

HUMAN RIGHTS AND THE SDGs: A SIDE-LINED PRIORITY?

Bertrand G. Ramcharan

The world organization's uneven record in the human rights arena continues as the development agenda is being set for the next decade-and-a-half. If human rights are a central pillar of the United Nations, why are they likely to be peripheral to the Sustainable Development Goals (SDGs)? What are the prospects for more rights-based language in the goals themselves, or for rights-based approaches in their monitoring and review?

In September 2015 a summit of world leaders at the United Nations is to adopt a set of Sustainable Development Goals to take the relay from the Millennium Development Goals (MDGs), which have yielded mixed results when it comes to making the world a better place for peace, development, and the universal realization of human rights. On 2 June 2015, the president of the General Assembly circulated a zero draft of the September 2015 summit outcome document submitted by the two co-facilitators of the negotiations.¹

This briefing discusses the forthcoming SDGs from the perspective of human rights, focusing on the content of the SDGs, strategies of implementation, and the role of monitoring in the implementation of the SDGs. It is worth recalling that the General Assembly has a rich but uneven record when it comes to integrating human rights in development efforts. Fifty years ago, at its twentieth session in November 1965, it adopted resolution 2077 (XX) that recognized the need, during what was the first UN Development Decade (DDI), to devote special attention at both the national and the international levels to progress in the field of human rights, and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and fundamental freedoms.

The assembly urged all governments to make special efforts and invited them to include in their plans for economic and social development measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and in subsequent declarations and instruments. It called upon UN organizations and specialized agencies to give all possible technical assistance, within the framework of their programs during the decade, with a view to achieving progress in the field of human rights. It recommended that the Economic and Social Council, in studying the question of transferring the resources released as a result of disarmament, bear in mind the economic needs of all countries, particularly of the less developed countries, in order to

help them achieve the safeguarding of human rights and fundamental freedoms.

This rich tradition of integrating human rights in the development process should be kept in mind in finalizing the SDGs.² It is important to place them under the human rights spotlight for a number of reasons. First, whatever progress has been made in, for example, alleviating poverty since the adoption of the MDGs, the state of human rights worldwide has not improved in the past 15 years. It is impossible to speak of ameliorating the human condition when gross violations of human rights remain pervasive world-wide. Second, enhanced governance grounded in the rule of law and respect for human rights is essential if the SDGs are to be more than aspirational. Third, human rights in and of themselves are an essential component in any meaningful implementation and monitoring. From the perspective of a long-time proponent of human rights, the draft is disappointing and problematic in numerous ways — a missed opportunity.

THE HUMAN RIGHTS CONTENT OF THE SDGS

While the Millennium Declaration contained inspiring language regarding the human rights principles for the twenty-first century,³ the MDGs themselves are not specifically grounded in human rights principles and even less so in implementation strategies. The draft UN agenda and SDG document in circulation at the time of writing is a rallying call to humanity to go forward in development while protecting the earth and the environment, advancing peace, and having regard to human rights principles.

But a careful reading of the zero draft of the outcome document for the September 2015 summit shows a profound disconnect between the declaratory parts and the SDGs and the actual human rights strategies for their implementation. The preamble opens with a reference to strengthening peace in larger freedom and then refers to the promotion of gender equality and empowerment of women

and girls, combating inequality within and between countries, and protecting the planet. The new agenda is said to be grounded in the Universal Declaration of Human Rights and other international instruments such as the Declaration on the Right to Development. The vision is for a world free of poverty, hunger, disease, and want, a world of universal respect for human rights and human dignity, of justice and equality. And it is worth recalling that next year, the first year of SDG implementation, the UN will be marking 50 years since the entry into force of the two international covenants on economic, social, and cultural rights, and on civil and political rights.

However, in the adumbration of the 17 goals themselves, human rights are not mentioned anywhere, although they are fully amenable to the adoption of specific language. For example, Goal 1 is “End poverty in all its forms everywhere,” and one could easily add “enhance human dignity and rights.” Goal 5 is “Achieve gender equality and empower all women and girls,” and one could easily add “to achieve the universalization of their inalienable human rights.” In Goal 8, or elsewhere, it would have been appropriate to refer to the most widely-ratified UN convention of all, on the rights of the child. Goal 10 is “Reduce inequality within and among countries,” and one could easily add “in pursuit of the Charter’s principles of equality and non-discrimination.” Goal 17 is “Strengthen the means of implementation and revitalize the global partnership for sustainable development,” and one could easily add “grounded in the Universal Declaration, the International Covenants, and the Declaration on the Right to Development.”

More explicit human rights wording along these lines would send a signal, as the General Assembly did a half-century ago, that human rights are essential to the conception and implementation of the SDGs. Human rights are admittedly approached cautiously in UN circles. It might be asked why such additions should cause controversy when they would simply reaffirm what governments have repeatedly agreed over the years.

HUMAN RIGHTS STRATEGIES OF IMPLEMENTATION

The implementation parts of the new agenda are high-sounding but lack specificity when it comes to the potential contribution of human rights actors to development. It states that the agenda for the next 15 years deals with the means required for implementation of the goals and targets, which mentions specifically financing for development; a well-functioning, equitable, and rules-based multilateral trading system; and a renewed and strengthened Global Partnership to implement. It concludes: “We emphasize more generally the critical importance of engaging all relevant stakeholders in implementation of the new agenda. Governments and public institutions will work closely in this regard with national parliaments, local authorities, international institutions, business and the private sector, civil society, academia, philanthropic organizations, voluntary groups and others.”

While resources are an understandable constraint, why is there is no reference to human rights? It would enhance the document to add here: “We are determined to keep striving for the universal realization of the human rights of our peoples, economic, social and cultural as well as civil and political, in the spirit of the Declaration on the Right to Development and of the Charter’s foundation principle of equality and non-discrimination.”

It would also strengthen this part to include in the enumeration, “the UN Human Rights Council, UN human rights treaty bodies, the Office of UN High Commissioner for Human Rights, human rights research institutions, and human rights NGOs.” In fact, it would be helpful to include an additional paragraph devoted to these bodies. It would also enrich the document to add a paragraph along the following lines: “We call upon the organizations of the UN system to cooperate with the UN Secretary-General in the mainstreaming of human rights in the implementation of the New Agenda and the SDGs.”

PROPOSED SUSTAINABLE DEVELOPMENT GOALS

- Goal 1.** End poverty in all its forms everywhere
- Goal 2.** End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3.** Ensure healthy lives and promote well-being for all at all ages
- Goal 4.** Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5.** Achieve gender equality and empower all women and girls
- Goal 6.** Ensure availability and sustainable management of water and sanitation for all
- Goal 7.** Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8.** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9.** Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

- Goal 10.** Reduce inequality within and among countries
- Goal 11.** Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12.** Ensure sustainable consumption and production patterns
- Goal 13.** Take urgent action to combat climate change and its impacts
- Goal 14.** Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15.** Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16.** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17.** Strengthen the means of implementation and revitalize the global partnership for sustainable development

Indeed, the mainstreaming of human rights is strategically so important that the next section discusses it specifically. The current draft represents a missed opportunity to make human rights a central component of the UN development agenda.

MAINSTREAMING HUMAN RIGHTS: POLICY OPTIONS FOR THE FUTURE

Intellectually, the idea of mainstreaming human rights is grounded in the evocative call of the United Nations General Assembly, when it proclaimed the Universal Declaration of Human Rights, to everyone, all individuals and all organs of society to strive by teaching and education to promote the universal realization of the rights enumerated in the Universal Declaration.

Politically, this has been buffeted by the winds of the Cold War; by the mixed performance—or non-performance in too many instances—of post-colonial governments; by the half-hearted approach of western democracies to the concept of economic, social, and cultural rights; and by the feeble efforts of UN organizations in integrating human rights into their activities.

Historically, the following efforts and ideas appeared to advance human rights in processes of nation-building and development: UN seminars intended to exchange experiences on the realization of economic, social, and cultural rights and on human rights and development; the declaration of a right to development; the establishment of four UN executive committees all with the participation of the human rights secretariat; the deployment of human rights advisers in country offices of UNDP; calls to the members of the UN system to help countries establish or enhance national protection systems; the establishment of human rights components of UN peacekeeping and humanitarian operations; the establishment of UN human rights field offices; the discussion of country mainstreaming efforts during the consideration of the reports of countries under the Universal Periodic Review process of the UN Human Rights Council; and the Rights Up Front initiative of Secretary-General Ban Ki-moon. Two more recent proposals are that the members of the UN system should assist governments to establish and to enhance national protection mechanisms; and should bring to the attention of governments the relevant recommendations of the UN Human Rights Council, UN special procedures, and the UN human rights treaty bodies.

These efforts have so far achieved, at best, modest results. As we celebrate 70 years after the signing and entry into force of the UN Charter, the whole enterprise of advancing the universal implementation of human rights has been a continual struggle for those seven decades. Difficulties are likely to become even greater as the contest between China and the United States accelerates with its attendant complications for universal norms and values. We have now moved into an era in which an approach favoring dialogue and consensus is contending with one grounded in the strict interpretation and implementation of human rights. International organizations, in particular those of the UN system, are urged not to be “judgmental” in commenting on countries’ performance, non-performance, or even gross violations of human rights.

Policy options for the future must reflect these systemic and political complications. Nonetheless, there is room for maneuver; and the following hold potential for mainstreaming human rights by members of the UN system:

- Exchange experience among countries on national mainstreaming efforts through international and regional seminars organized by the United Nations and other bodies.
- Disseminate country best-practices in mainstreaming human rights.
- Compile and disseminate (by the Office of High Commissioner for Human Rights) goal-by-goal, the policy recommendations of human rights treaty bodies such as the Committee on Economic, Social and Cultural Rights.
- Encourage international and regional organizations to issue human rights policy statements.
- Encourage the regional economic and social commissions to establish human rights components.
- Encourage other regional economic and social groupings to establish human rights components.
- Mainstream human rights through the Universal Periodic Review process of the UN Human Rights Council.

HUMAN RIGHTS REVIEW OF IMPLEMENTATION

In the zero draft the preamble (paragraph 38) states: “Our Governments will be responsible for follow-up and review, at the national, regional and global levels, in relation to the progress made in implementing the goals and targets over the coming fifteen years... We look forward to the development of indicators to assist this work.” Section III, Follow-Up and Review, says that a “robust, effective, inclusive and transparent follow-up and review framework, operating at the national, regional, and global levels, will promote effective implementation of this Agenda and accountability to our citizens. All member states will engage voluntarily in review processes, taking into account different national realities, capacities and levels of development and respecting national policies and priorities. As national ownership is key to achieving sustainable development, outcomes from national level processes will inform reviews at both regional and global levels.”

Unfortunately, there is no reference whatsoever to the contribution by human rights bodies to monitoring and implementing the SDGs. National human rights institutions, where they exist, can contribute much to the follow up of the SDGs. Regional human rights commissions and similar human rights bodies can also bring in valuable insights and recommendations. Some of these bodies have handed down decisions in cases dealing with the right to development and the implementation of economic, social, and cultural rights. The African Commission on Human and Peoples’ Rights, the ASEAN Human Rights Commission, the Arab Human Rights Commission, the Inter-American Human Rights Commission, and similar bodies have invaluable experience. It should be available in helping to follow-up the implementation of the SDGs. At the global level, the UN Human Rights Council and its subsidiary entities, along with the Committee on Economic, Social

and Cultural Rights, can help greatly. The Universal Periodic Review process of the Human Rights Council can be used as a vehicle for discussing with governments how their implementation of the SDGs is meshing with the implementation of related human rights norms under UN human rights instruments.

The zero draft document proposes to “request the Secretary-General to prepare guidelines for national reports and review processes. We also request the Secretary-General to provide recommendations on the organizational arrangements for state-led reviews at the HLPF under the auspices of ECOSOC, including steps to improve complementarity, coherence and efficiency of follow-up and review processes at the global level in the area of sustainable development.” The Secretary-General in preparing guidelines should refer to the role of national human rights institutions, the Human Rights Council, and human rights treaty bodies. However, it would be preferable for the document adopted by the summit to make express mention of the potential contribution by such human rights bodies.

CONCLUSION

As the draft itself states, “What we are announcing today — an agenda for global action for the next fifteen years — is a charter for people and planet in the twenty-first century.” It adds: “The future

of humanity and of our planet lies in our hands. It lies in the hands of today’s younger generation, who will pass the torch to future generations. We have mapped the road to sustainable development; it will be for all of us to ensure that the journey is irreversible.” One could add here, “We shall persist in our efforts for justice and human rights for all the world’s peoples.”

The hard reality is that sustainable development cannot be achieved without universal realization and protection of human rights. Sustainable development must be anchored in the observance and protection of human rights.

The high-sounding rhetoric about human rights is not mirrored in the content of the SDGs, nor in the methods indicated for their implementation and monitoring. These lacunae diminish the document. There is very little time to strengthen the human rights content of the document. One feasible possibility would be for the drafters to request the UN Secretary-General, with the assistance of the UN Human Rights Council and the UN High Commissioner for Human Rights, to review and make suggestions for enhancing the human rights content of the new agenda, the SDGs, and the methods for their implementation and monitoring.

Bertrand G. Ramcharan is a Senior Fellow at the Ralph Bunche Institute for International Studies at the City University of New York’s Graduate Center. His three decades of UN service included five years as Deputy UN High Commissioner for Human Rights and over a year as Acting High Commissioner. He was a Professor of Human Rights at the Geneva Graduate Institute and Chancellor of the University of Guyana. He is the author, among other books, of *Contemporary Human Rights Ideas* (2015, 2nd edition); *The UN Human Rights Council* (2011); *Preventive Human Rights Strategies* (2010); and *Preventive Diplomacy at the UN* (2008).

NOTES

1. “Transforming Our World By 2030: A New Agenda For Global Action,” Zero draft of the outcome document for the UN Summit to adopt the Post-2015 Development Agenda, United Nations, Division for Sustainable Development, <https://sustainabledevelopment.un.org/content/documents/7261Post-2015%20Summit%20-%202020June%202015.pdf>
2. See, for example, Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Human Rights* (Bloomington: Indiana University Press, 2008).
3. “United Nations Millennium Declaration,” UN General Assembly (A/RES/55/2), 8 September 2000, <http://www.un.org/millennium/declaration/ares552e.htm>.

