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CONTRIBUTIONS OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS TO THE 2030 AGENDA

Experiences from Argentina, Costa Rica and Mexico

The objective of this document is to contribute to the exchange of experiences, good practices and knowledge management with and among the National Human Rights Institutions (NHRIs) in Latin America and the Caribbean in relation to the 2030 Agenda. It constitutes a compilation of selected good practices on how NHRIs are supporting the implementation of the SDGs at the country level from a human rights perspective, focusing on the cases of Argentina, Mexico and Costa Rica.

INTRODUCTION

THE 2030 AGENDA AND THE HUMAN RIGHTS-BASED APPROACH

It is considered that 92% of the 169 goals of the 17 Sustainable Development Goals (SDGs) are closely linked to human rights and their protection instruments.¹ The Agenda has among its objectives to end poverty, ensure health and well-being, quality education, reduction of inequalities, promote action for the climate and achieve peace, justice and solid institutions by the year 2030. It reaffirms that human rights are indispensable for sustainable development, and vice versa.

The SDGs seek to advance toward the realization of human rights of all people, and are based on the principles of **participation, inclusion, transparency** and **accountability**. These are basic principles of human rights, and particularly the Right to Good

Governance is integral to good governance and democratic societies.

A central element of the Agenda is to “leave no one behind”, and to reach the people who are lagging behind first. In this sense, the principles of **equality, non-discrimination** and the **use of data disaggregated** by group allow identifying populations at risk, which in turn provide tools for the design of laws, public policies, data collection and other types of actions that seek to ensure that no one is left behind.

THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

The National Institutions of Human Rights (NHRIs) are independent state institutions with the objective of promoting and protecting human rights. Given the convergence between the SDGs and human rights standards, NHRIs can play a key role in the practical realization of the SDGs.²

NHRIs have a wide range of functions: monitor and report; advise the government on human rights issues; cooperate with national, regional and international agencies; process complaints; and promote human rights education, to name a few.

At the international level, NHRIs collaborate through the Global Alliance of National Human Rights Institutions (GANHRI) for the promotion and strengthening of individual NHRIs in accordance with the Paris Principles³. As institutions responsible for ensuring national compliance with international human rights commitments, NHRIs are crucial elements of the institutional architecture necessary for the realization of the 2030 Agenda. Therefore, in 2015, GANHRI adopted the Mérida Declaration⁴, which describes the role that NHRIs can play in contributing to a human rights-based approach in the 2030 Agenda.

NHRIS AS AN INDICATOR FOR SDG 16

NHRIs already integrate human rights work in the realization of the SDGs through their basic functions, for example, in monitoring progress and violations of human rights (SDG 16), in educating the population on the subject (target 4.7), and in contributing to the eradication of discriminatory legislation (targets 5.c, 10.3, 16.b). In addition, NHRIs are a driving force to promote and monitor the cross-cutting human rights principles of non-discrimination, responsibility and participation, which are also emphasized in the 2030 Agenda⁵.

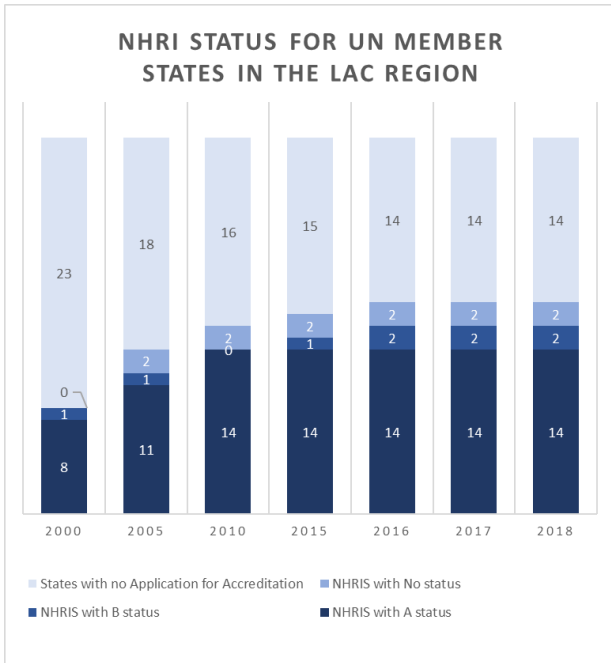
Consequently, the "existence of independent national human rights institutions in compliance with the Paris Principles" has become a global indicator for the fulfilment of SDG 16 on peace, justice and strong institutions (indicator 16.a.1). However, complying with the Paris Principles means that NHRIs must operate independently of the government despite of being part of the state apparatus and being financed by it.⁶ Only full compliance with the Paris Principles (status A) can indicate the achievement of this SDG 16 indicator.



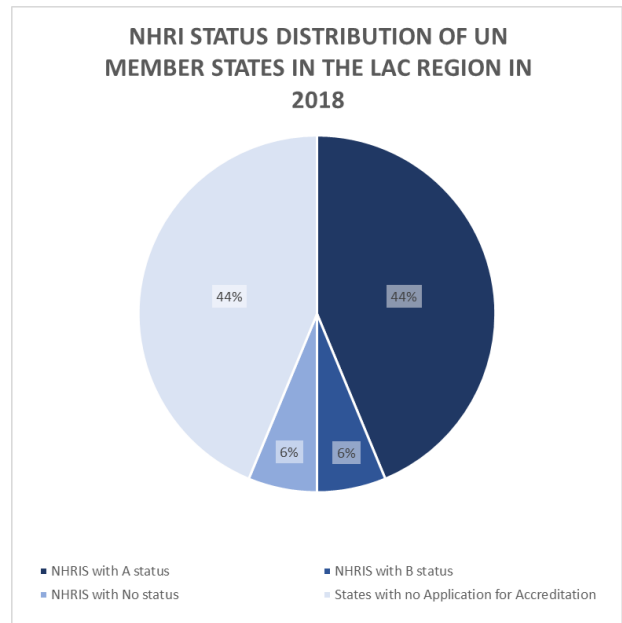
THE NHRIS IN LATIN AMERICA AND THE CARIBBEAN

By 2018, 44% of the 32 UN member states in the Latin America and the Caribbean (LAC) region have an NHRI with status A, in full compliance with the Paris Principles. Another 6% have an NHRI of status B (partial compliance), while 50% of countries do not have an NHRI with any Paris Principles status.

In the last 4 years, since the Agenda 2030 was adopted, an NHRI has been demoted from status A to status B, and another has risen from status B to A, but the total number of NHRIs of status A in the region has not changed⁷. This means that there have not yet been significant steps towards compliance with indicator 16.a.1. in the region. However, on a positive note, 13 countries with NHRIs without status or without application for accreditation have accepted recommendations from the UPR to work on establishing an A status NHRI in line with the Paris Principles.



Of the 18 UN member states in the LAC region that do not yet have an A status NHRI, only 3 have not accepted any recommendation from the Universal Periodic Review to achieve an NHRI in full compliance with the Paris Principles. The data also shows the prevalence of continuous effort to improve the mandate of NHRIs within the region: in total, 6 member states have accepted recommendations to strengthen their existing NHRI (4 with status A and 2 with status B). In addition, 10 countries that already have NHRIs with A status have not received any recommendations, which is an indication of the consistent work of NHRIs in the region, with enormous potential to influence the processes of the 2030 Agenda to leave no one behind⁸.



EXAMPLES OF GOOD PRACTICES RELATED TO THE 2030 AGENDA EMERGING FROM NHRIS IN THE REGION

Grounded on the Mérida Declaration, NHRIs in Latin America are working to strengthen the integration of human rights in the implementation of the 2030 Agenda. This paper showcase some good examples of an integrated approach to human rights and sustainable development carried out by NHRIs in Argentina, Costa Rica and Mexico. It is relevant to point out that the different capacities of NHRIs in Latin America and the diverse contexts in which they operate require differentiated means and approaches for their work with a human rights-based approach for the national implementation of the SDGs. Therefore, the practices presented here are not intended to be cut and paste solutions, but rather examples for reflection and inspiration.

The practices are organized thematically according to some of the action points provided by the Mérida Declaration: Monitoring and Advisory, Alliances and Participation, and Data. Considerations on accountability and capacity building are reflected on in the concluding observations.

MONITORING AND ADVISORY

The monitoring mandate is at the heart of NHRIs' work as it often provides the basis for their other roles, such as providing advice and recommendations to governments. This section highlights how some NHRIs are using their experience in monitoring to provide guidance and information in placing human rights at the center of national monitoring frameworks of the SDGs.

INTEGRATED MONITORING

GP#1 NHRIs can be instrumental in informing the SDG processes based on information produced in regional and international human rights monitoring mechanisms. An example of good practice in this regard comes from *la Defensoría del Pueblo de la Nación de Argentina* (NHRI, Argentina), which lists all the recommendations received by Argentina in its Universal Periodic Review (UPR) with the respective SDGs⁹. The *Defensoría* also launched a search engine for United Nations (UN) documents related to the SDGs (<https://ods-dpn.gob.ar/>), making it easier for all people to access information on progress made in the implementation of the 2030 Agenda. In addition to increasing the possibilities for participation of a more informed civil society in SDGs and human rights processes, it also helps with the NHRI mandate to ensure government's accountability.

GP#2 Argentina's *Defensoría* also created the Monitoring and Evaluation Program for the SDGs and the Agenda 2030, in collaboration with the authorities and the UN. The body has thematic areas and specific offices which among other activities conduct research to identify public policies related to specific goals.

GP#3 The National Commission for Human Rights of Mexico (CNDH), in addition to committing itself to incorporating the perspective of the SDGs in all its work, presents a good example of integrated monitoring. As of 2017, the Commission began to incorporate the SDGs in an increasingly systematic manner in their Recommendations regarding complaints and non-conformities over alleged human rights violations committed by federal authorities. This practice further reinforces the international commitment accepted by the State for the realization of both human rights and sustainable development.

INSTITUTIONAL RECOMMENDATIONS

GP#4 In Argentina, the NHRI has been active in advising the State on the implementation of the 2030 Agenda. It is worth highlighting a particular action in relation to Goal 5 (Gender Equality): the *Defensoría* recommended to "promote the elaboration of action protocols that contemplate the criteria for intervention and awareness raising of authorities of whichever scope, both public and private, to address issues related to gender-based violence arising in the workplace"¹⁰. As part of this action, it invited the three powers of state's government from national and provincial levels, including its autarkic bodies and decentralized agencies, to dictate specific regulations for its implementation¹¹.

GP#5 The *Defensoría de los Habitantes de la República* (DHR) in Costa Rica has taken advantage of the strategic opportunity to present annual reports to Parliament to raise awareness of critical issues that may influence the national political agenda. At least 3 of its annual reports addressed the human rights approach in the framework of the SDGs, as well as DHR's research on the main recommendations of the international human rights system.

GP#6 In the 2015-2016 work report, the DHR of Costa Rica offered a detailed analysis of the issues it has historically developed in direct relation to 14 of the 17 SDGs. In the case of SDG 1 (End of Poverty), for example, the DHR reviewed the indicators proposed by the State and highlighted the need for adequate data disaggregation in order to make vulnerable populations more visible and be able to elaborate information surveys with the greatest precision possible.



PARTNERSHIP AND PARTICIPATION

Participation and coordination among a wide range of stakeholders, representing both government authorities and the diversity of civil society actors, remains a persistent challenge to the effective implementation and supervision of the SDGs. NHRIs have a fundamental role in building bridges between civil society and the authorities and in fostering opportunities for collaboration, partnerships and synergies between these actors.

FACILITATING DIALOGUE

GP#7 The DHR of Costa Rica and the United Nations Development Program (UNDP), under the coordination of the Ministry of National Planning and Economic Policy, facilitated the creation of spaces for Civil Society Organizations (CSOs) to present their contributions on strategic issues on human rights and the SDGs to the government.

GP#8 DHR Costa Rica supported the process to establish a concerted and orderly space for CSOs participation in the treaty bodies process, with the aim of facilitating the presentation of their alternative reports before said bodies. This action has provided more inclusion in national human rights monitoring processes and directly strengthens the implementation of SDG 16.

ENGAGEMENT AND STRATEGIC PARTNERSHIPS

GP#9 To achieve target 17.17 and "encourage and promote effective public, public- private, and civil society partnerships, building on the experience and resourcing strategies of partnerships", the Argentine *Defensoría* has subscribed to a series of agreements such as:

- Technical Cooperation Agreement with the Office of Human Rights and Justice of the Superior Court of Córdoba
- Cooperation Agreement with the Homosexual Community of Argentina
- Technical Cooperation Agreement with the University of Buenos Aires.¹²

The various purposes of these agreements include: providing reciprocal technical assistance for the treatment of issues inherent to the defence and protection of human rights; exchanging information;

promoting national and provincial legislation and practices in harmony with international human rights instruments to achieve their effective application; and working in network to advance topics of common interest, and promote strategies and campaigns in national, provincial and municipal institutions to enhance human rights protection.

NHRIS AND DATA

To fulfil the 2030 Agenda promise to realize the human rights of all and "leave no one behind", it is crucial to guarantee efficient, innovative and adjustable approaches to monitoring and data collection that can complement available statistical data based on the global indicators.

Given its monitoring mandate, independent status and focus on the range of human rights that support the SDGs, NHRIs have significant potential to act as credible data providers that can provide context-specific analysis and advice, as well as information on vulnerable groups and sensitive problems that are difficult to capture through common statistical data.

PROVIDING DATA AND ANALYSIS:

GP#10 The *Defensoría* of Argentina has played an important role in the collection and dissemination of data. Special mention should be made to the creation of the Femicide Observatory, which has been mentioned as an example of good practice by the United Nations High Commissioner for Human Rights in Geneva. The Observatory aims to collect, produce, elaborate, systematize and communicate detailed statistics on femicides in Argentina. It also analyses cases to detect deficiencies or gaps in protection with a view to improving the legislation pertinent to its

application, therefore contributing to both the implementation and to the monitoring of SDG 5 on gender equality¹³. This practice motivated the Ministry of Security, during the year this text has been written, to sign an agreement with the *Defensoría* and launch a new version of the integrated observatory. This has been carried out with mutual participation, sharing of the different data sources, and with discussions around cases that presented uncertainty regarding their qualification.

INTERACTING WITH NATIONAL STATISTICAL OFFICES

BP#11 Using the framework of the SDGs and Agenda 2030 Monitoring and Evaluation Program, the *Defensoría* of Argentina initiated an action linked to SDG 16 (16.9 on legal identity), tackling the problematic situation of the unregistered and undocumented population in the country. As a result, the *Defensoría* recommended to the National Institute of Statistics and Censuses (INDEC) to include in the CENSUS 2020 Form a question that aims to make visible the number of people who are still not registered and documented in Argentina. The INDEC responded positively and included such element in the Population questionnaire corresponding to the "First Pilot Test" of the National Population, Household and Housing Census 2020 carried out between October 28 and November 12, 2017¹⁴.

CONCLUSION

In light of the synergies between human rights and SDGs monitoring, the unique mandate of NHRIs points to the potential role they can play in promoting the integration of these two agendas in the formulation of public policies.

Among other things, NHRIs can proactively carry out the important work of combining human rights monitoring with the monitoring of the SDGs, by for example:

- Linking their annual reports to the SDGs.
- Using the SDGs as a framework and tool to hold governments accountable for national compliance with international commitments.
- Facilitating spaces for dialogue between the different actors.
- Working in cooperation with national statistical bodies.

Based on the experiences researched there is a persistent need to raise awareness within the NHRIs staff in the region about the content of the 2030 Agenda, its monitoring and implementing mechanisms, and its close relationship with human rights. Another notable challenge refers to the lack of knowledge on the links between the SDGs and human rights agendas by the representatives of government authorities with whom NHRIs interact.

Thus, the following action points are proposed for the LAC region:

- Organize regional trainings for NHRIs and enable spaces to share experiences on how to integrate the monitoring and implementation processes of the SDGs and human rights.
- Train government authorities on the issue and raise awareness for the role of NHRIs as collaborators in the monitoring and implementation processes of the SDGs and human

rights, as well as building bridges between the government and civil society.

These actions would contribute to creating the conditions for NHRIs to effectively perform its role in promoting an integrated approach to the implementation and monitoring of both SDGs and human rights.

¹ Danish Institute for Human Rights; 2018; Human rights and the 2030 Agenda for Sustainable Development - Lessons Learned and Next Steps, pp. 9. Available at <https://www.humanrights.dk/publications/human-rights-2030-agenda-sustainable-development-lessons-learned-next-steps>

² Find the Human Rights Guide to the SDGs of the Danish Institute for Human Rights here: <http://sdg.humanrights.dk/>

³ The Paris Principles: Principles relating to the state of national institutions: Available at <http://bit.ly/1SGrPxt>

⁴ Find the Mérida Declaration here: <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>

⁵ GANHRI (2017). National Human Rights Institutions Engaging with the Sustainable Development Goals (SDGs). Available at https://nhri.ohchr.org/EN/Themes/SustDevGoals/Documents/GANHRI_NHRIs%20engaging%20with%20the%20SDGs_UpdatedVersion.pdf

⁶ To track the independence, mandate and capacity of a NHRI, the Global Alliance of National Human Rights Institutes (GANHRI) regularly reviews and awards NHRIs with either A, B, or no status depending on their full, partial or no compliance with the Paris Principles respectively. NHRIs themselves apply for this accreditation status which is carried out by GANHRI's Sub Committee on Accreditation (SCA), which works under the auspices of the Office of the High Commissioner for Human Rights.

⁷ The fluctuations of degradation in the NHRI's status are undesirable in terms of advances in the assurance

of the A-status NHRIs in all the member states of the UN.

⁸ The data in this section is based on a compilation of data from GANHRI's overview of the statuses of NHRIs in the LAC region as well as data from the 'SDG-Human Rights Data Explorer' database created by the Danish Institute for Human Rights. This database shows the links between recommendations from all international monitoring bodies and the SDGs, and it is available at: <http://sdgdata.humanrights.dk/>

⁹ Defensor del Pueblo de la Nación Argentina (Argentine NHRI), Programa de Seguimiento y Evaluación del Examen Periódico Universal: Vinculación EPU-ODS (Monitoring and Evaluation Program for Universal Periodic Review: Linking UPR-SDG) Available at: <http://www.dpn.gob.ar/documentos/DOSSIER-EPU.pdf>.

¹⁰ Defensor del Pueblo de la Nación argentino (Argentine NHRI) (2015). Transformar nuestro mundo: La Agenda 2030 para el Desarrollo Sostenible (Transforming our world: The 2030 Agenda for Sustainable Development), p. 8. Available at <http://www.dpn.gob.ar/documentos/PSEODS-CIC.pdf>.

¹¹ *Idem*.

¹² Defensor del Pueblo de la Nación argentino (Argentine NHRI) (2017). Informe Anual 2017 (Annual Report 2017), pp. 252-253. Available at <http://www.dpn.gob.ar/documentos/anuales/ianual2017.pdf>.

¹³ *Ibid.*, pp. 271-299.

¹⁴ Defensor del Pueblo de la Nación argentino (Argentine NHRI) (2017). Los Objetivos de Desarrollo Sostenible (ODS) ya generan cambios positivos (The Sustainable Development Goals (SDGs) already generate positive changes). Available at <http://www.dpn.gob.ar/gacetilla.php?id=31139>