Human Rights Caucus reaction to the 2030 Agenda for Sustainable Development

23rd September 2015

In the late hours of Sunday 2 August 2015, UN Member States adopted the outcome document entitled 'Transforming Our World: The 2030 Agenda for Sustainable Development' in the basement of UN headquarters in New York.

Closing a three-year negotiation and consultation process with different stakeholders -including civil society- the new agenda includes a set of 17 Sustainable Development Goals (SDGs) and 169 targets to guide the next 15 years of UN global development priorities.

As human rights organizations and activists engaged in this process since its inception, we advocated and pushed for human rights to be at the core of the new agenda proposing concrete ways in which it must align with - and not fall below – existing international law, and standards (which includes human rights law) and obligations. Taking as the basis, our demands contained in the Human Rights Litmus Test developed in June 2014, we can assess how far the outcome document passes or fails the test of integrating human rights as the foundation of the new agenda.

We can declare partial success in every category. There are clearly many areas to welcome including the Declaration's anchoring in international human rights commitments; gender equality both as a crosscutting issue and a stand-alone goal; and universality of the agenda, whereby all goals and targets are both for developed and developing countries.

However, on other key areas such as wealth redistribution, development financing, accountability and civil society participation, the outcome document squandered the opportunity to integrate human rights principles that live up to the complex challenges faced by people and planet.

Test 1: Support human rights comprehensively, taking into consideration their universality, indivisibility and interdependence

- Overall, there are strong aspirational references to human rights and non-discrimination in the outcome document, both in the preamble and in the text itself. The concept of

universality is included as well as an effort to leave no one behind. We very much welcome that the 2030 agenda applies to all countries.

- There is also reference to fundamental freedoms, democracy, good governance and the rule of law, as well as an enabling environment at national and international levels. Many targets (e.g. on water, health and education) are to some extent aligned with human rights provisions, although explicit human rights language was regrettably avoided.
- Regrettably too, paragraph 19 saw last minute modifications that watered down the language of non-discrimination failing to specifically mention sexual orientation, gender identity, age, ethnicity or migration status as prohibited grounds of discrimination. However the words "or other status" was maintained allowing for an extensive interpretation.

Test 2: Ensure full transparency and meaningful participation of all people, especially the most disadvantaged, in decision-making at all levels

- The goals and targets include important commitments on transparent institutions, participatory decision-making, access to information, and women's participation and leadership at all levels of decision-making. However, the language used unfortunately does not make clear that these are human rights obligations.
- The outcome document emphasizes that the agenda must be 'people-centred', and that civil society is an important partner in development. It also promises to 'leave no one behind' and focuses on the poorest and most vulnerable. However, the framework for monitoring and review of the agenda's implementation is left vague and voluntary (see below).
- References in 74.e make provisions for an inclusive, gender-sensitive and human rights respecting approach in monitoring and review which needs to be operationalized beyond aspiration in letter and spirit.

Test 3: Ensure human rights accountability of all development actors

- Despite some important references to State-citizen accountability, the follow-up and review section of the 2030 agenda does not live to the accountability standards that the Human Rights Caucus consistently demanded. Not only is the framework vague and completely voluntary in nature, but it fails to recognize concrete ways to enable meaningful civil society participation in gathering data, follow-up and monitoring, and does not even acknowledge the possibility of independent or alternative civil society shadow reporting as an accountability tool.
- The acknowledgement of the need for using data and information from existing reporting mechanisms (para. 48) and for building on existing monitoring platforms and processes (para. 74) presents the opportunity and the obligation to bring in existing human rights mechanisms like UPR & treaty bodies among others. (Paragraph 48)
- Access to justice is included amongst the targets, combined with a commitment to built accountable institutions
- Unfortunately, there is very little recognition of the need for ensuring human rights accountability internationally, for example with regard to State policies and actions that have impacts beyond their borders.

Test 4: Guarantee that the private sector respects human rights

- In the context of private sector participation, there are welcome references to "protecting labor rights and environmental and health standards" as well as references to the Guiding Principles on Business and Human Rights. (para. 67).
- However, there was no acknowledgement of the important work started in the UN Human Rights Council to elaborate a legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.
- Principle 74.d of the follow-up and review section calls for reporting by "all relevant stakeholders", which leaves the door open for private sector reporting on their activities that impact on sustainable development, which could be positive in leading to greater accountability and transparency. However, their obligations and responsibilities will have to be made more concrete as part of strong efforts to hold corporations to account for negative human rights and environmental impacts.
- Regrettably, there is little real recognition of the need for meaningful, mandatory private sector regulation and accountability – not even mandatory social and environmental reporting as was suggested in the Secretary-General's Synthesis Report. The private sector is referenced multiple times as a crucial partner in sustainable development, but there is no acknowledgement of the possibility of its negative impact or of the real risk of corporate capture of development.

Test 5: Combat inequality and end discrimination in all its forms

- The inclusion of the stand-alone Goal 10 on inequality is ground-breaking and to be applauded. The focus on non-discrimination in the goals and targets, and in the Declaration, is very welcome, as is the commitment to disaggregated data and supporting increased capacity for data collection.
- References to redistribution of wealth were deleted following pressure from several countries, and there is problematic language stating that "domestic resources are, first and foremost, generated by economic growth", not by wealth redistribution. Similarly, the commitment to reducing economic inequalities between countries is, at best, weak. This was a missed opportunity to address the structural causes of inequalities through serious consideration of current dominant macroeconomic and fiscal policies that clearly undermine human rights and economic, gender and environmental justice.
- Language on decent work is welcome particularly in target 8.8 that seeks to protect labor rights and to promote safe and secure working environments for all workers, including migrants, particularly women migrants and those in precarious employment.

Test 6: Specifically and comprehensively support girls' and women's rights

- The agenda includes potentially transformative commitments for women's rights. Gender equality and women's empowerment is not only recognized as "a crucial contribution to progress across all the Goals and targets" (paragraph 20), but also as a stand-alone goal with specific targets (Goal 5).

- Especially when compared to the MDGs, the 2030 Agenda recognizes long-agreed commitments on women's rights such as the Beijing Platform for Action and presents strong language to end discrimination and gender-based violence; eliminate child marriage and female genital mutilation; ensure universal access to sexual and reproductive health services and reproductive rights; eliminate gender disparities in schools and ensure equal access to education; provide education that promotes gender equality and human rights; expand women's economic opportunities and recognize their rights to resources; and reduce the burdens of unpaid care
- Regrettably, it was clear from the last negotiations and textual compromises that sexual orientation and gender identity (SOGI) as well as sexual and reproductive health and rights (SRHRs) are still contentious issues that constitute persistent forms of oppression towards women and girls worldwide that this agenda could not shift.

Test 7: Secure a minimum floor of socioeconomic well-being for all

- Important recognition of social protection systems, policies and floors is included, as a crucial means of tackling poverty and inequality.
- 'Zero targets' to end or eliminate certain fundamental human rights violations (such as extreme poverty, hunger) and ensure universal access to minimum, core economic and social rights obligations (such as healthcare and primary and secondary education) are consistent with existing human rights obligations. The commitment to 'leave no one behind' and 'reach the furthest behind first' are also very important from a human rights perspective.
- It is excellent to see the human right to safe drinking water and sanitation explicitly addressed in the Declaration. However, the language used was weakened from previous versions (following US objections to more concrete formulations around 'realizing' the right) missing the opportunity to reaffirm the right to water and sanitation as recognized in UN Resolution 64/292 and acknowledge that it is essential to the realization of all human rights.

Test 8: Ensure that any global partnerships for sustainable development are aligned with human rights

- The section on financing is one of the biggest disappointments from the Caucus' perspective, as it does not advance one bit from the failure of the Addis Ababa Third Financing for Development Conference and, in fact, selectively interprets some of the Addis language further in favor of developed countries. There are no concrete commitments as to how a global partnership will ensure the use of maximum available resources to cover the costs of USD$3 trillion per year that this agenda is estimated to cost.
- The agenda does nothing to shift the global financial framework, but maintains the status-quo by failing to acknowledge that certain policies, in particular those pertaining to trade liberalization, tax, debt, lack of national policy space, and an overall de-regulated financial framework have proven to undermine human rights. The need for policy coherence is referenced multiple times, but without concrete, time-bound

commitments especially for high-income countries and international institutions, it means little.

- However, there are important resource-related commitments enshrined in the SDG targets, especially around debt, progressive taxation, illicit financial flows and enhancing the representation of developing countries in global economic governance.

Challenges and opportunities ahead

As Heads of State and governments prepare to formally adopt the 2030 Agenda at the UN General Assembly in September in New York, the real test will be now how far do countries live up to their promises.

The main challenges ahead include addressing the systemic obstacles to equitable, sufficient and accountable financing to realize this agenda, and putting in place effective and participatory mechanisms for planning, implementation and monitoring, as well as setting up accountability mechanisms at the national, regional and global levels that ensures power-holders are answerable to the people whose lives and rights they affect.

Discussions are ongoing regarding what set of indicators are most appropriate to measure and evaluate progress. The Caucus members will continue to engage with this process to ensure human rights priorities and considerations are reflected and integrated in the monitoring and review framework for the 2030 Agenda, and to bring our rich experience of human rights indicators and monitoring. One overarching imperative is that the ambition and breadth of this agenda must not be undercut by the indicators, for example by arbitrarily limiting the number of indicators to just one per target. Many of the targets are multi-dimensional and multi-faceted, and we must commit to finding innovative and effective ways to measure them holistically and inclusively, including by providing significant support to boost the statistical capacity of communities and government agencies in low-income countries.

Moving forward, it is clear that the new agenda gives the human rights movement a lot to work with for the next 15 years, in order to unleash the potential of the SDGs as a vehicle of human rights realization and accountability.

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