



Wilton Park



Image: Saad Faruque

Report

Human rights and Agenda 2030: challenges and opportunities

Monday 15 – Wednesday 17 January 2018 | WP1587

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Summary

Much effort has been made in recent decades to integrate human rights in development activity, and there has been considerable progress. The adoption in September 2015 of Agenda 2030 and the Sustainable Development Goals (SDG), which are anchored in human rights, provides a major new opening to pursue a rights-based approach to development, and strengthen states' commitment to respect, promote and protect human rights at a time when such rights are under serious attack.

To capitalise on this window of opportunity, key challenges must be addressed, including:

- Simplifying and making more attractive human rights messaging, to demonstrate human rights can have real impact on people's everyday lives;
- Enhancing engagement and outreach through dialogue and partnerships, with a willingness to speak to persons outside the 'comfort zone' of the human rights community and break out of working in silos; new partnerships should be created, for example with local authorities, social movements or sports organisations;
- Becoming smarter in leveraging money for human rights, including by tackling some of the restraints on human rights funding imposed by development budgets, through plugging into the anti-corruption agenda, and by exploring the potential of the investment community;
- Harnessing the potential of technology, by engaging fully in discussions on technology, and reconceptualising how the international human rights framework fits with digitisation;
- Optimising the use of the extensive human rights data which exists in the human rights machinery at global and regional levels, and making it SDG-readable;
- Galvanising United Nations (UN) leadership and commitment, at the highest level, as well as through UN regional and country offices, to promote human rights through development; and fully utilising the expertise and experience of the UN's human rights machinery in reporting, review and follow up to develop a more robust procedure for examining states' SDG performance.

Background

1. Bringing together experts from around the world, government and civil society representatives, the meeting sought to explore how Agenda 2030 and existing human rights norms and standards can be further aligned, and human rights and civil society

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space strengthened, by:

- Taking stock of the current international human rights landscape in relation to Agenda 2030;
- Identifying the challenges and opportunities provided by the convergence between the human rights and development pillars;
- Exploring sustainable ways forward and creative approaches.

Understanding the context and challenges

2. Many perceive backsliding in the current global human rights environment, with some states which were previously human rights champions, in the West particularly but also elsewhere, failing to address accountability and other issues. There is also seen to be a crisis of confidence at the UN itself, where the Security Council is stymied on important issues. At the same time, there are many more human rights activists working at local level than in the past, and better means or a broader range of tools currently available for protecting human rights.
3. Among the threats to human rights are: the many unresolved armed conflicts, for example in Myanmar, South Sudan, Yemen and Syria, with attendant violations of international humanitarian law which remain unchallenged; terrorism, as manifested through ISIL, and the Faustian bargains governments have made in counter-terrorism activity; the assertiveness of China, and Russia, undermining the fundamentals of human rights; selectivity, in defending rights violations in some countries but not others; restricted space for civil society activism through deliberate restraints and ongoing attacks on human rights defenders globally; the risks of technology, such as artificial intelligence (AI) with its implications for meaningful work and human agency, and dilemmas in privacy and surveillance; the rise of extremism, hate and divisiveness, which, while not new, have now been normalised through political discourse; misinformation and ‘fake news’; erosion of institutional structures, such as courts, whether domestic, regional or international; non-cooperation of states with international human rights and legal bodies; states of emergency and constitutional coups; discrimination and the lack of equal protection, for example for the LGBTI community in parts of the world. Human rights are often pitted against other frameworks, for example human rights or the economy and human rights or security.
4. Reversing such trends will take much more effective messaging and greater effort to win hearts and minds, bringing human rights closer to people’s everyday life and garnering popular support. Human rights activity needs to re-engage publics, including in Europe, and make common cause with the grievances expressed in social movements. There is risk in pessimism, and the human rights community should convey a positive message, be pro-active and on the front foot. There is also a need to be bold in addressing failures or erosion of fundamental rights, through the UN and galvanising action by governments. Human rights defenders, who speak out for the marginalised and are often killed or targeted in the context of development projects, need to be protected by national law, and funds dedicated to support their work and safety.

Human rights and the SDGs: parallel and converging frameworks

5. With the adoption of Agenda 2030 and the SDGs many feel notable gains have been made in creating a convergence between development and human rights. The framework for the SDGs is anchored in human rights and all 17 goals are connected to human rights. For some goals, for example the right to education, the elaboration of the goal is in line with international human rights standards. SDGs are universal, applying to all countries. They are comprehensive, comprising economic, cultural and social rights, including social protection and worldwide health coverage, as well as civil and political, through reference to the rule of law and access to justice. SDGs promote

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equality, and inclusion, based on the concept ‘leave no-one behind’, and should be a vehicle for accountability. The SDGs are a fresh articulation of human development and as such have political commitment.

6. The interests or protection of the individual, which is the essence of a human rights-based approach, and those of the collective or group, the subject of development, may be complimentary but also contradictory. Working hand-in-hand human rights and development can help to resolve this. SDGs can advance human rights by providing entry points to addressing marginalised groups, especially in Europe, and build the confidence of such groups in the state. They provide a means of reaching out to persons the human rights community may not otherwise touch, such as communities of fishermen and artisans, environmentalists and development specialists. The SDG commitment to tackle economic inequality enables attention to the growing gap in equality, particularly useful for middle and high income countries. They provide a boost and validation to emerging economic human rights issues, like the right to water and sanitation, supply benchmarks for human rights monitoring and will spur the gathering of data on economic rights. The SDGs may provide cover for human rights advocacy in countries where such activity is under threat. They can secure far greater financial resources than human rights, and afford an opportunity for the human rights community to participate in financing discussions, although how to engage in this needs to be given much more consideration.
7. There are however some serious shortcomings in the process for implementing Agenda 2030, in particular what is seen by many as a toothless system of accountability in the follow-up and reporting (FUR). The voluntary national reviews conducted by the High Level Political Forum (HLPF) are considered a cursory procedure, lasting only some 15 minutes, with 117 countries undergoing review during 2016 to 2018. There is limited civil society participation. The indicators which flesh out the goals were established at global level and dilute ambition. The human rights community was essentially absent from the discussion which drafted them, and the indicators are criticised for not reflecting human rights standards. National development strategies have been slow to get off the ground, and in some countries the SDG agenda has essentially been pasted onto existing national development plans, which limits the transformative potential of the SDGs. Some donors are focused on external assistance, rather than domestic needs.
8. In addition to procedural limitations, the context or global economic policy environment in which the SDGs are being implemented has serious constraints. Fiscal austerity measures are being adopted or projected in well over half the countries in the developing south. International cooperation for development is seriously affected by the continuance of tax havens, which rob developing nations of vital resources, although these are not difficult to shut down. Corporate tax avoidance similarly deprives states of legitimate income.
9. There are a number of ways suggested for the human rights community to bring influence to bear on the SDG implementation process. Human rights machinery is complimentary to SDG monitoring, and as such it can be mutually reinforcing. Treaty monitoring bodies have started to reference SDG obligations, and they can also scrutinise extra-territorial commitments of states. Similarly information from the Universal Periodic Review (UPR) machinery should be SDG-linked. It is estimated that some 60-70% of UPR information relates to the SDGs. There are clear overlaps between International Labour Office conventions, for example on child labour, and labour rights generally, and SDGs on achieving gender equality, promoting sustained, inclusive and sustainable economic employment and reducing inequality within and among countries. Business reporting also reveals much human rights relevant data. The causal links between human rights and economic growth, as well as self-interest, should be underlined: inequality hampers growth, while human rights tackle inequality; or what might be the future costs of further inequality? Focusing at country, and city or local, level is important. National human rights institutions (NHRIs) can play a leading

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role in following the implementation of human rights through the SDG process. Again the human rights community needs to be explicit in showing development and human rights are truly holistic, and human rights are guiding principles for social and economic policy.

10. Yet some express concern that the window of opportunity for promoting accountability in the SDG process is closing, with the cumbersome FUR essentially devoid of human rights. There is also seen to be some risk that too much focus on the SDGs might divert attention and resources away from a clear implementation of human rights. Might Agenda 2030 contribute to the perception or argument that violations of human rights occur because of lack of resources? Or, for funding purposes, donors may push human rights NGOs into an ill-fitting development framework, where they are required to measure and demonstrate outputs or outcomes to their work, in accordance with development funding methodology, inapt for human rights activity.
11. There are currently discussions underway among a cross-regional Group of Friends in Geneva, both governments and civil society organisations, to consider and guide the UN human rights system’s support for the SDGs and the synergies and mutual learning between human rights and development. One of the options under consideration is to propose creating a voluntary annual platform at which to discuss issues, borrowing the focus for the platform from the cluster of SDGs under review at the HLPF of the SDG process but exploring these from a human rights perspective. Some suggest it may be more effective to have a Working Group on the SDGs and human rights, rather than an annual forum. The Group of Friends envisages submitting a draft resolution to the meeting of the Human Rights Council in June 2018 to carry forward the outcome of its deliberations.

Building and strengthening coalitions

12. The UN itself constitutes a coalition, of both governments and civil society, together with a range of agencies, funds and programmes. The 2030 Agenda now provides policy coherence to what were often disparate views of how the UN should work across its three pillars of human rights, development and peace and security. The UN development system is itself undergoing reform, which should enable more effective implementation of Agenda 2030. The separation of the Resident Coordinator (RC) system from the UN Development Programme (UNDP) should enable impartial and empowered RCs to lead recalibrated country teams. With human rights responsibilities integral to their work, it is urged that country teams should be provided with greater human rights capacity, through the presence of expert human rights advisers, a role which has shown its value in the recent past and led to enhanced engagement with the UN’s human rights machinery and procedures. Human rights advisers can also link more readily with NHRIs, whereas development officers engage most frequently with service providers. UN regional commissions, which are mandated to play a leading role in the implementation of the SDGs, are also to be revitalised under the reforms currently awaiting implementation. It is essential the human rights community engages with these regional economic commissions.
13. The UN’s Working Group on Business and Human Rights is the organisation’s primary vehicle for promoting the Guiding Principles on Business and Human Rights, the standards states and companies have accepted to prevent, address and remedy human rights abuses committed in business operations. The Guiding Principles are referenced in Agenda 2030 (paragraph 67), but there is some disappointment at the lack of familiarity with and observance of this instrument, as well as the activity of the Working Group itself despite broad participation from business in the annual forum it holds in Geneva. Similarly there is a perceived lack of adequate support for the Voluntary Principles on Security and Human Rights. This is a multi-stakeholder initiative involving governments, companies and non-governmental organisations, and comprises a set of principles designed specifically for extractive sector companies in

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maintaining the safety and security of their operations in a framework that encourages respect for human rights. While there is some involvement from companies based in Europe and North America, it has virtually no traction with those in India or China, for example. There is generally felt to be a need for much greater engagement with both governments and companies both inside, and especially outside, the northern hemisphere, to focus on the implementation of these and other human rights standards relevant to the corporate sector. Some warn, however, there is a plethora of initiatives with the private sector which, while these are intended to protect human rights, may chip away at the human rights architecture, creating a ‘cherry-picking’ approach and lack focus.

14. The corporate sector has a long-standing involvement in development projects, although some argue there appears to be an over-reliance on the business sector to finance Agenda 2030. At the same time, many feel it is unhelpful to keep business at arms’ length. Business and the human rights community should speak regularly and transparently, and more private sector participation should be encouraged. A better understanding of the corporate landscape is required, since it is not homogenous. For example, greater attention should be paid to the role of social enterprises. The investment community, which has to listen to its stakeholders, represents a largely untapped and potential long-term resource. There is broad agreement on the need for much more discussion, and clarity, about the private sector’s contribution to Agenda 2030, for example whether it becomes the ‘go-to’ sector for funding, although the corporate sector may not itself welcome this. There are questions about accountability and around outcomes when these are societal development projects. Business involvement in such activity should be integrated into the regular interests and operations of business and not constitute ‘add ons’. What role for bonds in financing, as in the initiative for green bonds over the last decade? Public-private partnerships should be transparent and accountable. There is concern that at present there are no common criteria among UN agencies for public-private partnerships, and the potential risk this entails should be promptly remedied, and common practice enforced. There has nevertheless been progress in establishing corporate human rights benchmarks, improved public procurement measures, especially at the level of cities, and by state-owned enterprises (SOEs). The state should lead by example, and whatever SOEs do should be the standard to follow, but currently this is very far from reality.
15. Building stronger relationships with international financial institutions (IFIs) like the World Bank (WB) and the Organisation for Economic Cooperation and Development in Europe (OECD) may further the integration of human rights in development. There is a need to seek to lift the restrictions the OECD’s Development Assistance Committee (DAC) imposes on the use of overseas development assistance for human rights activity in middle income countries. These are becoming more onerous whereas the countries concerned often need human rights support. While the more recently established Asian Infrastructure Investment Bank (AIIB) may echo some of the standards for social impact monitoring and grievance procedure of the OECD, these do not yet appear to be properly implemented. It is important to have dialogue with the Chinese-initiated AIIB, as it is also be engage with the Chinese government and corporate sector.
16. Linking human rights with development at local level can be highly effective, for example through the ‘human rights cities’ currently being established in Indonesia, Turkey and other parts of Europe. Such initiatives can also be replicated at a more local level, and use non-typical human rights instruments which can have greater resonance with the local community. Alliances should also be explored with the social movements which have developed in various parts of the world in response to grievances about social injustice like wealth distribution and taxation, and unequal treatment for example. How could the ‘#MeToo’ movement be linked into efforts to realise women’s rights and equality? Partnerships with sports organisations are also likely to have potential. Major sporting events encompass a range of human rights and

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development issues, including land acquisition, labour rights abuses during venue construction, exploitation of migrant workers, child labour, constraints on the right to protest and human rights issues on the track and field itself. A new independent Centre for Sports and Human Rights, backed by the International Federation of Football Association (FIFA) and the International Olympic Committee (IOC), among others, is due to open in Geneva in 2018. The impact on government policy hosting a motor sporting event can have is demonstrated by the recent announcement of Qatar, which is holding the 2022 World Cup, to end the kafala system of sponsored labour. Two million migrant workers in the Gulf state currently run the risk of being held in slave-like conditions should their wages be stopped and their paperwork to enable their return home withheld by their employers.

17. There is a growing recognition of the risks of technology to human rights, and a strong sense that the human rights community needs to engage fully in discussions and partnerships with the technology sector. While technology is part of the problem, its positive use can also provide solutions. The human rights community and those involved in technology barely use the same language, and there is perceived mistrust on both sides. It was noted that the Office of the High Commissioner for Human Rights has a five-year partnership agreement with Microsoft. There is general agreement about the need to reconceptualise digital spaces and how the international human rights framework fits with digitisation. There are existing initiatives, for example in the area of artificial intelligence, on which to build and introduce systems of accountability, such as a code of conduct. Technology can of course play a role in implementation of the SDGs, for example in measurement. It is, however, a means, and not an end.

Additional practical steps

18. To capitalise on promoting human rights through the SDG framework, a number of key issues, or shortcomings, need to be addressed. These overlapping challenges include:
 - Messaging: human rights messaging is often in jargon which is technical and largely unintelligible, or unattractive, to persons outside the human rights community; it needs to be simplified, to include messages relevant to young people, for example on social justice issues, and connect with persons in sectors such as health, environment and sanitation, linking with the SDGs, so that all are encouraged to become human rights activists and advocates.
 - Dialogue, outreach and partnerships: there should be efforts to convene governments, business, civil society organisations and academics to promote human rights and development synergies in different venue, including at local, national, regional and international levels, with efforts to ensure that dialogue is multi-sectoral and multi-regional; joint demarches by diplomats in countries where there is limited cooperation on human rights can be used to raise Agenda 2030 and human rights in a non-threatening way; there should be more engagement with development actors and those financing development projects, the WB, IFIs and regional economic bodies, and human rights advocates should speak to foreign and development ministries, as well as finance and economic officials.
 - Human rights and/or civic education: human rights education needs to be become more creative than the existing structures and programmes to increase civil society participation, for example moot court competitions on a theme such as ‘Are uniforms necessary?’ for school pupils in South Africa have become a long-term educational tool. These engage not only the pupils but teachers, magistrates, the South African Human Rights Commission, the country’s NHRI, and, eventually, Constitutional Court judges. Human rights education does not necessarily have to be presented as such, it can also be civic education, focussing on SDG issues such as access to justice and transparency. Inspiration for educational initiatives could be taken from the ‘Race to the Top’

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programme introduced, remodelling the grants programme of the US Government under President Obama which had encouraged US states to create conditions for education innovation and reform. Similarly, introducing incentives such as awards or recognitions could be effective when encouraging business to take up a rights-based approach to development. The indicator on human rights education should be expanded and refreshed to take account of the universality and full spectrum of human rights.

- Anti-corruption: framing concerns more smartly could both leverage more funding for human rights, draw greater attention to human rights issues and underline the linkage with development. The anti-corruption agenda exemplifies this well: it has widespread political support and business involvement, and it underlines the crucial role human rights defenders often play in exposing corrupt practices, as well as independent media and investigative journalism.
- Technology: an international discussion needs to take place between technology, development and human rights communities to examine the role technology can play in the realisation of Agenda 2030.
- Information and data: collecting data which is high-quality, transparent (clearly-sourced), timely and disaggregated, from governmental and non-governmental sources, is vital, and local initiatives to obtain this (by local development and human rights groups, as well as local government) should be supported, so as to gain perspectives closer to the people affected, as well as promote local participation and decision-making. Such data should be used to encourage shadow reporting on the SDGs. Since SDG indicators have been identified as a weakness in Agenda 2030, the human rights community should communicate with the statisticians in government who were responsible for their drafting to endeavour to make the indicators more relevant to human rights.
- UN human rights machinery and information: since much data relevant to the SDGs already exists, with the treaty monitoring bodies and the UPR in particular, it needs to be fully utilised. The universal human rights index needs to be made SDG-readable. Algorithms need to be developed to link UPR information to the SDGs. Members of treaty monitoring bodies should be made more familiar with the SDGs, and SDG issues should be included in the list of questions sent to a state to prompt focused reporting. A simplified system of reporting would be advantageous, and should ideally be introduced more quickly than whatever other reforms result from the ongoing examination into treaty body reform. Recommendations from treaty monitoring bodies should be linked to the SDGs, and widely disseminated. A collective General Comment on the linkages between human rights and the SDGs could be issued by treaty monitoring bodies. The HLPF should learn from human rights forums, be open to civil society engagement and, in terms of their reporting, review and follow-up, develop a more robust review procedure.

19. Ensuring human rights become integral to Agenda 2030 requires leadership from the UN at the highest level, as well as from across the UN system. There is concern political commitment to human rights is waning at the UN despite the introduction in 2013 of Human Rights Up Front, an initiative of the then Secretary-General to strengthen prevention of serious concerns that cut across the UN’s three pillars of peace and security, development and human rights, and improve UN action. A clear call from the UN Secretary-General for human rights to be seen as a driver for realising the SDGs, and for the SDGs to be used to realise human rights, could dispel this perception.

Isabelle Jaques

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