

The post-2015 agenda won't deliver without human rights at the core

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Reflections from co-conveners of the Post-2015 Human Rights Caucus

The [Post-2015 Human Rights Caucus](#) is a cross-constituency coalition of development, environment, trade union, feminist and human rights organizations worldwide. As we embark on the uphill journey toward next year's Post-2015 Summit, the following reflections intend to offer a blueprint for reaching what the UN Secretary General called in 2013, "a far-reaching [post-2015] vision of the future firmly anchored in human rights."¹ In what follows, we'd like to spell out the concrete implications of putting a holistic human rights framework at the heart of the SDGs themselves, how they are financed, and in their monitoring and accountability infrastructure.

Reflecting existing human rights commitments in the SDGs, targets and indicators

First, embedding human rights into the core of the sustainable development agenda means, at the least, respecting and reflecting pre-existing human rights norms, standards and commitments in the sustainable development goals, targets and indicators themselves. The Open Working Group (OWG) proposals are consistent with human rights in some quite significant ways. Yet, the OWG's proposals still leave much to be desired to meet the [Human Rights for All Litmus Test](#) and be "consistent with international law" as agreed by UN member states in Rio+20.

The OWG's goals and targets are consistent with existing human right standards in important aspects. The goals are universally applicable to all people everywhere, while recognizing the need for national tailoring. They generally set out commitments to improve the accessibility, availability, acceptability, and quality of goods and services essential to realizing economic, social and cultural rights, in particular the rights to food (Goal 2), health (Goal 3), education (Goal 4), and water and sanitation (Goal 6). Across these goals, the proposals embrace a universal or zero target approach for many economic and social rights obligations, and support universal social protection, in line with human rights expectations.

Further, the goals and targets present some cautious steps toward boosting transparency, meaningful participation and accountability in the design and implementation of sustainable development at the country level. Governments in the OWG committed, for example, to "ensure equal access to justice for all," (16.3) "develop effective, accountable and transparent institutions at all levels" (16.6), "ensure responsive, inclusive, participatory and representative decision-making at all levels" (16.7) and ensure "public access to information" (16.10). While still vague,

¹ UN Secretary General, "[A life of dignity for all: accelerating progress towards the MDGs and advancing the UN development agenda beyond 2015](#)," 26 July, 2013

these governance commitments are essential to empowering a people-centered approach founded upon existing human rights to information, participation and access to justice.

The need to combat inequality features prominently. Equality and inclusion are essential for the eradication of poverty and integral to human development. The elimination of poverty in all its dimensions remains the overriding priority and a necessary condition for sustainable development. Eradicating extreme poverty, with no one left behind, will not be possible without promoting equality and inclusion, which includes reducing income inequality, and promoting equality of opportunity and outcome. While the grounds of discrimination articulated in 10.2 fall short of the grounds of discrimination prohibited in international law (notably absent are language, political or other opinion, and sexual orientation or gender identity), the OWG committed to eliminate discriminatory laws, policies and practices, and showed a strong commitment to the rights of persons marginalized from the development process, especially people with disabilities. OWG members also committed to adopting fiscal and wage policies to counter economic inequality, improving the income growth of the bottom 40% against the national average, achieving decent work for all and generally reducing inequalities of outcome—all important steps forward to combat the biggest challenge of the early 21st century.

The OWG proposes a standalone goal on gender equality and women's empowerment (Goal 5), which includes crucial targets to end gender-based violence and discrimination, including ending early and forced marriage and harmful practices against women and girls. It also mentions universal access to sexual and reproductive health and reproductive rights (albeit avoiding sexual rights language following pressure from conservative forces), and includes targets to improve women's participation in decision-making, and equal rights to land and economic resources.

These are significant achievements by the OWG to embed human rights post-2015, and must be retained.

Yet, the OWG proposals still leave much to be desired if they are to meaningfully reflect pre-existing human rights standards. To meet the [Human Rights for All Litmus Test](#), the SDGs should:

- **Align all goals and targets with the provisions of relevant human rights standards**, which should be explicitly referenced. The failure to do so in the OWG's proposal was, we believe, an historic error. Some influential voices argued that doing so was too politically contentious, and would have unraveled the complex, intricate negotiations. This self-fulfilling myth is belied by the enormous degree of support for human rights from many governments, civil society, the business sector, the UN Task Team and the Secretary General himself.² To bracket and delete references to pre-existing obligations under international law risks weakening peoples' capacity to claim development as a matter of rights, thus undermining accountability and ultimate deliverability of the envisioned Goals.
- **Secure the full spectrum of human rights.** Alongside targets on economic, social and cultural rights, the final SDGs should explicitly include **clear targets to protect civil and**

² To name a few key sources, UN member state [Joint Statement](#) to the Open Working Group on the Sustainable Development Goals (SDGs) February 3-7, 2014 – United Nations, New York), UN Secretary General, "[A life of dignity for all: accelerating progress towards the MDGs and advancing the UN development agenda beyond 2015](#)," 26 July, 2013; 65th Annual DPI/NGO Conference Outcome Document [Declaration](#); "[Human Rights for All Post-2015](#)" Joint Statement; [UN Global Compact](#); OWG Outcome Document chapeau reaffirming Rio+20's commitment to uphold human rights

political rights, in particular the freedoms of expression, association, assembly, access to information and political participation, and guarantees of an enabling environment for civil society, human rights and environmental defenders. The OWG proposals to delete earlier concrete references to these fundamental freedoms, and to defer to national legislation in defining their scope, falls short of the standards set by international law and development best practices.

- **Combat inequality and commit to ending discrimination in all its forms** by *inter alia* ensuring time-bound targets to progressively eliminate inequalities between groups by prioritizing a more ambitious rate of progress for the most disadvantaged groups at the national level. The grounds of discrimination articulated in 10.2, for example, fall short, protecting some grounds of discrimination prohibited in international law, including language, political or other opinion, and sexual orientation or gender identity. At the global level, the structural drivers of inequality, poverty and ecological devastation need more attention.
- **Comprehensively support the human rights of women and girls** according to international standards and agreed commitments. The gender equality and women's empowerment goal does not go far enough in recognizing the hard-won rights included in the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Vienna Declaration, the Beijing Platform for Action, and International Conference on Population and Development (ICPD) Program of Action, to name but a few of the key international processes and conventions that are more comprehensive in their understanding of women's rights beyond empowerment. Future SDGs should ensure that gender equality and girls' and women's rights are better mainstreamed throughout all goals, including by developing **gender-sensitive targets and indicators under all goals**. While a target to value unpaid domestic and care work is included, it is still silent on how to redistribute and reduce the burden that continues to fall mostly on women. The future framework should also ensure that meaningful participation by women's rights groups, organizations and movements in implementation, monitoring and accountability mechanisms is guaranteed.
- **Ensure progress that can be monitored and benchmarked towards the completion of targets**, reflecting both important development outcomes and human rights obligations of states. Many of the targets reflecting important human rights obligations lack target dates. It is understandable that target dates would not be included when targets mirror immediate obligations of the state (e.g. to end all forms of discrimination against women and girls). However, careful consideration should be taken to ensure progress can be adequately monitored in human rights terms.
- Work to ensure **human rights accountability of all development actors, including governments, businesses and international financial institutions**. While governments did uphold some important targets to ensuring domestic accountability in Goal 16, the OWG is very weak on promoting human rights accountability internationally, steering away from including support for access to effective remedy for those people adversely

affected by policies and actions which have an impact beyond and across national borders.

- **Promote as targets effective legislative and regulatory measures, and introduce mandatory, independent assessments and periodic public reporting** of the human rights and sustainable development impacts of large businesses. The OWG proposals unconditionally embrace the private sector's role in delivering on the new sustainable development commitments. Business will no doubt need to be a major player if the SDGs are to be met. Yet worryingly, no concrete targets are proposed to guarantee in practice that all companies act in line with international human rights law and standards, including the UN Guiding Principles on Business and Human Rights.
- Many of the targets reflecting important human rights obligations lack target dates. It is understandable that target dates would not be included when targets mirror immediate obligations of the state (e.g. to end all forms of discrimination against women and girls). However, careful consideration should be taken to **ensure progress can be monitored and benchmarked towards the completion of targets** reflecting both important development outcomes and human rights obligations of states.
- Finally, despite some notable victories in agreeing to clear commitments on means of implementation, the OWG proposals ultimately fail to **align any future global partnership for sustainable development with human rights duties related to international cooperation**. Over the next year, governments will need to move beyond stale, antiquated and bipolar debates by ensuring human rights-guided policy coherence post-2015, based on appropriately-grounded indicators and benchmarks. This would involve, as a first step, that governments and international financial institutions commit to conduct independent and periodic public assessments of the human rights, gender equality and sustainable development impacts of their cross-border policies and agreements, particularly those related to trade, investment, aid, tax, migration, intellectual property, debt, monetary policies and financial regulation. Assessment results should be linked to human rights accountability mechanisms to facilitate redress when the policies, actions and omissions of decision-makers in one country threaten sustainable development and human rights overseas.

Financing “a vision of the future firmly anchored in human rights”

As we approach the follow-up Conference on Financing for Development (FfD) in July 2015, we urge leaders and all development actors gathered at the 69th Session of the UN General Assembly in September 2014 to embrace the spirit, vision and mission of Rio+20 and commit to bold reforms of the currently unsustainable financial and trade systems to ensure, through the generation and use of maximum available resources, the progressive realization and non-retrogression of human rights for all. **Human rights commitments— as legally-binding and universal norms aimed to promote human dignity and well-being —should be a central benchmark for assessing whether the financing of sustainable development is sufficient, equitable and accountable** in the lead up to the FfD Conference in July 2015. More specifically, we call for the following measures:

- The post-2015 FfD agenda should place a primary emphasis on **public funding**, especially progressive fiscal policy supported by international cooperation, as central for financing sustainable development, rather than merely complementary to private financing sources. Domestic resource mobilization is the most effective and legitimate way to strengthen universal social protection floors, support substantive socio-economic equality and enable capable and accountable states with well-resourced public institutions and a strong regulatory system.
- While donor governments must meet their commitment to allocate 0.7% of GNI to development aid as a bare minimum, **new innovative public financing mechanisms** need to be put in place, replacing the problematic aid and debt system with one based on respect, solidarity, equity, inclusion, non-subordination and justice for all. **A range of options deserve support, including the implementation of a financial transaction tax in all major financial sectors, a global tax on carbon emissions, a ‘Sustainable Development Solidarity’ progressive capital tax and taxing illicit financial flows.**
- While the private sector will need to play an important role to contribute new resources to achieving sustainable development and the post-2015 development agenda, we caution against the outsourcing of development cooperation and the implications this may hold for accountability. **Specific *ex ante* criteria should be established to determine whether a specific private sector actor is fit for a partnership in pursuit of the post-2015 goals.** These would include whether the private actor has a history or current status of serious allegations of abusing human rights or the environment, including in their cross-border activities; whether the private sector actor has previous involvement in acts of corruption with government officials; and whether the private actor is fully transparent in its financial reporting and fully respecting existing tax responsibilities in all countries within which it operates. **Private sector financing and public-private partnerships for sustainable development should likewise be accompanied by mandatory transparency and accountability safeguards** in compliance with human rights norms and standards putting people’s rights before profit. The UN as an institution might never recover from the reputational shock if chief private financiers it engages with are also chief violators of its most cherished principles.
- **Strengthening regulation of financial markets** and a significant reduction in illicit financial flows must be a top priority. Any regulation of the financial market must make sure it does not take with one hand what it gives with the other and include binding obligations for banks, foundations and rating agencies to fully respect human rights, in particularly not to violate or undermine the fundamental human rights to food, water and housing, the right to education, health and social security for all.
- **Well-designed, progressive fiscal policies** are key policy levers to ensure progressive realization and non-retrogression in economic, social and cultural rights. Responses to the financial crisis in 2008 highlight the catastrophic and inequitable impacts of fiscal austerity measures decreasing public investments in the poorest and most disadvantaged. Learning from those lessons, we call for counter-cyclical fiscal policies that allow a more

balanced sharing of the costs of the crisis while ensuring universal social protection floors for all.

- **Reform of the governance and practices of international financial institutions (IFIs)** is imperative and urgent so that fiscal and monetary policies are in line with human rights standards, including particularly economic, social and cultural rights and women's rights. Whilst strengthening the stability of the international financial system, IFIs from the North and those emerging from the South need to properly integrate human rights criteria into their safeguard policies and procedures, and be held accountable for violations of human rights resulting from any harmful policies and practices.
- The enjoyment of **women's rights and advancement of gender equality should be a central objective** in the financing of the post-2015 agenda. It must include specific, time-bound indicators to not only measure the improvement in the lives of individual women, but shift the entrenched power imbalances and patriarchal norms, effect social and cultural change, and tackle economic disparities and multiple and intersecting forms of discrimination that perpetuate gender inequalities. Funding for women's rights must not shy away from advancing meaningful access, including financial access, to quality sexual and reproductive health information and services and full sexual and reproductive autonomy as a pre-requisite for the fulfillment of women's human rights. Leaders must ensure that women's rights organizations, which have been at the centre of women's rights advances throughout history, are at the forefront in guiding and shaping funding strategies for long-term change.
- The design and implementation of an **independent and fair sovereign debt workout mechanism**, based in international public law and human rights law, is imperative. Such a mechanism should provide a venue for the cancellation of the debts of low-income countries, provide immediate debt relief for severely indebted middle-income countries, and cancellation of the illegitimate debts of all countries so that foreign debt is no longer an obstacle for governments to fulfill human rights obligations and design development-focused fiscal policies.

Tracking human rights compliance and accountability of all development actors

In addition to ensuring that human rights standards are reflected in goals, targets, and indicators as well as how they are financed, it is essential that the Post-2015 agenda provides a human rights-based mechanism or series of mechanisms to ensure accountability. While previous drafts of the OWG proposals contained a target that outlined an international accountability mechanism for the Post-2015 agenda under Goal 17, this target was stripped from the final text. The proposed SDGs thus do not provide an adequate framework for accountability in sustainable development. Targets under Goal 16 on access to justice and public participation may contribute to accountability, but Goal 16 was stripped of a target that would have mandated aligning national legal frameworks with human rights obligations, an essential part of ensuring human rights-based development. We urge leaders and all development actors gathered at the 69th Session of the UN General Assembly (UNGA 69) to build a robust, multi-faceted global

monitoring and accountability framework which tracks the compliance and accountability of all development actors to their commitments. Such an accountability framework should:

- Require **national-, regional- and international-level human rights-based periodic review of all states** on their progress in implementing development commitments. This review could take many forms. One possibility is a peer review mechanism at the High-Level Political Forum that could be modeled on and take lessons from the work of the Human Rights Council's Universal Periodic Review (UPR). This review should be compulsory for all states regardless of the level of socio-economic development, provide institutionalized avenues for civil society participation, and function in complementarity and constructive interaction with existing accountability mechanisms, including parliamentary, judicial and administrative bodies, along with UN monitoring bodies.
- **Develop constructive interaction between the post-2015 accountability framework and existing human rights accountability mechanisms** at the national, regional, and international levels. This should be done by building on and improving accountability mechanisms related to obligations under international human rights treaties, including those reviewed through the UPR, and other political consensus documents. Information from these human rights-based reviews should also be seen as an essential contribution to any Post-2015 accountability mechanisms. National human rights institutions, sector-specific expert commissions and civil society organizations, including grassroots groups, should also play a key role as independent sources of information for any new international monitoring mechanisms.
- **Guarantee that all actors involved in development are held accountable.** States themselves have the primary responsibility to implement the Post-2015 agenda and should also be the primary subjects of accountability mechanisms. However, large donors, IFIs and other non-state actors such as corporations have significant impacts on areas such as health, education, climate change, and other environmental and social issues. **Any monitoring and accountability framework should** introduce mandatory, independent assessments and periodic public reporting of the cross-border human rights and sustainable development impacts of governments, businesses and international financial institutions.
- Require national-level plans for implementation of the Post-2015 agenda which translate global goals, targets, and indicators into national contexts **using human rights-centered criteria to provide institutionalized and meaningful participation of affected communities**, and under which national-level judiciaries and other accountability mechanisms can hold states to their development commitments.
- Secure active and meaningful **participation of all, in particular marginalized communities**, without fear of repercussion, in the design, implementation, and monitoring of all relevant policies and programs, and in decisions about how they are resourced. This requires that states ensure meaningful participation for all people, especially the most disadvantaged, in decision-making at all levels and support citizen-led systems of monitoring of performance in meeting the goals. Indigenous peoples, for

example, have the right to give or withhold their free, prior and informed consent to development projects on their lands and territories. Only an empowered society can contribute to inclusive sustainable development for all. National, regional, and international accountability mechanisms must in particular ensure that civil society organizations can meaningfully participate and are supported in participating in accountability mechanisms and that their contributions are considered an essential source of information for monitoring and evaluating states' progress.

- Development actors should be held to account by **tracking their performance in financing gender equality**, women's organizing, and women's collective empowerment processes around the world. In particular, accountability mechanisms should hold states to their obligation to respect, protect, and fulfill women's human rights, including sexual and reproductive rights, recognizing them as indivisible from other rights aimed at achieving gender equality and ensuring women's autonomy free from violence, coercion, and discrimination.
- Ensure **access to justice for all**. This requires that every person has equal access to effective national-level remedies for violations of civil, political, social, economic, cultural, and environmental human rights through accountable and impartial justice systems. It also requires that human rights accountability is available and effective at the international level, including by supporting access to effective remedy for those who cannot access justice domestically and for people adversely affected by policies that have spillover effects across borders. States must eradicate existing barriers to justice, particularly for marginalized groups such as people living in poverty and human rights defenders, particularly women human rights defenders who are under threat for both the work that they do and their gender.
- Ensure a **human rights-sensitive 'data revolution.'** by ensuring the right to prompt and effective access to high-quality information on public policies, including on budget, financial and tax policies, disaggregated on the basis of various grounds of discrimination, including by gender, disability status, geographical region and compound and intersecting forms of discrimination. This requires easy access to high-quality, machine-readable and disaggregated data which monitors not only income inequality and other quantitative measures but also changes in legal frameworks, people's wellbeing and level of human rights enjoyment, ecological sustainability, and other qualitatively-observable measures.