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HUMAN RIGHTS

AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS AND SUSTAINABLE DEVELOPMENT: AN OVERVIEW OF GOOD PRACTICE



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This publication is a joint initiative of the Danish Institute for Human Rights and the Working Group on the 2030 Agenda for Sustainable Development and the African Agenda 2063 of the Network of African National Human Rights Institutions.

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LIST OF ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
ARFSD	Africa Regional Forum on Sustainable Development
AU	African Union
CAT	Committee Against Torture
CCPR	Human Rights Committee
CED	Committee on Enforced Disappearances
CESCR	Committee on Economic, Social and Cultural Rights
CERD	Committee on the Elimination of Racial Discrimination
CEDAW	Committee on the Elimination of Discrimination Against Women
CHRAJ	Ghana Commission on Human Rights and Administrative Justice
CMR	Committee on Migrant Workers
CNDH	Conseil National des Droits de l'Homme (Morocco)
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
DIHR	Danish Institute for Human Rights
FuR	Follow-up and Review
HLPF	High-Level Political Forum
HRBA	Human Rights-Based Approach
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
MoU	Memorandum of Understanding
NANHRI	Network of African National Human Rights Institutions
NCHRF	National Commission on Human Rights and Freedoms (Cameroon)
NHRC	Nigeria Human Rights Commission
NHRI	National Human Rights Institution
OHCHR	Office of the UN High Commissioner for Human Rights
SAHRC	South Africa Human Rights Commission
SDGs	Sustainable Development Goals
UHRC	Uganda Human Rights Commission
UNECA	UN Economic Commission for Africa
UNFCCC	UN Framework Convention on Climate Change
VNR	Voluntary National Review

CHAPTER 1

INTRODUCTION

Given the intertwined and mutually-reinforcing nature of sustainable development frameworks and human rights standards, **National Human Rights Institutions** (NHRIs) can play a key role in ensuring accountability for the Sustainable Development Goals (SDGs) and the African 2063 Agenda.

Containing 17 Sustainable Development Goals (SDGs) and 169 associated targets, the 2030 Agenda for Sustainable Development encompasses the three main pillars of sustainable development: economic, social and environmental. The 17 SDGs and their related targets reflect human rights directly and indirectly, and the Agenda integrates cross-cutting human rights principles of participation, non-discrimination and accountability. The SDGs 'seek to realize the human rights of all' and to 'leave no one behind'. The 2030 Agenda is explicitly grounded in the United Nations Charter, the Universal Declaration of Human Rights and international human rights treaties and instruments and informed by other instruments such as the Declaration on the Right to Development.

THE 2030 AGENDA

The 2030 Agenda is comprised of three main elements:

- The 17 Sustainable Development Goals (SDGs) and 169 targets to be achieved by all countries by 2030 and 232 indicators against which to measure progress;
- The Means of Implementation (Mol), which specify the resources and partnerships that are necessary to reach the agreed goals and targets; and
- The Follow-Up and Review (FUR) processes and mechanisms that will monitor and guide implementation, including the global indicators framework.

Agenda 2063, 'The Africa We Want', is a 50-year strategic framework for the socio-economic transformation of the continent implemented through a series of 10-year implementation plans. African Agenda 2063 aspires, among other things, to entrench democratic values, culture and practices; universal principles of human rights; gender equality, and justice and the rule of law. In its first 10-year implementation plan, it calls for the full implementation of a range of key international and regional human rights instruments, including the African Charter on Human and Peoples' Rights.

AGENDA 2063

The 2063 Agenda is centred around 7 main aspirations:

1. A prosperous Africa based on inclusive growth and sustainable development.
2. An integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa's Renaissance.
3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law.
4. A peaceful and secure Africa.
5. An Africa with a strong cultural identity, common heritage, shared values and ethics.
6. An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children.
7. Africa as a strong, united and influential global player and partner.

Its current 10-Year Implementation Plan (2014-2023) is has 20 goals, 38 priority areas, 171 national targets and 85 continental targets.

However, the Agendas also differ in their approaches and in both there are some key gaps from a human rights perspective. Thus, the Agendas present both risks and opportunities for the realisation of human rights.¹

SUMMARY OF LINKAGES BETWEEN THE 2030 AND 2063 AGENDAS AND HUMAN RIGHTS

AGENDA 2030 LINKS TO HUMAN RIGHTS IN THE FOLLOWING WAYS:

- It seeks to “Realize the human rights of all” and is explicitly grounded in the Universal Declaration of Human Rights and international human rights instruments.
- The 17 SDGs and their related 169 targets directly or indirectly reflect human rights standards.
- The Agenda explicitly intends to “leave no one behind” in the pursuit of sustainable development, reflecting the fundamental human rights principle of non-discrimination.
- The human rights principles of accountability and participation are key components of the Agenda and its Follow-up and Review processes.

AGENDA 2063 LINKS TO HUMAN RIGHTS IN THE FOLLOWING WAYS:

- A high percentage of goals, targets and indicative strategies reflect key human rights standards and principles.
- It refers to a list of human rights instruments and mechanisms in its targets and indicative strategies. In this way it recognises that adherence to human rights law and engagement with human rights mechanisms constitute a main element of achieving its aspirations.
- It has some focus on vulnerable groups and specific rights-holders, but is weak on general integration of the cross-cutting human rights principle of non-discrimination.
- Accountability and participation are key human rights principles representing the ‘success factors’ underpinning the achievement of the Vision.

From DIHR and NANHRI, **Human Rights and Accountability in the 2030 and 2063 Agendas**, p.12

Based on their grounding in human rights, human rights standards and principles can assess and guide the implementation of both the 2030 and the 2063 Agendas. The guiding principles of both Agendas also display many of the key features of a human rights-based approach to development (HRBA) including participation, accountability and non-discrimination.

On the other hand, without adequate respect for human rights there is a risk that many aspects of these Agendas – and in particular their achievement for all – will not be attainable.



THE HUMAN RIGHTS GUIDE TO THE SDGs

More than 90% of the 2030 Agenda's Targets can be linked to the provisions of international and regional human rights instruments and international labour standards.

The links between international and regional human rights standards and SDG targets can be explored in the Human Rights Guide to the SDGs – an online database available in 7 languages, which is the essential tool to:

- Understand the linkages between the SDGs and human rights, labour standards and environmental treaties and instruments;
- Develop a human rights-based approach to sustainable development programming, implementation, monitoring, evaluation and reporting; and
- Understand the linkages between regional and international human rights instruments and environmental treaties.

Find the Guide at <http://sdg.humanrights.dk>

Given the intertwined and mutually-reinforcing nature of the SDGs and human rights standards, NHRIs can play a key role in the realisation of the SDGs. A number of NHRIs are already playing this role, whereas others face challenges in translating the opportunities into tangible actions which contribute specifically to a Human Rights-Based Approach (HRBA) to implementing the SDGs.

A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT

“A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.”

Source: <http://www.ohchr.org/Documents/Publications/FAQen.pdf>

A human rights-based approach (HRBA) to sustainable development can lead to better, more equitable and more sustainable development outcomes, and ensures coherence of government policies and programmes. According to this approach:

- The objective of development should be to further the realisation of human rights as enshrined in international human rights instruments;
- Human rights standards and the recommendations of human rights oversight mechanisms should guide programming in all sectors and in all phases of the programming process; and
- Development processes should contribute to developing the capacities of ‘duty-bearers’ to meet their obligations and of ‘rights-holders’ to claim their rights.

The **Network of African National Human Rights Institutions (NANHRI)** is a regional umbrella that brings together 44 NHRIs. Founded in 2007, NANHRI works towards the establishment and strengthening of NHRIs in Africa. It provides capacity-building and facilitates coordination and cooperation among NHRIs by linking them with other key human rights actors at the regional and international levels. In 2017, in recognition of the potential for NHRIs to play a critical role in sustainable development, the 11th NANHRI Biennial Conference adopted the **Kigali Declaration and Plan of Action on the 2030 Agenda for Sustainable Development and the African Agenda 2063 and the role of National Human Rights Institutions (The Kigali Declaration)**.² The Kigali Declaration highlights the critical role that NHRIs can play in the implementation and monitoring of the 2030 and 2063 Agendas.

In connection with the Kigali Declaration, NANHRI established its Working Group on the 2030 Agenda for Sustainable Development and the African Agenda 2063 (SDG Working Group). In line with the role of NHRIs as described in the Kigali Declaration,

the overall objective of the SDG Working Group is to develop and strengthen a systematic and sustainable approach to sharing of experiences, good practices and knowledge management with and among NHRIs, civil society, governments and other stakeholders as regards implementation and monitoring of agendas 2030 and 2063. This report is an initiative of the NANHRI SDG Working Group and the Danish Institute for Human Rights (DIHR).

The objectives of this report are thus as follows:

1. To provide guidance and inspiration to NHRIs based on documentation of good practices and lessons learned, to enable them to engage more effectively and support a human rights-based approach and act as key accountability mechanisms for the implementation of the 2030 and 2063 Agendas.
2. To inform and inspire other key sustainable development and human rights actors to build collaborations and partnerships with NHRIs and other key human rights actors, and learn from the experiences of NHRIs in SDG oversight and promotion of a human rights-based approach to the 2030 and 2063 Agendas.

This report builds on **Human Rights and Accountability in the 2030 and 2063 Agendas** – a joint report of DIHR and NANHRI outlining the key substantial linkages between human rights and these two Agendas, and the institutional architecture in the African region as well as internationally that can support their joined-up implementation and monitoring.

The information in this report has been gathered from three main sources: through a questionnaire sent to African NHRIs at the outset of the research; through follow up exchanges and discussions with individual NHRIs to gather further information; and through desk research. The report is structured in line with the ways in which NHRIs can engage with the 2030 and 2063 Agendas as described in the Kigali Declaration. It does not claim to be an exhaustive overview of the engagement of all African NHRIs in this area but rather to provide illustrative examples.

As showcased in this compilation of good practices, NHRIs add tremendous value to joined-up sustainable development and human rights programming and monitoring, contribute to dialogue between state and civil society, and offer critical resources to increase efficiency and coherence.

CHAPTER 2

THE 2030 AND 2063 AGENDAS AND THE CRITICAL ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

A. NHRIS AS KEY ACCOUNTABILITY MECHANISMS FOR SUSTAINABLE DEVELOPMENT

National Human Rights Institutions (NHRIs) are crucial elements of the good governance and institutional accountability architecture that is necessary to achieve the SDGs and the aspirations of Agenda 2063. The independent nature of NHRIs, their bridging role between their country and the international human rights system, and their experience and expertise in monitoring and reporting on the implementation of human rights standards places them in the perfect position to be at the heart of what has been called the SDG 'web of accountability'. As independent state institutions mandated to support national compliance with international human rights commitments, NHRIs are also crucial elements of the accountability architecture necessary for ensuring peaceful and inclusive societies with access to justice for all. Given their mandate and roles, NHRIs can play a significant role in international, regional and national monitoring of the 2030 and 2063 Agendas by using their existing mandate.³

NHRIS AND THE PARIS PRINCIPLES

NHRIs are independent state bodies with the mandate to promote and protect human rights.

NHRIs use a wide range of functions to promote and protect human rights, including advising government and parliament; undertaking systematic analysis of the national human rights situation and issuing reports and recommendations; cooperating with national, regional, international and intergovernmental organizations; promoting human rights education; and where NHRIs have a mandate to handle complaints, facilitating access to justice, redress and remedy.

The **United Nations Principles on the Status of National Institutions for the Promotion and Protection of Human Rights** (the Paris Principles) provide international benchmarks against which NHRIs are accredited. The Paris Principles set out six main criteria that NHRIs are required to meet:

- Mandate and competence: a broad mandate, based on universal human rights norms and standards;
- Autonomy from government;
- Independence guaranteed by statute or Constitution;
- Pluralism;
- Adequate resources; and
- Adequate powers of investigation.

AN INDEPENDENT NHRI IS AN INDICATOR OF SUSTAINABLE DEVELOPMENT



The SDG monitoring framework explicitly recognises the existence of an **independent NHRI that is compliant with the Paris Principles** as an indicator for SDG 16 on peace, justice and strong institutions (indicator 16.a.1). Likewise, in its first 10-Year Implementation Plan, Agenda 2063 foresees that by 2023, **all member states will have functioning Human Rights Commissions**

NHRIs are regularly assessed against the Paris Principles. Those which are fully compliant with these principles operate with autonomy from the government, have adequate resources and power of investigation, and fulfil a broad mandate to promote and protect human rights. Depending on the degree of compliance, NHRIs can be graded with having “A” status (fully compliant), “B” status (partially compliant) and no status.

Elaborating on the ways NHRIs can contribute to a human rights-based approach to the 2030 Agenda, the Global Alliance of National Human Rights Institutions (GANHRI) adopted the **Mérida Declaration** in 2015. The Declaration emphasises that “NHRIs in all regions are already addressing issues of crucial importance to the [2030] Agenda in their regular work” and reaffirms the mutually-reinforcing nature of SDGs and human rights.

At the 11th Biennial Conference of NANHRI in November 2017 in Kigali, Rwanda, African NHRIs adopted the **Kigali Declaration and Plan of Action on the 2030 Agenda for Sustainable Development and the African Agenda 2063 and the role of NHRIs**. The Declaration sets out roles that African NHRIs can play in ensuring a human rights-based approach to development and to achieving the SDGs, as well as to ensuring that no one is left behind in their implementation.

“**Both the 2030 Agenda and the Agenda 2063 reflect many aspects of economic, social and cultural, as well as civil and political rights, thus reflecting the indivisibility and inter-relatedness of all human rights. [...] through their implementation, both the 2030 Agenda and Agenda 2063 have the potential to significantly contribute to the realisation of all human rights for all.**”

Kigali Declaration, paragraph 5.

Both these Declarations illustrate the value NHRIs can bring to SDGs in that:

- NHRIs are uniquely placed to play a bridging role between stakeholders and between national, regional and international standards;
- They can help to translate SDGs on the ground;
- They can make linkages between human rights and SDGs commitments and standards; and
- They can facilitate the engagement of marginalised and vulnerable communities and the development of tools and indicators.

The Kigali Declaration also established the **NANHRI SDG Working Group** whose mandate is outlined in the introductory chapter of this publication.

The critical role of NHRIs in ensuring a human rights-based approach to the implementation and monitoring of the SDGs has also been highlighted by UN human rights- and SDG- related bodies alike, including the UN General Assembly and Human Rights Council (HRC) and the UN regional Economic Commissions through the Regional Forums on Sustainable Development.

THE HUMAN RIGHTS COUNCIL CONSULTATION ON NHRIs AND SUSTAINABLE DEVELOPMENT

In March 2019, the HRC conducted an intersessional half-day consultation with the objective of exchanging experiences and practices on how NHRIs are working to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda. The meeting concluded that NHRIs use their unique mandate, role and functions which allow them to promote all human rights and serve as a bridge between national stakeholders, thereby contributing to the meaningful participation and cooperation of all actors, which is necessary for achieving the SDGs.

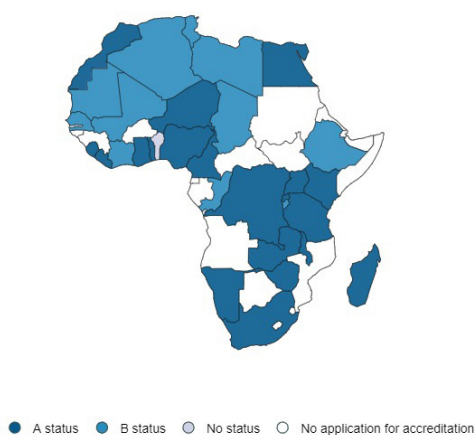
The HRC consultation led to the following recommendations to national human rights institutions:

- (a) Encourage governments to ensure that the implementation of international human rights obligations as well as the 2030 Agenda are included in relevant national action plans;
- (b) Enhance cooperation with national statistical offices for the implementation of the SDGs;
- (c) Develop methodologies for data collection, disaggregation and dissemination;
- (d) Link recommendations from the international human rights system to the implementation of the SDGs (in this regard, capacity-building, cooperation and peer-to-peer exchange on methodology are needed);
- (e) Contribute to putting the principle of leaving no one behind into practice by identifying the most vulnerable groups of the population; and
- (f) Enhance cooperation among themselves for the implementation of the SDGs.⁴

A number of NHRIs in the African region are also already engaging effectively with the 2030 Agenda in ensuring a human rights-based approach to development, thereby working to ensure that all civil and political rights and economic, social and cultural rights are promoted and realised in an integrated manner through the 2030 and 2063 Agendas. In short, **NHRIs are already undertaking numerous activities to ensure accountability for many aspects of SDG and Agenda 2063 implementation.** Lessons learned and experiences from these NHRIs can be used effectively to support other NHRIs in engaging with these Agendas and developing their own strategies and actions to support a human rights/based approach and act as key accountability mechanisms.

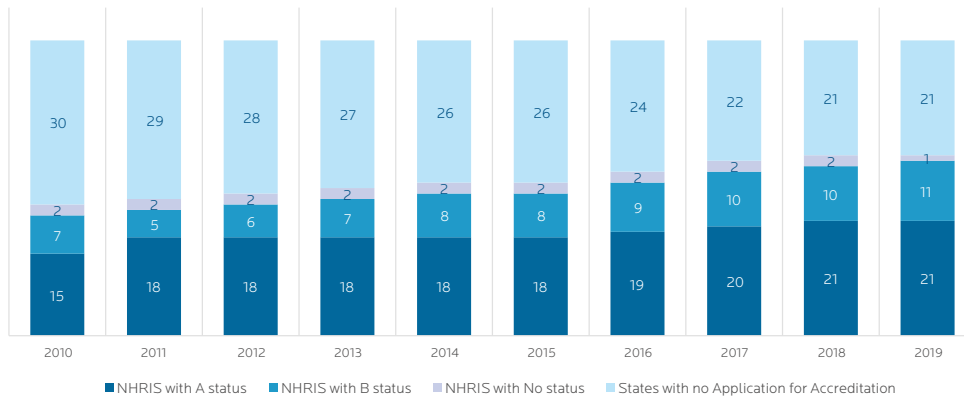
B. STATUS AND TRENDS AMONG AFRICAN NHRIS

NHRI status of UN Member States in the African region



By the end of 2018, 21 African states had a NHRI with “A”-status accreditation, and 10 states had a “B”-status NHRI. Overall, there has been an increase in the number of “A”-status NHRIs, which has grown from 15 in 2010 to 21 in 2019. Although this represents an important step towards the fulfilment of all SDGs (and SDG16 in particular), **at the current pace of increase, only 50% of African states will have an A-status NHRI by 2030.** For the African region, NHRI accreditation trends are represented in the table below.

NHRI STATUS TREND OF UN MEMBER STATES IN THE AFRICAN REGION



Therefore, additional efforts are required on the part of states to establish, or to strengthen existing, National Human Rights Institutions in compliance with the Paris Principles. This is a key recommendation that has been made by the Africa Regional Forum on Sustainable Development (ARFSD)⁵ and is key to ensuring accountability for sustainable development across the continent.

CHAPTER 3

ADVISING STATE ACTORS AND ENGAGING WITH NATIONAL OVERSIGHT AND COORDINATION MECHANISMS

In order to assess progress, the 2030 Agenda places a significant emphasis on **national ownership** and encourages states to create '**ambitious national responses**' which 'support the transition to the Sustainable Development Goals and build on existing planning instruments, such as national development and sustainable development strategies'.⁶ The intention here is not to create parallel structures for SDG implementation but rather, to build on existing mechanisms to ensure the highest level of integration with existing national mechanisms and processes, thus also reducing the risk of incoherence, and improving efficiency.

NHRIs can play a critical role in highlighting the linkages between human rights obligations and SDG and Agenda 2063 commitments, support and advise on a human rights-based approach (HRBA) to sustainable development, support alignment of policies and actions on human rights and sustainable development, and through these actions, help fill the accountability gap.

A. ADVISING STATE ACTORS AND PARTICIPATING IN FORMAL STRUCTURES FOR SDG COORDINATION

NHRIs often have an advisory function as part of their mandate. They are therefore well placed to bring in an HRBA when providing advice to governments on SDG-related processes at the national and local level.

African NHRIs have done this through, for example, making links between SDGs and human rights instruments to which the State is a party. Some NHRIs are developing tools for national monitoring while others are making use of available tools such as **DIHR's Human Rights Guide to the SDGs** (see page 6).

Cameroon's **National Commission on Human Rights and Freedoms (NCHRF)** gives advice to the Government through various reports to the State, written contributions to reports submitted by the State as well as the alternative reports that it produces on the situation of human rights, which integrate SDGs.

At the national level, in its **Report on the State of Human Rights in Cameroon in 2017**, the NCHRF expanded on a number of human rights and their links to SDGs, summarising and then reporting on their implementation. For example, it noted concerns with underemployment and working conditions, it stated that this impacted on the achievement of SDG 8 and the promotion of sustainable growth and inclusive, employment and decent work for all. Similarly, when examining the right to adequate standard of living, it cited SDGs Nos. 1 to 8 and better living conditions, linking the two.

Consultations on contextualization and prioritization of SDGs in relation to national policies and strategies were organised by the Ministry of Economy, Planning and Development between 2015 and 2017. NCHRF participated in these processes and in its related submission emphasised that the Government should clearly state its support for the 17 SDGs and 169 targets and adapt them to the realities, capacities and potentialities of its level of development to define national targets.⁷

NCHRF, using its expertise, has therefore been able to explicitly link SDGs and human rights and assist government authorities to make the same connections.

NHRIs use other aspects of their mandate, such as assessing the impact of laws, policies, programmes, national development plans, administrative practices and budgets on the realisation of human rights for all, to promote a rights-based approach to implementation (Kigali Declaration, para 15).

The **Zimbabwe Human Rights Commission** has called on the government to 'expedite alignment of laws that have a bearing on disability with the Constitution and Convention on the Rights of Persons with Disabilities (CRPD) and adoption of the Disability Policy to facilitate more effective mainstreaming of the rights of persons with disabilities in development programmes in line with the SDGs. These include the Social Welfare Act (Chapter 17:06), Children's Act (Chapter 5:06) and the State Service (Disability Benefits) Act (Chapter 16:05). Government and development partners are urged to lay a firm foundation for the increased participation of persons with disabilities in critical sectors such as employment, health, economy and education'.⁸

An effective way for NHRIs to ensure that human rights are considered at an overall strategic level is through participating in official SDG coordination mechanisms.

In Uganda, the 2030 Agenda is implemented through the long-term Comprehensive National Development Planning Framework (CNDPF). Part of this framework is Vision 2040 - the Ugandan blueprint for national development – which is implemented through a series of National Development Plans (NDPs). Although the government adopted Vision 2040 prior to the adoption of the 2030 Agenda and its related SDGs, the **Uganda Human Rights Commission (UHRC)** has been involved in reviewing the NDP to ensure its alignment with the SDGs. The Commission used the opportunity of the country's 5th Annual National Conference - which had a focus on economic, social and cultural rights - to relate the relevant SDGs and targets to these rights, and to 'push the State to fully incorporate SDGs in its development plans, strategies and policies and developing key indicators for tracking progress' of their implementation.⁹

A National SDG Coordination Framework was launched in October 2018. This is operationalised by the National SDG Roadmap. The National SDG Coordination Framework is composed of a number of structures, one of which is the National SDG Taskforce, of which the UHRC is a member. This Taskforce is responsible for oversight of SDG implementation across governmental institutions and part of a broader SDG coordination and oversight framework that includes five Technical Working Groups which report to the SDG Taskforce. The role of UHRC within this taskforce is to advise the task force on any issues concerning the realisation of human rights and on emerging human rights trends within the context of implementing the SDGs.

Other NHRIs are providing technical advice at different levels of government – both local and national.

The **Kenya National Commission on Human Rights (KNCHR)** offers technical support to County Governments. County Governments in Kenya are now required to develop a County Integrated Development Plan – the intention of which is to localise national development plans and strategies and SDG implementation in a comprehensive manner. KNCHR was invited, among other institutions, to give technical support to counties, to build their capacity around the Convention on the Rights of Persons with Disabilities (CRPD) and to provide guidance on how to integrate human rights considerations and standards into SDG implementation and monitor progress.

B. TRAINING STATE ACTORS

Some NHRIs are also undertaking training for government staff on how to integrate a HRBA to the implementation of government policies.

KNCHR has developed a curriculum / training manual on economic, social and cultural rights, in collaboration with the Kenya School of Government. As this School trains government officials, training provided there can have a significant impact on Government policies and methodologies. KNCHR has ensured that human rights and SDGs are incorporated into this training manual. Other NHRIs have also trained government officials. For example, the **Nigerian National Human Rights Commission** held a two-day training workshop in September 2018 for ministries, departments and agencies on the 'Implementation of UN Agenda 2030 (SDGs) and the AU Agenda 2063'.¹⁰

Trainings can provide a critical space for actors that may not regularly communicate to exchange ideas, views, expertise and lessons learned. In some cases, trainings organized by NHRIs have served to establish dialogue and coordination that previously did not exist.

A training on SDGs and human rights was organised by the **National Human Rights Commission of Niger** for its own staff in October 2018. In addition, representatives of the Ministry of Planning, the National Statistical Office (NSO) and the Ministry of Justice were also invited to the training. The training was the first time that the NHRI of Niger had engaged in a substantial manner with the Ministry of Planning and the NSO around the SDGs and this opened the path for a continued dialogue with these institutions. Further, the open dialogue during the training enabled these institutions to better understand the potential for the NHRI to support the process of implementing the SDGs in the country.

C. CONTRIBUTING TO POLICY COHERENCE BETWEEN SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS FRAMEWORKS

An HRBA to sustainable development means that national SDG strategies and plans are built on human rights standards and informed by recommendations from human rights monitoring mechanisms. In turn, the SDGs can serve as a powerful framework to mobilise resources and partnerships for follow-up to human rights recommendations. If not aligned, policies and national action plans that are aimed to implementing the SDGs become less effective and can even counteract each other. By aligning policies and implementation modalities on sustainable development and human rights, states, stakeholders and rights-holders can avoid duplication of efforts to save scarce resources for implementation, improve coordination and ensure that implementation gaps can be filled through joined-up actions and strategic interventions. This policy coherence also means that efforts to achieve the SDGs in one thematic area can also impact on efforts in other thematic areas.

Policy coherence can be engendered at many levels. Based on the key principles of HRBA, policy alignment with international human rights standards and obligations is a first step in ensuring this coherence. To this end, the Danish Institute for Human Rights has developed a tool for NHRIs and other actors to bring the recommendations from UN Treaty and Charter bodies to bear on the implementation of SDGs.

MAKING THE LINK BETWEEN HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT: THE SDG – HUMAN RIGHTS DATA EXPLORER

The **SDG – Human Rights Data Explorer** is an instrument to make the connection between human rights recommendations and the SDGs easy to operationalise in reporting and follow-up. The information in the database can directly support the operationalisation of a human rights-based approach to the SDGs.

The database lets users explore **observations and recommendations** made by international human rights mechanisms to their country through the goals and targets of the 2030 Agenda. The data can be further broken down by concerned rights-holder groups, issuing mechanism, and more. The tool helps identify specific areas where reporting and follow-up to human rights and sustainable development can be pursued jointly.

The tool is available to use free of charge and is an essential tool for state actors, civil society, academia and anyone with an interest in the links between human rights and the SDGs.

The SDG – Human Rights Data Explorer tool builds on an experimental **data-mining** methodology, where an algorithm has been trained to automatically identify links between **more than 150,000 recommendations and observations** by international human rights mechanisms, and the 169 SDG targets.

<http://sdgdata.humanrights.dk>

Making the link between human rights and sustainable development

Use information from the International human rights monitoring system to develop a human rights-based approach to the SDGs

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Type in the name of a country or region, and explore the links between human rights recommendations and the SDGs

Country

Recommendations issued by human rights bodies can guide national follow-up to the SDGs including in the formulation or implementation of relevant policies, strategies, programmes and budgets in a number of ways and by different stakeholders. Among other things, the human rights system provides quality information in order to identify:

- priority issues from a human rights perspective;
- data and information required to fully understand the issues at stake and address them adequately;
- gaps in law and practice necessary to fulfil human rights obligations, and measures to overcome them; societal groups most at risk of being left behind;
- concrete measures to abolish discrimination and promote equality, including legal reforms; and
- resources needed to ensure human rights realisation.

By ensuring that SDGs are explicitly referred to in national documents, frameworks and benchmarks, NHRIs increase the awareness of SDGs among government officials.¹¹

To further align of national development policies with human rights, another specific area where NHRIs can make a significant contribution is through their engagement in **National Action Plans (NAPs)** on human rights or other types of NAP, such as those on business and human rights. The United Nations and international human rights bodies recommend that countries adopt such NAPs. Given the focus of NAPs, many of their goals will bear a direct relation to the SDGs. Making those connections explicit could help national governments to better understand the role of human rights in the SDGs as well as support their monitoring of progress towards the SDGs.

THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS, NATIONAL ACTION PLANS AND SUSTAINABLE DEVELOPMENT

The **United Nations Guiding Principles on Business and Human Rights (UNGPs)**¹² consist of 31 principles and set out expectations of states and companies about how to prevent and address negative impacts on human rights by business. They rest on three inter-related pillars, also jointly called the 'Protect, Respect and Remedy' framework:

- The state duty to protect against abuses by third parties, including business, through effective policies, legislation, regulation and adjudication.
- The corporate responsibility to respect: avoid infringing human rights of others and address adverse human rights impacts in which companies are involved.
- Ensure access of victims of corporate human rights abuses to effective remedies – judicial and non-judicial – provided by states and companies.

Both the 2030 Agenda and the UNGPs call for **policy coherence**. Guiding Principle 8 of the UNGPs (Ensuring policy coherence) requires that "States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support."¹³ Indeed, the 2030 Agenda also calls on 'all businesses to apply their creativity and innovation to solving sustainable development challenges' and for States to 'foster a dynamic and well-functioning business sector, while protecting labour rights and environmental and health standards in accordance with relevant international standards and agreements and other ongoing initiatives in this regard, such as the UN Guiding Principles on Business and Human Rights' (A/RES/70/1, para 67).

NHRIs can play a key role in these regards. Professor John Ruggie commented that, "The actual and potential importance of these institutions cannot be overstated. Where NHRIs are able to address grievances involving companies, they can provide a means to hold business accountable.... NHRIs are particularly well – positioned to provide processes... that are culturally appropriate, accessible, and expeditious... [and] can provide information and advice on other avenues of recourse to those seeking remedy."

The Kenyan government announced its intention to develop a National Action Plan on Business and Human Rights in 2016. The Department of Justice is leading the process under the Attorney General's Office. A National Steering Committee whose members come from the government, private sector, and non-governmental organizations, and also includes United Nations representation, is supporting the process. The **Kenya National Human Rights (KNCHR)** sits on this Steering Committee and its mandate is to provide overall strategic guidance and direction for the development of the NAP, which has included SDG linkages.¹⁴

The NAP links its 5 main areas of focus (environment, land and resources, labour, revenue transparency and access to remedy) with specific SDG Targets with a view to enhancing policy coherence.

D. LEAVE NO ONE BEHIND

The cross-cutting principle of “leaving no one behind” is one of the most transformative elements of the 2030 Agenda and strongly reflects the human rights principles of equality and non-discrimination. By aiming to “leave no one behind” and to “reach the furthest behind first”, the 2030 Agenda clearly commits to combating discrimination and inequalities and ensuring progress across all groups of society.

Non-discrimination and equality cut across the SDGs and human rights standards. Hence, these principles are central to the NHRI mandate and can serve ‘as an entry point’¹⁵ to engage with governments. Through their advisory role, NHRIs serve to highlight issues of equality and non-discrimination when governments consider economic and social issues. In focusing on “leave no one behind”, NHRIs can assist states in strategically identifying who is left furthest behind on the basis of their human rights monitoring. This approach helps to identify gaps in the implementation of the SDGs. They can shed light on the needs of those who are particularly vulnerable and work to ensure that governments fulfil their human rights commitments and the 2030 Agenda pledge to leave no one behind for particular groups of rights-holders such as women, children, persons with disabilities, indigenous peoples and minorities, among others.

LEAVING NO ONE BEHIND: BRINGING PERSONS WITH DISABILITIES TO THE CENTRE

Drawing from human rights obligations and from the commitments made in relation to the 2030 Agenda, NHRIs are advocating for inclusive governance and advising governments to include the needs and interests of persons with disabilities in national processes.

The **Zambian Human Rights Commission (ZHRC)** identified that persons with disabilities in Zambia were not adequately represented in a variety of governance structures. Drawing from the 2030 Agenda principles, the ZHRC reiterated the importance of leaving no one behind in national processes and urged the government to accommodate the rights of persons with disabilities.¹⁶

In this process, the ZHRC called for “physical representation of persons with disabilities in various national governance structures in order to give them a sense of belonging and promote an inclusive system of governance for sustainable development”. Specifically, it called for persons with disabilities to be “physically represented in Districts, Provincial and National Development Co-ordinating Committees as well as in the various Technical Working Groups and Cluster Advisory Groups aimed at facilitating effective implementation of the Seven National Development Plan which is the government’s blueprint for development for the years 2017 - 2021.”

The ZHRC drew from Articles 69 and 259 of the Constitution, which attempts to increase representation of persons with disabilities in parliament and public office, as well as the Seven National Development Plan. This is a plan anchored in the SDGs and with several references to persons with disabilities in its goals and indicators. The Commission called for full implementation of the National Policy on Disabilities, which was created to meet the country’s obligations towards the United Nations Convention on the Rights of Persons with Disabilities.

The **National Council of Human Rights (CNDH) of Côte d’Ivoire’s** 2017 Annual Report addresses the issue of the right to education from a human rights perspective¹⁷ based on a study of 39 educational establishments in Abidjan. It notes that achievement of SDG 4 requires infrastructure be adapted to all, and international cooperation to ensure access to quality education for all. It cites national laws related to this Goal and the relevance of the study which collected data from primary and secondary schools across the city, thus linking legislation and international standards on the right to education with the implementation of SDG 4 through its research and advisory mandate.

Linked to this, the CNDH has also integrated a training module into the curriculum of the auditors of the Human Rights University. It has organized a brainstorming workshop on SDG 4 (right to quality education), with the participation of teachers, student associations and partners.

CHAPTER 4

CAPACITY BUILDING AND ENGAGEMENT WITH SDG STAKEHOLDERS TO RAISE AWARENESS, BUILD TRUST AND PROMOTE DIALOGUE

“**Deeper and stronger dialogue and collaboration among all stakeholders, including global, regional, and national institutions, such as the African Peer Review Mechanism, national human rights institutions and religious organizations, is required to promote development and apply appropriate monitoring and evaluation frameworks for the targets and indicators of Sustainable Development Goal 16.**”

Key Messages, ARFSD 2019 ¹⁸

THE 9 MAJOR GROUPS

- Women
- Children and youth
- Indigenous peoples
- Non-governmental organizations (NGOs)
- Local authorities
- Workers and trade unions
- Business and industry
- Scientific and technological community
- Farmers.

The 2030 Agenda specifies that its Follow-Up and Review (FuR) mechanisms should respect human rights and be inclusive, participatory, transparent, gender-sensitive, and have a particular focus on those furthest behind, thus emphasising the importance of inclusiveness and participation. **Broad participation** must be ensured through the involvement of the nine Major Groups and other stakeholders recognised in the 2030 Agenda, including particular groups of rights-holders, local communities and vulnerable groups. The 9 Major Groups go some way to ensuring that rights holders are ensured adequate consideration and participation in SDG processes, but they do not cover all relevant groups of rights holders – such as, for example, persons with disabilities, migrant workers and others – that are protected by international and regional human rights standards. It is thus important to ensure consideration of these groups in the implementation and monitoring of the Agenda.

The 2063 Agenda and its First Ten-Year Implementation Plan highlight that the **participation, inclusion and the empowerment of citizens is a key strategy** and factor for the successful achievement of the goals and targets it sets out. Ensuring

adequate participation and capacity building of rights-holders and duty bearers is a key element of the HRBA.

NHRIs play a fundamental role in building bridges between rights-holders and duty-bearers, and in fostering opportunities for collaboration, partnerships and synergies between these actors. Through these engagements with national processes, African NHRIs encourage multi-stakeholder participation, and cross-disciplinary knowledge and expertise in these consultation processes.¹⁹

NHRIs are encouraged to engage with various SDG stakeholders, including civil society, major and marginalised groups, mainstream and social media, the UN and other international and regional institutions, “to raise awareness and build trust and promote dialogue and concerted efforts for a human rights-based approach to implementation and monitoring of the Agendas, and safeguarding space for engagement of rights-holders and civil society” (Kigali Declaration, para 15).

The Nigerian Human Rights Commission has adopted a Strategy of Engagement in respect of the 2030 and 2063 Agendas. Elements of this strategy include:

- Carrying out a survey on the level of awareness of Agenda 2063 and SDGs among ministries, departments and agencies of governments, academia and civil society organisations in the country;
- Development of strong partnerships on the implementation of both Agenda 2063 and SDGs;
- Capacity development of NHRC staff on how NHRC could implement its programme on the 2030 and 2063 Agendas;
- Capacity development of relevant departments of government on UN human rights indicators and sustainable development;
- Capacity development of relevant departments of government on the adoption of an HRBA to the implementation of the 2030 and 2063 Agendas; and
- Partnering with civil society organisations to monitor public spending on key social areas such as health, education, housing, job creation and social security.

NHRIs can serve as bridges between governments, private sector, groups of rights-holders and other sustainable development stakeholders. They play a crucial role in securing space for civil society, facilitating dialogue, promoting responsible business conduct and protecting human rights defenders. They also facilitate debate and discussion between vulnerable and marginalised communities and individuals and those living in poverty with relevant state authorities.

Morocco's Conseil National des Droits de l'Homme (CNDH), in collaboration with other partners including GANHRI, has organised a series of workshops on climate and SDGs, including focus on gender in this context, and climate finance²⁰ from a human rights perspective. These were part of a broader programme to strengthen the capacities of civil society on the interconnections between gender, climate and SDGs, launched as follow-up to the 22nd Conference of the Parties (CoP) to the UN Framework Convention on Climate Change (UNFCCC). This training has highlighted the interconnections between human rights, sustainable development and climate change legal and policy frameworks.

The series of trainings, including a training of trainers, was implemented with a view to ensuring that all the participating national and regional NGOs and other organisations disseminate further the content of these trainings to other civil society organisations through workshops, campaigns and media.

The first workshop held in November 2016 related to the role of NHRIs in monitoring the implementation of the SDGs in the context of climate change. Recommendations included that NHRIs should contribute to national plans on SDGs and business and human rights; strengthen cooperation with civil society; and deal with complaints from human rights defenders and environmentalists.

The **Commission on Human Rights and Administrative Justice of Ghana (CHRAJ)** conducted a training on economic, social and cultural rights and the SDGs for external stakeholders in 2018. Participants included a number of key ministries and NGOs with mandates of relevance to both frameworks. Among other things, the workshop:

- Related key human rights standards and obligations to the content of the 2030 and 2063 Agendas, highlighting the legally-binding nature of human rights standards and the extensive linkages between their content and the content of the SDGs;
- Highlighted the value of a human rights-based approach to data for measuring progress towards the SDGs, in particular to ensure that no one is left behind; and
- Trained participants on how to undertake a human rights budget analysis, and again highlighted the value of a human rights-based approach for assessing expenditure and income generation relating to both human rights and SDG implementation. It analysed subjects such as government expenditure, government revenue, development assistance, debt and deficit financing, monetary policy and financial regulation using a human rights lens.

CHAPTER 5

COMPLAINTS AND INVESTIGATIONS

Some NHRIs have a complaints-handling mandate or the ability to conduct inquiries or investigations into human rights violations. These functions can also be used to facilitate the implementation of SDGs.

The **Commission on Human Rights and Administrative Justice (CHRAJ)** of Ghana has a complaints-handling mandate. Since 2017, it has recategorised the information it publishes and now provides reports on three mandates and groups them along the lines of particular SDGs. For example, when recording the number of complaints it received on children, it has added a new column on SDGs and children. Statistical information is provided on gender equality. Therefore, not only do the reports contain information on the number of complaints received but also the extent to which specific related SDG and targets are being achieved and the human rights challenges associated with this.

CHRAJ has also commenced reporting on statistical data of cases handled on each of its 3 mandates (human rights, administrative justice and corruption/ breaches of code of conduct) to include analysis of specific SDGs highlighted by these cases and to thereby show to what extent the Commission is assessing human rights issues associated with some SDGs as part of its normal functions.²¹

Complaints can also reveal systemic issues and identify areas where improved respect for human rights can support more effective SDG implementation.

The **Zimbabwe Human Rights Commission** issued a **Statement on Reported Food Aid Cases** at a Press Conference on 7 September 2016, highlighting concerns with the results of a government food aid programme. This led it to investigate complaints alleging discrimination in the distribution of food aid in some parts of the country. The Zimbabwe Human Rights Commission found discrimination towards certain citizens and noted that this was in violation of not only human rights standards including equality and non-discrimination but also called on the government to ensure a human rights-based approach in implementing the programme and the SDGs.²²

The **Kenya Commission on Human Rights (KNCHR)** has a complaints-handling mandate and has developed a comprehensive complaints database which documents and categorises all the complaints received and handled by the Commission, as well as their processing timeframes and outcomes. The information can be disaggregated on the basis of a number of factors including type or category of rights concerned, group or category of rights-holder concerned, among other things. This database will also be tagged according to different SDGs concerned to enable the Commission to identify areas of SDG implementation where complaints are more prevalent, or being received more systematically, thus identifying key challenges in, or barriers to, SDG implementation.

CHAPTER 6

DATA AND INDICATORS

The 2030 Agenda emphasises that quality, accessible, timely and reliable disaggregated data is key to decision-making, measurement of progress and to ensure that no one is left behind.²³ To this effect, a framework of 232 global indicators has been adopted, which should be complemented by additional indicators at national level for measuring progress towards the 17 SDGs and their associated targets.

However, weaknesses in accountability, monitoring, and data collection persist. In the African region, data collection against global indicators is also a major general challenge although capacity varies significantly across countries. In particular, the lack of meaningfully disaggregated data and data on issues specific to groups of rights holders continue to be major gaps in the current statistical frameworks of many developing countries.²⁴ Even after 4 years of SDG implementation, limited institutional statistical capacity, significant data gaps and lack of sufficient disaggregated data continue to impair countries' ability to unveil the situation of the most vulnerable populations and to adequately report on the SDGs.

A. NHRI DATA CAN HELP TO FILL THE GAPS

There is potential to fill the data gaps through the use of additional data sources to those which are collected by national statistical offices. By building a pluralistic ecosystem of data, it is possible to close the above-mentioned gaps. However, this means moving beyond statistical data collection, and integrate a diversity of complementary data sources into a coherent system. NHRIs have a critical role to play in filling the gaps.

NHRIs can contribute to more comprehensive monitoring by:

- Supplementing outcome data with structure and process-related data;
- Supplementing quantitative statistical data with additional qualitative data and analysis;
- Collaboration with statistical offices through providing training and advice; and
- Identifying particular groups at risk of being left behind and advising/assisting in targeted data collection for such groups.

The Kigali Declaration emphasises how

“**existing collaboration arrangements between NHRIs and national statistical offices can serve as examples of how NHRIs can engage in data collection and disaggregation efforts, particularly at the national level.**”

Kigali Declaration, paragraph 9.

A number of NHRIs have established partnerships with National Statistical Offices to enhance a human rights-based approach to data through advice and support to methodological design and data collection, and fill gaps where official data is lacking.

FILLING THE GAPS: COLLABORATION BETWEEN THE KENYA NATIONAL BUREAU OF STATISTICS AND THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

In 2017, the Office of the UN High Commissioner for Human Rights (OHCHR), the Kenya National Bureau of Statistics (KNBS) and the **Kenya National Commission on Human Rights (KNCHR)** held a technical workshop on building a human rights-based approach to the measurement of the 2030 Agenda. Among other things, one of the key aims of the workshop was to identify key data gaps, and identify opportunities for further collaboration.

Concentrating on Goals 10 and 16, the workshop participants agreed on the relevance and on the possibility to focus on specific indicators where there are gaps. The workshop resulted in the signing of a Memorandum of Understanding (MoU) between KNCHR and KNBS in July 2017 for purposes of strengthening data collection, disaggregation, dissemination and analysis in light of human rights and the 2030 Agenda.

In this context, these institutions are now working together to develop a methodology and tools for data collection, disaggregation and dissemination on selected human rights / SDG indicators in compliance with international statistical and human rights standards and methodologies. The four indicators identified for development of data collection methodologies using a HRBA are:

- Number of victims of intentional homicide per 100,000 population and disaggregated by type of victims and perpetrators (16.1.1)²⁵;
- Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months (16.1.3);
- Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms(16.3.1);
- Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months (16.10.1)²⁶.

The high level of complementarity and linkages between the SDGs and human rights also means that this data can be used for a dual purpose. For example, data collected in relation to indicator 16.1.3. can also be of direct use to support monitoring of the implementation of the Convention Against Torture (CAT).

B. DISAGGREGATING DATA TO ENSURE NO ONE IS LEFT BEHIND

Discrimination and inequality play a major role in influencing uneven development outcomes for different sectors of society. In order to monitor this, data collection must be capable of capturing disparities in relation to vulnerable groups, as well as ensuring that the specific needs and rights of those groups can be captured and addressed.

In view of this, the 2030 Agenda specifies that data should be “disaggregated by sex, age, race, ethnicity, migration status, disability and geographic location and other characteristics relevant in national contexts.”²⁷ The first 10-year implementation plan for the 2063 Agenda also makes explicit reference to persons with disabilities, men and women, children, persons living with HIV/AIDS, vulnerable and marginalized groups, among others.

The Kigali Declaration highlights the

“ significant role that NHRIs can play in efforts to identify appropriate indicators and collect disaggregated data on rights holders that suffer discrimination, analysing structural frameworks and implementation processes that may contribute to exclusion or marginalization.”

Kigali Declaration, paragraph 9

NHRIs can:

- Support the design of indicators and methodologies for data collection using a human rights-based approach
- Advise on the design of indicators that lend themselves to disaggregation
- Advise and support data collection on vulnerable groups or specific groups of rights holders
- Help governments and statistical offices identify those who are furthest behind and ensure that these categories are included in statistics
- Encourage the inclusion of stakeholders in data collection
- Collect their own data on specific groups, and disaggregate their own human rights data

THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS AND DATA DISAGGREGATION

At the joint OHCHR-KNBS-KNCHR workshop in 2017, participants identified a total of 26 groups in Kenya at risk of being left behind. Based on their MoU, KNCHR and KNBS have been working towards generating disaggregated data to measure the situation of specific groups at risk of being left behind in SDG implementation in Kenya.

As the country was in the process of conducting its national census, this provided an opportunity for the MoU to be put into practice. The KNCHR offered advice. For example, noting the particular vulnerabilities of intersex children, children from indigenous communities, and those who were stateless, the KNCHR asked that they were included in the census. For the first time the census tool included a third category of gender as opposed to the usual two of male or female: Intersex.

Similarly, with respect to persons with disabilities, the KNCHR wanted to ensure that the Washington Group Short Set of Questions on Disability was used in the census in gathering data on disability. Persons with albinism are not included in these Short Set of Questions and the KNCHR was particularly keen to ensure that they were. Collaborating with organisations of persons with disabilities, it ensured that they were included in the census.

The KNCHR also participated in the training of data collectors in order to inject a human rights-based approach to their work. For example, it asked whether there were interpreters available for those who were unable to speak and made recommendations in this regard.

The KNCHR is now part of the national committee on the census, and a number of other technical working committees. It also receives invitations to KNBS meetings enabling it to provide a human rights-based approach to a wide range of organisations and institutions.

NHRIs can also produce contextual and in-depth analysis of human rights enjoyment with regards to rights-holder groups in a country. Such analysis can, inter alia, serve to guide national statistical offices in data collection to monitor the SDGs in a way that leaves no rights-holder group behind in national and local statistics.

COLLABORATION BETWEEN STATISTICS SOUTH AFRICA AND THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION TO ENHANCE NHRI CAPACITY TO GATHER DATA

The **South African Human Rights Commission (SAHRC)** is uniquely placed to act as a catalyst in ensuring that national sustainable development processes and outcomes are planned, implemented and monitored in a participatory, transparent and accountable manner based on disaggregated human rights data.

As SAHRC does not have the capacity or resources to ensure large scale statistical data collection, it developed a partnership with Statistics South Africa (Stats-SA). The SAHRC can thus input into the kind of information to be gathered so as to ensure that the data collected is disaggregated along human rights lines and evinces the lived realities of the hard-to-reach marginalised and vulnerable groups. SAHRC can also offer expertise and a distinctive lens to analyse the data collected, providing an evaluation of whether the state's efforts to achieve the SDGs are respecting, protecting and fulfilling human rights.²⁸

The SAHRC has also called on the Statistician General to ensure that all Chapter 9 institutions (of which the SAHRC is one) can be involved in statistical meetings to ensure a HRBA is integrated into their data collection processes.

SAHRC's engagement with the national statistics office has heightened their awareness of the relationship between SDGs and human rights and helped to ensure it is better able to take account of qualitative data.

CHAPTER 7

REPORTING AND ENGAGEMENT WITH HUMAN RIGHTS AND SDG MECHANISMS

“Engage with, and hold governments to account for poor or uneven progress in the implementation of the Agenda, including by taking implementation progress and obstacles into consideration when reporting to parliaments, the general public and national, regional and international mechanisms, such as the Human Rights Council and its mechanisms, including the Universal Periodic Review, the Special Procedures, treaty bodies, as well as the International Labour Organization’s supervisory bodies, UN regional commissions and the High-level Political Forum”

Mérida Declaration, para. 17

Agenda 2030 encourages States to ‘conduct regular and inclusive reviews of progress at the national and subnational levels’ which ‘draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes’.²⁹

The potential to bridge the accountability and implementation gap through aligning SDG and human rights reporting and follow-up offers itself to SDG and human rights reporting and follow-up at national as well as regional and international levels. SDG and human rights reporting is done by a broad range of actors including governments, civil society organisations, NHRIs and others. Given the high level of convergence between the SDGs and human rights standards, by human rights obligations, then the reporting on each can be ‘recycled’, or reports to human rights bodies can ‘double as SDG reporting’.

There are a number of mechanisms and fora at the international and regional levels through which NHRIs can participate and highlight issues around SDGs. These include the regional and international human rights procedures, as well as those around SDGs, Agenda 2063 and sustainable development.

A. INTERNATIONAL AND REGIONAL SUSTAINABLE DEVELOPMENT ENGAGEMENT AND REPORTING

There are various mechanisms at the international and regional level that monitor implementation of SDGs. GANHRI and NANHRI have attempted to enhance ways and means of increasing participation of NHRIs in these fora as a means of enhancing the focus on human rights in the context of SDG oversight but also as a means of providing additional accountability through ensuring the participation of national oversight mechanisms.

GLOBAL AND REGIONAL SDG MECHANISMS

At the global level, the High-Level Political Forum (HLPF) meets annually and is the central hub for follow-up and review processes. The purpose of the HLPF is to keep track of global progress on implementation, provide political leadership and guidance, and address new and emerging issues. The HLPF comprises both thematic debates and **Voluntary National Reviews (VNRs)**. The VNRs are one of the main mechanisms for keeping track of progress towards the realization of the SDGs.

At the regional level, the **Africa Regional Forum for Sustainable Development (ARFSD)**, gathers perspectives from the African region to feed into the HLPF. This involves a number of key regional institutions as well as many other stakeholders.

At present, NHRIs do not have a formalised role in the HLPF or Regional Sustainable Development Forums such as the ARFSD. However, they can explore avenues for participation in both. Although procedures do not permit them to formally participate, they can register as part of the State delegation or as an 'other stakeholder'. For example, the KNCHR participated in the 2017 HLPF through its attendance as a participant as well provision of technical support particularly to the Government's delegation participating in the HLPF. GANHRI has also encouraged NHRIs to recommend to their state representatives their participation in the HLPF.³⁰

“ Stronger efforts are needed to establish or strengthen national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), in order to ensure accountability, rule of law and access to justice in the context of the implementation of the Sustainable Development Goals.”

ARFSD Key Messages, para. 44(e), April 2019

NHRI ENGAGEMENT AT THE REGIONAL LEVEL

In the context of the **Africa Regional Forum on Sustainable Development**, the visibility of African NHRIs is increasing. In 2019, representatives of the CHRAJ (Ghana) and NCHRF (Cameroon) participated in the ARFSD in Marrakesh, Morocco. Both of these NHRIs are members of NANHRI's Working Group on SDGs, Agenda 2063 and Human Rights. They engaged on a number of levels in the Forum and for the first time, an NHRI representative was funded by the UN Economic Commission for Africa (UNECA) to attend the Forum. Their engagement served to advance understanding of the key role that NHRIs can play in ensuring accountability for the SDGs and Agenda 2063 as well as fostering discussions among key sustainable stakeholders of the value that a human rights-based approach can bring. This included:

- Informing discussions on key messages relating to Goal 16 that should come out of the ARFSD and drafting language on the importance of NHRIs for ensuring accountability, rule of law and access to justice in the context of SDG implementation.³¹
- Making a presentation on a human rights-based approach to sustainable development at a Pre-event for Major Groups and Other Stakeholders. CHRAJ Ghana, gave a presentation on Goal 16 and the human rights-SDG linkage at this pre-event. The event was organised by UNECA and this was the first time an NHRI representative was formally invited in this context to speak.
- Organizing a side event in collaboration with the Danish Institute for Human Rights and the Office of the UN High Commissioner for Human Rights (OHCHR), the National Planning Authority of Uganda and the Women's Major Group to **highlight key lessons and experiences of how human rights can be integrated in practice in the implementation and monitoring of the SDGs.**

“ Draw on existing reports. Use existing national platforms and processes that could contribute to the VNR writing and analysis process. Examples include: [...] reports submitted to international bodies, including human rights mechanisms, such as the Universal Periodic Review and international treaties [...]”

Handbook for the Preparation of Voluntary National Reviews, 2019.

Since the first VNR presentations at the HLPF in 2016, more than 150 countries have volunteered for the reviews. The VNRs provide an excellent opportunity for states to integrate human rights reporting into national reporting on the 2030 Agenda. Between 2015 and 2018, a total of 109 VNRs were submitted to the HLPF. Of these, however, only 15 referred to NHRIs as of relevance to Goal 16.³² VNRs present a key opportunity for NHRIs to participate, identify issues and give examples of good practice. NHRIs can also make comment on or review their governments' VNRs but more needs to be done if NHRIs are to gain a place at the table.

NHRI ENGAGEMENT IN VOLUNTARY NATIONAL REVIEWS

In 2019, **NANHRI's** Working Group on SDGs, Agenda 2063 and Human Rights produced targeted guidance for African NHRIs to engage with the VNR process given the high number of African states that had volunteered to undertake VNRs at the HLPF.

Cameroon's National Commission on Human Rights and Freedoms (NCHRF)

took part in a meeting to validate the National Report on the implementation of the SDGs organized by the Government in May 2019, ahead of its submission to the HLPF. At this meeting, the NCHRF emphasised the need to address the socio-political and economic challenges faced in the country, and in particular the rights of young people, women, people with disabilities and indigenous peoples. The NCHRF has also sent letters to relevant ministries highlighting the human rights issues of relevance for Cameroon's VNR and explicit links with SDGs. It is also working on a tool, drawing upon that developed by the DIHR, which will bring all the recommendations from international human rights bodies together so that it can then link these with SDGs.³³

The South African Human Rights Commission (SAHRC) has highlighted the responsibilities of the South African government towards people with disabilities, noting the impact on their socio-economic rights and emphasizing the principle of 'leaving no one behind' in the SDGs. It focused in particular on the South African Income Tax Act which it argued disadvantaged persons with disabilities who paid tax and had disability-related expenses.³⁴ In addition, it identified gaps in the government's VNR report around the rights of children with disabilities, highlighting their particular needs.

B. INTERNATIONAL AND REGIONAL HUMAN RIGHTS ENGAGEMENT AND REPORTING

Reports submitted to human rights mechanisms, as well as the recommendations received in return, offer a source of valuable information to inform SDG implementation and align it with states' human rights obligations.

NHRIs can use these opportunities available to them when engaging with the regional and UN human rights treaties, UPR and special procedures, to discuss SDGs. Many NHRIs have referenced the SDGs in their parallel or shadow reporting to international and regional human rights bodies with a view to ensuring that these bodies are able to examine the application of states' human rights obligations and their impact in the SDG context.

When States are required to report to treaty bodies, such as under Article 62 of the African Charter on Human and Peoples' Rights (ACHPR), or under various UN human rights treaties, NHRIs can submit shadow reports. In these reports they can link their comments specifically with relevant SDG commitments. They can also

– where the possibility is available – suggest questions relating to SDGs that the treaty body members ask of state representatives during the oral examination.

The Danish Institute for Human Rights has developed a tool for NHRIs and other actors to use the recommendations from treaty and Charter bodies to align and influence the implementation of SDGs, as described in Part 3(c) of this publication.

NHRIs can also make links, in their own shadow reports, between issues identified by governments in their submissions to UPR and other human rights mechanisms, and those reports submitted by government under sustainable development mechanisms. A number of UN treaty bodies – in particular the CEDAW, CRC and CRPD – are now making explicit reference to SDGs in their Concluding Observations. NHRIs can also use opportunities when states are presenting their reports, or during the sessions of the treaty bodies, to identify issues with the implementation of SDGs in the country.

Morocco's National Human Rights Council made a statement at the 18th session of the Committee on the Rights of Persons with Disabilities (CRPD) in Geneva, during the examination of Morocco's report under the CRPD. Here, it highlighted not only relevant provisions of the CRPD but also specific SDGs whose implementation is impacted by CRPD implementation, including equal access for vulnerable persons, Goal 4.5.³⁵

Once the recommendations have been adopted and considered by the State, NHRIs further encourage their implementation, and feed them into joined-up actions and monitoring.

In September 2018, Cameroon's **National Commission on Human Rights and Freedoms (NCHRF)** developed a guide to the recommendations of the Universal Periodic review (UPR) to Cameroon, with a view to enhancing its role in the dissemination of these recommendations to a broader audience. The Guide, which contains all recommendations made to Cameroon during the 3rd UPR cycle, groups all the UPR recommendations received into specific categories of rights, and links those categories to specific SDGs, thus making the link between these recommendations and the Government's SDG commitments.

The **Kenya Commission on Human Rights (KNCHR)** has developed a number of internal databases for managing information and monitoring human rights. In an attempt to digitize its reporting, it is now pulling together all the recommendations from the various concluding observations of treaty bodies, UPR, directed towards Kenya and linking them directly to the SDGs. This will then facilitate easier categorisation of information for the purposes of feeding into reporting to human rights bodies, as well as working towards joined-up follow up to human rights recommendations and SDGs.

CHAPTER 8

INTERNAL STRATEGY AND CAPACITY OF NHRIs

In order to fully operationalise the linkages between sustainable development frameworks and human rights, it is important for NHRIs to take stock internally to assess whether their strategies and planning provide a conducive framework for ensuring that a human rights lens is applied to sustainable development policies, plans and programmes.

NHRIs can take many different approaches to internal strategy, planning and capacity building, and to a large extent this will depend on numerous factors including mandate, resources, other strategic priorities, and opportunities and challenges in the national policy environment. Some NHRIs have aligned their strategic planning with key state development strategies and priorities.

ALIGNING STRATEGIC PLANS AND WORK PLANNING

The **Nigerian Human Rights Commission**, in its Strategic Work Plan 2019-2022, identifies the SDGs as core priorities for programming and action.

The **KNCHR's Strategic Plan** (2018 – 2023) is "... implemented against the backdrop of the 2030 Agenda for Sustainable Development and Kenya's adoption of the Sustainable Development goals (SDGs) by the United Nations in 2015 which seeks to facilitate global development through 17 Goals and 167 Targets. The Republic of Kenya has adopted and committed to integrate these development aspirations in its development agenda. It is important to note that the SDGs are informed by the human rights principles and standards and therefore present prospects for advancing the promotion, fulfilment and protection human rights and freedoms for all."³⁶ Here the explicit linkage is also made between SDG, human rights and the national policy frameworks designed to implement the SDGs among other things, including Kenya's Third Mid-Term Development Plan and the 'Big 4' framework.³⁷ Among the key opportunities and activities identified in this Plan are:

- Mainstreaming the realization of economic, social and cultural rights and demonstrating the benefit of human rights in attainment of Government development agenda³⁸
- Evidence-based research on specific issues of national interest aimed at promoting and pre-empting human rights violations, including leveraging of human rights data from other key data institutions to complement its own to inform planning and interventions. In this regard, collaboration with the Kenya

National Bureau of Statistics to strengthen data collection, disaggregation, dissemination and analysis with regard to human rights and especially SDG 16 of the 2030 Sustainable Development Agenda is key.³⁹

- Monitoring the state's implementation of Article 43 of the Constitution, Agenda 63 and SDGs with regard to the right to health.⁴⁰

In Cameroon, the NCHRF has been documenting how its own activities are aligned with the 2030 Agenda as well as the African 2063 Agenda. In doing so, it is making explicit links between its own activities, relevant SDGs, relevant goals of the 2063 Agenda, and related UPR recommendations as well as budget allocations to these activities. This alignment aims not only to support state actors to understand the linkages between the 2030 and 2063 agendas and human rights, but also demonstrate to other NHRIs how their own activities can contribute to SDG and Agenda 2063 achievement.

The **SAHRC** attempts to align its own focus areas to the SDGs, especially through ensuring the work of commissioners is aligned to the specific thematic goals, and also contributing to the development of national plans.⁴¹

Other NHRIs have sought to ensure the involvement of key sustainable development actors including duty bearers in their strategic planning processes, to ensure a common understanding.

In October 2018, the **National Commission for Human Rights of Rwanda** organised a validation workshop on its Strategic Action Plan (2018-2024) bringing together government representatives, CSOs and the private sector.⁴² The Strategic Plan aligns human rights commitments of the State with the SDGs and "domesticates global and regional commitments reflected in different instruments including the Sustainable Development Goals (SDGs), the Africa Union Agenda 2063 and the East African Community (EAC) Vision 2050."⁴³

Other NHRIs have undertaken **capacity building for their own staff** to build internal capacity to assess, guide and monitor development strategies and plans using a human rights-based approach, to advise duty bearers, and to support a human rights-based approach to data and measurement. These include: the Uganda Human Rights Commission, the Commission on Human Rights and Administrative Justice (Ghana), the Kenya National Commission on Human Rights and the National Commission on Human Rights (Niger), among others.

USEFUL RESOURCES

DECLARATIONS AND RESOLUTIONS

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Merida Declaration on the Role of National Human Rights Institutions in implementing the 2030 Agenda for Sustainable Development, October 2015, <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>

TOOLS AND DATABASES

The Human Rights Guide to the SDGs: <http://sdg.humanrights.dk/>

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NOTES

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