

The Role of National Human Rights Institutions in the Implementation of the 2030 Agenda

Paper for UN Expert Group Meeting on *Tackling global challenges to equality and inclusion through the gender-responsive implementation of the 2030 Agenda for Sustainable Development*.

Written by Steven L. B. Jensen, Senior Researcher, The Danish Institute for Human Rights

NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE 2030 AGENDA

National Human Rights Institutions (NHRI) have become extensively engaged with the 2030 Agenda for a number of reasons. First of all, it is worth noting that NHRIs appear as an indicator under SDG Goal 16 with the following wording: “Existence of independent national human rights institutions in compliance with the Paris Principles”. This has been included to help measure whether states live up to Target 16a: “Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.”

NHRIs are therefore recognized as one of the vital domestic institutions to ensure adequate implementation of the Sustainable Development Goals. The ambition is that there should be more of these independent public institutions with a broad mandate to monitor the human rights situation in countries, build bridges between government and civil society, enhancing non-discrimination and equal treatment measures domestically and facilitate implementation of international human rights

obligations (incl. recommendations from Treaty Bodies and the Universal Periodic Review).

From the outset, NHRIs engaged with the 2030 Agenda. In October 2015, the Global Alliance of NHRIs (GANHRI) agreed on the so-called *Merida Declaration on The Role of NHRIs in implementing the 2030 Agenda for Sustainable Development*.¹ The Declaration makes the following specific point related to gender:

“NHRIs are uniquely placed to play a bridging role between stakeholders and promote transparent, participatory and inclusive national processes of implementation and monitoring. Participants encouraged NHRIs in particular to address all forms of exclusion, poverty and to prioritise and mainstream the human rights of women and girls and gender equality in their work.”²

The *Merida Declaration* also specified 11 major actions that NHRIs could take using their internationally agreed and endorsed (UN General Assembly) mandate and apply them to further the implementation of the 2030 Agenda. These actions include:

¹ The *Merida Declaration on The Role of NHRIs in implementing the 2030 Agenda for Sustainable Development* <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/>

[Background%20Information/Merida%20Declaration%20FINA L.pdf](#)

² Ibid, para 15.

“(2) Provide advice to national and local governments, rights-holders and other actors, to promote a human rights-based approach to implementation and measurement of the Agenda, including by assessing the impact of laws, policies, programmes, national development plans, administrative practices and budgets on the realization of all human rights for all.”

“(5) Assist in the shaping of global national indicators and sound data collection systems to ensure the protection and promotion of human rights in the measurement of the Agenda, including through seeking collaboration with national statistical offices, where appropriate, and other relevant national institutions, and by building on existing international and regional human rights mechanisms.”

“(9) Facilitate access to justice, redress and remedy for those who experience abuse and violation of their rights in the process of development, including by receiving and processing complaints, where NHRIs have such functions.”³

All of these actions can support a gender-responsive implementation of the 2030 Agenda. Based on the *Merida Declaration* the Global Alliance of NHRIs established a working group on the 2030 Agenda to serve “as a vehicle for collaboration among, and a global voice of, NHRIs on these matters.” The 2030 Agenda is now a permanent feature in GANHRI work.

NHRIS AND SDG-HUMAN RIGHTS INTEGRATION

There has also been extensive work by the NHRI community to illustrate the close connections between the Sustainable Development Goals and the international human rights standards. This work

³ Ibid, para. 17.

⁴ <https://www.humanrights.dk/news/sdg-human-rights-data-explorer-operationalises-synergies-between-human-rights-sustainable>

has been led by The Danish Institute for Human Rights (DIHR). DIHR produced a human rights guide to the SDGs that showed that 92% of the 169 SDG targets are linked to the international human rights instruments thereby showing the close, relevant and beneficial alignment of human rights and SDG work.

More recently, in 2019, DIHR has launched the *SDG-Human Rights Data Explorer* that makes easily accessible more than 150.000 recommendations from the UN human rights mechanisms (Universal Periodic Review and UN Human Rights Treaty Bodies) and linking them directly to SDG implementation. The *SDG – Human Rights Data Explorer* offers a pathway to a more systematic and coherent framework for implementation of the 2030 Agenda.⁴ It is a resource that should be relevant for decision-makers, development agencies, policy planners and rights-holders.⁵

The database can also serve as a major resource to facilitate the gender-responsive implementation of the 2030 Agenda. It not only highlights all the relevant human rights recommendations related to Goal 5 on gender inequality. It also makes it possible to easily access – including by country - the gender relevant recommendations related to all the other goals, including Goal 10, Goal 13 and Goal 16. It can serve as a resource for programming but also to advocate for strengthening monitoring and reporting under the SDG umbrella as these human rights recommendations are already to be reported on to the various UN human rights procedures by the states.

EFFECTIVENESS OF NATIONAL HUMAN RIGHTS INSTITUTIONS

The presentation of the Expert Group Meeting’s Session 3 mentions that “strong and accountable

⁵ <http://sdgdata.humanrights.dk/>

public institutions, including rule of law mechanisms, are important for the enforcement and implementation of gender equality laws and policies and to ensure coordination among various actors for greater impact of actions taken.” It is worth taking this emphasis on “strong and accountable public institutions” and applying it to NHRIs in their role as independent public institutions with a strong human rights mandate and – as we have seen above – with a commitment to play a critical role in implementation of the 2030 Agenda.

The question of effectiveness is the most prominent issue in the research on National Human Rights Institutions.⁶ This body of research has significantly matured in recent years and it is worth paying attention to some key findings. There are a few studies published that look at the long-term effect of NHRI work over a period of 25-30 years.

In a study of Human Rights Ombudsmen Institutions with data covering 16 countries in Latin America over a 30-year period, Erika Moreno concludes that the presence of “an ombudsman has tangible effects on improvements in access to education, health and housing.”⁷ These are deemed “statistically significant and positive effects.” Placed in the context of a larger body of literature on ombudsman institutions in the region Moreno further concludes that “the ability of this agency to effect change has the potential to profoundly affect democracy and the public’s assessment of democracy’s value.”⁸ These are ambitious findings linking alleged correlation or causalities to larger-scale conclusions on promotion of democratic rule.

In another “longitudinal” study, Erika Moreno and Richard Witmer has documented that, “the presence of an ombudsman means that physical integrity violations are less likely than where they are not present”. The authors provide a probability score for this finding that shows a 50% difference in limiting violations (between having ombudsman and having no ombudsman).⁹ The conclusion here is that NHRIs have an impact on issues that also impact on gender, including the treatment of marginalized women and where intersectionality is an important factor in gender discrimination and the violations of women’s rights.

In a 2017 study published in the *Journal of Human Rights*, Ryan M. Welch has analysed the connection between the Convention Against Torture and NHRIs. The data cover 153 countries in the period 1981-2007. The study contributes to a long-standing debate that has questioned whether a state’s ratification of the Torture Convention actually brought positive benefits. Welch’s data analysis leads to the conclusion that “when states ratify the CAT *and* have an NHRI, state torture decreases” and that this relationship is causal: “This study shows that NHRIs are responsible for making the CAT effective by increasing information.”¹⁰

These findings do not merely show the potential of National Human Rights Institutions when they are independent, well-functioning and effective in realizing their mandate as regards human rights promotion and protection. The close relationship between the SDGs and human rights that has been documented imply that NHRIs can also be beneficial for implementation for the 2030 Agenda.

⁶ See Steven L. B. Jensen (2018), *Lessons from Research on National Human Rights Institutions. A Desk Review of Findings Related to NHRI Effectiveness*. The Danish Institute for Human Rights.

⁷ Erika Moreno (2016). “The Contributions of the Ombudsman to Human Rights in Latin America, 1982–2011”, *Latin American Politics and Society*, vol. 58(1), p. 112.

⁸ *Ibid.* p. 117.

⁹ Erika Moreno and Richard Witmer (2015), “The Power of the Pen: Human Rights Ombudsmen and Physical Integrity Violations in Latin America, 1982-2006”, *Human Rights Review*, vol. 17, no. 2, p. 143-164.

¹⁰ Ryan M. Welch (2017), “National Human Rights Institutions: Domestic implementation of international human rights law”, *Journal of Human Rights*, vol. 16(1), p. 106 & p. 108.

GENDER-RESPONSIVE INSTITUTIONAL ARRANGEMENTS AND THE IMPLEMENTATION OF THE 2030 AGENDA: A NHRI PERSPECTIVE

There are two methods of work used by NHRIs that speak either to their mandate or the institutional arrangements through which they conduct their work. The first is the role of being a complaint-handling institution which a number of NHRIs have as their mandate (but not all). This can be a marker of effectiveness when done strategically. The Peruvian Ombudsman is a particular case in point. They have experienced an eight-fold increase of their case-load – from 16.478 cases in 1997 to 130.616 cases in 2016 – exactly because they have proven their worth in successfully responding to a large number of individual complaints and using the complaints to identify issues linked to systemic human rights violations and initiate efforts to address a number of these. As Linos and Pegram argue:

“In a country where the state has traditionally neglected the institutional sphere of representative democracy, the logic pursued by NHRI officials to empower citizens against the public administration by encouraging them to claim their ‘right to complain’ has had a powerful cultural impact.”¹¹

The work by the Peruvian Ombudsman has in a number of significant cases benefited communities of women where the state had committed widespread abuses (e.g. forced sterilization of women). This whole approach – and the legitimacy that the Ombudsman Institution managed to build – shows how this redress mechanism (or rule of law technique) can be used on a scale much larger than a

smaller number of individuals to uphold the rights of women.

A March 2018 report on the role of NHRIs in promoting gender equality in rural areas submitted to the Commission on the Status of Women based itself on a survey with responses from 38 NHRIs. Among these 14 NHRIs had a commissioner or ombudsperson responsible for women’s rights. 16 NHRIs indicated they had a specific department, division or unit within their institution responsible for women’s rights while for others it was mainstreamed across all the institutional units.¹² The report also highlights that regional offices – meaning the decentralized structures of an NHRI – play an important role in promoting and protecting women’s rights and gender equality by ensuring outreach and accessibility.

The regional offices of the NHRI in the Philippines make use of local languages within their respective jurisdictions to serve e.g. women and girls. The regional offices of the NHRI in Colombia have designated teams consisting of a lawyer and social worker focusing on women’s rights issues in rural areas. In addition, the Colombian NHRIs delegation for agrarian affairs advocates for public policies pertaining to women in rural areas that: (i) highlight the value and contribution of rural work to overall development; (ii) contributes to women’s empowerment in the execution of all plans and programs; and (iii) ensure equal participation of men and women in social and community organizations which execute these policies.¹³

These decentralized NHRI structures are important institutional arrangements for an (independent) state institution that could otherwise be viewed as a distant and a not so relevant entity if outreach was

¹¹ Katerina Linos & Tom Pegram (2017), “What Works in Human Rights Institutions”, *American Journal of International Law*, vol. 112 (3), p. 31

¹² GANHRI and Asia Pacific Forum, *The Role of National Human Rights Institutions in promoting gender equality and*

the empowerment of women and girls living in rural areas, Report presented at the 62nd session of the Commission on the Status of Women, New York, March 2018, p. 4.

¹³ *Ibid.*, p. 6 and 8.

not made such a key operational consideration. The experiences here regarding promotion and protection of human rights can be utilized in implementation of the 2030 Agenda – especially in light of the close connection between human rights and the SDG framework explained above.

The Global Alliance of NHRIs have themselves defined what their role should be related to gender equality. This was done at an international conference in November 2012 on “The human rights of women and girls: Promoting gender equality: The role of national human rights institutions” that led to the *Amman Declaration and Programme of Action*. The *Amman Declaration* laid a number of broad principles and areas of work. This was of course before the adoption of the 2030 Agenda but it is still relevant and was intended to define priority actions over “the next decade”.¹⁴

The Declaration states that “Poverty and inequality are significant factors that increase vulnerability to discrimination, hunger and gender-based violence.” The broad principles that the NHRI community agreed to pursue included: “Prioritize and mainstream the human rights of women and girls and gender equality.” It also included monitoring States fulfilment of their human rights obligations with the aim to “ensure women’s right of de jure and de facto or substantive equality with men.”¹⁵ Part of this will involve creative use of the NHRI mandate but it could also entail engagement with the broader agenda to secure the domestic institutionalization of human rights such as securing the inclusion of the “human rights of women and girls and gender equality in Human Rights National Action Plans and other relevant laws and policies.”¹⁶ The work on monitoring the

implementation of CEDAW is of course also a central part of NHRI work.

The Amman Declaration and Programme of Action speaks to a gender-responsive approach to implementing the 2030 Agenda when it highlights the role of NHRIs in monitoring “States’ compliance with their obligations to respect, protect, and fulfil women’s economic, social and cultural rights” and their role in supporting “efforts to analyse whether States are spending the maximum of available resources on the progressive realization of women’s economic, social and cultural rights” through a gender perspective in planning and budgeting processes.¹⁷

It is certainly not every NHRI that is undertaking all these activities in support of women’s and girls’ rights and gender equality but most are working on these issues and the commitments expressed show the potential of NHRIs as independent public institutions to play a critical role in securing gender-responsive implementation of the 2030 Agenda. NHRI work on the 2030 Agenda is still evolving in scope and depth but there is good evidence that they can serve as one of the “strong and accountable public institutions” that can facilitate “the enforcement and implementation of gender equality laws and policies and to ensure coordination among various actors for greater impact of actions taken. One important step to achieve this is for other stakeholders to support the alignment of human rights standards and obligations with the SDG commitments made by states. Such wider backing will strengthen the ability of NHRIs to play an influential role in achieving the aims outlined above.

¹⁴ *Amman Declaration and Programme of Action*, 7 November 2012. ICC/GANHRI and OHCHR.

<https://nhri.ohchr.org/EN/ICC/InternationalConference/11IC/Background%20Information/Amman%20PoA%20FINAL%20-%20EN.pdf>

¹⁵ *Ibid.*, p. 3.

¹⁶ *Ibid.* National Human Rights Action Plans now exist in 66 countries. See Steven L. B. Jensen, Stephanie Lagoutte and Sebastien Lorion, “The domestic institutionalization of human rights – an introduction”, *Nordic Journal of Human Rights*, forthcoming 3/2019.

¹⁷ *Amman Declaration and Programme of Action*, p. 6.