

THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

WORKING WITH THE  
2030 AGENDA TO  
PROMOTE HUMAN  
RIGHTS

NHRI INITIATIVES IN THE ASIA  
PACIFIC REGION



## **WORKING WITH THE 2030 AGENDA TO PROMOTE HUMAN RIGHTS:**

### **NHRI INITIATIVES IN THE ASIA PACIFIC REGION**

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## **PREFACE**

The 2030 Agenda for Sustainable Development places human rights at its core. The seventeen Sustainable Development Goals (SDGs) are explicitly grounded in international human rights treaties, and the Agenda seeks to “realize the human rights of all”.<sup>1</sup> More than 90% of the SDG targets reflect specific provisions of international human rights instruments,<sup>2</sup> and the pledge to leave no one behind calls upon States to eliminate discrimination and promote equality. Given the intertwined and mutually reinforcing nature of the SDGs and human rights, human rights standards and principles can assess and guide the implementation and monitoring of the SDGs, and national human rights institutions (NHRIs) can play a key role in their realisation.

SDG progress reports from the Asia-Pacific region document continuous challenges with inequality and discrimination,<sup>3</sup> and few countries have found a way to effectively operationalize the call to Leave No One Behind. As a region, the Asia-Pacific therefore urgently needs to find innovative and evidence-based ways to reduce inequality and address the root causes leaving many behind. A human rights-based approach to implementing the SDGs has a strong potential to address these challenges and realize the pledge of leaving no one behind. This has opened a new area of work for national human rights institutions (NHRIs), who increasingly do engage in SDG processes and initiatives as an avenue for promoting human rights.

## **NHRIS AND THE 2030 AGENDA - THE MÉRIDA DECLARATION**

In October 2015, only a few weeks after the adoption of the 2030 Agenda for Sustainable Development, NHRIs from all regions met under the umbrella of the Global Alliance of National Human Rights Institutions (GANHRI) in Mérida, Mexico, to discuss NHRIs’ role in translating the Sustainable Development Goals (SDGs) set out in the 2030 Agenda and the Agenda’s contribution to the realisation of human rights.<sup>4</sup>

The 12th International Conference of NHRIs led to the adoption of the Mérida Declaration, which established the crucial role of NHRIs in implementing the Agenda, and reaffirmed the mutually reinforcing nature of human rights and the SDGs.<sup>5</sup> In this synergistic relationship, human rights instruments and mechanisms provide a framework for approaching the multidimensional goals, targets and indicators, whereas the SDGs offer new opportunities for the protection and promotion of human rights.

Elaborating on the role of NHRIs, the Mérida Declaration states that “NHRIs are uniquely placed to play a bridging role between stakeholders and promote

transparent, participatory and inclusive national processes of implementation and monitoring” (Mérida Declaration, para 15). As independent state bodies, NHRIs are mandated to regularly monitor the human rights situation in their countries, wherefore they hold vast knowledge on who the marginalized groups at risk of being left behind are in the given national context. They are also mandated to advise governments on the protection and realization of human rights and are therefore well placed to play a bridging role between vulnerable groups and state actors, as highlighted in the Declaration.

The Mérida Declaration specifies how NHRIs can apply their broad mandate and functions to the 2030 Agenda and identifies monitoring and reporting; advising the government; facilitating access to justice, redress and remedy; and fostering dialogue and participation, including private sector, civil society and most vulnerable groups, as good starting points.

## INTRODUCTION

This briefing note has been compiled in the context of the NHRI-EU Project, with a purpose of presenting brief snapshots of some of the initiatives NHRIs in the Asia Pacific region have taken to promote human rights through national SDG processes.

The SDG Component of the NHRI-EU Project is implemented by the DIHR in cooperation with GANHRI and its regional networks, and in this case, in direct cooperation with Komnas HAM, who represents the Asia Pacific Region in GANHRI's Working Group on Sustainable Development. The objective is to facilitate peer-to-peer exchange of tools, experiences and good practices on integrated approaches to human rights and SDG implementation and monitoring in a regional context, and this briefing note is shared among NHRIs to foster such exchange.<sup>6</sup>

The snapshots compiled here are based on 18 NHRIs' responses to a survey developed by DIHR and partners under the NHRI-EU project in January 2020.<sup>7</sup> It is our hope that this compilation of experiences will allow NHRIs from the region to gain a quick overview of sister institutions' practices, and maybe even find some inspiration for new initiatives at home.

## A RANGE OF EXPERIENCES

The survey responses reveal that many NHRIs have applied their existing human rights data, expertise or recommendations to give input to national SDG processes, hereby reinforcing the attention to human rights standards and principles in the context of national SDG reporting, planning and implementation. Nine NHRIs reported that they have concrete experiences in integrating human rights issues in **SDG monitoring** and vice versa, including Afghanistan, Australia, Bangladesh, Maldives, Mongolia, New Zealand, Oman, Philippines and Qatar. The level of involvement varies from initiatives towards integrating human rights standards into national SDG indicators, to cooperation with National Statistical Offices, or linking of the NHRIs' own monitoring and recommendations to specific SDGs and targets. Likewise, a few NHRIs reported that they had engaged in national **SDG planning** processes and sought to enhance the focus on human rights in these crucial national planning exercises (Afghanistan and The Maldives), while also promoting public awareness of and participation in SDG processes.

Some of the examples of SDG-related initiatives reported on by NHRIs in the survey indicate that the 2030 Agenda and the SDGs have opened **new avenues for NHRIs to establish direct cooperation with public authorities** as the national or

local level. Such cooperation has led to promotion of human rights at a tangible, operational level in Mongolia, Nepal and India.

Several NHRIs in the region are already working on **business and human rights**, and a few are exploring how to use the SDGs as leverage for promoting human rights compliance in the private sector (South Korea and Australia). The 2030 Agenda recognises the key role and contribution of the private sector in achieving the ambitious targets and refers explicitly to the importance of aligning private sector practices with the United Nations Guiding Principles on Business and Human Rights (UNGPs) in that regard. In the survey, many NHRIs expressed a desire to increase their knowledge, skills and capacity to work on responsible business conduct and the SDGs.

With the strong anchorage of the SDGs in international human rights norms and standards, **the SDGs cannot be achieved without realizing human rights**. NHRIs' promotion of human rights, and their direct contributions to identifying where new practices are needed among duty bearers to secure the protection and realization of human rights, are thus direct contributions to their countries' progress on realizing the ambitious visions of many SDGs. Throughout the briefing note, examples of such NHRI contributions to national progress on achieving specific goals and targets are described. The final section of the report includes an example of how one NHRI's strategic priority on combating sexual harassment contributes to the realization of several SDGs. Similar examples, from other countries, can be found throughout the report, where many specific SDGs are referred to explicitly or implicitly in the descriptions of NHRIs experiences.

It is our hope that the examples of NHRI engagement in the 2030 Agenda presented on the following pages can foster peer-learning and mutual inspiration – and ignite further conversations among NHRIs in the region on how to gain tangible and significant human rights outcomes from the implementation of the 2030 Agenda.

## **NHRI EXPERIENCES WITH SDG MONITORING**

### **MONGOLIA: DEVELOPMENT OF NATIONAL SDG INDICATORS**

**Keywords:** National development plan; National Development Agency; national SDG indicators; multi-stakeholder approach, national SDG working-groups.

The National Human Rights Commission of Mongolia (NHRCM) is actively engaged in a multi-stakeholder initiative aimed at developing national SDG indicators. The primary focus is on the SDGs directly related to human rights, such as SDG 4 (Quality education), SDG 5 (Gender equality) and SDG 16 (Peace, justice and strong

institutions). The NHRCM is participating in national dialogues to focusing on developing national indicators and targets for implementation of the 2030 Agenda and its seventeen SDGs. Other participants include government representatives, local government bodies, civil society, scientists and academia, international development agencies, as well as the private sector. The overarching purpose of the multi-stakeholder initiative was also to reach an understanding about the role of the government and other stakeholders in engaging with the SDGs.

The NHRCM was included in two out of eight working-groups established by the government with an overarching aim to assess the development policy documents and draft recommendations, as well as to define national indicators and targets for the SDGs. The NHRCM provided its feedback on global SDG indicator 16.a.1 (Existence of independent national human rights institutions in compliance with the Paris Principles) and 16.b.1 (perception indicator on discrimination)<sup>8</sup>, and the NHRCM's comments were included in the national indicators and sources. The NHRCM further recommended to amend the current Law on NHRCM, and include specific references to the Paris Principles as indicators. Subsequently the Law on NHRCM was revised, and the new law adopted in January 2020. The NHRCM also recommended to draft and adopt comprehensive anti-discrimination legislation in relation to SDG target 16.b (Promote and enforce non-discriminatory laws and policies for sustainable development), and suggested to include each discriminatory ground as national indicators in line with the international human rights instruments as well as the Declaration of Principles on Equality.

The NHRCM is promoting the message that 90 percent of the SDG targets reflect human rights obligations. Therefore, the NHRCM finds it crucial to monitor progress on the SDGs at national level, and play a bridging role between various stakeholders, including government, non-government organizations, international development agencies and private sector actors. Regarding the operational implementation of the SDGs, the NHRCM finds that coordination and cooperation between those actors are required to achieve efficient implementation.



The NHRCM finds that it is easier to encourage people to contribute to the promotion and protection of human rights and the implementation of the SDGs by asking them simple favours. For instance, the NHRCM produced posters on the SDGs in cooperation with the UN Resident Coordinator, and the posters encourage people to donate their old or unused clothes to the needy communities, or to use their own cups instead of plastic ones in relation to environmental issues, or avoid using any gender biased terms, or avoid throwing the food away and not using any antibiotics without a doctor's prescription, etc.



## BANGLADESH: USING THE NATIONAL SDG MONITORING TOOL

**Keywords:** NHRI as SDG data provider; using Government's SDG monitoring data for human rights monitoring, documentation and reporting.

The National Human Rights Commission of Bangladesh (NHRCB) provides data for the national SDG Tracker, a web-based information repository and monitoring tool developed by the Bangladeshi government to track the implementation process of the SDGs and other national development goals. The SDG Tracker has a set of 39 indicators, and it is a searchable database that can be used to get the latest updates on progress measured against these, including through visual presentations of the data.

While the NHRCB has not been directly involved in designing the SDG Tracker, the NHRCB is currently working with the SDG Tracker to provide and analyse data. The NHRCB is highlighting relevant human rights topics in relation to the indicators, and promote a human rights-based approach to the citizen charter and the service

delivery model. The data from the SDG Tracker is also used by the NHRCB to identify which SDG targets and indicators are left unaddressed.

Moreover, the NHRCB is using the SDG Tracker data for their own human rights monitoring. The SDG Tracker is helping the NHRCB to get real-time data which will be used in documentation, monitoring and reporting on the human rights situation, including in reporting to the international human rights system.

### **QATAR, OMAN, THE PHILIPPINES AND NEW ZEALAND: COLLABORATION WITH NATIONAL STATISTICAL OFFICES**

**Keywords:** Data on vulnerable groups; criteria for identification of vulnerable groups; prioritizing vulnerable groups in the development process; lessons learned on collaboration with government agencies.

**In Qatar**, the National Human Rights Committee of Qatar (NHRCQ) has cooperated with the Statistics Center within the Ministry of Planning to obtain information on economic and social rights of vulnerable groups. When raising the issue of vulnerable groups, there was a conflict of jurisdiction between the authorities. In response, a working group of competent authorities was established to discuss issues related to vulnerable groups with the NHRCQ. Challenges in the collaboration were overcome by working on specific and practical topics such as specific issues faced by persons with disabilities. Criteria for vulnerable groups were developed, and considered a priority in the development process.

**In Oman**, the National Human Rights Commission of Oman (OHRC), in cooperation with the regional office of the High Commissioner for Human Rights in Beirut, organized a workshop with the objective of strengthening the partnership between institutions concerned with sustainable development. The workshop had several focus areas, including the development of a national database for the SDGs related to human rights in the region, and enhancing the knowledge of the institutions participating in SDG monitoring. The workshop resulted in several recommendations which were raised towards the concerned bodies. The OHRC is currently in the consultation phase to develop an efficient mechanism to establish a national database linking SDGs and human rights. OHRC is also currently consulting and communicating with various authorities that are responsible for specific areas of human rights in order to provide both the Commission and the National Centre for Statistics and Information with data on SDG and human rights progress. Other recommendations developed during the workshop were focused on including OHRC in drafting national SDGs reports; linking the recommendations resulting from the Universal Periodic Review of Oman with the SDGs, and including these in national reporting on SDG progress; for OHRC to submit a parallel report on the progress in achieving the SDGs; and to encourage more

collaboration and partnership with the National Centre for Statistics and Information in order to contribute to the national database of SDGs and human rights; and to raise more awareness about the importance of SDG indicators and the need to ensure a continuous flow of data.

In **the Philippines**, the Commission on Human Rights (CHR) is coordinating with the Philippine Statistics Authority and relevant government agencies to link up monitoring of the implementation of goals and targets with human rights indicators. The CHR is seeking to develop a human rights-based approach to SDG monitoring.

In **New Zealand**, the New Zealand Human Rights Commission (NZHRC) has worked to increase the accountability for action, and the government's responsibility for the SDGs, and to contribute to the development of a government strategy. Working with the Ministry of Justice and other cross-governmental actors, the NZHRC integrated SDG reporting into the on-line National Plan of Action (NPA) monitoring tool, which has been designed to measure progress on actions taken by the Government in response to recommendations from the second Universal Periodic Review (UPR). However, the NZHRC encountered some challenges, as it found that the on-line NPA tool was augmented to include the SDG targets alongside other areas, such as UPR and treaty body recommendations. Other challenges included obtaining relevant data from government agencies, as well as maintaining and updating the on-line tool. Currently, the NZHRC is looking at how to incorporate the indicator framework developed by the Statistical Bureau of New Zealand, which promises to provide much better, bespoke data for the SDGs.

#### **AUSTRALIA, THE MALDIVES AND INDONESIA: INTEGRATED REPORTING ON SDGS AND HUMAN RIGHTS**

**Keywords:** Measuring SDG achievements among vulnerable groups; linking human rights standards and recommendations from the human rights system with the SDGs; aligning the NHRI's workplan with the SDGs.

In **Australia**, the Australian Human Rights Commission (AHRC) is constantly advocating for the government to be more comprehensive and consistent in the way they measure progress against the SDGs. Australia is undergoing its 3rd cycle Universal Periodic Review (UPR) in late 2020, and the AHRC is presently undertaking a tracking and monitoring exercise of the government's progress which will include SDG related issues. The AHRC is also the Secretariat for the Close the Gap, Indigenous Disadvantage Campaign, which can be used as leverage for the government who have committed to SDG implementation relating to reducing internal poverty but not indigenous poverty.

**In the Maldives**, the Human Rights Commission of the Maldives (HRCM) has developed an Intergovernmental Human Rights Reporting and Monitoring Application to monitor the progress of implementation of recommendations from UN human rights treaty bodies and the UPR. The application matches all the human rights instruments, articles and recommendations with relevant SDGs. In the HRCM's 2020 Annual Workplan all activities were aligned with relevant SDGs too.

In **Indonesia**, the National Commission on Human Rights Komnas HAM has developed web-based SDGs monitoring tools in collaboration with UNESCO since 2017. This cooperation aims to promote linkages between SDGs and human rights. While the National SDG Action Plan only refers to Komnas HAM in relation to SDG 16 on Peace, Justice and Strong Institutions, Komnas HAM will be able to monitor most SDGs indicators from a human rights perspective with this tool, including aspects relating to businesses' responsibility to respect human rights.

## NHRI EXPERIENCES WITH NATIONAL SDG PLANNING

### AFGHANISTAN AND THE MALDIVES: PROMOTION OF PUBLIC PARTICIPATION AND HUMAN RIGHTS IN SDG PLANNING

**Keywords:** National Action Plan for the SDGs; NHRI baseline survey on SDGs; raising public awareness; developing a national database linking SDGs and human rights; developing recommendations targeting national development planning; promoting the NHRI's role in national SDG planning.

**In Afghanistan**, the Afghanistan Independent Human Rights Commission (AIHRC) is actively engaged with SDG implementation and monitoring efforts. As a member of the National Committee of SDGs, it worked on the development of the National Action Plan for the SDGs and on efforts to localize the 2030 Agenda. AIHRC has also conducted a baseline survey on the SDGs, and is planning to launch a country-wide research program to assess the extent of SDG implementation. Since 2015, AIHRC has hosted international, national and local conferences on human rights and SDGs, gathering hundreds of government officials, representatives from civil society organizations, academia, media, and human rights activists. These events have been instrumental in raising public awareness of the 2030 Agenda, and of the synergies between SDGs and human rights in Afghanistan. Key activities include the International Conference on Human Rights and the Sustainable Development Goals (held in 2016), and the Gender Equality Conference. The latter took place in 2017, and focused on the implementation of SDG 5, with a view to promoting equal rights for women in the political, economic and social spheres. AIHRC also organized a series of conferences in the 12 provinces of Afghanistan in 2016, promoting knowledge of SDGs and human rights among local governments, civil servants, civil society organizations, and human rights activists.

In the **Maldives**, the Human Rights Commission of the Maldives (HRCM) was involved in the process of formulating the National Development Plan (NDP) in 2019. The agency responsible for the formulation of the NDP was the Ministry of National Planning and Infrastructure, with the President's Office in an advisory role. The task was to be completed in a limited timeframe of four months, thus more assistance was sought from a consultancy team. All government ministries and some of the independent agencies, including HRCM, were called upon for initial and follow-up meetings to discuss the formulation of the NDP. Due to the global significance of the 2030 Agenda, the Government took the SDGs into consideration when drafting the National Development Plan. Thus, the need to align all governmental policies and strategies in the NDP with the SDGs was highlighted. However, the alignment raised concerns amongst the participants about the duration of the process, and the comprehensiveness of the document. The SDG lens also shed light on concerns regarding public participation, as some

groups, such as civil society or the private sector, were absent from the working group. The HRCM played a crucial role in promoting a human rights-based approach to the NDP, and advocating a multi-stakeholder cooperation to ensure that no one is left behind. As a result, the leading team agreed to have a public participation forum, and to welcome input from NGOs and private sector organisations. Additionally, the HRCM raised the issue of including human rights under each section of the NDP as a cross-cutting issue. Two of the main concerns HRCM raised, namely on wider participation and the human rights-based approach, were taken into consideration by the consultancy team, bearing witness to the fact that an NHRI can play a vital role in the process of developing national and plans, and in the promotion of human rights-based approaches to development.

In **Indonesia**, the National Commission on Human Rights Komnas HAM has made efforts to speak to various government institutions such as the Ministry of Development Planning, the lead agency on SDG implementation, as well as the National Secretariat of SDGs, in order to advance Komnas HAM's role in advancing SDGs according to the Mérida Declaration. In addition, in a recent meeting between Komnas HAM and the National Secretariat of SDGs, the Commission also tried to reach a consensus regarding key indicators for the monitoring of SDG 16 on Peace, Justice and Strong Institutions. The proposed indicators would allow analysts to measure effective human rights governance as part of the national monitoring of progress in achieving SDG 16.

## NEW ENTRY POINTS FOR COOPERATION WITH PUBLIC AUTHORITIES

### MONGOLIA: USING SDG 5 AS LEVERAGE FOR TRAININGS ON GENDER ISSUES FOR PUBLIC SERVANTS

**Keywords:** Human rights training for public servants; using the SDGs to challenge perceptions of gender issues.

In **Mongolia**, the National Human Rights Commission of Mongolia (NHRCM) conducts training for public servants on a regular basis on the human rights-based approach (HRBA) and gender, during which it explicitly refers to the SDGs. For example, during trainings held in 2018 and 2019, the NHRCM trainers refer directly to SDG 5 when conducting a training on gender issues for public servants, including human resources officers and managers working in rural areas.

In Mongolia, some people still perceive gender issues as a western construct and find that Asians have different perspectives on roles of men and women. Nonetheless, the link to the SDGs, especially SDG 5, is helpful for the NHRCM to explain to the public servants in their trainings that gender equality is a development goal for all countries, regardless of their culture and socio-economic status. The NHRCM uses the link to SDG 5 to educate the public servants on how gender roles are shaped, reinforced and changed, and why gender equality and empowerment of women and girls is important. The challenge that NHRCM reported was related to the low number of male participants in their training. Due to this, male employees miss out a chance to understand gender issues, which result in a lack of awareness on gender equality among male public servants. To counter this, the NHRCM explicitly asked managers, who are often men, to attend the training themselves.

### NEPAL: WORKING WITH LOCAL AUTHORITIES TO PROMOTE A HUMAN RIGHTS-BASED APPROACH TO THE SDGS

**Keywords:** HRBA; local authorities; human rights training for public servants; service delivery; devolution.

In **Nepal**, following the adoption of the new Constitution, the Government of Nepal started a devolution process. Nepal is now divided into seven provinces and is further sub-divided into 753 local governments; 293 urban municipalities and 460 rural municipalities respectively. The newly established municipalities are vested with greater authority and has the responsibility to deliver several public services. Both the constitutional provisions and the newly elected leadership at local level have developed many promises to improve service delivery and local development and public expectations are high. It is against this backdrop, that the

National Human Rights Commission - Nepal (NHRC) designed a training course targeting politicians in municipalities on the human rights-based approach (HRBA) and the SDGs. The specific objectives were to equip local level politicians with knowledge on human rights standards and the HRBA. The second objective was to sensitize them on links between human rights issues and the SDGs, and to create a better understanding on human rights, justice, and the linkage between human rights and development.

The NHRC has observed some positive results of their training. Some local level governments have developed their own periodic plan based on the National Planning Commission guideline, in which they have incorporated the HRBA. Some have initiated long- and short-term participatory planning processes, and community-based participatory management systems in which SDG localization is the main focus. Some of the long-term plans include creating multi-stakeholder and networking systems among different development actors (governmental line agencies, donors, international NGOs, local NGOs, local governance units). This has increased the sense of ownership in the development process among the people, and enhanced accountability.

Some of the local municipalities have even declared themselves 'Human Rights and Justice friendly village'. They have committed to protection and promotion of human rights, providing special attention to the vulnerable communities. This, in fact, shows that they have internalized the human rights issues.

One of the key challenges is that most of the local units lack expertise, and their plans are prepared by consultants, and hardly consistent with the sustainable development goals and human rights. Except a few of the local municipalities, almost all the local level authorities are fully dependent on the federal government's grants. It is essential to localise the SDGs through periodic and annual plans, and internalise the thrust of the SDGs from the lower level.

## **INDIA: PROMOTING HUMAN RIGHTS IN SOCIAL SERVICES**

In **India**, the National Human Rights Commission of India (NHRCI) actively monitors the implementation of various welfare schemes and programs towards achieving the SDGs. The NHRCI has several initiatives such as Special Monitors and Rapporteurs visits. The NHRCI promotes research on subjects related to SDGs, and gives recommendations to relevant ministries for incorporating them into national planning. The SDGs provides the NHRCI with a framework with prioritized objectives, and an opportunity to expand the horizon of human rights through the focus on sustainable development. The SDGs have created more opportunities for the NHRCI to engage with national planning because they have helped NHRCI to expand its working horizon in the areas of women's rights, children, LGBTI, rights



of domestic workers, water and sanitation, dignity of work and to promote inclusive and sustainable economic growth, full and productive employment and decent work for all. As an example of a change that would be difficult to achieve without the link to the SDGs, the NHRCI gave the example of their recommendations on LGBTI rights and rights of domestic workers, which they have now formulated and advocated for because of the links to the SDGs. For example, the NHRCI recommended for the national planning that 'Projects for awareness and sensitization camps should be organized at the school level and educational institutions for non-discrimination and equal treatment of the LGBTI community regardless of dresses, uniforms, appearances. It also strongly recommended that with an inclusive approach, some suitable provisions for accommodations may be provided for LGBTI community'. The NHRCI has also recommended the implementation of Universal Basic Income, which is under examination and active consideration of the Union Government.

## NHRI EXPERIENCES ON RESPONSIBLE BUSINESS CONDUCT AND THE SDGS

### AUSTRALIA: FOCUS ON SDG TARGET 8.7 TO FIGHT MODERN SLAVERY

**Keywords:** Labour rights; cooperation with companies; UNGPs; business and human rights; business reporting.

In **Australia**, the Australian Human Rights Commission (AHRC) has used SDG Target 8.7 as leverage in their work to advance Australia's response on modern slavery. SDG target 8.7 says 'Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms'.

In 2018, the AHRC held a dialogue with civil society, governmental bodies and the private sector on the topic of modern slavery. The discussion revolved around the meaning and practice of modern slavery, the ways to identify it, and links to the UN Guiding Principles on Business and Human Rights and the possible responses to it. Since the passage of Modern Slavery Act on the federal level, the AHRC has partnered with KPMG, multinational accounting organisation, to deliver extensive information sessions to the private sector through the Australian Institute of Company Directors on what modern slavery reporting looks like, and how to identify modern slavery in supply chains. The sessions were held around the country, and involved wide ranging Q&A sessions with the audiences. Currently, the AHRC is co-authoring a series of practical guides for the private sector on the impact and implementation of the Modern Slavery Act for specific industries. The main challenge that the AHRC encountered is a sense by the private sector that this is a compliance issue. In response, the NHRI is trying to encourage companies to see the law as an opportunity to improve all aspects of business and human rights. Additional challenges relates to cooperation with various actors in terms of government reporting under the legislation, which delays the reporting processes. Nonetheless, the AHRC has been continuing to liaise with the government and tried to pave the way for a model procurement policy.

### THE REPUBLIC OF KOREA: RESPONSIBLE BUSINESS CONDUCT AND THE SDGS

**Keywords:** Responsible business; cooperation with the private sector; cooperation with government; BHR.

In **Korea**, the high number of state-owned companies has prompted the National Human Rights Commission of Korea (NHRCK) to prioritize working with the

promotion of companies' human rights responsibilities. The NHRCK highlights that state-owned enterprises have more responsibility towards SDG protection compared to private enterprises, as the government could be held accountable for their practices.

In September 2014, the NHRCK developed a Checklist for state-owned companies highlighting the importance of social responsibility. The Checklist laid the foundation for developing a 'Recommendation on Improvement of Management Assessment for state owned enterprises' in February 2016, which included an SDG angle. As a result, the Korean government selected 'Institutionalization of SDG and Human Rights Management' as one of the policy objectives in the National Adaptation Plan for 2018-2022. A challenge occurred, as it transpired that the items in the Checklist were not specific enough, and it gave state-owned companies a hard time making the mandatory links to SDGs and executing the needed strategies in that regard. In response to the given challenge, the NHRCK developed a manual aiming to help the state-owned enterprises in securing their competitiveness and at the same time promoting sustainable development. The manual covers entire stages required for the companies to achieve SDGs.

#### **INDONESIA: LINKS BETWEEN THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS AND SDG IMPLEMENTATION**

**Keywords:** Complaints on human rights violations committed by companies; National Action Plan on Business and Human Rights; incorporation of the UN Guiding Principles on Business and Human Rights into SDG implementation.

Within the period 2015-2019, the complaint mechanism of the National Commission on Human Rights in **Indonesia** (Komnas HAM) received 2.813 reports on alleged human rights violations committed by corporations. Corporations were second in rank after the police as parties implicated in human rights violations.

The UN Guiding Principles on Business and Human Rights emphasize the need to deal with the impact of companies' activities on the enjoyment of human rights. In the context of Indonesia, normatively, regulations and policies that govern the behaviour of third parties, including corporations, are quite complete, such as legislation on the environment, labour, plantations, mining, and forestry. However, the implementation and enforcement of these regulations are very weak and inconsistent.

As the human rights violations committed by corporations are repeated and increasing year by year, Komnas HAM is of the view that the UN Guiding Principles provide the foundation to enforce corporate accountability. In 2017, Komnas HAM

published the first National Action Plan (NAP) on Business and Human Rights. It was the first NAP produced in the South East Asia region.

Meanwhile, during the Covid-19 pandemic, the government takes public health measures and expands its powers, which pose added threats to freedoms and human rights, including those focusing on business-related human rights impacts. There are also reports of factories using the pandemic to justify dismissal of labour.

The NAP requires ministries, institutions and local governments to play their part within their jurisdiction, while further legislation will come at the presidential level. The NAP goes beyond promoting human rights and reducing the rate of human rights violations and seeks to guide the government towards enacting coherent legislation that supports implementation of the Guiding Principles, particularly with regards to the remediation mechanism, as this has yet to work optimally in Indonesia. The current development of the NAP itself has been taken over by the Ministry of Law and Human Rights. They would like to incorporate the NAP within the Human Rights Action Plan. However, Komnas HAM is of the view that the NAP should remain as a stand-alone Action Plan, as the Human Rights Action Plan is too general.

The integration between the SDGs and business and human rights are necessary, as the spirit of the SDGs reflect core human rights and business principles. Human rights actors and mechanisms nowadays consider corporate social responsibility and environmental matters as issues that need to be addressed in order to uphold and protect the enjoyment of enjoyment of human rights. Therefore, the government has adhered to "requirements" rather than the "voluntary" principle, even though the UN Guiding Principles and the SDGs are not legally binding instruments. By incorporating the UN Guiding Principles into the implementation of the SDGs, respect for human rights by corporations will, in the near future, become the new norm in Indonesia.

## CONTRIBUTIONS TO NATIONAL PROGRESS ON SPECIFIC SDGS

**Keywords:** Core NHRI work contributes to realize the visions of specific SDG targets; sexual harassment; National Inquiry on sexual harassment

### AUSTRALIA: COMBATING SEXUAL HARASSMENT AND CONTRIBUTING TO SDG 5, 8 AND 16

In Australia, the Australian Human Rights Commission (“the Commission”) is making efforts to combat sexual harassment, and consequently contributing to the following SDG targets: 5.1 and 5.2 (through the promotion of a systemic response to eliminate violence and discrimination against women);<sup>9</sup> 8.8 (protecting labour rights and promoting safe and secure work environment for women);<sup>10</sup> and 16.1 (combating all forms of violence).<sup>11</sup> Between April and June 2018, the Commission conducted a national survey to investigate the prevalence, nature and reporting of sexual harassment in Australian workplaces and in the community more broadly. The 2018 survey was conducted both online and by telephone with a sample of over 10,000 Australians. It revealed that one in three people (33%) have experienced sexual harassment at work in the last five years. In relation to remedial action, the survey revealed that formal reporting of workplace sexual harassment continues to be low: only 17% of people who experienced sexual harassment at work made a formal report or complaint. In one in five cases (19%), the formal report or complaint brought no consequences for the perpetrator. The most common outcome of reports or complaints was a formal warning to the perpetrator (30% of cases). Almost half (45%) of people who made a formal report said that no changes occurred at their organisation because of the complaint. In response to the survey, Australia’s Sex Discrimination Commissioner announced an unprecedented National Inquiry into sexual harassment. The survey findings will inform the National Inquiry, which is aimed at identifying good practice and creating recommendations to provide a way forward for preventing sexual harassment in the workplace. The Commission received online submissions and conducted public consultations in all capital cities and several regional centres across Australia.

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<sup>1</sup> Transforming our world: the 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September, 2015 (preamble). A/RES/70/1.

<sup>2</sup> To explore these human rights links, please refer to the Human Rights Guide to the Sustainable Development Goals: <http://sdg.humanrights.dk/en>

<sup>3</sup> Asia and the Pacific SDG progress Report 2019, p. 5. The report reveals stagnant progress on implementation of Goal 10 and Goal 16 – and even regression on certain aspects of Goal 16 (indicator 16B on non-discriminatory laws).

<sup>4</sup> [https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/sdg/GANHRI\\_NHRIs%20engaging%20with%20the%20SDGs.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/sdg/GANHRI_NHRIs%20engaging%20with%20the%20SDGs.pdf)

<sup>5</sup> The Mérida Declaration can be found here:

<https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>

<sup>6</sup> The overall objective of the NHRI-EU project is to enhance the role of national human rights institutions (NHRIs) and their global and regional networks in promoting and protecting human rights of all.

<sup>7</sup> The survey sought to gather input for designing regional seminars that would allow NHRIs to exchange experiences in working with the 2030 Agenda, and to jointly strategize around their national-level engagement in SDG processes. While originally planned as a face-to face seminar that were to be held in Bangkok in late March 2020, the Covid 19 crisis has prompted a shift in plans, and a series of online events are now planned for the region instead of the originally planned seminar. Two webinars will take place on September 28 and 29 respectively, and further activities will be planned for 2021.

<sup>8</sup> Global SDG indicator 16.b.1 reads, in its full form: Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

<sup>9</sup> SDG 5.1: End all forms of discrimination against all women and girls everywhere; SDG 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

<sup>10</sup> SDG 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

<sup>11</sup> SDG 16.1: Significantly reduce all forms of violence and related death rates everywhere

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