

Target 16.b

16.b promote and enforce non-discriminatory laws and policies for sustainable development.

What was the state of the world in 2016 according to Target 16.b?

Target 16.b overlaps with Target 10.3, with whom it shares a common indicator, and Target 5.c, which also relates to legislation on non-discrimination. The global indicator 16.b.1 is “the 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”.¹ As a ‘Tier III’ indicator, there is no internationally agreed methodology or global data available as yet.²

What are the data limitations for Target 16.b indicators?

Target 16.b is among the few targets that require states to undertake structural measures, such as the enactment of laws and policies.³ Global indicator 16.b.1 is a perception indicator that measures people’s experiences of discrimination and can therefore give voice to those experiencing discrimination. However, as a subjective outcome indicator, it does not directly measure the structural element to hold states accountable for their commitments to law reform.⁴

OHCHR has begun developing this indicator, consulting bilaterally with organizations and experts, but the methodological work will not likely be completed until the end of 2018.⁵ Some NSOs and regional organizations are collecting data related to different grounds of discrimination, and OHCHR has started mapping and comparing initiatives with suitability for global reporting.⁶ However, this indicator will be challenging to operationalise at a global scale, as people are not necessarily aware of the principles of discrimination under international human rights law, and the way individuals or groups experience discrimination may reflect ingrained social, cultural, economic patterns that only change over long periods.⁷

What was the state of data coverage in 2016?

Existing global, regional and national human rights mechanisms may provide this missing link. The existence of an independent National Human Rights Institution (NHRI) indicates a State’s commitment to promote and protect human rights set out in international human rights instruments, and is the global indicator for Target 16.a. Given their monitoring mandate and independent status, as well as the focus on non-discrimination as well as the range of human rights underpinning the SDGs, NHRI’s have the potential to monitor progress and serve as data providers for target 16.b and other human rights-relevant targets.⁸

In December 2016, a survey conducted at a workshop for the Arab Network of NHRIs (ANNHRI), revealed that all 14 members of ANNHRI undertake law reviews to detect discriminatory legislation. Consequently, all 14 NHRIs have detected national laws that should be eliminated or amended and have

¹ SDG16 Data Initiative at http://www.sdg16.org/map/?layer=proportion_discriminated_against&layerType=indicator

² Danish Institute for Human Rights (2017) “Human Rights and Data” retrieved from https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/sdg/data_report_final_2017.pdf at 16.

³ Ibid.

⁴ Ibid.

⁵ UNSD (2017) “Work Plans for Tier III Indicators” at 223. Available at: https://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-05/TierIII_Work_Plans_03_03_2017.pdf

⁶ Ibid, at 225.

⁷ DIHR “Human Rights and Data” above n 2, at 17.

⁸ Ibid, at 56.

formulated recommendations for such legal reforms. This illustrates that NHRIs are immediately ready to contribute to the monitoring of 16.b, as well as related Targets 5.1 and 10.3.⁹ 24 out of the 44 countries participating in the Voluntary National Review (VNR) at the 2017 High Level Political Forum on Sustainable Development (HLPF) have independent NHRIs in compliance with the Paris Principles, so access to information is well established for these countries. The combination of these factors points to the capacity of NHRIs to contribute to monitoring 16.b.

Another useful data source to monitor Target 16.b are international human rights mechanisms, such as the Universal Periodic Review (UPR) and various treaty bodies including the Committee on the Elimination of Racial Discrimination (CERD) and the International Labour Organisation (ILO) Convention 111. These mechanisms provide access to a wide array of data and therefore accurate and context-specific monitoring of 16.b. Many recommendations under these mechanisms have direct links to Target 16.b, as illustrated in a recent report, which explicitly links Denmark's most recent UPR recommendations to the SDGs.¹⁰

All 44 of the countries participating in the VNRs in 2017 have received UPR recommendations relating to the promotion and enforcement of non-discriminatory laws and policies.¹¹ Moreover, 41 of the 44 VNR countries have ratified the 1958 ILO Convention No. 111 on Discrimination in Employment and Occupation;¹² 38 of which have received direct requests or observations under the Convention.¹³ Similarly, 43 out of the 44 VNR countries have ratified CERD,¹⁴ 35 of which have received recommendations under this convention.¹⁵ Progress towards Target 16.b can therefore be measured by the number and extent to which recommendations under the various mechanisms are actioned or left pending.

To illustrate the utility of these recommendations, in its most recent UPR, Belarus received 13 recommendations that explicitly reference the enforcement or promotion of non-discriminatory laws and policies. In particular, Uruguay recommended that Belarus “adopt specific and comprehensive legislation against direct and indirect discrimination”. While these recommendations are broad, they can be supplemented by the more specific recommendations under other human rights mechanisms. For example, under CERD, it was also recommended that Belarus enact specific legislation containing a definition of racial discrimination in accordance with article 1 of the Convention. The same human rights mechanisms are also well placed to report on whether recommendations related to discriminatory policies and legislation have been addressed or remain outstanding, thus contributing to a fuller picture of the progress towards Target 16.b.

⁹ DIHR “Human Rights and Data” above n 2, at 56.

¹⁰ Danish Institute of Human Rights (2016) “UPR of Denmark 2016” retrieved from https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelsesr/upr/list_of_selected_recommendations_upr_denmark_24_session_2016_-_new_version.pdf

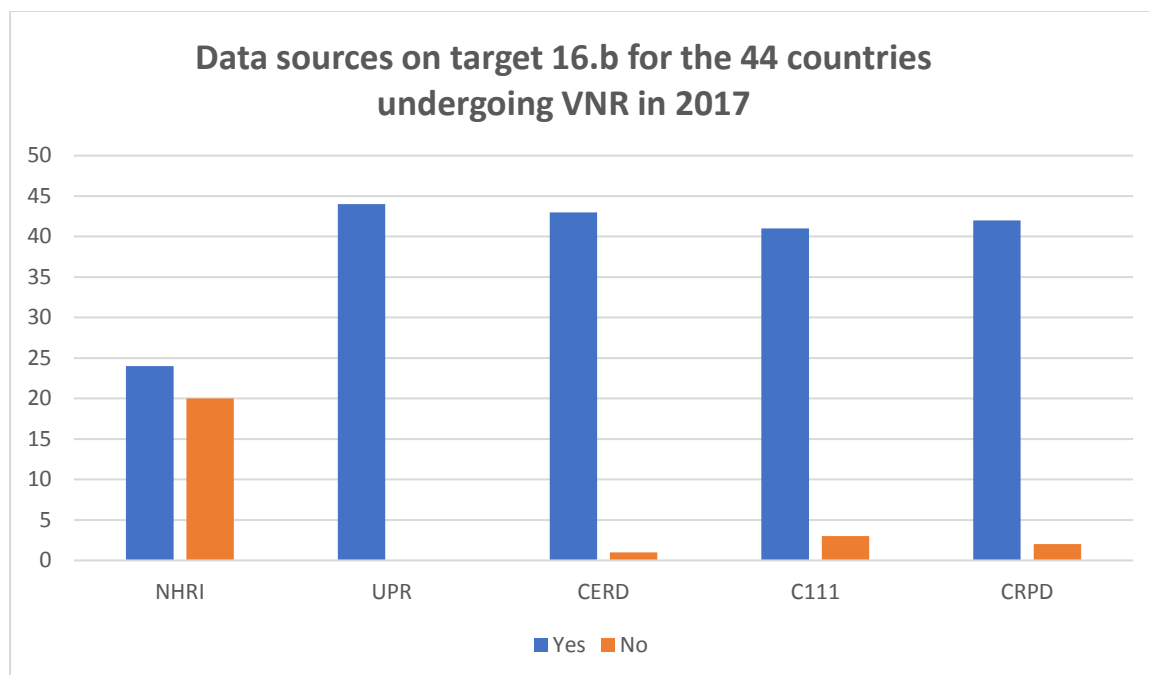
¹¹ See UPR Info database report at: <http://s.upr-info.org/2op9LeQ>

¹² With the exception of Japan, Malaysia, Monaco and Thailand.

¹³ With the exception of Qatar and the Maldives.

¹⁴ With the exception of Malaysia.

¹⁵ With the exception of Bangladesh, Belize, Benin, Botswana, Brazil, Malaysia, Nepal, Nigeria and Zimbabwe.



This graphic illustrates the potential for international human rights mechanisms to contribute to the monitoring of 16.b by outlining possible data sources and the degree of information available. Specifically, the chart shows how many of the 44 countries participating in the VNRs at the 2017 HLPF:

- Have independent NHRIs in compliance with the Paris Principles;
- Have received UPR recommendations relating to the promotion and enforcement of non-discriminatory laws and policies, and;
- Have ratified the Convention on the Elimination of Racial Discrimination (**CERD**), ILO Convention 111 (**C111**) and the Convention on the Rights of Persons with Disabilities (**CRPD**).