on the Twentieth Anniversary of the Fourth World Conference on Women, welcomed “the inclusion of **gender equality and the empowerment of all women and girls** as a stand-alone goal in the proposed sustainable development goals” and looked forward “to the integration of a gender perspective into the post-2015 development agenda (A/HRC/PRST/28/1, para 4, adopted without a vote).

Engagement of other UN human rights mechanisms

The Human Rights Council’s Special Procedures

The HRC’s Special Procedures have issued several joint statements on the Post-2015 Development Agenda:

Already at the occasion of the Rio+20 Summit in June 2012, a group of fifteen Special Procedures issued an open letter⁵ to Member States calling on them to **frame** the Rio+20 Outcome Document in human rights, to define commitments and measures of success in a **participatory** way and to establish an **accountability** mechanism both at the national and international level.

In May 2013, seventeen Special Procedures offered three recommendations to Member States in their negotiations of the Post-2015 Development Agenda, namely to include a stand-alone as well as a cross-cutting goal on

³ http://www.ohchr.org/Documents/Issues/SRMigrants/Informal_summary.pdf

⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14739&LangID=E>

⁵ <http://www.ohchr.org/EN/HRBodies/SP/Pages/OpenLetterRio20.aspx>

equality between population groups and between countries, a goal on **social protection** floors based on the human right to social security, and to ensure **accountability** mechanisms at the national and international level⁶. In September 2013, eighteen Special Procedures reiterated this call to Member States at the occasion of the General Assembly's Special Event on the MDGs and, in addition, stressed the importance of **participation** of those traditionally marginalized in decisions about the implementation of the new goals⁷.

On 3 May 2014, at the occasion of World Press Freedom Day, 31 Special Procedures stressed that the full recognition of **the rights to freedom of expression and information, freedom of peaceful assembly, freedom of association, and public participation** contributes to the achievement of development goals and made specific suggestions on how to integrate these freedoms in the Post-2015 Development Agenda⁸

In addition, a number of individual Special Procedures have made contributions to the debate. For instance,

In several occasions, the Special Rapporteur on **Extreme Poverty and Human Rights** called upon Member States to include the issues of social protection⁹, unpaid care work¹⁰ and access to justice¹¹ in their post-2015 commitments to tackle poverty.

In January 2015, the Independent Expert on the Effects of **Foreign Debt** and other related international financial obligations of States on

the full enjoyment of all human rights presented his interim study on "**Illicit financial flows**, human rights and the Post-2015 Development Agenda" to the Human Rights Council, offering recommendations on how the objective of curbing illicit financial flows could be operationalized within the post-2015 development agenda.

Human Rights Treaty Bodies

The Chairpersons of the ten UN Human Rights Treaty Bodies issued two joint statements on the Post-2015 Development Agenda:

In May 2013¹², the Chairpersons called on the international community to integrate human rights obligations within the development goals with specific **human rights indicators** to allow for an objective assessment of progress, and to engage national and international human rights mechanisms in development processes since the latter can serve as **accountability mechanisms** as well as sources of information and **early warning mechanisms**.

In January 2015¹³, they offered their perspective on the OWG's list of goals and targets. Moreover, they stressed the importance of a robust and participatory monitoring and review framework for the SDGs at the national, regional and global level, with a **systematic and institutionalized flow of information from and to existing monitoring mechanisms**, including the human rights treaty bodies, in order to ensure synergies between existing mechanisms and a post-2015 monitoring and review framework. They also

⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13341&>

⁷ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13845&LangID=E>

⁸ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14558&>

⁹ <http://www.ohchr.org/Documents/Issues/Poverty/SRPovertyPost2015.pdf>

¹⁰ <http://www.ohchr.org/Documents/Issues/Poverty/UCWPost2015Agenda.pdf>

¹¹ <http://www.ohchr.org/Documents/Issues/Poverty/LivingPoverty/AccessJusticePost2015.pdf>

¹² <http://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/JointStatementChairsMeetingMay2013.doc>

¹³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15505&>

encouraged Member States to endorse the call for the full application of the United Nations' **Guiding Principles on Business and Human Rights**.

Some Treaty Bodies have issued individual statements, for example:

As early as November 2012, the Chairperson of CESCR issued a statement¹⁴ to States parties of the ICESCR encouraging Member States to **align the SDGs and their indicators with human rights standards and principles**, and stressed the importance of **accountability** and of **disaggregating data**.

CEDAW issued a statement¹⁵ in February 2014 and an open letter¹⁶ to the OWG Co-Chairs in July 2014, suggesting ways to **strengthen gender equality** in the stand-alone goal and across all goals, and to design a strong post-2015 **accountability mechanism** which ensures **civil society participation**.

The High Commissioner for Human Rights

The High Commissioner for Human Rights has engaged in the debate on the Post-2015 Development Agenda from its inception. Key contributions include:

An **Open Letter**¹⁷ to all Member States in June 2013 suggesting ten essential elements to base the Post-2015 Development Agenda on human rights

Keynote remarks¹⁸ to the OWG sixth session in December 2013 (*“Looking back at History: Building the Post-2015 Agenda on the Foundation of Human Rights”*)

A **keynote address**¹⁹ at the high-level side event on *“Addressing inequalities in the SDG’s: A human rights imperative for effective poverty eradication”*, sponsored by the Permanent Missions of Finland and Brazil at the OWG’s eighth session in February 2014²⁰

Opening Statement²¹ at the 27th session of the HRC, in September 2014

Key messages which the former High Commissioner for Human Rights, Ms Navanethem Pillay and the new High Commissioner, Mr Zeid Ra’ad Al Hussein, have reiterated throughout their engagements on the topic include the need for the new agenda to address **freedom from want and freedom from fear**, i.e. economic, social and cultural as well as civil and political rights (but without creating a stand-alone ‘human rights goal’); to address the imperative of **equality and non-discrimination**; to include a new global partnership, based on the right to development, which ensures **international reform and human rights based policy coherence** at the international level; and to include a strong **accountability framework** at the national, regional and international level which ensures the **participation of civil society** and recognizes **responsibilities of the private sector**.

Recommendations

The messages of the Human Rights Council on the Post-2015 Development Agenda and the above mentioned human rights mechanisms have been shared by many Member States throughout the negotiations. The result is

¹⁴ http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_SUS_6398_E.pdf

¹⁵ <http://www.ohchr.org/Documents/HRBodies/CEDAW/Statements/CEDAW201526Feb2014.pdf>

¹⁶ http://www.ohchr.org/Documents/HRBodies/CEDAW/Statements/LetterPost2015_OWGChairs.pdf

¹⁷ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14529&LangID=E>

¹⁸ <https://sustainabledevelopment.un.org/content/documents/4974Speech%20ASG%20for%20HC.pdf>

¹⁹ <http://www.ohchr.org/EN/NewsEvents/Pages/Newglobaldevelopmentgoalsmustfightinequalityanddiscrimination.aspx>

²⁰ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14529&LangID=E>

²¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14998&LangID=E>

reflected in the OWG's proposed SDGs and their targets: Social and economic goals that mirror many, if not all, dimensions of economic and social rights; a goal that, to a certain extent, covers civil and political rights; a gender goal and a stand-alone goal on equality; a broad global partnership and a commitment to review progress, including on the basis of disaggregated data. As such, it can be argued that the proposed SDGs integrate human rights standards and principles considerably more than the preceding MDGs. However, gaps remain and gains can still be lost over the coming months of intensive negotiations. It therefore seems critical for the Human Rights Council to continue to support a human-rights based Post-2015 Development Agenda. In relation to the envisaged four elements of the Post-2015 Development Agenda, the Human Rights Council may consider to make proposals that could touch upon the following points:

Declaration: The Declaration should go beyond mentioning human rights in general terms and include a commitment to implement the Post-2015 Agenda in line with existing international human rights standards and principles²².

SDGs: The indicators selected for monitoring the goals should reflect and not undermine existing human rights standards and principles; to this end, Member States, national institutions (e.g. NHRIs, parliaments as well as National Statistical Offices), UN and civil society human rights experts should be engaged in the elaboration of indicators for the SDGs.

Means of Implementation and a Global Partnership: The Outcome Document of the Financing for Development FfD3 Conference in

Addis Ababa in July 2015 should refer to the right to development, highlight the human rights obligation of all countries to commit 'maximum available resources' and should stress the need for accountability of the private sector, in line with the Human Rights Council's *Guiding Principles on Business and Human Rights*. To ensure coherence, it should also link clearly to SDG 17.

Monitoring and Review: It is essential to design an effective, multi-level post-2015 accountability mechanism which draws on lessons learned of the HRC; in particular in relation to the Universal Periodic Review mechanism (UPR). The Post-2015 accountability mechanisms must be universal and participatory (e.g. it should consider not only reports from Member States, but also receive reports from the UN and other stakeholders) and there should be a systematic flow of information between the Post-2015 accountability framework and existing human rights accountability mechanisms, including the HRC and the UN treaty bodies.

On the Author

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This paper was written in her capacity as a consultant and does not reflect the views of the German Institute for Human Rights.

²² Language could be borrowed from the SG's Synthesis Report (para 65: "Ensure that all actions respect and advance human rights, in full coherence with international standards", para 65) or the discussion document of the Post-2015 Co-facilitators, Kenya and Ireland, of 19 February 2015 (para 4: "Agenda to be implemented in line with the common fundamental values of the UN, including freedom, equality, solidarity, tolerance, respect for all human rights").