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# National human rights institutions and the Sustainable Development Goals<sup>1</sup>

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## 1 Introduction

In 2015 the United Nations General Assembly adopted the 2030 Agenda. The 2030 Agenda has a strong basis in international human rights law. National human rights institutions (NHRIs), as the pre-eminent human rights experts at the national level, have important roles to play in promoting, implementing and monitoring the 2030 Agenda. This paper explores those roles. It describes the content of the 2030 Agenda and its Sustainable Development Goals (SDGs). It relates the functions of NHRIs to the SDGs. It draws from past experiences of NHRIs in relation to promoting and protecting human rights that are reflected in the SDGs. It suggests ways in which NHRIs can contribute to implementing the SDGs and monitoring implementation of the SDGs.

## 2 From the Millennium Development Goals to the Sustainable Development Goals

After three years of intergovernmental negotiations and the most consultative process in the history of the United Nations, United Nations Member States adopted the 2030 Agenda for Sustainable Development during the General Assembly Heads of State Summit on 25 September 2015.<sup>3</sup>

The 2030 Agenda for ‘people, planet, prosperity, peace and partnership’ will determine the direction of global and national policy for the next 15 years. It offers a paradigm shift in the dominant model of development. It provides a new and transformative vision of sustainable development that is universal, human rights based, gender sensitive, integrated, environmentally sound and people centred.

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<sup>1</sup> This paper was written for a workshop on the role of national human rights institutions in relation to the Sustainable Development Goals, held Amman, Jordan, from 13 to 15 December 2016. The workshop was conducted by the United Nations Development Programme’s Regional Hub in Amman and the Arab Network for National Human Rights Institutions.

<sup>2</sup> With the assistance of Saranbaatar Bayarmagnai, Office of the High Commissioner for Human Rights, and Marta Vallejo, UN Development Programme Amman Regional Hub.

<sup>3</sup> Resolution A/RES/70/1 25 September 2015 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1). The UN now maintains a specialist website (called a ‘knowledge platform’) on sustainable development through the 2030 Agenda and the SDGs, at <https://sustainabledevelopment.un.org/>. The Office of the High Commissioner for Human Rights and the UN Development Programme provided active support and technical assistance to Member States during the intergovernmental negotiations, including through political advocacy, substantive research and extensive technical contributions to the work of the UN System Task Team.



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The 2030 Agenda contains a collective promise to ‘leave no one behind’, to eliminate discrimination, reduce inequalities and ensure that targets are met for all with a special focus on those furthest behind. Its implementation will now open up important new avenues to mainstream all human rights in global development policies and national policies in both developed and developing countries.

The 2030 Agenda contains 17 SDGs with 169 targets, to be achieved by 2030.<sup>4</sup>

### **The 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   |

<sup>4</sup> The official United Nations website for the SDGs is <https://sustainabledevelopment.un.org/>.



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The SDGs followed and built upon the eight Millennium Development Goals (MDGs), adopted by the General Assembly in the 2000 Millennium Declaration, for realisation by 2015.<sup>5</sup> The 2030 Agenda goes far beyond the MDGs in encompassing issues related not only to economic, social and cultural rights but also civil and political rights, as well as the right to development. The MDGs were briefer and less specific than the SDGs.

### The Millennium Development Goals

- Goal 1: eradicate extreme poverty and hunger
- Goal 2: achieve universal primary education
- Goal 3: promote gender equality and empower women
- Goal 4: reduce child mortality
- Goal 5: improve maternal health
- Goal 6: combat HIV/AIDS, malaria and other diseases
- Goal 7: ensure environmental sustainability
- Goal 8: global partnership for development

The MDGs achieved significant results, even if they were not fully realised by the target date of 2015.<sup>6</sup>

### Some achievements of the Millennium Development Goals<sup>7</sup>

- The rate of extreme poverty in developing countries was reduced from 47 per cent in 1990 to 14 per cent in 2015 and the number of persons on extreme poverty from 1.9 billion in 1990 to 836 million in 2015.
- The primary school net enrolment rate in developing regions increased from 83 per cent in 2000 to 91 per cent in 2015 and the number of out-of-school children of primary school age worldwide fell by almost half, from 100 million in 2000 to an estimated 57 million in 2015.
- The developing regions as a whole achieved the target to eliminate gender disparity in primary, secondary and tertiary education. In 2015 women made up 41 per cent of paid workers outside the agricultural sector, an increase from 35 per cent in 1990. Women gained ground in parliamentary representation in nearly 90 per cent of the 174 countries

<sup>5</sup> Resolution A/RES/55/2 8 September 2000 at [www.un.org/millennium/declaration/ares552e.htm](http://www.un.org/millennium/declaration/ares552e.htm).

<sup>6</sup> United Nations *The Millennium Development Goals Report 2015* at [www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf)

<sup>7</sup> United Nations *The Millennium Development Goals Report 2015* at [www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf) p 4-7.



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- with data over the past 20 years. The average proportion of women in parliament nearly doubled during the same period.<sup>8</sup>
- The global under-five mortality rate declined by more than half, dropping from 90 to 43 deaths per 1,000 live births between 1990 and 2015. Despite population growth in developing regions, the number of deaths of children under five declined from 12.7 million in 1990 to almost 6 million in 2015 globally.
  - Globally the maternal mortality rate decreased from 330 maternal deaths per 100,000 live births in 2000 to 210 in 2015. More than 71 per cent of births were assisted by skilled health personnel globally in 2014, an increase from 59 per cent in 1990.
  - New HIV infections fell by approximately 40 per cent between 2000 and 2013, from an estimated 3.5 million cases to 2.1 million. Antiretroviral therapy averted 7.6 million deaths from AIDS between 1995 and 2013. Over 6.2 million malaria deaths were averted between 2000 and 2015, primarily of children under five years of age in sub-Saharan Africa. The global malaria incidence rate fell by an estimated 37 per cent and the mortality rate by 58 per cent. Between 2000 and 2013, tuberculosis prevention, diagnosis and treatment interventions saved an estimated 37 million lives. The tuberculosis mortality rate fell by 45 per cent and the prevalence rate by 41 per cent between 1990 and 2013.
  - Globally, 147 countries have met the MDG's drinking water target, 95 countries have met the sanitation target and 77 countries have met both. In 2015, 91 per cent of the global population was using an improved drinking water source, compared to 76 per cent in 1990. Of the 2.6 billion people who gained access to improved drinking water between 1990 and 2015, 1.9 billion gained access to piped drinking water on premises. Over half of the global population (58 per cent) enjoyed this higher level of service. Ozone-depleting substances have been virtually eliminated since 1990, and the ozone layer is expected to recover by the middle of this century.
  - Official development assistance from developed countries increased by 66 per cent in real terms between 2000 and 2014, reaching \$135.2 billion. In 2014, 79 per cent of imports from developing to developed countries were admitted duty free, up from 65 per cent in 2000. The proportion of external debt service to export revenue in developing countries fell from 12 per cent in 2000 to 3 per cent in 2013.

In spite of the achievements, the United Nations concluded, "Millions of people are being left behind, especially the poorest and those disadvantaged because of their sex, age, disability, ethnicity or geographic location". It recognised that

- gender inequality persists

<sup>8</sup> Nonetheless, only one in five members of parliament is a woman: United Nations *The Millennium Development Goals Report 2015* at [www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf) p 5.



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- big gaps exist between the poorest and richest households, and between rural and urban areas
- climate change and environmental degradation undermine progress achieved, and poor people suffer the most
- conflicts remain the biggest threat to human development
- millions of poor people still live in poverty and hunger, without access to basic services.<sup>9</sup>

The success of the MDGs and the challenges still to be met convinced States to make further, more numerous and more specific commitments for the following fifteen year period, commencing on 1 January 2016. The 2030 Agenda and the SDGs are those commitments. They set ambitious but realisable targets that demand the attention and contribution of all sectors – “Governments, the private sector, civil society, the United Nations system and other actors”.<sup>10</sup>

This paper addresses the contribution that NHRIs can make towards achieving the SDGs. NHRIs have important roles to play because of the close relationship between human rights and the 2030 Agenda and the SDGs. Every goal is related to specific provisions in international human rights law and some relate specifically to fundamental human rights principles: empowerment, equality, inclusion, accessibility and accountability.

### 3 The 2030 Agenda and the SDGs and human rights

The 2030 Agenda and the SDGs have a strong basis in human rights law and their ultimate objective is the full realisation of all human rights by all people, without discrimination of any kind.

The 17 Sustainable Development Goals and 169 targets ... seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls.<sup>11</sup>

The Heads of State and Government and High Representatives, in their Declaration, identified five areas of commitment, all of which have a close relationship to human rights. In addition they identified human rights as an area of commitment in itself. Their commitment requires both specific attention to human rights and the mainstreaming of human rights across all areas.

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<sup>9</sup> United Nations *The Millennium Development Goals Report 2015* at [www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf) p 8.

<sup>10</sup> Resolution A/RES/70/1 25 September 2015 OP 39 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>11</sup> Resolution A/RES/70/1 25 September 2015 PP 3 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).



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We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.<sup>12</sup>

They also identified the basis of the commitment in human rights law and resolved to implement the agenda in manner that is consistent with obligations of States under international law, which includes human rights.

The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development.<sup>13</sup>

They were unequivocal and unqualified in their endorsement of international human rights law.

We reaffirm the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.<sup>14</sup>

Human rights feature prominently throughout the 2030 Agenda and in the SDGs themselves. Each goal is related to key elements of international human rights law and many goals explicitly incorporate fundamental human rights principles: empowerment, equality, inclusion, accessibility and accountability. Some examples are Goal 5, on gender equality and empowerment, Goal 10, on equality between and within States, and 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”. In addition, the SDGs are accompanied by specific human rights targets.

The 2030 Agenda’s commitment to inclusion is especially significant from a human rights perspective. At the very beginning the resolution says, “As we embark on this collective

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<sup>12</sup> Resolution A/RES/70/1 25 September 2015 OP 3 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>13</sup> Resolution A/RES/70/1 25 September 2015 OP 10 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>14</sup> Resolution A/RES/70/1 25 September 2015 OP 19 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).



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journey we pledge that no one will be left behind”.<sup>15</sup> At the beginning of the Declaration the same words are repeated.<sup>16</sup> They are repeated another three times in the text that follows.<sup>17</sup> It is a significant development since the MDGs and reflects the realisation that at the end of the 15 year period of the MDGs inequality persisted and great gaps remained.<sup>18</sup> Ensuring that “no one will be left behind” and “reach(ing) the furthest behind first” is a human rights obligation.

The new agenda includes perhaps the most expansive list of groups to be given special focus of any international document of its kind. There is a strong focus on women and girls and gender issues, and the inclusion of children, youth, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants.<sup>19</sup> There is an important new commitment of Member States to welcome the positive contribution of migrants and ensure that migration takes place with ‘full respect for human rights and the human treatment of migrants regardless of migration status, of refugees and of displaced persons’ (para 35).<sup>20</sup> One major gap is the lack of specific reference to minorities, including racial, ethnic, religious and sexual minorities. The groups that are specifically identified, however, are not an exclusive list of groups that require special attention. The commitment to ‘no one left behind’ encompasses all those who are marginalised or disadvantaged.

With the 2030 Agenda and the SDGs so focused on human rights, NHRIs, with their broad mandates for the promotion and protection of human rights, have clear roles to play and contributions to make.

#### 4 The SDGs and NHRIs

National human rights institutions (NHRIs) are official, independent legal institutions established by the State and exercising the powers of the State to promote and protect human rights. They are established by national constitutions or acts of legislatures, guaranteeing their independence from political direction or interference, both governmental and non-governmental. They have broad mandates for the promotion and protection of human rights.

<sup>15</sup> Resolution A/RES/70/1 25 September 2015 PP 2 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>16</sup> Resolution A/RES/70/1 25 September 2015 OP 4 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>17</sup> Resolution A/RES/70/1 25 September 2015 OP 26, 48, 72, at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>18</sup> United Nations *The Millennium Development Goals Report 2015* at [www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf) p 8.

<sup>19</sup> Resolution A/RES/70/1 25 September 2015 OP 23 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>20</sup> Resolution A/RES/70/1 25 September 2015 OP 35 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).



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They comply with the international minimum standards for NHRIs, the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).<sup>21</sup>

Soon after the adoption of the 2030 Agenda and the SDGs by the General Assembly, the 12<sup>th</sup> international conference of NHRIs took place in Merida, Mexico. The conference focused on the role of NHRIs in implementing the SDGs. The conference adopted the Merida Declaration.<sup>22</sup> The Declaration states

Human rights instruments and mechanisms will provide an important framework for the implementation of the SDGs, and the implementation of the SDGs will contribute to the realization of human rights.<sup>23</sup>

It notes that

NHRIs in all regions are already addressing issues of crucial importance to the Agenda in their regular work... NHRIs are uniquely placed to play a bridging role between stakeholders and promote transparent, participatory and inclusive national processes of implementation and monitoring.<sup>24</sup>

It calls on NHRIs to be active on implementation and monitoring the SDGs. It encourages

... individual NHRIs, in line with their mandates under the Paris Principles, to collaborate in mutual capacity building and sharing of experiences, and to consider the

<sup>21</sup> Asia Pacific Forum *A manual on national human rights institutions* 2015 p 1 at <http://www.asiapacificforum.net/resources/manual-on-nhris/>. The Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) were drafted and approved at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights, Paris, 7-9 October 1991. They were subsequently endorsed by the UN Commission on Human Rights in its resolution 1992/54 and by the General Assembly in its resolution 48/134.

<sup>22</sup> *Merida Declaration on the role of national human rights institution in implementing the 2030 Agenda* 10 October 2015 at <http://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>.

<sup>23</sup> *Merida Declaration on the role of national human rights institution in implementing the 2030 Agenda* 10 October 2015 para 12 at <http://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>.

<sup>24</sup> *Merida Declaration on the role of national human rights institution in implementing the 2030 Agenda* 10 October 2015 para 15 at <http://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>.



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practical functions they can assume to contribute to a human rights-based approach to implementation of the Agenda.<sup>25</sup>

It lists eight relevant ‘practical functions’ of individual NHRIs.

1. 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.
2. Develop and strengthen partnerships for implementation by promoting transparent and inclusive processes for participation and consultation with rights-holders and civil society at all stages of the implementation of the Agenda, such as the development of national and sub-national strategies to achieve the SDGs, including reaching out to those who are furthest behind.
3. Engage with duty-bearers, rights-holders and other key actors, including government agencies, parliaments, the judiciary, local authorities, national statistical offices, civil society, major groups, marginalised groups, mainstream and social media, the UN and other international and regional institutions, to raise awareness and build trust and promote dialogue and concerted efforts for a human rights-based approach to implementation and monitoring of the Agenda, and safeguarding space for engagement of rightsholders and civil society.
4. 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.
5. Monitor progress in the implementation of the Agenda at the local, national, regional and international levels, to disclose inequality and discrimination in this regard, including through innovative approaches to data-collection and partnerships with rights-holders, vulnerable and marginalized groups for participatory and inclusive monitoring, and by identifying obstacles as well as actions for accelerated progress.

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<sup>25</sup> *Merida Declaration on the role of national human rights institution in implementing the 2030 Agenda* 10 October 2015 para 17 at <http://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>.



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6. Engage with, and hold governments to account for poor or uneven progress in the implementation of the Agenda, including by taking implementation progress and obstacles into consideration when reporting to parliaments, the general public and national, regional and international mechanisms, such as the Human Rights Council and its mechanisms, including the Universal Periodic Review, the Special Procedures, treaty bodies, as well as the International Labour Organization's supervisory bodies, UN regional commissions and the High-level Political Forum.
7. Respond to, conduct inquiries into, and investigate allegations of rights violations in the context of development and SDG implementation, including in relation to discrimination and inequality that can erode the trust between the State and the people.
8. 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.<sup>26</sup>

These functions can be classified broadly into two areas: NHRI participation in the implementation of the SDGs ('doing') and NHRI monitoring and accountability functions in relation to SDG implementation generally ('reporting'). They relate to the broad functional areas identified in the Paris Principles.

The Paris Principles list a large number of specific functions that NHRIs should perform. The Paris Principles call these functions "responsibilities", indicating that the functions are essential to the character and work of NHRIs. These responsibilities include:

- advising and making recommendations to governments, parliaments and "any other competent body" on any matter concerning human rights, including advising and recommending on legislation, administrative provisions, human rights situations and situations of human rights violations
- promoting harmonisation of national laws and policies with international human rights obligations
- encouraging ratification and implementation of international human rights treaties
- contributing to State reports to international and regional human rights mechanisms
- cooperating and engaging with international and regional human rights mechanisms and other NHRIs
- promoting research on and teaching of human rights

<sup>26</sup> *Merida Declaration on the role of national human rights institution in implementing the 2030 Agenda* 10 October 2015 para 17 at

<http://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>.



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- promotion generally of human rights values and standards, through public awareness and education programs and activities.

In addition, NHRIs can have functions to investigate and attempt to resolve complaints of human rights violations. These functions are additional or optional functions, whereas the other functions are essential for NHRIs.<sup>27</sup>

NHRIs have long histories of promoting and protecting all human rights, not only civil and political rights but also economic, social and cultural rights. The SDGs predominantly deal with economic and social rights, although the goals dealing with equality (SDGs 5 and 10) and inclusive and peaceful societies (SDG 16) are more closely aligned with civil and political rights. NHRIs are well experienced and well equipped to work in relation to all rights and so all SDGs. They are especially well equipped to work for the human rights the most disadvantaged and marginalised people, expressed in the 2030 Agenda and the SDGs as the ‘no one left behind’ commitment. Their experience in working with minorities enables them to ensure a comprehensive approach to inclusion in implementing the SDGs.

## 5 The role of NHRIs in implementation (‘doing’)

The NHRI functions listed in the Paris Principles are relevant to implementation of the SDGs. Because the SDGs have been adopted only recently, there is little existing practice in relation to the SDGs specifically to draw on. However, the long experience of NHRIs provides clear directions through which they can contribute to the achievement of the 2030 Agenda and the SDGs. This section of the paper draws on this past experience to identify areas for NHRI action.

### *Advising and recommending*

NHRIs have expertise and experience in the implementation of human rights and so are the State institutions best placed to advise on implementing the human rights dimensions of the SDGs. They can apply their usual range of activities – research projects, public consultations, public inquiries, investigations and so on – to develop the advice and recommendations they offer. They can also draw from past activities and experiences as many aspects of the SDGs have been longstanding concerns of many NHRIs. NHRIs do not come to the SDGs as beginners but as already well experienced actors and advisers.

The Paris Principles provide that NHRIs provide advice and recommendations not only to governments and parliaments but also to ‘any other competent body’. There is no definition of ‘any other competent body’ and so no limit on the breadth of the term. It can, and should,

<sup>27</sup> Asia Pacific Forum *A manual on national human rights institutions* 2015 p 89 at [www.asiapacificforum.net/resources/manual-on-nhris/](http://www.asiapacificforum.net/resources/manual-on-nhris/).



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include the private sector and civil society, including employers and trade unions, educators and educational institutions, religious organisations, cultural organisations and so on, the totality of social and economic actors within the society. Many NHRIs direct their work towards these ‘other competent bodies’ already. They certainly should do so in relation to the 2030 Agenda and the SDGs as the Declaration itself calls for

an intensive global engagement in support of implementation of all the Goals and targets, bringing together Governments, the private sector, civil society, the United Nations system and other actors and mobilizing all available resources.<sup>28</sup>

### **A case study on advising and recommending**

A research project undertaken by the Palestine Independent Commission for Human Rights (ICHR) is an example of the kind of research NHRIs can undertake to promote implementation of the SDGs through providing advice and recommendations to government ministries, other State institutions and civil society. This project is relevant to SDG 5 (equality and empowerment for women and girls), SDG 8 (productive employment and decent work for all) and SDG 10 (reducing inequality).

Most societies face challenges in finding good, decent work for all people, including people with disabilities. Palestine has to deal in addition with the consequences of conflict, particularly the Israeli military occupation now almost 50 years old. The conflict and the occupation result in depressed economic activity and increased numbers of people with disabilities.

In 2013 the ICHR undertook a field study relating to the employment of people with disability.<sup>29</sup> It undertook a quantitative study of 1420 people with disabilities and 200 employers. Of the respondents with disabilities, 78% were unemployed, including 57% who had never worked. Most of those who were employed were working on short term contracts and experienced frequent periods of unemployment. They also encountered absence of tools and mechanisms for assistance, lack of accommodation for their needs in the workplace, difficulty accessing their workplace and lack of opportunity for promotion.

The study found significantly different rates of employment depending on the nature of the disability, with those with ‘mental disability’ have the lowest rates of employment. It also found that those with the lowest levels of education had the lowest levels of employment. The stated reason for low educational attainment was that schools and universities do not accommodate the needs of people with disabilities. There were also differences between public

<sup>28</sup> Resolution A/RES/70/1 25 September 2015 OP 39 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>29</sup> ICHR *The right of persons with disability to decent work in Palestine: field study* Special Report No. 81 2013 at [www.ichr.ps/en/2/9?d=2013](http://www.ichr.ps/en/2/9?d=2013).



sector employment and private sector employment. The study also examined the particular circumstances of women with disabilities.

Through the study the ICHR was able to identify many factors that contributed to the low levels of employment of people with disabilities, including recruitment practices, lack of accommodation and support, and lack of vocational training. It provided advice about what could be done to correct these obstacles.

The study makes a comprehensive set of recommendations, addressed to lawmakers, Palestinian official institutions and ministries, civil society organisations and the Palestinian General Union of People with Disabilities. It also makes specific recommendations relating to the employment of women with disabilities. In all the ICHR's study resulted in 57 recommendations that would, if implemented, address many of the factors disadvantaging people with disabilities in seeking and obtaining decent work.

### **Possible NHRI actions in advising and recommending on the SDGs**

**Goal 2** End hunger, achieve food security and improved nutrition and promote sustainable agriculture

#### **Relevant human rights**

ICESCR Article 11(1)	the right to an adequate standard of living, including adequate food
ICESCR Article 11 (2)	the right to be free from hunger
ICCPR Article 6	the right to life
CEDAW	freedom from discrimination based on sex and gender
CERD	freedom from discrimination based on race, ethnicity, colour and descent
CRC Article 6	the right to life
CRC Article 27	right to an adequate standard of living
CRPD Article 10	the right to life
CRPD Article 28	the right to an adequate standard of living, including adequate food

#### **NHRI actions**

- Advise the government and parliament on the content of the rights to food and the right to be free from hunger
- Advise the government and the parliament what States are required to do to meet their obligations under international human rights law in relation to ending hunger
- Recommend government programmes to ensure food to the poorest and most marginalised people
- Recommend government programmes to empower people to be able to ensure themselves adequate food for themselves and their families



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- Make recommendations to the private sector on how it can contribute to enabling poor people to be free from hunger
- Recommend to the government how it can ensure private sector accountability in line with the UN Guiding Principles on Business and Human Rights

### ***Harmonising national laws and policies with international human rights obligations***

Implementing the 2030 Agenda and the SDGs requires that national laws and policies fully reflect international human rights obligations. For example, the commitment to gender equality (SDG 5) requires that the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are fully incorporated in national laws and policies. Only full implementation of CEDAW will ensure gender equality. Similarly only full implementation of international treaties on racial discrimination, the rights of people with disabilities and the rights of children will ensure achievement of Goal 10.<sup>30</sup> These conventions have been ratified by most States and so are part of the international human rights obligations of most States.

Again the expertise and the experience of NHRIs make them the best State institutions to lead this harmonisation work. Every NHRI has worked since its establishment on the implementation of international human rights law and typically has made recommendations on harmonising national laws and policies with the State's international human rights obligations.

#### **A case study on harmonising national laws and policies with international human rights obligations**

A research project undertaken by the Jordan National Centre for Human Rights (NCHR) in 2010 provides an example of how NHRIs are already looking to harmonise national laws and policies with international standards.<sup>31</sup> The project is relevant to SDG 3 (healthy lives and well-being), SDG 12 (sustainable consumption and production) and SDG 15 (sustainable use of land).

The NCHR brought together a team of researchers to examine the compatibility of Jordanian national legislation with international environmental treaties. The team, in its report's four chapters,

<sup>30</sup> The Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.

<sup>31</sup> Jordan National Centre for Human Rights *The Right to a Healthy Environment in the Hashemite Kingdom of Jordan Executive Summary of the Study of The extent of the Compatibility of the National Legislations with the International Charters* 2010 at [www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/all.pdf](http://www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/all.pdf).



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- examined the manner in which the right to a healthy environment had been crystallized in international law
- identified and classified Jordanian laws that fall within the area of protecting the right to a sound environment, both directly and indirectly
- assessed Jordanian environmental laws and the extent of the sufficiency of these laws to address national environmental challenges and identified aspects of their insufficiency
- evaluated the extent of harmony between Jordanian environmental laws – specifically the law on the protection of the environment and laws emanating from it – and international environmental treaties and the extent to which Jordanian laws were consistent with modern concepts relating to the environment.

The research team reported

Some of these legislations were consistent with, and fulfilling to some extent, of the international obligations as pointed out by the study. On the other hand, some of these legislations were inconsistent with international charters which were signed and ratified by the Jordanian government. The commitments and provisions of some of these charters were not translated into any legislation. Accordingly, there is a need to review some of the existing legislations and develop them, in addition to enacting new legislations wherever required.<sup>32</sup>

### **Possible NHRI actions in harmonising national laws and policies on the SDGs**

**Goal 8** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

#### **Relevant human rights**

ICESCR Article 6	the right to work
ICESCR Article 7	the right to just and favourable conditions of work
ICESCR Article 8	the right to form trade unions
ICCPR Article 22	the right to freedom of association, including to form and join trade unions
CEDAW Article 11	the right of women to be free from discrimination and to equality in employment
CERD Article 5(e)	the right to work without discrimination based on race, ethnicity, colour or descent

<sup>32</sup> Jordan National Centre for Human Rights *The Right to a Healthy Environment in the Hashemite Kingdom of Jordan Executive Summary of the Study of The extent of the Compatibility of the National Legislations with the International Charters* 2010 p 14 at [www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/all.pdf](http://www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/all.pdf).



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CRC Article 32	the right to be free from economic exploitation and from hazardous, harmful and disadvantaging work
CRPD Article 27	the right of persons with disabilities to work on an equal basis

### **NHRI actions**

- Review the recommendations to the State by international human rights mechanisms, including the Universal Periodic Review and treaty monitoring bodies, to identify those that require legislative or policy change to increase compliance with obligations in relation to the right to work
- Advise the government and parliament on laws that need to be enacted or amended to ensure the human right to work without discrimination
- Advise the government and parliament on laws that need to be amended or repealed to remove obstacles to work for women, persons with disabilities, persons from minority groups and communities, and poor and marginalised people
- Advise the government and parliament on laws that are required to meet the State's obligations to protect children from economic exploitation and hazardous and harmful work and to prepare them for productive work as adults
- Propose government policies that will promote economic conditions and open opportunities for productive and fulfilling work for all
- Make recommendations to the government and parliament on action that should be taken to ensure private sector compliance with and implementation of the UN Guiding Principles on Business and Human Rights

### ***Encouraging ratification and implementation of international human rights treaties***

The two principal human rights treaties – the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) – are the foundational treaties for all human rights. Most States are parties to both of these treaties. The ICESCR has 164 State parties and the ICCPR has 168 State parties.<sup>33</sup> Of the 20 States in the Middle East and North Africa region, only four are not parties to the ICESCR and the same four are not parties to the ICCPR.<sup>34</sup> NHRIs in States that have not ratified or acceded to the two foundational covenants should encourage them to do so as part of their implementation of the SDGs. More generally NHRIs should encourage States to ratify or accede to all human rights treaties that they have not already ratified or acceded to.

Once ratified or acceded to, international human rights treaties should be implemented. Here again NHRIs have a critical role to play in encouraging implementation and indeed acting

<sup>33</sup> As at 5 October 2016 – see <http://indicators.ohchr.org/>.

<sup>34</sup> Oman, Qatar, Saudi Arabia and the United Arab Emirates. The State of Palestine, which has ratified both covenants, is included among the 20 States in the MENA region.



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themselves to implement in areas within their mandates. Implementation of human rights treaties will lead directly to implementation of the 2030 Agenda and attainment of the SDGs.

### **A case study on encouraging ratification and implementation of international human rights treaties**

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Once ratified or acceded to, international human rights treaties should be implemented. Here again NHRIs have a critical role to play in encouraging implementation and indeed acting themselves to implement in areas within their mandates. Implementation of human rights treaties will lead directly to implementation of the 2030 Agenda and attainment of the SDGs.

On 2nd April 2014 Palestinian President Mahmoud Abbas acceded to 14 international humanitarian and human rights treaties and conventions as a result of Palestine's acceptance as an Observer State in the United Nations in November 2012. They included the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of the child. The State of Palestine acceded to these treaties and conventions without reservations. Palestine also submitted its request to Switzerland, as the depositary state, to accede to the 1949 Four Geneva Conventions and to the two Additional Protocols of the Four Geneva Conventions.

On 31 December 2014 President Abbas acceded to another 20 international treaties, including the Rome Statute of the International Criminal Court, the Convention on the Political Rights of Women, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Treaty on the Non-Proliferation of Nuclear Weapons.

<sup>35</sup> As at 5 October 2016 – see <http://indicators.ohchr.org/>.

<sup>36</sup> Oman, Qatar, Saudi Arabia and the United Arab Emirates. The State of Palestine, which has ratified both covenants, is included among the 20 States in the MENA region.



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The Independent Commission on Human Rights (ICHR) had advocated strongly for accession to these treaties without reservations. ICHR was completely successful in this. Following accession it turned its attention to implementation of obligations under the treaties, urging

- submission of initial reports on the status of human rights in Palestine
- publication of the treaties in the Official Gazette so that they became directly binding in national law
- amendment of laws and legislation in Palestine to ensure compatibility with international treaties
- acceptance of the individual communications (complaints) provisions under each of the core human rights treaties.<sup>37</sup>

Many human rights treaties are relevant to the SDGs. NHRIs can look to ensuring that their States are parties to all relevant treaties and then promote implementation of the treaties as part of States' implementation of Agenda 2030 and the SDGs.

### **Possible NHRI actions in promoting treaty ratification and implementation in relation to the SDGs**

**Goal 5** Achieve gender equality and empower all women and girls

#### **Relevant human rights**

ICESCR Article 2(2)	the right to enjoy economic, social and cultural rights without discrimination of any kind
ICESCR Article 7	the right to work and to equal remuneration for work of equal value and equal conditions of work
ICCPR Article 2	the right to enjoy civil and political rights without discrimination of any kind
ICCPR Article 26	the right to equality before the law and to equal protection of the law
CEDAW	the right of women to be free from discrimination and to equality
CRC Article 2	the right to enjoy all rights under the Convention without discrimination of any kind
CRPD Article 6	the right of women and girls with disabilities to the enjoyment of all human rights and fundamental freedoms and to full development, advancement and empowerment

<sup>37</sup> ICHR *The status of human rights in Palestine: Annual report 2014 Executive summary* p 14-15 at <http://www.ichr.ps/en/2/6/1360/ICHR-20th-Annual-Report-ICHR-20th-Annual-Report.htm>.



### **NHRI actions**

- Review which international human rights treaties the State is a party to and which ones it is not
- If the State is not a party to CEDAW and its Optional Protocol for individual communications, advocate to promote ratification or accession<sup>38</sup>
- Encourage and assist in the development of a national action plan for the implementation of CEDAW and other treaty provisions that ensure freedom from discrimination and equality for women and girls
- Undertake a public awareness and education program to encourage implementation

### **Researching**

Researching on human rights includes not merely book research but also investigations of human rights situations. Research is essential for implementation of the SDGs, in defining baselines, determining what works and what does not work towards achievement of the SDGs, learning lessons from past projects and activities, and measuring progress towards the Goals. NHRIs undertake this research in relation to human rights. Their research findings can feed directly into devising programmes, projects and other activities that will contribute towards achievement of the SDGs.

NHRIs have significant existing research reports. Many of them are relevant to the SDGs. They can deal with particular economic and social or civil and political rights and with the human rights of minority groups and marginalised and disadvantaged people. NHRIs can begin by reviewing their past research to identify reports that are relevant to the SDGs and that can contribute to achieving the SDGs.

NHRIs can also identify gaps in the available research and, where those gaps relate to human rights issues or situations, undertake or encourage others to undertake the necessary research.

### **A case study on researching**

In 2015 the National Human Rights Council of Morocco (CNDH) released a report on gender equality and parity in Morocco.<sup>39</sup> The report relates to SDG 1 (the elimination of poverty),

<sup>38</sup> Of the 20 States in the Middle East and North Africa (including the State of Palestine), only two States are not yet parties to CEDAW: Somalia and Sudan. However, 18 States in the Middle East and North Africa are not yet parties to the Optional Protocol to CEDAW: Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, United Arab Emirates and Yemen. As at 5 October 2016 – see <http://indicators.ohchr.org/>.

<sup>39</sup> National Human Rights Council *Gender equality and parity in Morocco: preserving and implementing the aims and objectives of the Constitution* 2015 at [www.cndh.org.ma/sites/default/files/cndh\\_-\\_r.e.\\_web\\_parite\\_egalite\\_uk\\_.pdf](http://www.cndh.org.ma/sites/default/files/cndh_-_r.e._web_parite_egalite_uk_.pdf).



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SDG 3 (healthy lives and well-being), SDG 4 (inclusive equitable quality education), SDG 5 (gender equality and empowerment), SDG 8 (decent work) and SDG 16 (access to justice).

The report says

Disparities between men and women, which also generate poverty and exclusion, cut across all age categories and environments (geographical and social). They have real negative impacts on the enjoyment by women of their recognized human rights and on society as a whole.<sup>40</sup>

The report notes that it was prepared four years after the commencement of the new Moroccan Constitution but that key provisions of the Constitution promoting and protecting the rights of women had not been implemented. It says that “constitutional promises have gradually evaporated”.<sup>41</sup> The report describes continuing inequality in family law, inheritance law and nationality law. It says in relation to criminal law

The successive revisions of the criminal legislation have partially strengthened the protection of women against violence. This legislation remains, however, patriarchal and infringing on individual freedoms, in its philosophy and provisions.<sup>42</sup>

The report refers to

- continuing inequalities in access to justice for women, especially poor women
- violence against women
- the perpetuation of gender stereotypes through school curricula and the media.

In relation to economic, social and cultural rights the report finds that

compared to men, Moroccan women are less served by the country’s efforts in education/training, health, employment, access to resources and decision-making.

<sup>40</sup> National Human Rights Council *Gender equality and parity in Morocco: preserving and implementing the aims and objectives of the Constitution 2015* Executive summary p 1 at [www.cndh.org.ma/sites/default/files/cndh\\_-\\_r.e\\_-\\_web\\_parite\\_egalite\\_uk\\_-.pdf](http://www.cndh.org.ma/sites/default/files/cndh_-_r.e_-_web_parite_egalite_uk_-.pdf).

<sup>41</sup> National Human Rights Council *Gender equality and parity in Morocco: preserving and implementing the aims and objectives of the Constitution 2015* Executive summary p 1 at [www.cndh.org.ma/sites/default/files/cndh\\_-\\_r.e\\_-\\_web\\_parite\\_egalite\\_uk\\_-.pdf](http://www.cndh.org.ma/sites/default/files/cndh_-_r.e_-_web_parite_egalite_uk_-.pdf).

<sup>42</sup> National Human Rights Council *Gender equality and parity in Morocco: preserving and implementing the aims and objectives of the Constitution 2015* Executive summary p 3 at [www.cndh.org.ma/sites/default/files/cndh\\_-\\_r.e\\_-\\_web\\_parite\\_egalite\\_uk\\_-.pdf](http://www.cndh.org.ma/sites/default/files/cndh_-_r.e_-_web_parite_egalite_uk_-.pdf).



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These disparities place the issues of equality and gender equity at the heart of the social, economic and political challenges in Morocco.<sup>43</sup>

It deals specifically with the right to reproductive health, the right to education, the right to decent paid labour and the right to public and political participation. It is a comprehensive document that looks at the situation of women frankly and critically across the full range of human rights.

As well as looking at the Constitution the report discusses public policies and their impact on women most vulnerable to human rights violations. It singles out poor elderly women, women with disabilities, single mothers, domestic girls and women, and women prisoners. There is a wealth of statistics and analysis.

The report provides the results of research that relates to a large number of human rights issues and a large number of SDGs. It indicates how NHRI are already addressing SDG issues, even if they do not yet relate their work specifically to the SDGs.

### **Possible NHRI actions in researching on the SDGs**

**Goal 4** Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

#### **Relevant human rights**

ICESCR Article 13	the right to education
ICESCR Article 6(2)	right to technical and vocational training for employment
ICCPR Article 18(4)	the right to religious and moral education
CEDAW Article 10	the right of women and girls to equality in education
CERD Article 5(e)	the right to education and training without discrimination based on race, ethnicity, colour or descent
CRC Articles 28 and 29	the right to education on the basis of equal opportunity
CRPD Article 24	the right of persons with disabilities to inclusive education and lifelong learning work without discrimination on the basis of equal opportunity

#### **NHRI actions**

- Obtain data on the rates of educational participation for different identified population groups, focusing on those groups in the country that are marginalised and

<sup>43</sup> National Human Rights Council *Gender equality and parity in Morocco: preserving and implementing the aims and objectives of the Constitution 2015* Executive summary p 5 at [www.cndh.org.ma/sites/default/files/cndh\\_-\\_r.e\\_-\\_web\\_parite\\_egalite\\_uk\\_-.pdf](http://www.cndh.org.ma/sites/default/files/cndh_-_r.e_-_web_parite_egalite_uk_-.pdf).



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- disadvantaged, including women and girls, racial, ethnic, religious and cultural minorities, persons of low socio-economic class and caste, indigenous people, persons with disabilities, rural and remote populations, and so on
- Consult with affected groups and with educational academics and practitioners to obtain their views
  - Analyse the causes of educational disadvantage and inequality
  - Develop strategies to address human rights violations that are identified, both through remedial programmes for those who have been denied their right to education and equality in education and through programmes to ensure the provision of education to all
  - Build public and political awareness of the right to education and support for implementation of SDG 4

### *Promoting human rights values and standards*

NHRIs should take responsibility for ensuring that the human rights dimensions of the SDGs are identified and given priority in national programmes and activities in implementing the 2030 Agenda. This is the primary means of promoting human rights values and standards in relation to the SDGs. The relationship between human rights and the SDGs needs to be drawn to governmental and public attention. NHRIs can contribute to public debates about the SDGs by providing the human rights content. They can also raise governmental and public awareness of the human rights dimensions of the SDGs through specific programmes and activities. They must ensure that the human rights dimensions are not ignored or forgotten.

Human rights values and standards are best promoted not through general awareness programmes but through drawing attention to situations of human rights violations and to the situations of those who experience violations. NHRIs can draw on their work over many years in investigating and reporting on human rights violations and their work with marginalised and disadvantaged people who experience human rights violations. They are able to promote human rights dimensions of the SDGs by enabling the voices of marginalised and disadvantaged people to be heard.

### **A case study on promoting human rights values and standards**

The National Human Rights Committee (NHRC) of Qatar has sought to raise awareness among foreign workers of their rights under international and national human rights and labour law. Its work is an example of the kind of awareness raising and education work of NHRIs that can promote implementation of the SDGs. The Qatar work is relevant to SDG 3 (healthy lives and well-being), SDG 8 (productive employment and decent work for all) and SDG 10 (reducing inequality).



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Spurred by a growing economy, including construction for the football World Cup in 20, large numbers of foreign workers have travelled to Qatar for employment. The NHRC has sought to ensure that these workers know their rights and have opportunities to make complaints if their rights are infringed.

In 2009 the NHRC published information of workers' rights in five major languages of foreign workers (Urdu, Nepal, Filipino (Tagalog), Persian and Indonesian).<sup>44</sup> Information was also published in Arabic.

From April to June 2013 the NHRC conducted a labour rights campaign. The objectives were

- communication between expatriates and their employers
- motivating employers to grant workers their rights, including wages, health insurance and safety
- spreading the awareness on workers' rights and the proper ways to do so
- achieving justice and equality among all categories of labour.

The NHRC used many means of communications to reach out to workers and employers, including

- leaflets in Arabic, Urdu and English
- outreach centres
- newspaper, radio and television advertisements
- street flags
- social media
- t-shirts and caps.

The success of the campaign encouraged the NHRC to continue this work with foreign worker communities. The NHRC commenced regular meetings with organisations representing the most affected communities and invited them to open offices at the NHRC's headquarters building in Doha. It also met with employers. It sought to smooth relationships between employers and workers to ensure that rights were recognised and any tensions resolved.<sup>45</sup>

The NHRC invited organisations representing the most affected communities to open offices at the NHRC's headquarters building in Dohan. In 2016 the NHRC decided to enter arrangements with these organisations 'to improve the access to the NHRC, and strengthen bridges of communication in order to better address the issues facing the community

<sup>44</sup> Copies of the information leaflets are available at [www.nhrc-qa.org/en/publications/nhrc-publications/](http://www.nhrc-qa.org/en/publications/nhrc-publications/).

<sup>45</sup> NHRC news story 23 January 2016 at [www.nhrc-qa.org/en/nhrc-held-the-fourth-meeting-with-representatives-of-offices-of-the-communities-employers-and-managers-of-enterprises-in-qatar/](http://www.nhrc-qa.org/en/nhrc-held-the-fourth-meeting-with-representatives-of-offices-of-the-communities-employers-and-managers-of-enterprises-in-qatar/).



members'.<sup>46</sup> The NHRC also appointed legal researchers to liaise between the communities and the NHRC.

### Possible NHRI actions in promoting human rights values and standards on the SDGs

**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

#### Relevant human rights

ICCPR Article 25	the right to participate in public and political affairs and to public service
ICCPR Article 19	freedom of opinion and expression
CEDAW Article 7	the right of women and girls to participate in political and public life on equal terms with men
CEDAW Article 15	the right of women to equality with men before the law
CERD Article 5	the right of everyone to equality before the law without discrimination based on race, ethnicity, colour or descent
CRC Articles 12	the right of the child to express his or her own views and have those views taken into account in all decisions affecting the child, in accordance with the age and maturity of the child
CRPD Article 12	the right of persons with disabilities to equal recognition before the law
CRPD Article 13	the right of persons with disabilities to effective access to justice on an equal basis with others
CRPD Article 29	the right of persons with disabilities to participation in public and political life without discrimination on an equal basis with others

#### NHRI actions

- Undertake public awareness and education programmes to promote the right to effective, inclusive, participatory and accountable governance institutions
- Intervene in court proceedings, where the legal rules permit, as *amicus curiae* (friend of the court) to present submissions on human rights issues arising in cases before the courts
- Seek and implement strategies to make the NHRI more independent and more effective, on the basis of inclusive, accountable policies and programmes
- Strengthen the NHRI by amending the law to ensure full compliance with the Paris Principles, where necessary and to address identified weaknesses in the law

<sup>46</sup> NHRC news story 20 June 2016 at [www.nhrc-qa.org/en/the-nhrc-signed-a-mou-with-coordinators-of-offices-of-the-communities/](http://www.nhrc-qa.org/en/the-nhrc-signed-a-mou-with-coordinators-of-offices-of-the-communities/).



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- Undertake well focused public investigations and inquiries into situations of grave systemic human rights violation to contribute to greater public and political understanding of human rights values and standards

### ***Complaint handling***

Finally, NHRIs can contribute to implementation by responding to allegations and complaints of human rights violation – receiving, investigating and resolving complaints and providing remedies for victims. This is a direct contribution because it can lead both to the correction of damage done through the violations and to the prevention of further violations. Complaint handling is an optional function under the Paris Principles but most NHRIs have it.<sup>47</sup>

Because of the close relationship between human rights and the SDGs, many complaints of human rights violation will be relevant to SDG implementation. Through investigating and attempting resolution of these complaints, NHRIs promote achievement of the relevant SDG.

The scope of the NHRI's jurisdiction is significant in this. Many NHRIs can receive and investigation complaints only against public institutions. They cannot address through complaint handling the role of the private sector in violating human rights, particularly economic and social rights. Yet private sector organisations are responsible for many violations. Where NHRIs are restricted to investigating complaints against public institutions, the only way they can deal with private sector violations is by investigating a possible State failure to protect – an indirect and unsatisfactory approach. To be as fully effective as possible, NHRIs need to be able to investigate private sector violations directly. NHRIs that do not have this mandate should seek legislative change to provide it so that their contribution to the achievement of the SDGs is increased.

### **A case study on complaint handling**

The Oman Human Rights Commission (OHRC) is able under its law to receive complaints from individual members of the community.<sup>48</sup> A complaint is received and, if it is within the

<sup>47</sup> The Paris Principles contain a separate section called “Additional principles concerning the status of commissions with quasi-judicial competence” which concerns complaint handling. The term “quasi-judicial” is an error that arose from mistranslation of the original text, which was in French. The correct term is “quasi-judicial”. The error is in the original English text and has never been corrected. Asia Pacific Forum *A manual on national human rights institutions* 2015 p 151 at [www.asiapacificforum.net/resources/manual-on-nhris/](http://www.asiapacificforum.net/resources/manual-on-nhris/).

<sup>48</sup> Royal Decree 214/2008 Article 7.



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OHRC's jurisdiction, it is registered. It is then investigated by the Complaints Department and, following the conclusion of the investigation, referred to the Legal Department for follow up.<sup>49</sup>

The OHRC received 18 complaints of human rights violation during the first half of 2016. The complaints included violations in relation to the right to litigation and fair trial (one complaint), the right to freedom and personal safety (two complaints), the right to life and physical integrity (two complaints), detention places (three complaints), the right to housing and shelter (four complaints), the right to work (two complaints), the right to healthcare (one complaint), the right to family care (one complaint), and the right to a decent living (two complaints).<sup>50</sup>

The OHRC has a Monitoring and Complaints Sub-committee. When it met on 5 June 2016 it considered many human rights issues, including the sponsorship by an Omani woman of her non-Omani husband and children, the rights of persons with disabilities and the services provided for them, and the necessity of expediting the process of deciding on labor cases.<sup>51</sup>

Violations of human rights can raise issues about implementation of the Agenda 2030 and the SDGs. NHRIs can look to using their complaint handling processes to promote full implementation.

### Possible NHRI actions in complaint handling in relation to the SDGs

**Goal 10** Reduce inequality within and among countries

#### Relevant human rights

ICESCR Article 2(2)	the right to enjoy economic, social and cultural rights without discrimination of any kind
ICCPR Article 2	the right to enjoy civil and political rights without discrimination of any kind
ICCPR Article 26	the right to equality before the law and to equal protection of the law
CEDAW	the right of women to be free from discrimination and to equality
CERD	the right to be free from discrimination on the basis of race, colour, descent, national or ethnic origin

<sup>49</sup> Oman Human Rights Commission *Steps on registering complaints* 2015 at <http://www.ohrc.om/mcen.php?DO=18>.

<sup>50</sup> Oman Human Rights Commission *OHRC receives 18 complaints in first half of 2016* 19 July 2016 at <http://www.ohrc.om/postsen.php?DO=3571>.

<sup>51</sup> Oman Human Rights Commission *Monitoring and Complaints Sub-committee holds its third meeting* 5 June 2016 at <http://www.ohrc.om/postsen.php?DO=3564>.



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CRC Article 2	the right to enjoy all rights under the Convention without discrimination of any kind
CRPD Article 5	the right to equality before and under the law and to equal protection and equal benefit of the law and the right to be free from discrimination

### **NHRI actions**

- Ensure strong, effective complaint handling systems in the NHRI, including adequate powers, well qualified and trained complaints staff, clear and effective procedures, and good public awareness and accessibility
- Provide information about the complaints system to marginalised and disadvantaged people and communities so that they know how to make complaints and how the system works
- Support complainants who are marginalised and disadvantaged or are from marginalised and disadvantaged communities to make complaints and then to travel through the complaints system
- Identify complaints of systemic human rights violations that can form the basis of human rights education

## **6 The role of NHRIs in monitoring and accountability (‘reporting’)**

Monitoring and promoting accountability are among the core functions of an NHRI.

Monitoring a State’s performance of its international human rights obligations is a key strategy in promoting and protecting human rights ... Monitoring a State’s performance of its international human rights obligations is a key strategy in promoting and protecting human rights.<sup>52</sup>

As a result of monitoring, NHRIs engage with international human rights mechanisms and contribute to State reports to international and regional human rights mechanisms, specific functions under the Paris Principles.

Independent monitoring of implementation is an important component of accountability. As in other areas of an NHRI’s work, the independence of the NHRI enhances the reliability and credibility of monitoring and reporting. Given the close connection between the SDGs and human rights, NHRIs are the logical institutions to provide that reliable, credible monitoring of and reporting on implementation.

<sup>52</sup> Asia Pacific Forum *A manual on national human rights institutions* 2015 p 131 at [www.asiapacificforum.net/resources/manual-on-nhris/](http://www.asiapacificforum.net/resources/manual-on-nhris/).



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In the same way as they monitor a State's performance of its international human rights obligations, NHRIs can monitor a State's performance in implementing the 2030 Agenda and the SDGs. They can measure attainment of the targets, with a particular focus on those targets that relate most closely to international human rights obligations. An NHRI could commit to monitoring movement towards the targets.

NHRIs can report on the results of their monitoring both through processes specific to the 2030 Agenda and through the usual human rights reporting mechanisms. Reports should be publicised nationally so that there is broad public and political discussion of performance during the reporting period. Reporting can lead to adjustments of implementation strategies, plans and schedules if it reveals that targets are unlikely to be met.

NHRIs can report periodically through the specialised Agenda 2030 processes in line with UN reporting schedules – perhaps every four years for submission to the four-yearly session of the High Level Political Forum established by the 2030 Agenda resolution or even annually for submission to the Secretary General for his annual review of implementation.<sup>53</sup> These reports could focus on specific SDGs, for example, SDGs 5, 10 and 16, or they could cover the whole range of SDGs more generally, drawing out and concentrating on those targets that are most closely related to international human rights obligations. They could draw particular attention to progress in advancing the enjoyment of human rights for the most disadvantaged and marginalised groups. They could also include comment on compliance with the key human rights principles of empowerment, equality, inclusion, accessibility and accountability.

NHRIs already provide reports to international human rights mechanisms – the Universal Periodic Review, the treaty monitoring bodies and the Special Procedures.<sup>54</sup> These reports also provide opportunities for reporting on implementation of relevant SDGs. The Universal Periodic Review covers all international human rights obligations. An NHRI report to that mechanism, therefore, can deal with all the SDGs and targets with a basis in international human rights law. Treaty bodies deal with obligations under treaties to which the State is a party. NHRI reports must be similarly confined to the performance of those obligations. The reports can include, however, those reports on the implementation of those SDGs (and those aspects of SDGs) and targets that are relevant to the particular treaty.

In addition NHRIs accredited with A status under the Paris Principles can make written and oral statements to the Human Rights Council under any item on the Council agenda. They can include comment on implementation of the SDGs in these statements. This provides a further

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<sup>53</sup> Resolution A/RES/70/1 25 September 2015 OP 87 on sessions of the High Level Political Forum and OP 83 on the Secretary General's annual reports, at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>54</sup> See Asia Pacific Forum *International human rights and the international human rights system: a manual for national human rights institutions* 2012 at <http://www.asiapacificforum.net/resources/manual-on-international-human-rights-system/> and Asia Pacific Forum *A manual on national human rights institutions* 2015 chapter 22 at [www.asiapacificforum.net/resources/manual-on-nhris/](http://www.asiapacificforum.net/resources/manual-on-nhris/).



useful forum to publicise the results of their monitoring activities and their own work on implementation.

### **A case on monitoring and accountability (reporting)**

Morocco underwent its last examination under the Universal Periodic Review (UPR) in 2012. The National Human Rights Council (CNDH) presented a report to the UPR in which it commented on the principal human rights issues in Morocco. It also used the report to make recommendations to the Government of Morocco for improvement of its human rights performance.<sup>55</sup>

The CNDH report commented favourably on treaty ratifications and the withdrawal of reservations to treaties and on domestic changes since the 2011 Constitution was adopted. It recommended ratification of other treaties, including Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and International Labour Organization Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It recommended that Morocco issue a standing invitation to Special Procedures. It also recommended that the Government of Morocco adopt and implement the National Action Plan for Democracy and Human Rights presented to the Government in 2011.

The CNDH report made a number of other specific recommendations to promote compliance with international human rights obligations, including that Morocco

- be guided by the principles of non-discrimination and parity in the drafting and implementation of public policy, and that it adopt a specific law on domestic violence
- continue to apply the partnership agreement between the CNDH and the Ministry of Internal Affairs on human rights training and awareness-raising for officials involved in enforcing the law
- bring its legislation into line with the relevant international provisions on combating human trafficking
- review regulations governing the communications sector, particularly the press, and criminal provisions in the area of freedom of expression, to ensure in particular that custodial sentences are removed from the Press Code

<sup>55</sup> See *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Morocco* 9 March 2012 UN document no. A/HRC/WG.6/13/MAR/3 p 2-3 at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/117/98/PDF/G1211798.pdf?OpenElement>.



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- pass a special act on the status of refugees, in line with the 1951 Convention relating to the Status of Refugees, and facilitate the procedure for granting such status
- adopt a law on enhancing the rights of persons with disabilities
- establish a mechanism to monitor public policy to ensure that the disability perspective and the principle of non-discrimination on the basis of disability are taken into account in all public policies.

Virtually all of the CNDH recommendations were included in the UPR report and were adopted by the Human Rights Council.<sup>56</sup> When the report of the UPR Working Group was presented to the Human Rights Council on 19 September 2012, the CNDH made an oral presentation in response to the report immediately after the delegation of Morocco.<sup>57</sup> The CNDH welcomed the recommendations and congratulated the Government on accepting most and for having prepared a plan for implementation. It called for the Government to consult closely with the CNDH and with other stakeholders that had contributed to the UPR process. It urged the Government to re-consider recommendations that it had not accepted, including the withdrawal of reservations to CEDAW and a moratorium on capital punishment. It committed to assisting with follow up to the recommendations not only of the UPR but of all international human rights mechanisms and to monitoring and reporting on implementation.

The CNDH's contribution to and participation in the UPR provides a useful example of how NHRIs generally can contribute to and participate in international monitoring and reporting, including on the implementation of Agenda 2030 and the SDGs.

## 7 The role of NHRIs in international forums on the SDGs

The Paris Principles provide that NHRIs should cooperate and engage with international and regional human rights mechanisms and other NHRIs. That cooperation and engagement should now include the High Level Political Forum (HLPF). The HLPF was established by the General Assembly in 2013 to

provide political leadership, guidance and recommendations for sustainable development, follow up and review progress in the implementation of sustainable development commitments, enhance the integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all levels and have

<sup>56</sup> *Report of the Working Group on the Universal Periodic Review: Morocco* 6 July 2012 UN document no. A/HRC/21/1 at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/38/PDF/G1215038.pdf?OpenElement>.

<sup>57</sup> See the video of the presentation at <http://webtv.un.org/search/morocco-consideration-of-universal-periodic-review-report/1850447316001?term=morocco+consideration> at 12 minutes 13 seconds.



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a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges.<sup>58</sup>

It is convened every four years under the auspices of the General Assembly and annually under the auspices of the Economic and Social Council.<sup>59</sup>

Under the 2030 Agenda the HLPF will “have the central role in overseeing follow-up and review at the global level”.<sup>60</sup>

The high-level political forum will have a central role in overseeing a network of follow-up and review processes at the global level, working coherently with the General Assembly, the Economic and Social Council and other relevant organs and forums, in accordance with existing mandates. It will facilitate sharing of experiences, including successes, challenges and lessons learned, and provide political leadership, guidance and recommendations for follow-up. It will promote system-wide coherence and coordination of sustainable development policies. It should ensure that the Agenda remains relevant and ambitious and should focus on the assessment of progress, achievements and challenges faced by developed and developing countries as well as new and emerging issues.<sup>61</sup>

The General Assembly itself has called for the participation of NHRIs in the work of the HLPF.<sup>62</sup> NHRIs should provide the HLPF with reports of the results of their monitoring and also seek to participate fully in meetings of the HLPF, including providing oral and written statements in addition to their written reports.

NHRIs can supplement their engagement with the HLPF by continuing and strengthening their engagement with treaty monitoring bodies. They already provide reports regularly to treaty monitoring bodies as part of the examination of State implementation of treaty obligations. NHRIs can encourage States to include in their reports material on progress in implementing those aspects of the 2030 Agenda and those SDGs that are relevant to the particular treaty. NHRIs can also ensure that in their own reports to the treaty monitoring bodies they themselves include material on progress in implementing relevant aspects of the 2030 Agenda and the SDGs.

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<sup>58</sup> Resolution A/RES/67/290 9 July 2013 OP 2 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/290](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/290).

<sup>59</sup> Resolution A/RES/67/290 9 July 2013 OP 6 and 7 respectively at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/290](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/290).

<sup>60</sup> Resolution A/RES/70/1 25 September 2015 OP 47 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>61</sup> Resolution A/RES/70/1 25 September 2015 OP 82 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).

<sup>62</sup> Resolution A/RES/70/163 17 December 2015 OP 16 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/163](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/163).



## 8 New opportunities for NHRIs

### Examples from European NHRIs of action on the SDGs<sup>63</sup>

The *Danish Institute for Human Rights* has published a series of papers on human rights and the SDGs.<sup>64</sup> It has also developed a specialist online human rights guide to the SDGs on its website.<sup>65</sup> It has also sought to link its recommendations for the 2016 Universal Periodic Review of Denmark to the SDGs.<sup>66</sup>

The *German Institute for Human Rights* has published an awareness raising initiative and tool on SDGs and human rights. It makes proposals for how human rights can facilitate the SDG process and how the SDGs can in turn help realize human rights.<sup>67</sup>

The *French Commission Nationale Consultative des Droits de l'Homme* will include the SDGs in the next edition of its report on the human rights situation in France, published every two years.

The *Scottish Human Rights Commission* is working with the Scottish Government's statistical office to ensure that the indicators in the Scottish Human Rights Action Plan reflect the SDGs. The Commission along with the statisticians will develop the indicators for the Plan's national performance framework. This builds in the Commission's longstanding work on climate change and human rights.

The 2030 Agenda and the SDGs present new opportunities for NHRIs to advance their core mandate to protect and promote human rights. The 2030 Agenda and the SDGs represent State commitments and goals with specific targets. They relate closely to States' international human rights obligations. They are achievable with sufficient political will and the commitment of adequate resources. They are not utopian.

<sup>63</sup> These examples were provided for this paper by Julie Lejeune, Legal Policy Officer of the European Network of National Human Rights Institutions.

<sup>64</sup> Danish Institute for Human Rights *SDGs and human rights monitoring: guidance for national implementation* at [www.humanrights.dk/files/media/dokumenter/sdg/sdgs\\_and\\_human\\_rights\\_monitoring.pdf](http://www.humanrights.dk/files/media/dokumenter/sdg/sdgs_and_human_rights_monitoring.pdf); *Realizing rights through the sustainable development goals: the role of national human rights institutions* at <http://www.humanrights.dk/publications/realizing-rights-through-sustainable-development-goals-role-national-human-rights>.

<sup>65</sup> Danish Institute for Human Rights *Human rights guide to the SDGs* at <http://sdg.humanrights.dk/>.

<sup>66</sup> Danish Institute for Human Rights *UPR of Denmark 2016: list of selected recommendations* at [www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/upr/list\\_of\\_selected\\_recommendations\\_upr\\_denmark\\_24\\_session\\_2016\\_-\\_new\\_version.pdf](http://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/upr/list_of_selected_recommendations_upr_denmark_24_session_2016_-_new_version.pdf).

<sup>67</sup> German Institute for Human Rights *Sustainable Development Goals: An opportunity for the realisation of human rights in and by Germany* Aktuell 03/2015 at [www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/Publikationen/aktuell/aktuell\\_3\\_2015\\_Sustainable\\_Development\\_Goals.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/aktuell/aktuell_3_2015_Sustainable_Development_Goals.pdf).



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For NHRIs the 2030 Agenda and the SDGs provide a new framework for human rights work. NHRIs are among the institutions and organisations that should respond to the General Assembly’s call for “an intensive global engagement ... bringing together Governments, the private sector, civil society, the United Nations system and other actors and mobilizing all available resources”.<sup>68</sup>

NHRIs can incorporate the Agenda 2030 and the SDGs into their ordinary work, using them as a new or additional framework for their existing programs and activities. In addition NHRIs can develop and implement new programs and activities specifically around the Agenda 2030 and the SDGs. Through both approaches they can contribute towards the full realisation of all the SDGs and targets and, in that way, towards the full realisation of all human rights.

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<sup>68</sup> Resolution A/RES/70/1 25 September 2015 OP 39 at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1).