

#ESCR AND #SDGS

**PRACTICAL MANUAL ON THE ROLE OF UNITED NATIONS
HUMAN RIGHTS MECHANISMS IN MONITORING
THE SUSTAINABLE DEVELOPMENT GOALS THAT SEEK TO REALIZE
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

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KEY MESSAGES AND RECOMMENDATIONS

KEY MESSAGES

The 2030 Agenda for Sustainable Development adopted by the United Nations (UN) in September 2015 is grounded in international human rights law, and its Sustainable Development Goals (SDGs) aim to realize the human rights of all. Many of the 17 SDGs and 169 SDG targets aim to contribute to the realization of economic, social and cultural rights (ESCR), and the commitments to leave no one behind and to achieve gender equality can give concrete meaning to the human rights principles of equality and non-discrimination. The 2030 Agenda must also be implemented in a manner that is consistent with the obligations of states under international law, which include their obligations to respect, protect and fulfil ESCR without discrimination.

The SDGs and ESCR should be seen as mutually reinforcing. ESCR can offer a legal basis and guidance in the implementation of the SDGs, and the SDGs can increase support for the realization of ESCR. As stated by the Chairpersons of the UN treaty bodies, the implementation of the SDGs should be seen as ‘an important step on the longer, and continuous, road towards the full and effective realization of all human rights for all’.¹

The weakness of the 2030 Agenda lies in its accountability framework, based on voluntary national reviews and peer-reviewed soft guidance. UN human rights mechanisms should see this weakness as a call for action and fill the gap by including in their work the monitoring of the SDGs that seek to realize ESCR, and by sharing the result of their work with monitoring mechanisms established by the 2030 Agenda.

The work of UN human rights mechanisms can provide guidance to states in the implementation of the SDGs, as well as to national, regional and global monitoring mechanisms established by the 2030 Agenda, including the High-Level Political Forum on Sustainable Development (HLPF). They have unique expertise in monitoring the realization of ESCR in UN Member States, promoting equality and non-discrimination and pushing for the adoption of laws, policies and programmes that target the most vulnerable or those who are left behind.

Since the adoption of the 2030 Agenda, UN human rights mechanisms have made significant efforts to include in their work the monitoring of the SDGs that seek to realize ESCR. By strengthening these efforts, they can transform the beneficiaries of the laws, policies and programmes aimed at achieving the SDGs into rights-holders and states as entities having legal obligations to implement the SDGs in a manner that is consistent with human rights. They can thus enhance participation, accountability, non-discrimination, transparency, human dignity, empowerment, the rule of law and solidarity (PANTHERS) in the implementation of the SDGs.

¹ Joint Statement of the Chairs of the UN Treaty Bodies on the Post-2015 Development Agenda, May 2013.

RECOMMENDATIONS

- States should follow a human rights-based approach in the implementation of the SDGs. Inspiration could be drawn from what Brazil did between 2003 and 2015, when it made impressive progress in reducing hunger and extreme poverty by recognizing legal entitlements and targeting the most vulnerable or those who had been left behind in the implementation of social programmes.
- States should include the recommendations of UN human rights mechanisms in their national reviews of the implementation of the SDGs, as well as in the work of national, regional and global mechanisms established to monitor the SDGs.
- The HLPF should more systematically include UN human rights mechanisms in its work and make sure that the recommendations these mechanisms have made to UN Member States are available, in particular those addressed to states presenting national reviews of the progress made in the implementation of the SDGs.
- UN human rights mechanisms should contribute to the work of national, regional and global mechanisms established by the 2030 Agenda, including the HLPF, by sharing the result of their work, including on monitoring ESCR, promoting equality and non-discrimination, and pushing for the adoption of laws, policies and programmes that target the most vulnerable or those who are left behind.
- Using the Universal Human Rights Index, the Office of the UN High Commissioner for Human Rights should produce an annual compilation of recommendations made by UN human rights mechanisms, with a focus on those that can contribute to the implementation of the SDGs. This compilation should be shared with the HLPF, and emphasis should be placed on recommendations addressed to states under review or that are relevant to the theme or the SDGs examined during the meeting’s thematic review. Ideally, the example of the Human Rights Council’s Universal Periodic Review should be followed, with one compilation of recommendations produced for each state being reviewed.
- UN human rights mechanisms should more systematically include the monitoring of the SDGs in their work. This would give the SDGs a strong normative basis with binding legal obligations, help fill gaps and reinforce equality, non-discrimination and attention to the most vulnerable or those who are left behind. It would also provide a means of ensuring accountability through independent mechanisms.
- The UN Human Rights Council should continue to include the SDGs more systematically in its work. UN Member States should more systematically use the Universal Periodic Review to monitor the SDGs, including by making specific, measurable, ambitious, realistic, and time-bound (SMART) UPR recommendations on ESCR and the SDGs. UN special procedures should more systematically include the monitoring of the SDGs in their thematic reports, country visit reports and statements. UN treaty bodies should more systematically include the monitoring of the SDGs in their examination of State Parties’ reports, making recommendations linking the realization of ESCR to SDGs’ implementation, as well as in their statements and general comments or general recommendations.

1. INTRODUCTION²

‘The 2030 Agenda is a once in a lifetime opportunity to bring human rights – and hope – to millions of people who today are left behind [and] implementing the SDGs requires a human rights-based approach – locally, nationally, regionally and globally.’ M. Bachelet, July 2019³

For more than 20 years, the United Nations (UN) has underlined the need to adopt a human rights-based approach (HRBA) to development. In designing the 2030 Agenda for Sustainable Development adopted by the UN General Assembly in 2015, efforts have been made to connect the realization of the Sustainable Development Goals (SDGs) with human rights law and principles.

The 2030 Agenda is ‘grounded in the Universal Declaration of Human Rights (and) international human rights treaties’, and envisages a world of ‘universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination’.⁴ Although they are not framed in the language of human rights, the SDGs ‘seek to realize the human rights of all’,⁵ and the goals relating to poverty, social security, food security, health, education, housing, work, water and sanitation incorporate most of the elements of economic, social and cultural rights (ESCR) as they are articulated in the International Covenant on ESCR (ICESCR).

Along with the substantive human rights guarantees that have been included in the 2030 Agenda, strong emphasis has been placed on ensuring that implementation, follow-up and review processes linked to the SDGs are participatory, rights-based and effective, with the 2030 Agenda calling on the ‘United Nations System’ as a whole to work together for these purposes.⁶

This practical manual aims to support this role to be played by the UN system, by focusing on the role of UN human rights mechanisms, in particular the Human Rights Council, special procedures and treaty bodies in monitoring the SDGs. It starts by presenting the links between human rights and the SDGs (2). It then presents the commitments made in the 2030 Agenda in relation to the SDGs and ESCR (3) and discusses the role that UN human rights mechanisms can play in monitoring the SDGs that seek to realize ESCR (4).

² This manual is based on C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018; C. Golay, *Economic, Social and Cultural Rights and Sustainable Development Goals*, Research Brief, Geneva Academy, 2018. It includes information taken from these 2018 publications, summarizing them, updating them and adapting them to offer a practical tool to all users.

³ *Statement by Michelle Bachelet, UN High Commissioner for Human Rights, to the High Level Political Forum*, New York, 16 July 2019.

⁴ *UN General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, §8, 10.

⁵ *Ibid*, Preamble.

⁶ *Ibid*, §§39, 46, 52, 60, 74, 83.

2. HUMAN RIGHTS AND THE SDGS

‘The achievement of the common objective of the 2030 Agenda and the [International] Covenant [on ESCR] to eliminate poverty will be a milestone along the journey to realizing the human dignity of every person, as enshrined in the Universal Declaration of Human Rights.’ UN Committee on ESCR, April 2019⁷

In September 2015, 170 world leaders gathered at the UN Sustainable Development Summit in New York, where they adopted the 2030 Agenda. In doing so, they committed to ‘build upon the achievements of the Millennium Development Goals and seek to address their unfinished business’.⁸

The 2030 Agenda covers a broad set of 17 SDGs and 169 targets to be achieved by 2030. Inspired by two origins – the Millennium Development Goals (MDGs) and Agenda 21⁹ – the SDGs can be grouped under five themes: protecting people, the planet, prosperity, peace, and promoting partnership to achieve the SDGs.¹⁰

The SDGs that aim to protect people – through which states committed ‘to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment’¹¹ – are particularly relevant for the realization of ESCR.

This second part aims to respond to the following questions:

- What is a human rights-based approach (HRBA) to sustainable development?
- How extensive are human rights commitments in the 2030 Agenda?
- What is the potential contribution of the SDGs to the full realization of all ESCR in all countries by 2030?
- Can the commitments to leave no one behind and achieve gender equality help to put an end to inequality and discrimination?

⁷ *UN Committee on ESCR, Statement on the Pledge to Leave No One Behind: the ICESCR and the 2030 Agenda*, 5 April 2019, UN doc E/C.12/2019/1, §1.

⁸ *UN General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, §2.

⁹ *Agenda 21* is the action plan for the 21st century adopted by 178 Heads of States at the UN Conference on Environment and Development (the Earth Summit) held in Rio de Janeiro, Brazil, in June 1992.

¹⁰ *UN General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, Preamble.

¹¹ *Ibid*.

A. HUMAN RIGHTS-BASED APPROACH TO SUSTAINABLE DEVELOPMENT

The need to adopt a HRBA to development has been underlined by the UN and its Member States for more than 20 years.¹² In 1993, the Vienna Declaration and Programme of Action of the World Conference on Human Rights stated that ‘democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing’.¹³ In 1997, the UN Secretary-General Kofi Annan’s report *Renewing the United Nations: A Programme for Reform* asked for human rights to be mainstreamed into the programmes, policies and activities of all UN specialized agencies, programmes and funds.¹⁴ In 2000, the UN Development Programme (UNDP) published its report on human rights and human development, and the UN General Assembly adopted the Millennium Declaration, in which UN Member States committed to protect all human rights and reach the MDGs by 2015.¹⁵

In 2003, the UN agencies, funds and programmes adopted the Common Understanding on the Human Rights-Based Approach to Development Cooperation and Programming (UN Common Understanding).¹⁶ According to the UN Common Understanding:

1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process
3. Development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights

¹² See OHCHR, *Frequently Asked Questions on a Human-Rights Based Approach to Development*, 2006.

¹³ UN General Assembly, *Vienna Declaration and Programme of Action*, UN doc A/CONF.157/23, 12 July 1993, §8.

¹⁴ UN Secretary-General, *Renewing the United Nations: A Programme for Reform*, UN doc A/51/950, 14 July 1997.

¹⁵ UNDP, *Human Development Report 2000: Human Rights and Human Development*, Oxford University Press, 2000; UN General Assembly, *UN Millennium Declaration*, UN doc A/RES/55/2, 18 September 2000. On the links between the MDGs and human rights, see C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 14-20; C. Golay, I. Biglino and I. Truscan, ‘The Contribution of the UN Special Procedures to the Human Rights and Development Dialogue’, *SUR – International Journal of Human Rights*, Vol. 17, 2012, pp 15-37.

¹⁶ United Nations Development Group, *The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies (UN Common Understanding)*, 2003.

Applied to ESCR and the SDGs, the UN Common Understanding implies that:

1. Realization of ESCR should be the main objective of laws, policies and programmes aimed at implementing the SDGs
2. Human rights instruments and principles should guide the adoption and implementation of measures taken to achieve the SDGs
3. These measures should contribute to empowering people to claim their ESCR, and to states respecting, protecting and fulfilling ESCR without discrimination

Human rights principles include the principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment, the rule of law and solidarity (PANTHERS).¹⁷ Following the UN Common Understanding, these human rights principles should be used as a guide in all phases of the programming process linked to the SDGs, from assessment and analysis to law, policy and programme design and planning, implementation, monitoring and evaluation.

The social programmes put in place in Brazil between 2003 and 2015 and the right to food campaign that started in India in 2001 can be seen as examples of HRBAs to sustainable development.

SOCIAL PROGRAMMES IN BRAZIL (2003–2015)

Under the presidency of Luiz Inácio Lula da Silva (2003–2010) and Dilma Rousseff (2010–2016), Brazil provided a model for building effective legislative, institutional and policy frameworks to realize the right to food, following a HRBA to sustainable development.¹⁸

In January 2003, the Brazilian Government adopted a national food security policy (the Food and Nutritional Policy) and established a national food security programme (the Zero Hunger Strategy), recognizing the state’s responsibility for ensuring access to adequate food for the Brazilian population. The National Council for Food and Nutrition Security (CONSEA) was re-established as a discussion forum for the government and civil society in 2003, directly advising the Brazilian President. It then played a vital role in coordinating the policy-making agendas of several government institutions in conjunction with the participatory efforts of civil society and observers. In 2004, the Brazilian Institute of Geography and Statistics undertook a survey to identify the people most vulnerable to food insecurity in the country. In 2005, CONSEA established its Standing Commission on the Human Right to Adequate Food to advise the government on the incorporation of the right to food in food security policies. On 15 September 2006, the Brazilian Congress passed the National Food and Nutrition Security Framework Law, which defined the right to food

¹⁷ FAO, *Right to Food. Making it Happen: Progress and Lessons Learned Through Implementation*, 2011, pp 6–7; O. De Schutter, *UN Special Rapporteur on the Right to Food. Countries Tackling Hunger With a Right to Food Approach*, Briefing Note 1, May 2010. To the PANTHER principles used for the right to food, we add solidarity (PANTHERS), which is fundamental to the realization of the SDGs that seek to realize ESCR.

¹⁸ FAO, IFAD, UNICEF, WHO, WFP, *The State of Food Security and Nutrition in the World*, 2019, pp 95-96.

and states' correlative obligations. In 2010, it amended the Constitution to include the right to food as a fundamental right of every Brazilian.

The successful implementation of these legislative, institutional and policy frameworks led Brazil to become one of the first countries to reach the first MDG of reducing undernourishment by a half.¹⁹ In a study published in 2010, ActionAid classified 51 countries according to their effectiveness in fighting hunger and ranked Brazil first, because the country built adequate legislative and policy frameworks and reduced child malnutrition substantially during Lula's presidency.²⁰

This HRBA to sustainable development continued under the presidency of Dilma Rousseff, who implemented a new policy to eradicate extreme poverty in Brazil, focusing on the rights of the 16 million most vulnerable people in the country. As a result, in 2014, Brazil was removed from the UN hunger map for the first time.²¹

RIGHT TO FOOD CAMPAIGN IN INDIA

In 2001, many people in the state of Rajasthan were starving while food stocks from the Food Corporation of India were available. In response to this situation, the People's Union for Civil Liberties, a human rights non-governmental organization, appealed to the Supreme Court. It argued that the right to life enshrined in article 21 of the Constitution, and thus to food, was being denied. In a number of interim orders, the Supreme Court ruled that all individuals in India have the right to food and that this right should be fulfilled by the state.²² The Court then directed all state governments of India to implement social assistance schemes to realize the right to food. In 2013, the Indian Parliament adopted the National Food Security Act (also called the Right to Food Act), through which it converted food security programmes into legal entitlements for around 800 million people. Since 2001, a national campaign on the right to food led by human rights and development NGOs has been informing the most vulnerable groups, as well as the general public, about their entitlements to food.²³

19 FAO, *Right to Food. Making it Happen: Progress and Lessons Learned Through Implementation*, 2011, pp 55-73.

20 ActionAid, *Who's Really Fighting Hunger? Why the World is Going Backwards on the UN Goal to Halve Hunger and What Can Be Done*, HungerFREE Scorecard, September 2010.

21 FAO, IFAD and WFP, *The State of Food Insecurity in the World*, 2014.

22 Supreme Court, *People's Union for Civil Liberties v Union of India & Ors*, Writ Petition (Civil) no 196/2001.

23 See the [Right to Food Campaign in India Website](#).

RECOMMENDATION

States should follow a HRBA in the implementation of the SDGs. Inspiration could be drawn from what Brazil did between 2003 and 2015, when it made impressive progress in reducing hunger and extreme poverty by recognizing legal entitlements and targeting the most vulnerable or those who had been left behind in the implementation of social programmes.

B. HUMAN RIGHTS COMMITMENTS IN THE 2030 AGENDA

In adopting the 2030 Agenda on 25 September 2015, States made strong commitments to link the new agenda and the implementation of the SDGs with the promotion and protection of human rights.

The 2030 Agenda:

- Envisages a world of 'universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination'
- Is 'grounded in the Universal Declaration of Human Rights (and) international human rights treaties'
- Is 'to be implemented in a manner that is consistent with the obligations of States under international law', which include states obligations under international human rights law
- Emphasizes 'the responsibilities of all States ... to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind'²⁴

In adopting the 2030 Agenda, states have explicitly committed to fully respect the human rights of women, children and youth, migrants, refugees and internally displaced persons.²⁵ And they have recognized 'the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions'.²⁶

The 2030 Agenda provides that the 17 SDGs and 169 related targets 'seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls'.²⁷ While the SDGs related to poverty, social security, food security, health, education, work, housing, water and sanitation seek to realize ESCR, the agenda also includes a specific SDG on access to justice (Goal 16), which constitutes a first step towards the integration of this right, not included in the MDGs, within the development agenda. It is also important to note that states have also

24 UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, §§8, 10, 18 and 19.

25 Ibid, §§20, 25, 29 respectively.

26 Ibid, §35.

27 Ibid, Preamble.

committed to ensure that the follow-up and review processes at all levels will be ‘people-centred, gender-sensitive, [will] respect human rights and have a particular focus on the poorest, most vulnerable and those furthest behind’.²⁸

C. SDGS 1-17: TOWARDS THE FULL REALIZATION OF ALL ESCR IN ALL COUNTRIES BY 2030?

The 2030 Agenda includes 17 SDGs and 169 targets to be achieved by 2030. These are ‘universal goals and targets which involve the entire world, developed and developing countries alike’ and are ‘accepted by all countries and ... applicable to all’, being ‘global in nature and universally applicable’.²⁹

Many SDGs and targets are closely linked to human rights and, in particular, ESCR. It has been argued that 156 of the 169 targets are linked to human rights and labour standards³⁰ (see also the table on the SDGs and human rights in the Annex). For the UN Secretary-General, the 2030 Agenda presents unprecedented opportunities for advancing the realization of ESCR.³¹ For him, while the SDGs themselves are not framed explicitly in the language of human rights, but as aspirational goals, and while ESCR have far greater scope than the SDGs, ‘virtually all of the Goals correspond to the contents of key economic, social and cultural rights’.³² The UN Committee on ESCR also stated that the 2030 Agenda ‘powerfully expresses the essence of the ICESCR’.³³

The right to water

To illustrate this convergence, the UN Secretary-General cited the example of SDG 6 and the right to water:

[U]nder Goal 6, Member States committed to ensure the availability and sustainable management of water and sanitation for all. The Goal is accompanied by, inter alia, targets 6.1 (to achieve universal and equitable access to safe and affordable drinking water for all by 2030), 6.4 (to substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity, and substantially reduce the number of people suffering from water scarcity by 2030) and target 6.b (to support and strengthen the participation of local communities in improving water and sanitation management). These targets address the

28 Ibid, §74.e.

29 Ibid, §§5 and 55.

30 B. Feiring and A. Hassler, *Human Rights in Follow-Up and Review of the 2030 Agenda for Sustainable Development*, Draft Paper, Danish Institute for Human Rights, 2016, p 7.

31 *Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR*, UN doc A/HRC/34/25, 14 December 2016, §32.

32 Ibid, §§8 and 14.

33 *Statement of the UN Committee on ESCR, The Pledge to Leave No One Behind: the ICESCR and the 2030 Agenda*, UN doc E/C.12/2019/1, 5 April 2019, §1.

key normative content of the right to water, which includes the right to maintain access to existing water supplies necessary for the right to water; the right to be free from interference, such as the right to be free from arbitrary disconnections or contamination of water supplies; and the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water.³⁴

The right to food

We can take another example, comparing SDG 2 with the right to food. SDG 2’s first objective is to eradicate hunger, which corresponds to the realization of the fundamental right to be free from hunger enshrined in article 11(2) of the ICESCR. It also aims at achieving food security and improved nutrition and promoting sustainable agriculture, which cover three key elements of the right to adequate food as it is articulated in article 11(1) of the ICESCR and defined by subsequent practice.³⁵

SDG 2-related targets include ending hunger and malnutrition and ensuring access for all to safe, nutritious and sufficient food, which correspond to the definition of the right to food given by states and UN human rights bodies – according to which, the right to food is realized when food is available, adequate and accessible to all.³⁶ Other SDG 2-related targets aim at improving agricultural productivity and incomes of rural women, indigenous peoples, family farmers, pastoralists and fishers, providing them with access to land and other natural resources and ensuring sustainable and resilient food production. These correspond to three key elements of the right to food and correlative states obligations in international human rights law, i.e. the need to focus on the most vulnerable people working in rural areas, to provide them with access to the natural resources they need to feed themselves and their family in dignity, and to ensure that food is produced in a sustainable way.³⁷

The right to health

The right to health is another example we can give. To ensure healthy lives and promote well-being for all at all ages (SDG 3), states committed, inter alia, to reduce maternal mortality, end preventable child deaths, end AIDS, tuberculosis and malaria, promote mental health, ensure universal access to sexual and reproductive health-care services and achieve universal health coverage, including access

34 *Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR*, UN doc A/HRC/34/25, 14 December 2016, §11.

35 *Report of the UN Special Rapporteur on the Right to Food, Olivier De Schutter*, UN doc A/HRC/25/57, 24 January 2014, §2.

36 Ibid; *UN Committee on ESCR, General Comment No 12: The Right to Adequate Food*, UN doc E/C.12/1999/5, 12 May 1999, §§6–8.

37 J. Ziegler, C. Golay, C. Mahon and S.-A. Way, *The Fight for the Right to Food: Lessons Learned*, London, Palgrave Macmillan, 2011, pp 13–67. For the former Special Rapporteur on the right to food, Hilal Elver, ‘the right to food extends beyond productivism, the paradigm in which Goal 2 ... is rooted. Realizing this right requires tackling the historical and structural inequalities that undermine availability, adequacy, accessibility and sustainability of food systems. The right to food therefore requires considering all the Goals, which collectively seek to empower those who have been left behind.’ *Report of the UN Special Rapporteur on the Right to Food, Hilal Elver*, UN doc A/74/164, 15 July 2019, §3.

to quality essential health-care services and safe, effective, quality and affordable essential medicines and vaccines for all (SDG 3 targets).

These commitments correspond to the main elements of the right to health, as they have been defined in international human rights law. According to this definition, entitlements attached to the right to health include the right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health; the right to prevention, treatment and control of diseases; access to essential medicines, maternal, child and reproductive health; equal and timely access to basic health services and the provision of health-related education and information. All services, goods and facilities must be available, accessible, acceptable and of good quality.³⁸

It is also important to underline that many other SDGs and related targets address the underlying determinants of health – also defined as key elements of the right to health³⁹ – including poverty (SDG 1) and hunger (SDG 2), education (SDG 4), gender equality and empowerment of women and girls (SDG 5), drinking water and sanitation (SDG 6), working conditions (SDG 8), housing and hygiene (SDG 11) and environmental conditions (SDGs 12–15).⁴⁰

Other ESCR

We could continue the analysis and compare the content of SDGs and related targets with the main elements of the right to social security (SDG 1), the right to education (SDG 4), the right to work (SDG 8) and the right to housing (SDG 11) and reach similar conclusions, as these main elements are covered.⁴¹ We could also analyse SDG 17 and many targets under other SDGs and conclude that they cover the main elements of the obligation of international cooperation and assistance to realize ESCR, as it is articulated in article 2(1) of the ICESCR and several other international human rights instruments.⁴² The table on the SDGs and human rights in the Annex illustrates this close link between the SDGs and ESCR.

Missing elements highlighted by UN human rights mechanisms

While we can conclude that the 17 SDGs and 169 targets cover the main elements of ESCR, not every single element of each ESCR is covered. UN human rights mechanisms

38 UN Committee on ESCR, General Comment No 14: The Right to the Highest Attainable Standard of Health, UN doc E/C.12/2000/4, 11 August 2000, §§11–17; OHCHR and WHO, *The Right to Health*, Fact Sheet no 31, 2008, pp 3–4.

39 UN Committee on ESCR, General Comment No 14: The Right to the Highest Attainable Standard of Health, UN doc E/C.12/2000/4, 11 August 2000, §§4, 11, 12, 16, 36; OHCHR and WHO, *The Right to Health*, Fact Sheet no 31, 2008, p 3.

40 Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/71/304, 5 August 2016, §7, 19–21.

41 Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR, UN doc A/HRC/34/25, 14 December 2016, §8; UN Committee on ESCR, Statement on the Pledge to Leave No One Behind: the ICESCR and the 2030 Agenda, UN doc E/C.12/2019/1, 5 April 2019, §5.

42 Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR, UN doc A/HRC/34/25, 14 December 2016, §§37–38.

have highlighted the following missing elements or issues requiring further clarity:

- Cultural rights are only partially covered, including through target 11.4, which aims to ‘protect and safeguard the world’s cultural and natural heritage’, and targets related to technology innovation and transfer, which are linked to the right to enjoy the benefits of scientific progress (SDGs 12, 14 and 17).
- The right to health provides that access to essential health-care services and sexual and reproductive health-care services should not only be universalized (SDG targets 3.7 and 3.8), but also meet ‘critical right to health requirements, including availability, accessibility, acceptability and quality’.⁴³ Mental health could also have figured more prominently in SDG 3, as ‘it should be a new priority in public policies addressed in parity with physical health’.⁴⁴
- The right to housing is protected through the commitment in SDG 11 to ‘make cities and human settlements inclusive, safe, resilient and sustainable’, and to ‘ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums’ by 2030 (SDG target 11.1). It is not entirely clear, however, ‘how the standard of “adequate, safe and affordable housing” relates to international human rights norms with respect to the right to housing, such as safety, affordability, cultural adequacy and accessibility, among others’.⁴⁵
- The ‘lack of security of tenure, forced evictions and homelessness ... have been central concerns of human rights bodies in relation to the realization of the right to housing, yet these issues are not referenced at all in goal 11’.⁴⁶ SDG target 11.1 should therefore be interpreted as requiring states to eliminate homelessness, even if this was not stated explicitly.⁴⁷
- Inconsistencies with human rights standards may be implicit. For example, target 6.2 aims to eliminate open defecation but, without specified means of implementation, may in practice risk criminalizing the

43 Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/71/304, 5 August 2016, §8; Open letter of the Chairperson-Rapporteur of the Working Group on Discrimination Against Women, the Special Rapporteur on the Right to Health and the CEDAW Committee, 3 November 2014; Joint Statement of the Chairpersons of the UN Human Rights Treaty Bodies on the Post-2015 Development Agenda, 18 January 2015.

44 Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/HRC/29/33, April 2015, §§77, 83, 122(I); Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/HRC/35/21, 28 March 2017.

45 Report of the UN Special Rapporteur on the Right to Adequate Housing, Leilani Farha, UN doc A/70/270, 4 August 2015, §33.

46 Ibid.

47 Report of the UN Special Rapporteur on the Right to Adequate Housing, Leilani Farha, UN doc A/HRC/31/54, 30 December 2015, §§4, 66.

poorest people. These kinds of unintended effects must be anticipated and prevented in the implementation of the SDGs.⁴⁸

- Some targets are limited by the requirements of consistency with national laws, which means that states will not be encouraged to modify their national laws to make sure that they contribute to the realization of the SDG targets.⁴⁹ This is, for example, the case with target 5.7, through which states committed to ‘undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws’.

RECOMMENDATION

In monitoring the SDGs from a human rights perspective, it is essential to evaluate the degree to which ESCR are covered by the SDGs and related targets, and where there are gaps or inconsistencies, it will be critical to ensure that implementation of the targets is consistent with international human rights law.

D. LEAVING NO ONE BEHIND AND ACHIEVING GENDER EQUALITY: THE END OF INEQUALITY AND DISCRIMINATION?

The commitments to ‘leave no one behind’ and to ‘achieve gender equality’ are at the centre of the 2030 Agenda, and they are intrinsically linked to the human rights principles of equality and non-discrimination.

In adopting the 2030 Agenda, states committed to achieve what was not realised by the MDGs, particularly reaching the most vulnerable, and ‘to free the human race from the tyranny of poverty and want’ and, in doing so, to ‘leave no one behind’.⁵⁰

Two SDGs – SDG 5 and SDG 10 – are specifically designed to combat inequality and discrimination. SDG 5 aims at achieving gender equality and empowering all women and girls, and SDG 10 aims at reducing inequality within and between countries.

SDG 5 related targets aim to:

- End all forms of discrimination against all women and girls everywhere (5.1)
- Eliminate all forms of violence against all women and girls (5.2)

⁴⁸ Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR, UN doc A/HRC/34/25, 14 December 2016, §§13-14.

⁴⁹ Joint Statement of the Chairpersons of the UN Human Rights Treaty Bodies on the Post-2015 Development Agenda, 18 January 2015.

⁵⁰ UN General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development, UN doc A/RES/70/1, 25 September 2015, Preamble, §§8, 16, 19.

- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation (5.3)
- Recognize and value unpaid care and domestic work, including through social protection (5.4)
- Ensure universal access to sexual and reproductive health and rights (5.6)
- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other natural resources (5.7)
- Adopt and strengthen laws and policies for the promotion of gender equality and the empowerment of all women and girls at all levels (5.9)

SDG 10 related targets aim to:

- Promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status (10.2)
- Guarantee equal opportunity and the reduction of inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard (10.3)
- Reduce inequality between countries, including by encouraging official development assistance and financial flows to states where need is greatest, particularly least developed countries, African countries, small island developing states and landlocked developing countries, in accordance with their national plans and programmes (10.9)

Many other SDGs and related targets aim to make sure that the needs of the most vulnerable, including women and girls, are targeted and fulfilled. In adopting the 2030 Agenda, states committed to ensure that the SDGs and related targets are ‘met for all nationals and peoples and for all segments of society’ and ‘endeavour to reach the furthest behind first’. They also committed to build follow-up and review processes that will ‘have a particular focus on the poorest, most vulnerable and those furthest behind’, collecting disaggregated data to measure progress. Furthermore, they recognized gender equality and the empowerment of all women and girls as transversal principles applying to all SDGs and targets.⁵¹

The commitments to leave no one behind and to achieve gender equality, as well as to empower all women and girls, are very closely interlinked with the human rights principles of equality and non-discrimination.⁵²

⁵¹ Ibid, §§4, 20, 74.

⁵² Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR, UN doc A/HRC/34/25, 14 December 2016, §§15-19.

For the President of the Human Rights Council (2016):

There is a strong convergence between the 2030 Agenda's approach to 'ensuring that no one is left behind' and the human rights-based approach to addressing inequality and discrimination among and within countries ... Like international human rights law, the 2030 Agenda calls for formal and substantive equality of opportunities and outcomes for people who are vulnerable and must be empowered.⁵³

In its General Comment No 20 on non-discrimination in ESCR, the Committee on ESCR defined formal and substantive discrimination in the following terms: eliminating formal discrimination requires 'ensuring that a State's constitution, laws and policy documents do not discriminate on prohibited grounds; for example, laws should not deny equal social security benefits to women on the basis of their marital status'; while eliminating discrimination in practice (substantive discrimination) requires 'paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations'.⁵⁴

SDG targets aimed at combatting formal discrimination include:

- To evaluate whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex (5.1.1)
- To evaluate the proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control (5.7.2)

The fight against substantive discrimination is present in the fact that the whole 2030 Agenda aims at reaching and empowering the most vulnerable.⁵⁵ For the UN CESCR:

The concept of leaving no one behind in the 2030 Agenda is in its essence a commitment by States to prioritize the needs of the most disadvantaged and marginalized in realizing the Sustainable Development Goals. Similarly, the Covenant requires State parties to protect and realize the rights of those left behind by poverty, socioeconomic and cultural exclusion and marginalization. Both the 2030 Agenda and the Covenant also seek to respond to the needs and circumstances of fragile countries, including least developed countries, small island developing States and countries in conflict and post-conflict situations. This demonstrates the heightened concern expressed in both the Covenant and the 2030 Agenda for those groups and countries that are the least privileged and face multiple challenges.⁵⁶

⁵³ [Inputs from the President of the Human Rights Council to the 2016 HLPF](#), 2016, p 1.

⁵⁴ [UN Committee on ESCR, General Comment No 20: Non-Discrimination in ESCR](#), UN doc E/C.12/GC/20, 2 July 2009, §§8-9.

⁵⁵ [UN General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development](#), UN doc A/RES/70/1, 25 September 2015, §23.

⁵⁶ [UN Committee on ESCR, Statement on the Pledge to Leave No One Behind: the ICESCR and the 2030 Agenda](#), UN doc E/C.12/2019/1, 5 April 2019, §6.

RECOMMENDATION

In monitoring the SDGs from a human rights perspective, it is essential to link the commitments 'to leave no one behind' and to 'achieve gender equality' to the principles of equality and non-discrimination, and to critically evaluate the way states fight both formal and substantive discrimination, in order to achieve formal and substantive equality.

3. THE ROLE OF UNITED NATIONS HUMAN RIGHTS MECHANISMS IN MONITORING THE SUSTAINABLE DEVELOPMENT GOALS THAT SEEK TO REALIZE ESCR

Despite efforts made by UN human rights mechanisms to convince negotiators of the 2030 Agenda to build a strong accountability framework to monitor the SDGs, with a systematic and institutionalized flow of information from and to their work,⁵⁷ and the call made by more than a million people that the new agenda should be built on human rights and include strong accountability mechanisms,⁵⁸ the follow-up and review framework established by the 2030 Agenda is weak and not explicitly linked to the work of UN human rights mechanisms.

These gaps did not preclude UN human rights mechanisms from being proactive in including the monitoring of the SDGs in their work, and from engaging with the mechanisms established to monitor the SDGs, in particular the High-Level Political Forum (HLPF).

This third part discusses the role that UN human rights mechanisms can play in monitoring the SDGs that seek to realize ESCR. It starts by describing the specific role of the UN Human Rights Council (A), special procedures (B) and treaty bodies (C). It then describes their collaboration with the main global mechanism established by the 2030 Agenda to monitor the SDGs, the HLPF (D). In sections A, B, and C, emphasis is placed on the recommendations made by UN human rights mechanisms to UN Member States, in which they have included *explicit* references to the SDGs or the 2030 Agenda.

57 C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 22-26.

58 UN Development Group, *A Million Voices: The World We Want. A Sustainable Future With Dignity for All*, 2013, p 2.

A. HUMAN RIGHTS COUNCIL

HUMAN RIGHTS COUNCIL

- Is composed of 47 UN Member States
- Was created by the UN General Assembly in 2006 to replace the Commission of Human Rights established in 1946
- Is mandated to promote and protect human rights, address situations of human rights violations and make subsequent recommendations
- Can discuss human rights issues and situations during its three annual sessions, as well as during special sessions throughout the year⁵⁹

The Human Rights Council has been active in the negotiation of the post-2015 development agenda, recommending that negotiators design a human rights-based agenda and goals.⁶⁰ Following the adoption of the 2030 Agenda, it decided to act to 'ensure that its agenda promotes and advances sustainable development and the achievement of the ... SDGs'.⁶¹

In February 2016, the Human Rights Council devoted its annual high-level panel discussion on mainstreaming human rights in the UN system to the 2030 Agenda. On that occasion, the high-level panel – including the UN Secretary-General, the President of the General Assembly, the High Commissioner for Human Rights, the Chair-Rapporteur of the Working Group on the Right to Development and heads of several UN agencies, funds and bodies – discussed the complementarity between SDGs and human rights, and the need to improve exchanges between the Human Rights Council and the HLPF.⁶²

In March 2017, in a joint statement made during the 34th session of the Human Rights Council, Chile, Denmark, Ecuador, Luxembourg, Portugal, Rwanda and Uruguay announced a new initiative on the 2030 Agenda, aimed at identifying how the UN human rights system can best support states in implementing the SDGs.⁶³ The aim of this initiative was to design a programme of work to seize every available opportunity provided to the UN human rights system to support states as they work to implement the 2030 Agenda, leaving no one behind.⁶⁴

59 UN General Assembly, *Human Rights Council*, UN doc A/RES/60/251, 15 March 2006.

60 C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, p 22.

61 Human Rights Council, *Right to Development*, UN doc. A/HRC/RES/33/14, 29 September 2016, §13(a).

62 Report of the UN Secretary-General on the Question of the Realization in all Countries of ESCR, UN doc A/HRC/34/25, December 2016, §46.

63 Joint Statement on Item 8, *Human Rights and the 2030 Agenda*, March 2017.

64 Ibid.

In March 2018, the Human Rights Council adopted a new resolution on the promotion and protection of human rights and the 2030 Agenda's implementation.⁶⁵ Through this resolution, it decided to organize two one-day intersessional meetings to share good practices, achievements, challenges and lessons learned in the promotion and protection of human rights and the implementation of the 2030 Agenda. It also decided that the focus of each of the two meetings will reflect the themes of the 2019 and 2020 HLPF meetings, and that the summary reports of the discussions of the two meetings will be made available to the HLPF. The two intersessional meetings took place on 16 January 2019 and 3 December 2019.⁶⁶

In March 2018, the Human Rights Council adopted another resolution through which it decided to invite the President of the Economic and Social Council (ECOSOC), to brief, on an annual basis, the Human Rights Council on the discussions of the HLPF, including on gaps, challenges and progress in the realization of the SDGs, focusing on the means of implementation.⁶⁷

In a contribution sent to the HLPF in 2020, the Human Rights Council evaluated that between September 2015 and September 2019, it adopted a total of 425 documents (including resolutions, decisions and President's statements, and excluding the decisions of the outcomes of the Universal Periodic Review), among which 186 mentioned the 2030 Agenda and/or the SDGs (44%).⁶⁸ Eight of those documents referred to the 2030 Agenda in the title.

During the same period, out of a total of 305 reports presented to the regular sessions of the Human Rights Council by the UN Secretary-General, the High Commissioner for Human Rights and its Office (OHCHR), 148 contained specific mentions of the 2030 Agenda and/or the SDGs (49%).⁶⁹ Every Human Rights Council session since 2018 has discussed at least one report by the Secretary-General, High Commissioner or OHCHR specifically focused on the SDGs and/or the 2030 Agenda.

The Human Rights Council decided to explicitly link ESCR to the SDGs and the work of UN human rights mechanisms in many of its resolutions.⁷⁰ For example, when it adopted its resolution on the realization of ESCR in all countries in 2017, 2018 and 2019, it underlined the important role played by UN human rights

65 Human Rights Council, *Promotion and Protection of Human Rights and the Implementation of the 2030 Agenda*, UN doc A/HRC/RES/37/24, 23 March 2018.

66 OHCHR Report, *Summary of the First Intersessional Meeting on Human Rights and the 2030 Agenda*, UN doc A/HRC/40/34, 5 March 2019; OHCHR Report, *Summary of the Second Intersessional Meeting on Human Rights and the 2030 Agenda*, UN doc A/HRC/43/33, 14 February 2020.

67 Human Rights Council, *The Need for an Integrated Approach to the Implementation of the 2030 Agenda for the Full Realization of Human Rights, Focusing Holistically on the Means of Implementation*, UN doc A/HRC/RES/37/25, 23 March 2018, §4.

68 *Contribution of the Human Rights Council to the 2020 HLPF Meeting (The Human Rights Council and the SDGs: An Overview)*, p 3.

69 *Ibid*, p 4.

70 Human Rights Council, *Rights of the Child: Protection of the Rights of the Child in the Implementation of the 2030 Agenda*, UN doc A/HRC/RES/34/16, 24 March 2017, §§6, 7, 17, 26–27.

mechanisms in promoting the implementation of the 2030 Agenda in accordance with states' human rights obligations, and it encouraged states 'to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes'.⁷¹ It also requested the UN Secretary-General to prepare reports on the links between ESCR and the SDGs' implementation⁷², and on the links between ESCR and the themes of the HLPF meeting's thematic review.⁷³

Another example is Human Rights Council resolution on the right to health in the implementation of the 2030 Agenda, adopted in 2017.⁷⁴

HUMAN RIGHTS COUNCIL RESOLUTION ON THE RIGHT TO HEALTH IN THE IMPLEMENTATION OF THE 2030 AGENDA

In June 2017, the Human Rights Council urged or encouraged states to:

- Work towards the full implementation of all SDGs and targets in order to contribute to the realization of the right to health, and in particular SDG 3 and target 5.6
- Bring their laws, policies and practices, including their strategies to implement the health-related SDGs, fully into compliance with their obligations under international human rights law, and review and, where necessary, repeal those that are discriminatory
- Promote the effective, full and meaningful participation of all, particularly those in vulnerable situations, in the design, implementation and monitoring of laws, policies and programmes relevant to the realization of the right to health and the implementation of the health-related SDGs
- Use high-quality, timely and reliable data, disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts when monitoring progress in the implementation of the health-related SDGs, while respecting human rights principles, including participation, self-identification, transparency, privacy and accountability

71 Human Rights Council, *Question of the Realization in All Countries of ESCR*, UN doc A/HRC/RES/40/12, 21 March 2019, §7.

72 Human Rights Council, *Question of the Realization in All Countries of ESCR*, UN doc A/HRC/RES/31/5, 23 March 2016, §18.

73 Human Rights Council, *Question of the Realization in All Countries of ESCR*, UN doc A/HRC/RES/34/4, 23 March 2017, §19; Human Rights Council, *Question of the Realization in All Countries of ESCR*, UN doc A/HRC/RES/37/13, 9 April 2018, §22.

74 Human Rights Council, *The Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health in the Implementation of the 2030 Agenda*, UN doc A/HRC/RES/35/23, 23 June 2017.

- Include references to human rights, particularly the right to health, in their national voluntary reports to the HLPF on the implementation of the SDGs⁷⁵

We will now focus on the work of one of Human Rights Council's main monitoring mechanisms, the Universal Periodic Review (UPR).⁷⁶

1. UNIVERSAL PERIODIC REVIEW

When it created the Human Rights Council in 2006, the UN General Assembly decided that it would undertake 'a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States'.⁷⁷

At the UPR, all UN Member States are evaluated by their peers, who formulate recommendations for better implementation of human rights in the country under review.⁷⁸ The state under review can then decide if it accepts or rejects the recommendations made.⁷⁹

The basis of the review is the UN Charter, the Universal Declaration of Human Rights, human rights treaties to which the state is party and voluntary pledges and commitments that it has made.⁸⁰ In addition, the UPR takes into account applicable international humanitarian law.⁸¹

The UPR is based on three main documents:

- The national report prepared by the state under review (20 pages maximum)

⁷⁵ Ibid, §§3, 4, 5, 6, 8.

⁷⁶ On the Human Rights Council's Advisory Committee and Social Forum work in relation to the SDGs, see C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, p 61.

⁷⁷ UN General Assembly, Human Rights Council, UN doc A/RES/60/251,15 March 2006, 5(e); Human Rights Council, Institution-Building of the United Nations Human Rights Council, UN doc A/HRC/RES/5/1, 18 June 2007, Annex, Part I, §§1-38.

⁷⁸ UN General Assembly, Human Rights Council, UN doc A/RES/60/251,15 March 2006, 5(e); Human Rights Council, Institution-Building of the United Nations Human Rights Council, UN doc A/HRC/RES/5/1, 18 June 2007, Annex, §14.

⁷⁹ This possibility does not exist in relation to the recommendations made by UN treaty bodies and special procedures.

⁸⁰ These include pledges and commitments undertaken by states when they present their candidatures for election to the Human Rights Council.

⁸¹ UN General Assembly, Human Rights Council, UN doc A/RES/60/251,15 March 2006, 5(e); Human Rights Council, Institution-Building of the United Nations Human Rights Council, UN doc A/HRC/RES/5/1, 18 June 2007, Annex, §§1-2.

- A compilation prepared by OHCHR with recommendations made by UN treaty bodies and special procedures on the human rights situation in the state under review (10 pages)
- A summary prepared by OHCHR on the basis of information received by other stakeholders, including from civil society organizations and national human rights institutions (10 pages)⁸²

More than 30'000 recommendations were made at the UPR since the adoption of the 2030 Agenda in 2015. Among these recommendations, 190 made explicit links with the 2030 Agenda or the SDGs.⁸³ A great majority of these recommendations (more than 170) were accepted by the state under review, which shows a broad agreement on the need for states to take steps to implement the SDGs. It also shows that states see the UPR as a monitoring mechanism through which they can push for the implementation of the SDGs in other countries.

These recommendations aimed at pushing states under review:

- To broadly implement the SDGs⁸⁴
- To take measures in order to realize specific SDGs or ESCR⁸⁵
- To adopt, adapt or implement policies to realize the SDGs⁸⁶
- To adopt or implement strategies in relation to the SDGs⁸⁷
- To establish or reinforce national mechanisms for reporting and follow-up⁸⁸
- To engage in international cooperation/assistance to realize ESCR and SDGs⁸⁹

⁸² UN General Assembly, Human Rights Council, UN doc A/RES/60/251,15 March 2006, 5(e); Human Rights Council, Institution-Building of the United Nations Human Rights Council, UN doc A/HRC/RES/5/1, 18 June 2007, Annex, §15.

⁸³ Contribution of the Human Rights Council to the 2020 HLPF Meeting (UPR Recommendations and the 2030 Agenda); C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 63-66. See also SDG Human Rights Data Explorer of the Danish Institute for Human Rights (created to link SDGs to UN human rights mechanisms' recommendations).

⁸⁴ Report of the Human Rights Council's Working Group on the UPR, Review of Togo, UN doc A/HRC/34/4, 30 December 2016, §§128.99.

⁸⁵ Report of the Human Rights Council's Working Group on the UPR, Review of India, UN doc A/HRC/36/10, 17 July 2017, §161.87.

⁸⁶ Report of the Human Rights Council's Working Group on the UPR, Review of Samoa, UN doc A/HRC/33/6, 27 June 2016, §95.90.

⁸⁷ Report of the Human Rights Council's Working Group on the UPR, Review of Ecuador, UN Doc A/HRC/36/4, 10 July 2017, §119.4.

⁸⁸ Report of the Human Rights Council's Working Group on the UPR, Review of New Zealand, UN doc A/HRC/41/4, 1 April 2019, §122.39.

⁸⁹ Report of the Human Rights Council's Working Group on the UPR, Review of Denmark, UN Doc A/HRC/32/10, 13 April 2016, §120.199.

Two recommendations made by Ecuador and Cabo Verde, and accepted by China and Chile can be given as examples.

RECOMMENDATION BY ECUADOR TO CHINA, UPR 2018

China should ‘promote measures that ensure that development and infrastructure projects inside and outside its territory are fully consistent with human rights and respect the environment and the sustainability of natural resources, in line with applicable national and international law and the commitments of the 2030 Agenda for Sustainable Development.’⁹⁰

RECOMMENDATION BY CABO VERDE TO CHILE, UPR 2019

Chile should ‘establish a human rights recommendations implementation plan, aligned with the SDGs and integrating all accepted universal periodic review recommendations.’⁹¹

During UPR sessions, OHCHR systematically encourages states to refer to the SDGs in their recommendations.⁹² In the future, states should increase the quality of UPR recommendations, by addressing specific, measurable, ambitious, realistic, and time-bound (SMART) recommendations linking ESCR and the SDGs.⁹³ A recommendation made by Cabo Verde and accepted by Comoros can be given as example.

RECOMMENDATION BY CABO VERDE TO COMOROS, UPR 2019

Comoros should ‘use the third cycle recommendations to generate data that can support both the implementation of the SDGs and the improvement of human rights.’⁹⁴

⁹⁰ Report of the Human Rights Council’s Working Group on the UPR, Review of China, UN Doc A/HRC/40/6, 26 December 2018, §28.130.

⁹¹ Report of the Human Rights Council’s Working Group on the UPR, Review of Chile, UN Doc A/HRC/41/6, 2 April 2019, §125.25. See also *Ibid*, §125.26.

⁹² Contribution of the Human Rights Council to the 2020 HLPF Meeting (UPR Recommendations and the 2030 Agenda).

⁹³ In April 2019, the Geneva Academy, the Swiss government, OHCHR and UPR Info organized a workshop for states and civil society on the making of SMART UPR recommendations on ESCR and the SDGs. Examples of SMART UPR recommendations can be found in *Center for Economic and Social Rights, The Universal Periodic Review: A Skewed Agenda? Trends analysis of the UPR’s coverage of ESCR*, 2016.

⁹⁴ Report of the Human Rights Council’s Working Group on the UPR, Review of Comoros, UN Doc A/HRC/41/12, 25 April 2019, §118.37.

RECOMMENDATION

The Human Rights Council has made significant efforts to include the SDGs in its work. It has adopted several resolutions in which it linked ESCR to the SDGs, and in which it tasked its subsidiary bodies and special procedures, as well as the UN Secretary-General and OHCHR, with including the SDGs in their work or reports. It has also taken many initiatives to link its work, and the work of other UN human rights mechanisms, to that of the HLPF. In coming years, it should continue to systematically include the SDGs in its work. UN Member States should also more systematically use the UPR to monitor the SDGs that seek to realize ESCR, including by making SMART recommendations linking ESCR and the SDGs.

B. SPECIAL PROCEDURES

SPECIAL PROCEDURES

- Are mandated by the Human Rights Council to promote and protect human rights
- Have thematic mandates, for example on torture or the right to food, or mandates that cover all human rights in a specific country
- Include special rapporteurs, independent experts, special representatives of the UN Secretary-General and working groups⁹⁵
- Can be renewed without limitation, while their mandate holders cannot serve for more than six years

Today, out of the 44 existing thematic special procedures, 6 deal specifically with ESCR – the Special Rapporteurs on the right to education (created in 1998), adequate housing (2000), the right to food (2000), the right to health (2002), the human rights to safe drinking water and sanitation (2008), and in the field of cultural rights (2009). In addition, several special procedures have a cross-cutting mandate that involves addressing ESCR. The 12 special procedures mandated to monitor human rights in a specific country can also monitor the realization of ESCR there.⁹⁶

Several typologies have been proposed to describe the methods employed by UN special procedures in their work. OHCHR listed the following activities: preparing

⁹⁵ UN General Assembly, Human Rights Council, UN doc A/RES/60/251, 15 March 2006, §6 I; Human Rights Council, Institution-Building of the United Nations Human Rights Council, UN doc A/HRC/RES/5/1, 18 June 2007, Annex, §§39–64.

⁹⁶ The following special procedures with country mandates currently report to the HRC: the Special Rapporteurs on the situation of human rights in Myanmar (created in 1992), Cambodia (1993), the Occupied Palestinian Territory (1993), Democratic People’s Republic of Korea (2004), the Syrian Arab Republic (2011), the Islamic Republic of Iran (2011), Belarus (2012) and Eritrea (2013), as well as the Independent Experts on the situation of human rights in Somalia (1993), Sudan (1993), Central African Republic (2013) and Mali (2013).

thematic reports, country visits or fact-finding missions, sending communications to governments, recommending programmes of technical cooperation and interacting with the media.⁹⁷ Their activities have also been described in terms of promoting and protecting human rights and undertaking country missions.⁹⁸

Here, emphasis is placed on the contribution that UN special procedures can make in monitoring the implementation of the SDGs that seek to realize ESCR, through their thematic reports (1), country visits (2) and statements (3).

1. THEMATIC REPORTS

All UN special procedures present annual reports to the UN Human Rights Council, and the majority of them also present annual reports to the UN General Assembly. In these reports, they can choose to focus on and make recommendations regarding specific issues linked to their mandates, and thus produce ‘thematic reports’.

Since the adoption of the SDGs, several UN special procedures have produced thematic reports in which they have linked ESCR and the SDGs, and in which they have made recommendations to guide the implementation of the SDGs that seek to realize ESCR.⁹⁹ Some have chosen to produce a whole report, or a substantive part of a report focusing on the SDGs, while others have chosen to include references to the SDGs in reports on other issues linked to ESCR.

We begin here by presenting the views of UN special procedures on the complementarity between ESCR and the SDGs (a). We then present thematic reports in which special procedures have emphasized the need to ensure that the implementation of the SDGs is consistent with ESCR and states obligations in international human rights law (b); and the need to ensure participation and the use of disaggregated indicators and data to reach the most vulnerable or those who are left behind (c).

a. The Complementarity of ESCR and the SDGs

Since the adoption of the 2030 Agenda, several UN special procedures have expressed clear views on the complementarity and mutual reinforcement of ESCR and the SDGs. For example the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, produced a booklet in which he underlined the links between the rights to water and sanitation with the SDGs.¹⁰⁰

97 OHCHR, Background Paper II – Working Methods of the Mandate-Holders, 2005.

98 C. Golay, C. Mahon and I. Cismas, ‘The Impact of the UN Special Procedures on the Development and Implementation of Economic, Social and Cultural Rights’, 15 *The International Journal of Human Rights* 2, 2011; T. Piccone, *Catalysts for Change: How the UN’s Independent Experts Promote Human Rights*, Brookings Institution Press, 2012.

99 C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 68-81.

100 UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Léo Heller, *Ending Inequalities. A Priority for Accomplishing Sustainable Development Goal 6, and Many Others*.

UN SPECIAL RAPPORTEUR ON THE RIGHTS TO WATER AND SANITATION VIEWS ON THE COMPLEMENTARITY OF ESCR AND THE SDGS

‘[The 2030 Agenda] is grounded in international human rights law and offers critical opportunities to further advance the realization of human rights for all people everywhere without discrimination. The challenge now is to ensure that strategies and policies to implement the 2030 Agenda are effectively based in the established human rights framework.’¹⁰¹

Many other special procedures shared these views, including the Special Rapporteurs on the right to health, the right to food, the right to education, and the rights of persons with disabilities, and the Independent Expert on the enjoyment of all human rights by older persons.¹⁰²

Other UN special procedures, including the former Special Rapporteur on extreme poverty and human rights, Philip Alston, have taken a more nuanced, critical position on the links between ESCR and the SDGs.

FORMER UN SPECIAL RAPPORTEUR ON EXTREME POVERTY AND HUMAN RIGHTS VIEWS ON THE COMPLEMENTARITY OF ESCR AND THE SDGS

‘While it is very much to be hoped that the 2030 Agenda will indeed lead to greater respect for economic and social rights as human rights, this is by no means guaranteed by the terms of the Agenda as adopted and much remains to be done if that aspiration is to be meaningfully promoted.’¹⁰³

b. The Need to Implement the SDGs in a Manner Consistent with ESCR and States’ Obligations in International Human Rights Law

UN special procedures have presented several reports in which they have underlined that – in accordance with the 2030 Agenda¹⁰⁴ – states need to implement the SDGs in a manner that is consistent with ESCR and their correlative obligations

101 Report of the UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Léo Heller, UN doc A/71/302, 5 August 2016, §1.

102 Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/71/304, 5 August 2016, §§8, 11; Report of the UN Special Rapporteur on the Right to Food, Hilal Elver, UN doc A/74/164, 15 July 2019, §§7, 51, 62; Report of the UN Special Rapporteur on the Right to Education, Koumbou Boly Barry, UN doc A/HRC/41/37, 10 April 2019, §§4-7; Report of the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar, UN doc A/71/314, 9 August 2016, §2; Report of the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar, UN doc A/HRC/31/62, 12 January 2016, §97; Report of the Independent Expert on the Enjoyment of all Human Rights by Older Persons, Rosa Kornfeld-Matte, UN doc A/HRC/33/44, 18 July 2016, §24.

103 Report of the Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, UN doc A/HRC/32/31, 28 April 2016, §7.

104 States committed to implement the 2030 Agenda in a manner consistent with their obligations under international law, which include their obligations to respect, protect and fulfil ESCR. UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, §18.

in international human rights law. In these reports, some special procedures have emphasized the need to fill gaps in the SDGs, compared with ESCR, while others have pushed for the implementation of specific SDG targets that mirror key elements of ESCR. A number of special procedures have also asked states to give priority to the realization of ESCR and the SDGs in the allocation of resources available at national level and through international cooperation and assistance.

In his report on the 2030 Agenda, the Special Rapporteur on the right to health, Dainius Pūras, underlined that important elements of the right to health could have been better defined in the SDGs. For him, mental health could have figured more prominently in the SDGs.¹⁰⁵ With the Chair of the Working Group on the issue of discrimination against women in law and in practice, and the CEDAW Committee, Dainius Pūras also underlined that access to essential health-care services and to sexual and reproductive health-care services should not only be universalized but also meet ‘critical right-to-health requirements, including availability, accessibility, acceptability and quality’.¹⁰⁶

The former Special Rapporteur on the right to adequate housing, Leilani Farha, identified the absence of references to homelessness – a central concern for human rights – as an important gap in the SDGs.¹⁰⁷ She therefore recommended that all states commit to eliminating homelessness by 2030 or earlier if possible, in a manner that upholds international human rights and in keeping with SDG target 11.1.¹⁰⁸

Among the special procedures who produced reports in which they pushed for the implementation of specific SDG targets that mirror key elements of ESCR, the former Special Rapporteur on the right to food, Hilal Elver, presented a report in which she advocated a comprehensive inclusion of nutrition – a key element of the right to food – in the global and national policies aimed at implementing the SDGs.¹⁰⁹ Two successive Special Rapporteur on the right to education, Kishore Singh and Koumbou Boly Barry, presented reports on two key elements of the right to education – lifelong learning and non-formal education – that should be realized in the implementation of the SDGs.¹¹⁰ Koumbou Boly Barry also explained

105 Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/HRC/29/33, April 2015, §§77, 83, 122(l); Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/HRC/35/21, 28 March 2017.

106 Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/71/304, 5 August 2016, §8; Open letter of the Chairperson-Rapporteur of the Working Group on Discrimination Against Women, the Special Rapporteur on the Right to Health and the CEDAW Committee, 3 November 2014; Joint Statement of the Chairpersons of the UN Human Rights Treaty Bodies on the Post-2015 Development Agenda, 18 January 2015.

107 Report of the UN Special Rapporteur on the Right to Adequate Housing, Leilani Farha, UN doc A/HRC/31/54, 30 December 2015, §54, 66.

108 Ibid, §§91(a), 91(d).

109 Report of the UN Special Rapporteur on the Right to Food, Hilal Elver, UN doc A/71/282, 3 August 2016, §§43–50.

110 Report of the UN Special Rapporteur on the Right to Education, Kishore Singh, UN doc A/71/358, 29 August 2016, §§1, 63, 111; Report of the UN Special Rapporteur on the Right to Education, Koumbou Boly Barry, UN doc A/HRC/35/24, 2 June 2017, Summary and §§22, 38.

how SDG 4 and the right to education can be realized in the context of the growth in private actors in education.¹¹¹

Leilani Farha, Dainius Pūras and Kishore Singh were also among the special procedures’ mandate holders who presented reports in which they asked states to give priority to ESCR and the SDGs in the allocation of available resources, together with the Special Rapporteur on the human rights to safe drinking water and sanitation and the Independent Expert on the effects of foreign debt on human rights.¹¹² For the later, without reducing unsustainable debt and curbing illicit financial flows, progress in realizing the SDGs and ESCR will be severely undermined.¹¹³

c. The Need to Ensure Participation and the Use of Disaggregated Indicators and Data to Reach the Most Vulnerable or Those Who Are Left Behind

In their thematic reports, several UN special procedures have emphasized the need to ensure participation of the most vulnerable or those who are left behind in the implementation of the SDGs, as well as to define disaggregated indicators and collect disaggregated data to reach them. Recommendations presented by the UN Special Rapporteur on the rights of persons with disabilities can be given as example.

UN SPECIAL RAPPORTEUR ON THE RIGHTS OF PERSONS WITH DISABILITIES RECOMMENDATIONS ON THE NEED TO ENSURE PARTICIPATION AND THE USE OF DISAGGREGATED INDICATORS AND DATA

- ‘Participation of persons with disabilities and their representative organizations in all aspects of the implementation and monitoring process of the 2030 Agenda ... is imperative’¹¹⁴
- ‘The adoption of the SDGs in 2015, which contain several references to persons with disabilities, represents an exceptional opportunity for states to design and implement disability-inclusive policies (...), as they review their national development plans to align them to the Goals’¹¹⁵

111 Report of the UN Special Rapporteur on the Right to Education, Koumbou Boly Barry, UN doc A/HRC/41/37, 10 April 2019.

112 Report of the UN Special Rapporteur on the Right to Adequate Housing, Leilani Farha, UN doc A/HRC/34/51, 18 January 2017, §§8, 29, 77(b); Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/71/304, 5 August 2016, §§44, 102; Report of the UN Special Rapporteur on the Right to Education, Kishore Singh, UN doc A/HRC/29/30, 10 June 2016, §108; Report of the UN Special Rapporteur on the Right to Education, Kishore Singh, UN doc A/70/342, 26 August 2015, §119.

113 Report of the UN Independent Expert on the Effects of Foreign Debt on Human Rights, Juan Pablo Bohoslavsky, UN doc A/72/153, 17 July 2017, §48; Report of the UN Independent Expert on the Effects of Foreign Debt on Human Rights, Juan Pablo Bohoslavsky, UN doc A/71/305, 5 August 2016, Summary and §§43, 52, 86, 87, 94, 98, 99; Report of the UN Independent Expert on the Effects of Foreign Debt on Human Rights, Juan Pablo Bohoslavsky, UN doc A/HRC/31/61, 15 January 2016, §§4, 75–88, 90, 98.

114 Report of the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar, UN doc A/HRC/31/62, 12 January 2016, §§94, 99, 102.

115 Report of the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar, UN doc A/71/314, 9 August 2016, §9.

- States should disaggregate data and all SDG indicators by disability, and produce context-specific indicators at national level, making a link with states' obligations under the CRPD¹¹⁶

The Special Rapporteur on the right to health, Dainius Pūras, recommended that states 'identify disparities and prioritize the most vulnerable through collection and disaggregation of health-related data, using both qualitative and quantitative methods, to monitor progress and support review and accountability in the implementation of the [SDGs]', as well as to 'make visible the reality and needs of marginalized populations'.¹¹⁷

In a report on discrimination on the basis of caste and analogous systems, the former Special Rapporteur on minority issues, Rita Izsák-Ndiaye, explained that such discrimination is a major cause of poverty, inequality and social exclusion of affected communities, and that states should consider including caste-specific indicators to ensure that the SDGs and their targets address the situation of affected groups.¹¹⁸

2. COUNTRY VISITS

UN special procedures – with both thematic and country mandates – play a critical role in assessing how states comply with ESCR in practice, through conducting country visits. This equips them with a rather unique opportunity to bridge normative work and the practical, operational aspects of implementing of human rights 'on the ground'. It also places them in an ideal position to scrutinize the implementation of the SDGs at national level.

Since the adoption of the SDGs, several special procedures have made use of country visits to advocate for a HRBA in the implementation of the SDGs.¹¹⁹ When they have included the SDGs in their country visit reports, some special procedures have monitored the level of realization of SDGs that seek to realize ESCR.

UN SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION MONITORING THE IMPLEMENTATION OF SDG 6 IN BOTSWANA

'While Botswana has significantly expanded piped water networks, access to piped networks in rural areas still remains at 45 per cent. In remote areas such as the Okavango Delta, the proportion of households with access to 'improved' water sources is even lower. In rural areas, only 43 per cent have access to improved sanitation. A significant proportion of the population (14 per cent), particularly in rural areas (34 per cent), still practice open defecation. Open defecation is not only a mat-

¹¹⁶ Ibid, §§72-73.

¹¹⁷ Report of the UN Special Rapporteur on the Right to Health, Dainius Pūras, UN doc A/71/304, 5 August 2016, §§103(e), 103(w).

¹¹⁸ Report of the UN Special Rapporteur on Minority Issues, Rita Izsák-Ndiaye, UN doc A/HRC/31/56, 28 January 2016, §126.

¹¹⁹ C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 81-88.

ter of public health, but also a matter of dignity and privacy. Under the 2030 Agenda (...), ending open defecation is an urgent priority.¹²⁰

In his conclusions and recommendations after his visit to Tajikistan, the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, compared the role that the country plays at the international level – Tajikistan being known as a champion of water at the global level, taking the lead in the International Decade for Action, 'Water for Life' – with its national efforts, and what is required by the SDGs with what was achieved during the MDG period.¹²¹

In their country visit reports, a number of special procedures have emphasized the same issues they focused on in their thematic reports, such as the need to eliminate homelessness¹²², curb illicit financial flows¹²³ and protect the rights of persons with disabilities.¹²⁴

A majority of special procedures have used their country visits to push for the adoption of human rights-based laws, policies and programmes to implement the SDGs and reach the most vulnerable or those who are left behind.¹²⁵ Some special procedures have also focused on the need to ensure participation of vulnerable groups in the design of these laws, policies and programmes, and to protect women's rights in the implementation of the SDGs.

After her mission to Norway, the former Independent Expert on human rights and international solidarity, Virginia Dandan, commended the government for its role in the promotion of the SDGs – with a HRBA – at national and global levels.¹²⁶ She also commended the government for its development of a plan for following up on the SDGs, linked to the budget process, with responsibility for each SDG allotted

¹²⁰ Report of the UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Léo Heller, on His Mission to Botswana, UN doc A/HRC/33/49/Add.3, 13 July 2016, §21.

¹²¹ Report of the UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Léo Heller, on His Mission to Tajikistan, UN doc A/HRC/33/49/Add.2, 13 July 2016, §56.

¹²² Report of the UN Special Rapporteur on the Right to Adequate Housing, Leilani Farha, on Her Mission to Chile, UN doc A/HRC/37/53/Add.1, 17 January 2018, §86(b).

¹²³ Report of the UN Independent Expert on the Effects of Foreign Debt on Human Rights, Juan Pablo Bohoslavsky, on His Visit to Sri Lanka, UN doc A/HRC/40/57/Add.2, 17 January 2019, §97(d).

¹²⁴ Report of the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar, on Her Visit to Paraguay, UN doc A/HRC/34/58/Add.1, 21 December 2016, §§20, 89.

¹²⁵ Report of the UN Special Rapporteur on the Right to Food, Hilal Elver, on Her Mission to Paraguay, UN doc A/HRC/34/48/Add.2, 27 January 2017, §106(v); Report of the UN Special Rapporteur on the Right to Education, Kishore Singh, on His Mission to Chile, UN doc. A/HRC/35/24/Add.1, 3 April 2017, §23; Report of the UN Special Rapporteur on Toxic Wastes, Baskut Tuncak, on His Mission to Germany, UN doc A/HRC/33/41/Add.2, 14 September 2016, §132(d).

¹²⁶ Report of the Independent Expert on Human Rights and International Solidarity, Virginia Dandan, on Her Mission to Norway, UN doc A/HRC/35/35/Add.1, 19 May 2017, §§14-15. The Prime Minister of Norway is Co-Chair of the SDGs Advocates, a group of 17 eminent persons assisting the UN Secretary-General in the campaign to achieve the SDGs.

to a coordinating ministry.¹²⁷ She encouraged the government to engage in discussions with all stakeholders, including OHCHR, to evaluate the impact of its HRBA to development and foreign policy, underlining that these discussions would fit in very well with the framework on measuring progress in SDGs' implementation.¹²⁸

After its mission to Hungary in May 2016, the Working Group on discrimination against women concluded that legislative, institutional and policy frameworks for equal opportunities for women, with a constitutional guarantee of equality between men and women, are in place in Hungary, but 'the elimination of discrimination against women and women's empowerment do not have a high degree of visibility as a stand-alone goal, in accordance with the strategy foreseen under the SDGs'.¹²⁹ It therefore reminded the government that 'women's rights are fundamental human rights that are not subject to other consideration' and it recommended that these rights should be treated 'both as a stand-alone and cross-cutting goal in legal, policy and institutional frameworks, as required by the SDGs'.¹³⁰

In his report on his mission to Saudi Arabia, the former Special Rapporteur on extreme poverty and human rights, Philip Alston, mentioned the 2030 Agenda, emphasizing the human rights commitments included in it.¹³¹

It is also worth noting that among the UN special procedures mandated to monitor the human rights situation in a particular country, the Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, the Independent Expert on the situation of human rights in Somalia, Bahame Nyanduga, and the Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, have for example made references to the SDGs in their reports.¹³²

3. STATEMENTS

UN special procedures have referred to the SDGs in numerous statements released in the years before, and since the adoption of the 2030 Agenda in 2015.¹³³

127 Ibid, §17.

128 Ibid, §79(b).

129 Report of the UN Working Group on Discrimination Against Women on Its Mission to Hungary, UN doc A/HRC/35/29/Add.1, 21 April 2017, §25.

130 Ibid, §91.

131 Report of the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, on His Mission to Saudi Arabia, UN doc A/HRC/35/26/Add.3, 28 April 2017, §11.

132 Report of the Special Rapporteur on the Situation of Human Rights in Cambodia, Rhona Smith, UN doc A/HRC/33/62, 5 September 2016, §5; Report of the Independent Expert on the Situation of Human Rights in Somalia, Bahame Nyanduga, UN doc A/HRC/33/64, 15 September 2016, §§20–21; Report of the Special Rapporteur on the Situation of Human Rights in Belarus, Miklós Haraszti, UN doc A/HRC/35/40, 21 April 2017, §12.

133 Statement by 17 UN Special Procedures Mandate-Holders of the Human Rights Council on the Post-2015 Development Agenda, 21 May 2013; Statement by the Special Rapporteurs on the Rights of Persons with Disabilities and on the Right to Food, and the Independent Expert on the Rights of Older Persons, Rights of Persons with Disabilities Must be Fully Included in the New Development Framework, 20 February 2015.

UN WORKING GROUP ON DISCRIMINATION AGAINST WOMEN STATEMENT ON ACHIEVING THE SDGS FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN

In 2015, the UN Working Group on discrimination against women released a statement in which it described the normative framework needed to achieve the SDGs related to gender equality and women's empowerment. The UN Working Group underlined that the aim of the 2030 Agenda was 'not only to call the 21st century 'the century of women'..., but to work systematically to make it a century in which the equal contribution of women is recognised, facilitated and properly rewarded. We are talking of empowerment of women ... and not only of protection of women as victims, which remains absolutely necessary in the light of abuses of women, but of empowerment to play a full and equal role in shaping the human destiny.'¹³⁴

In 2016, ten UN special procedures issued a statement at the beginning of the 2016 HLPF meeting in New York, in which they underlined that the 'commitment to ensure that no one is left behind can only be realised if equally no human right is left behind' and that all participants to the HLPF meeting should make the 2030 Agenda's explicit promise to reach the most excluded groups first the compass in their deliberations.¹³⁵

In 2020, several UN special procedures' statements focused on the need to protect ESCR, keep the promise to reach the SDGs, and leave no one behind in response to the coronavirus pandemic / COVID-19 crises.

UN SPECIAL RAPPORTEUR ON THE RIGHT TO DEVELOPMENT STATEMENT ON THE NEED TO LEAVE NO ONE BEHIND IN RESPONSES TO THE COVID-19 CRISES

On 9 April 2020, the Special Rapporteur on the right to development issued a statement – endorsed by 32 other UN special procedures – in which he asked governments and international institutions:

- To remain true to their commitment under the 2030 Agenda to 'leave no one behind'
- Not to step away from their promises to reduce inequalities between and within countries in their response to the coronavirus pandemic, by adopting policies which may reinforce and exacerbate vulnerabilities that already exist
- To include women, minorities, indigenous and rural communities and internally displaced persons at the negotiation table on issues which will have profound and long-lasting impact on the world economy and cause a major setback in the sustainable development agenda

134 Statement of the UN Working Group on Discrimination Against Women, A Normative Framework for Achieving Development Goals for Gender Equality and the Empowerment of Women, January 2015.

135 Statement issued by 10 UN Special Procedures Mandate Holders, 2030 Development Goals: 'No One Should Be Left Behind, And No Human Right Ignored', 12 July 2016.

- To start gathering data disaggregated at least by gender, age, disability, income, race and ethnicity on the impact of the coronavirus pandemic, to accurately assess the situation, to make inequalities visible, and to identify those who have been left behind¹³⁶

On 15 April 2020, the UN Special Rapporteur on human rights and the environment, David Boyd, issued a statement in which he called states to stop using the coronavirus pandemic as an excuse to roll back environmental protection and enforcement. Responding to a number of governments' decisions to lower environmental standards, suspend environmental monitoring requirements, reduce environmental enforcement, and restrict public participation, David Boyd stated that 'the short-sighted decision to weaken or suspend environmental regulations will make things even worse. Instead, governments need to accelerate efforts to achieve the SDGs, because a healthy environment is an effective way to prevent pandemics and protect human rights'.¹³⁷

On 1st May 2020, the UN Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, released a statement in which he underlined that the coronavirus pandemic highlights the urgent need to transform global economy. For him, 'in line with the SDGs, we must move away from a development paradigm that puts economic growth first, while hoping to wipe out the environmental damages and to compensate for the social impacts of increased inequalities afterwards. The model of growth itself should incorporate environmental sustainability and social justice from the start'.¹³⁸

RECOMMENDATION

UN special procedures have made significant efforts to include the monitoring of the SDGs in their thematic reports, country visits, and statements. But they should do this more systematically.

Having very broad mandates, including the protection of ESCR, the rights of women, persons with disabilities, migrants, older persons and minorities, the promotion of international solidarity and the effects of foreign debt on ESCR, they are in a unique position to make recommendations to states on the implementation of the SDGs with a HRBA.

In addition, the dialogues that they can initiate at the national level, coupled with recommendations based on country visits, are extremely valuable, as they are context-specific and provide states, civil society organizations and regional and international bodies with an understanding of whether the undertaken processes are adequately integrating human rights principles and pursuing equally the realization of ESCR and progress towards the achievement of the SDGs.

¹³⁶ Statement of the UN Special Rapporteur on the Right to Development, "Leave No One Behind" – Don't Forget your Commitments in your Response to the COVID-19 Crises, 9 April 2020.

¹³⁷ Statement of the UN Special Rapporteur on Human Rights and the Environment, David Boyd, COVID-19: "Not An Excuse" to Roll Back Environmental Protection and Enforcement, 15 April 2020.

¹³⁸ Statement of the UN Special Rapporteur on Extreme Poverty and Human Rights, Olivier De Schutter, COVID-19 Crisis Highlights Urgent Need to Transform Global Economy, 1 May 2020.

C. TREATY BODIES

TREATY BODIES

- Are composed of 10 to 25 independent experts
- Monitor the implementation of UN human rights treaties
- Examine periodic reports from States Parties on the steps taken to implement UN human rights treaties
- Examine communications alleging violations of the rights protected by UN human rights treaties
- Present recommendations to States Parties in the form of 'concluding observations' at the end of the examination of periodic reports, and 'views' at the end of the examination of communication procedures
- Adopt general comments or general recommendations in which they define the rights and states' obligations enshrined in the UN human rights treaties
- Adopt statements on current issues or situations that are particularly relevant for the implementation of UN human rights treaties

The most relevant treaties for the monitoring of the SDGs seeking to realize ESCR are:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) – with 170 States Parties (as of 7 April 2020¹³⁹)
- The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – with 189 States Parties
- The Convention on the Rights of the Child (CRC) – with 196 States Parties
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) – with 55 States Parties
- The Convention on the Rights of Persons with Disabilities (CRPD) – with 181 States Parties
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) – with 182 States Parties

Since the adoption of the 2030 Agenda, UN human rights treaty bodies have included references to the SDGs in their statements, in their general comments, in their general recommendations, and in their examination of states parties' reports,

¹³⁹ List of States Parties to UN Human Rights Instruments on OHCHR Website.

by sending specific SDG-related questions to states prior to the review of their treaty report, by raising SDG-related questions in the constructive dialogue with states, and by making recommendations to states in the concluding observations that link implementation of particular treaty provisions with SDGs and targets.¹⁴⁰

This section focuses on the review of States Parties' reports by UN treaty bodies, at the end of which the treaty bodies have presented recommendations that made an explicit link with the SDGs or the 2030 Agenda (1). It also describes the inclusion of the SDGs in statements and general comments or general recommendations adopted by UN treaty bodies (2).

1. REVIEW OF STATES PARTIES' REPORTS

Since the adoption of the SDGs in September 2015, UN treaty bodies have started to include explicit references to the SDGs in their recommendations or 'concluding observations' to States Parties.¹⁴¹

a. Specific Recommendation on the SDGs

Some treaty bodies have drafted a specific recommendation on the SDGs that they systematically include in their concluding observations to all States Parties they examine. In this recommendation, they focus on the need to implement the SDGs in a manner that is consistent with states' obligations in international human rights law and that follows human rights principles.

Since its 59th session in September–October 2016, the Committee on ESCR has been systematically making the following recommendation to State Parties to the ICESCR.

COMMITTEE ON ESCR SYSTEMATIC RECOMMENDATION ON THE SDGS

'The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.'¹⁴²

This recommendation contains the main elements of a HRBA to sustainable development, asking states to make sure that policies and programs designed to achieve

140 Contribution of the UN Human Rights Treaty Bodies to the 2016 HLPF Meeting, p 2.

141 C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 90–97.

142 Committee on ESCR, *Concluding Observations on the Third Periodic Report of Senegal*, UN doc E/C.12/SEN/CO/3, 13 November 2019, §46; Committee on ESCR, *Concluding Observations on the Fourth Periodic Report of Switzerland*, UN doc E/C.12/CHE/CO/4, 18 November 2019, §60.

the SDGs are based on ESCR, aim to fully realize ESCR and are implemented following human rights principles.

Since its 62nd session in October–November 2015, the CEDAW Committee, which is mandated to monitor progress in the realization of SDG target 5.1.1 that aims at evaluating '[w]hether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex', has been making a standard recommendation to States Parties to CEDAW, in which it underlines the need to achieve substantive gender equality in implementing the SDGs.

CEDAW COMMITTEE SYSTEMATIC RECOMMENDATION ON THE SDGS

'The Committee welcomes the international support for the SDGs and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.'¹⁴³

Since its 15th session in March–April 2016, the Committee on the Rights of Persons with Disabilities has been expressing the following concern and making the following recommendation, or a similar recommendation, to State Parties to the CRPD, to support the inclusion of persons with disabilities and their rights in the implementation of the SDGs.

COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES SYSTEMATIC RECOMMENDATION ON THE SDGS

'The Committee encourages the State party to provide detailed information, both to the Committee and to persons with disabilities themselves through their representative organizations on how the disability perspective is being incorporated into national plans for achieving the SDGs of the 2030 Agenda. It recommends that the State party increase the participation of persons with disabilities through their representative organizations in all international cooperation programmes.'¹⁴⁴

Since its 26th session in April 2017, the Committee on Migrant Workers has been regularly presenting a concluding observation to State Parties to the Migrant Workers Convention, in which it asks them to avail themselves of inter-

143 CEDAW Committee, *Concluding Observations on the Sixth Periodic Report of Cambodia*, UN doc CEDAW/C/KHM/CO/6, 12 November 2019, §6; CEDAW Committee, *Concluding Observations on the Ninth Periodic Report of Austria*, UN doc E/C.12/SEN/CO/3, 30 July 2019, §8.

144 Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Combined Second and Third Periodic Reports of Ecuador*, UN doc CRPD/C/ECU/CO/2-3, 21 October 2019, §58.

national assistance for the implementation of its recommendations, in line with the 2030 Agenda.¹⁴⁵

b. The Need to Collect Disaggregated Data and Design Policies Targeting the Most Vulnerable

Some treaty bodies also make recommendations to States Parties regarding the need to collect disaggregated data to monitor ESCR and the SDGs, and to design policies targeting the most vulnerable.

Three UN treaty bodies – the CEDAW Committee, the Committee on the Rights of Persons with Disabilities and the Committee on Migrant Workers – regularly underline the need to collect disaggregated data, particularly on women and girls, persons with disabilities and migrant workers, to guide policies targeting the most vulnerable and monitor the realization of ESCR and the SDGs, making links with SDG target 17.18 (enhance capacity-building support to developing countries to increase the availability of high-quality, timely and reliable disaggregated data).¹⁴⁶

For example, the Committee on Migrant Workers made the following recommendation to Mozambique in 2018, in relation to the need to collect data on migrant workers.

COMMITTEE ON MIGRANT WORKERS RECOMMENDATION ON THE NEED TO COLLECT DISAGGREGATED DATA

‘Data Collection ...

The Committee recommends that the State party establish a centralized, comprehensive database covering all aspects of the Convention and ensure that data on the status of migrant workers in the State party are collected. The Committee encourages the State party to compile information and statistics, disaggregated by sex, age, nationality, marital and family status, reason for entry to and departure from the country and the type of work performed, in order to effectively inform relevant policies and the application of the Convention, in accordance with target 17.18 of the Sustainable Development Goals. The Committee also recommends that the State party build the capacity of public officials to improve the collection and analysis of accurate data on migration, including the situation of irregular migrant workers and victims of trafficking, and ensure the cooperation of its consular and diplomatic representations abroad in doing so.¹⁴⁷

145 Committee on Migrant Workers, *Concluding Observations on the Second Periodic Report of Tajikistan*, UN doc CMW/C/TJK/CO/2, 9 May 2019, §57. The Migrant Workers Convention has not been ratified by any member of the European Union or by the United States of America.

146 CEDAW Committee, *Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland*, UN doc CEDAW/C/IRL/CO/6–7, 9 March 2017, §19(d); Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Initial Report of Armenia*, UN doc CRPD/C/ARM/CO/1, 8 May 2017, §§55–56.

147 Committee on Migrant Workers, *Concluding Observations on the Initial Report of Mozambique*, UN doc CMW/C/MOZ/CO/1, 16 October 2018, §20.

c. The Use of the SDGs to Push for the Realization of Specific Rights or States’ Obligations

Since its 56th session in September–October 2015, the CESCR has regularly included a reference to the SDGs in its recommendations regarding poverty, informal economy and social security. In its recommendation that States Parties to the IC-ESCR ensure access to social security to the most disadvantaged and marginalized groups and to those working in the informal economy, it draws attention to ‘its general comments No. 18 (2005) on the right to work, No. 19 (2009) on the right to social security and No. 23 (2016) on the right to just and favourable conditions of work, as well as its statement on social protection floors: an essential element of the right to social security and of the SDGs ...’.¹⁴⁸

The CEDAW Committee also regularly makes a recommendation to States Parties to CEDAW, in which it links SDG target 5.1 (discrimination against women and girls) to states’ obligations under the Convention. The following recommendation made to Jordan in 2017 is illustrative.

CEDAW COMMITTEE RECOMMENDATION ON THE NEED TO END ALL FORMS OF DISCRIMINATION AGAINST WOMEN AND GIRLS

‘Discriminatory laws ...

The Committee recommends that the State party expedite a comprehensive review of its legislation to ensure compatibility with the provisions of the Convention, and recommends that it accelerate its efforts in repealing all remaining discriminatory provisions in its national legislation, in line with articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.¹⁴⁹

d. Systematic Link Made Between the SDGs and the Rights Enshrined in the Treaties

Since its 70th session in September–October 2015, the Committee on the Rights of the Child has been systematically linking the implementation of the CRC in States Parties with several SDGs and SDG targets, including SDGs 3 (health) and 4 (education) and SDG targets 1.3 (social protection), 2.2 (nutrition), 5.2 (violence against women and girls), 6.2 (sanitation and hygiene), 16.2 (violence against children), 16.5 (corruption) and 16.9 (legal identity).¹⁵⁰

Since its 15th session in March–April 2016, the Committee on the Rights of Persons with Disabilities has been linking the CRPD with, inter alia, SDGs 4 (educa-

148 Committee on ESCR, *Concluding Observations of on the Fifth Periodic Report of Italy*, UN doc E/C.12/ITA/CO/5, 28 October 2015, §§28–29.

149 CEDAW Committee, *Concluding Observations on the Sixth Periodic Report of Jordan*, UN doc CEDAW/C/JOR/CO/6, 9 March 2017, §20.

150 C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, p 94.

tion) and 9 (access to infrastructure), as well as SDG targets 1.3 (social protection), 3.7 (sexual and reproductive health), 3.8 (universal health coverage), 5.1 (discrimination against all women and girls), 5.2 (violence against women and girls), 5.5 (women's participation and equal opportunities), 8.5 (full employment and decent work), 10.2 (empowerment and inclusion), 10.3 (opportunity and outcome), 11.2 (accessibility to transport systems), 11.7 (accessibility to green and public spaces) and 16.3 (access to justice).¹⁵¹

And, since its 24th session in April 2016, the Committee on Migrant Workers has been linking the implementation of its Convention with several SDG targets, including targets 5.2 (violence against women and girls), 8.7 (forced labour, slavery, human trafficking, child labour), 8.8 (labour rights and working environments), 10.7 (migration and mobility), 10.c (migrant remittances), 16.2 (violence against children) and 16.9 (birth registration).¹⁵²

These three UN treaty bodies have linked the rights protected under their Conventions to the SDG targets that explicitly mention the specific group of persons they protect – SDG targets 1.2, 2.2, 3.2, 4.1, 4.2, 4.5, 4.a, 5.1, 5.2, 5.3, 5.c, 6.2, 8.7, 11.2, 11.7 and 16.2 mention ‘children’, ‘girls’ or ‘boys’; SDG targets 8.8, 10.7 and 10.c refer to ‘migrants’ or ‘migration’ and SDG targets 4.5, 8.5, 10.2, 11.2 and 11.7 mention ‘persons with disabilities’ or ‘disability’. But they have also linked these rights to other SDGs and targets that they find particularly relevant to the implementation of their Convention.

A recommendation addressed by the Committee on the Rights of the Child to Rwanda in 2020 is representative of the way these three UN treaty bodies have been referring to SDG targets in their concluding observations.

COMMITTEE ON THE RIGHTS OF THE CHILD RECOMMENDATION LINKING CRC WITH SDG 1

‘Standard of living

Taking note of target 1.2 of the Sustainable Development Goals, the Committee welcomes the social protection strategic plan for the period 2018–2024 and the vision 2020 programme and recommends that the State party:

- (a) Take all measures necessary to improve access to, and ensure the sustainability of existing policies on, adequate housing, safe drinking water and adequate sanitation;
- (b) Scale up the vision 2020 programme by integrating it into other policies targeting nutrition, water and sanitation and housing and ensuring that children in rural areas, children with disabilities and children living in women-headed households can benefit.¹⁵³

¹⁵¹ Ibid, pp 94-95.

¹⁵² Ibid, p. 95.

¹⁵³ Committee on the Rights of the Child, *Concluding Observations on the Combined Five and Sixth Periodic Reports of Rwanda*, UN doc CRC/C/RWA/CO/5-6, 28 February 2020, §37(a and b).

It is also worth noting that the CERD Committee has been more reluctant than other UN treaty bodies to refer to the SDGs in its concluding observations. Between April 2015 and November 2019, it examined almost 100 States Parties to ICERD and only included a reference to the SDGs in 6 concluding observations, addressed to Honduras, Serbia, New Zealand, Argentina, Rwanda and Kenya.¹⁵⁴

2. GENERAL COMMENTS AND STATEMENTS

UN treaty bodies – like special procedures – have included references to the SDGs in numerous statements released in the years before, and since the adoption of the 2030 Agenda in 2015.¹⁵⁵

In 2019, the Committee on ESCR released a statement on the pledge to leave no one behind, in which he linked the ICESCR and the 2030 Agenda.¹⁵⁶ In this statement, the Committee underlined that the ICESCR is a fundamental pillar of the 2030 Agenda, that it creates a rights-based methodology to guide the monitoring of progress towards the achievement of the SDGs by the international community, and that by complying with the normative obligations that it contains, states will strengthen their ability to realize the SDGs and fulfil their pledge to leave no one behind.¹⁵⁷

For the Committee on ESCR:

The Covenant thus establishes a normative framework of rights and obligations that should constitute the bedrock of all measures adopted by States parties to advance the 2030 Agenda. This framework can be applied to the development of national institutional policies for the implementation of all SDGs. It can help in identifying those most in need, in the design of policies that address the root causes of violations of Covenant rights, and in creating spaces for affected persons to be heard when decisions that will affect them are taken. It requires legal and other forms of recourse for victims of violations of Covenant obligations.¹⁵⁸

The Committee on ESCR also explained how it sees the complementarity of mechanisms established to monitor ESCR and the SDGs.

¹⁵⁴ See, for example, CERD Committee, *Concluding Observations on the Combined Sixth to Eighth Periodic Reports of Honduras*, UN doc CERD/C/HND/CO/6-8, 14 January 2019, §17.

¹⁵⁵ Joint Statement of the Chairpersons of the UN Human Rights Treaty Bodies on the Post-2015 Development Agenda, May 2013; Joint Statement of the Chairpersons of the UN Human Rights Treaty Bodies on the Post-2015 Development Agenda, 18 January 2015; Statement of the Committee on the Rights of Persons with Disabilities on Including the Rights of Persons with Disabilities in the Post-2015 Agenda on Disability and Development, May 2013; Statement of the CEDAW Committee on the Post-2015 Development Agenda and the Elimination of Discrimination Against Women, 26 February 2014.

¹⁵⁶ UN Committee on ESCR, *Statement on the Pledge to Leave No One Behind: the ICESCR and the 2030 Agenda*, UN doc E/C.12/2019/1, 5 April 2019.

¹⁵⁷ Ibid, §§4, 11, 12, 18.

¹⁵⁸ Ibid, §14.

COMMITTEE ON ESCR VIEWS ON THE COMPLEMENTARITY BETWEEN MECHANISMS MONITORING ESCR AND THE SDGS

‘National action plans for the implementation of the SDGs should take full account of the recommendations contained in the concluding observations that the Committee issues in the context of the periodic reporting process under the Covenant. The recommendations are of great value to States parties in identifying systemic forms of discrimination and socioeconomic and cultural exclusion, and thus in order to design appropriate remedies, strategies and programmes for groups who are most vulnerable to being left behind. The Covenant should also inform the identification and adoption of appropriate national and international indicators in the context of the 2030 Agenda and the monitoring and evaluation of the SDGs by the international community, including the HLPF. Reciprocally, the Committee is increasingly integrating the SDGs in its work, including under the periodic reporting process, so as to enhance the synergies between measures adopted in the context of the 2030 Agenda and the realization of Covenant rights.’¹⁵⁹

In response to the coronavirus (COVID-19) crisis, the Committee on ESCR issued a statement in which it described the deep negative impacts of the crisis on the enjoyment of ESCR, especially the rights to health, social security, work, food, housing and education, and called states to take measures to prevent, or at least to mitigate, these impacts.¹⁶⁰ The Committee on ESCR underlined that ‘No one should be left behind in taking the measures necessary to combat this pandemic’, and it called upon states to ensure that the extraordinary mobilization of resources to deal with the COVID-19 pandemic provides the impetus for long-term resource mobilization towards the full and equal enjoyment of ESCR, to make sure that the world is better prepared for future pandemics and disasters.¹⁶¹

The Committee on ESCR is now preparing a general comment on sustainable development, in which it will link ESCR and the SDGs.

Other treaty bodies have included references to the SDGs in their general comments or general recommendations. In its General Recommendation on the rights of rural women adopted in 2016, the CEDAW Committee underlined that ‘as many of the SDGs address the situation of rural women and provide an important opportunity to advance both process and outcome indicators, the specific intent of the present general recommendation is to provide guidance to States parties on the implementation of their obligations with respect to rural women.’¹⁶² It also provided that States Parties to CEDAW should ensure ‘the integration and mainstreaming of a gender perspective in all agricultural and rural development policies, strategies,

¹⁵⁹ Ibid, §19.

¹⁶⁰ UN Committee on ESCR, *Statement on the Coronavirus Disease (COVID-19) Pandemic and Economic, Social and Cultural Rights*, 6 April 2020.

¹⁶¹ Ibid, §§2, 25.

¹⁶² CEDAW Committee, *General Recommendation No. 34: The Rights of Rural Women*, UN doc CEDAW/C/GC/34, 7 March 2016, §2.

plans ... and programs, enabling rural women to act and be visible as stakeholders, decision makers and beneficiaries, in line with the ... SDGs.’¹⁶³

RECOMMENDATION

UN treaty bodies have made significant efforts to include the SDGs in their work. In the future, they should more systematically include the monitoring of the SDGs in their review of States Parties’ reports. The fact that they can monitor the implementation of SDGs in so many States Parties, from the perspective of ESCR, racial discrimination, women’s rights, children’s rights, the rights of persons with disabilities and the rights of migrant workers, puts them in an ideal position to make a difference, at both national and global levels. UN treaty bodies should also follow the example of the CESCR, in adopting a statement and elaborating a general comment or general recommendation on the links between the rights enshrined in their conventions and the SDGs.

D. COLLABORATION WITH THE HIGH-LEVEL POLITICAL FORUM

In February 2016, the then UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, stated that ‘[t]he Universal Periodic Review, treaty bodies, and special procedures generate a wealth of recommendations that can help to guide the Agenda’s implementation’ and that work was ‘urgently needed to make that body of guidance available to the SDG progress reviews’.¹⁶⁴

Since then, UN human rights mechanisms have made significant efforts to share the result of their work with the follow-up and review mechanisms established by the 2030 Agenda.¹⁶⁵ This section focuses on the contributions that UN human rights mechanisms have made to the work of the HLPF.

1. THE HIGH-LEVEL POLITICAL FORUM

At the global level, the 2030 Agenda gives a central role in overseeing follow-up and review of the SDGs to the HLPF.¹⁶⁶

The HLPF meets for eight days annually, including a three-day ministerial segment, under the auspices of the ECOSOC, and for two days every four years at head-of-state and government level under the auspices of the UN General Assembly. It adopts a Ministerial declaration at the end of its annual meetings and a political declaration at the end of its meetings organized under the auspices of the General

¹⁶³ Ibid, §36(a).

¹⁶⁴ *Statement by the UN High Commissioner for Human Rights in February 2016, at the Occasion of the Human Rights Council High-Level Panel Discussion on Mainstreaming Human Rights in the UN system.*

¹⁶⁵ C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 39-57.

¹⁶⁶ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, §§47-82.

Assembly.¹⁶⁷ In the political declaration adopted in 2019, UN Member States recognized that progress has been slow in many areas, and that there is an urgent need to accelerate action on all levels and by all stakeholders, in order to fulfil the vision and SDGs of the 2030 Agenda.¹⁶⁸

The HLPF is carrying out thematic and regular reviews of the implementation of the SDGs. Thematic reviews of the first HLPF meetings focused/will focus on:

- Ensuring that no one will be left behind (2016)
- Eradicating poverty and promoting prosperity in a changing world (2017)
- Transformation towards sustainable and resilient societies (2018)
- Empowering people and ensuring inclusiveness and equality (2019)
- Accelerated action and transformative pathways: realizing the decade of action and delivery for sustainable development (2020)

With SDG 17 (global partnership) being reviewed annually, the HLPF reviewed all other SDGs in the following order during the first three meetings of the HLPF:

- SDGs 1, 2, 3, 5, 9 and 14 (2017)
- SDGs 6, 7, 11, 12 and 15 (2018)
- SDGs 4, 8, 10, 13 and 16 (2019)

The regular reviews of the implementation of the SDGs are based on voluntary national reviews (VNRs) prepared by UN Member States. Relevant UN entities, civil society and the private sector can also participate, as well as ‘major groups and other relevant stakeholders’. Each state that prepares a VNR has 30 minutes to present it and discuss it with its peers during the HLPF meeting. VNRs are then briefly mentioned in the outcome documents of the HLPF meeting, i.e. the Ministerial Declaration and the report or synthesis of the meeting.¹⁶⁹

On the basis of the first four HLPF meetings, during which 142 VNRs were discussed, several weaknesses of the HLPF as a monitoring mechanism can be identified.

WEAKNESS OF THE HLPF COMPARED TO UN HUMAN RIGHTS MECHANISMS

- National reviews are voluntary / Reporting to UN human rights mechanisms is compulsory for UN Member States (UPR) and for States Parties (treaty bodies)

¹⁶⁷ UN General Assembly, *Format and Organizational Aspects of the High-Level Political Forum on Sustainable Development*, UN doc A/RES/67/290, 9 July 2013.

¹⁶⁸ UN General Assembly, *Political Declaration of the High-Level Political Forum on Sustainable Development Convened under the Auspices of the General Assembly*, UN doc. A/RES/74/4, 15 October 2019.

¹⁶⁹ C. Golay, *No One Will Be Left Behind*, Academy Briefing No. 11, Geneva Academy, 2018, pp 46-47.

- VNRs are subject to scrutiny by other states (peer-review), like the Human Rights Council’s UPR / Reviews by UN treaty bodies and special procedures are subject to scrutiny by independent experts
- VNRs last 30 minutes for each state at the HLPF / Reviews last 6 hours for each state before UN treaty bodies and 3 hours for each state at Human Rights Council’s UPR
- VNRs do not end with country-specific recommendations to guide states to more effectively implement the SDGs / Reviews by UN human rights mechanisms end with numerous recommendations to guide states to better protect and promote human rights

The HLPF is by far not the ‘Sustainable Development Council’ that UN special procedures had proposed during the negotiation of the 2030 Agenda, based on the working methods of the UPR of the Human Rights Council.¹⁷⁰

2. CONTRIBUTION OF HUMAN RIGHTS MECHANISMS TO THE WORK OF THE HIGH-LEVEL POLITICAL FORUM

The 2030 Agenda encourages relevant UN entities and intergovernmental bodies and forums to participate in the HLPF annual reviews on the implementation of the SDGs, as well as in its thematic reviews.¹⁷¹ In 2016, the then UN Secretary-General underlined that these entities include the UN Human Rights Council (with its special procedures) and UN treaty bodies.¹⁷²

Taking this opportunity, several UN human rights mechanisms have contributed to the work of the HLPF. This involvement included the following inputs:

- Joint contribution of UN human rights treaty bodies to the 2016 HLPF meeting¹⁷³
- Contributions of the CEDAW Committee to the 2016, 2017, 2018 and 2020 HLPF meetings¹⁷⁴
- Contribution of the CERD Committee to the 2017 HLPF meeting¹⁷⁵

¹⁷⁰ *Statement by 17 UN Special Procedures Mandate-Holders of the Human Rights Council on the Post-2015 Development Agenda*, 21 May 2013

¹⁷¹ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN doc A/RES/70/1, 25 September 2015, §§84-85.

¹⁷² *Report of the UN Secretary-General, Critical Milestones Towards Coherent, Efficient and Inclusive Follow-Up and Review at the Global Level*, UN doc A/70/684, 15 January 2016, §46.

¹⁷³ *Contribution of the UN Human Rights Treaty Bodies to the 2016 HLPF Meeting*.

¹⁷⁴ *Contribution of the CEDAW Committee to the 2016 HLPF Meeting; Contribution of the CEDAW Committee to the 2017 HLPF Meeting; Contribution of the CEDAW Committee to the 2018 HLPF Meeting; Contribution of the CEDAW Committee to the 2020 HLPF Meeting*.

¹⁷⁵ *Contribution of the CERD Committee to the 2017 HLPF Meeting*.

- Contribution of the Committee of the Rights of Persons with Disabilities to the 2019 HLPF meeting¹⁷⁶
- Contribution of the Committee on Enforced Disappearance to the 2019 HLPF meeting¹⁷⁷
- Contributions of the Committee on Migrant Workers to the 2018 and 2020 HLF meetings¹⁷⁸
- Contribution of the Committee on the Rights of the Child to the 2019 HLPF meeting¹⁷⁹
- Contributions of the Human Rights Council to the 2016, 2018, 2019 and 2020 HLPF meetings¹⁸⁰
- Contributions of OHCHR to the 2017 and 2019 HLPF meetings¹⁸¹

The Committee on ESCR also sent its statement on the pledge to leave no one behind to the HLPF 2019 meeting¹⁸², and OHCHR sent its reports on the two inter-sessional meetings on human rights and the 2030 Agenda to the 2019 and 2020 HLPF meetings¹⁸³, as well as a report it produced on a consultation on the role of national human rights institutions in support of the implementation of the SDGs to the 2019 HLPF meeting.¹⁸⁴ OHCHR also sent a report on its activities on the right to development to the 2019 HLPF meeting.¹⁸⁵

¹⁷⁶ Contribution of the Committee of the Rights of Persons with Disabilities to the 2019 HLPF Meeting.

¹⁷⁷ Contribution of the Committee on Enforced Disappearance to the 2019 HLPF Meeting.

¹⁷⁸ Contribution of the Committee on Migrant Workers to the 2018 HLF Meeting; Contribution of the Committee on Migrant Workers to the 2020 HLF Meeting.

¹⁷⁹ Contribution of the Committee on the Rights of the Child to the 2019 HLPF Meeting.

¹⁸⁰ Inputs from the President of the Human Rights Council to the 2016 HLPF Meeting; Contribution of the Human Rights Council to the 2018 HLPF Meeting (The Human Rights Council and the SDGs: An Overview); Contribution of the Human Rights Council to the 2019 HLPF Meeting; Contribution of the Human Rights Council to the 2020 HLPF Meeting (UPR Recommendations and the 2030 Agenda); Contribution of the Human Rights Council to the 2020 HLPF Meeting (The Human Rights Council and the SDGs: An Overview); Contribution of the Human Rights Council to the 2020 HLPF Meeting (Human Rights and the 2030 Agenda: Decade of Action and Delivery on the SDGs).

¹⁸¹ Contribution of OHCHR to the 2017 HLPF Meeting (Input From a Child Rights Perspective to the HLPF Review of 'Eradicating Poverty and Promoting Prosperity in a Changing World'); Contribution of OHCHR to the 2019 HLPF Meeting (Input From a Child Rights Perspective to the HLPF Review of 'Empowering People, Ensuring Inclusiveness and Equality').

¹⁸² UN Committee on ESCR, Statement on the Pledge to Leave No One Behind: the ICESCR and the 2030 Agenda, UN doc E/C.12/2019/1, 5 April 2019.

¹⁸³ OHCHR Report, Summary of the First Intersessional Meeting on Human Rights and the 2030 Agenda, UN doc A/HRC/40/34, 5 March 2019; OHCHR Report, Summary of the Second Intersessional Meeting on Human Rights and the 2030 Agenda, UN doc A/HRC/43/33, 14 February 2020.

¹⁸⁴ OHCHR Report, Consultation on the Experiences and Practices of National Human Rights Institutions in Working to Support the Establishment and Maintenance of Inclusive Societies and the Implementation of the 2030 Agenda, UN doc A/HRC/41/30, 17 May 2019.

¹⁸⁵ Report of the UN Secretary-General and the UN High Commissioner for Human Rights on the Right to Development, UN doc A/HRC/39/18, 10 July 2018.

As we have seen, ten UN special procedures also issued a statement at the beginning of the 2016 HLPF meeting, in which they underlined that the 'commitment to ensure that no one is left behind can only be realised if equally no human right is left behind', and that all participants to the HLPF meeting should make the 2030 Agenda's explicit promise to reach the most excluded groups first the compass in their deliberations.¹⁸⁶

In the contributions they sent to the HLPF, UN human rights mechanisms explained that they wanted to promote a two-way interaction with the 2030 Agenda and the HLPF. All of them also linked their contributions to the themes being reviewed by the HLPF.

TREATY BODIES VIEWS ON THE TWO-WAY INTERACTION WITH THE HLPF

'On the one hand, the significant amount of information relating to the implementation of treaties gathered through the reporting process is closely related to the implementation of the SDGs and therefore provides a ready-made source of data to help track progress on SDG implementation. In addition, the information relating to national implementation of the SDGs is itself closely related to treaty implementation and therefore of particular relevance to the work of treaty bodies ... Treaty bodies remain committed to consolidating and deepening this two-way interaction with a view to ensuring complementarity between the treaties and the SDGs.'¹⁸⁷

In their joint input to the 2016 HLPF meeting, UN treaty bodies underlined that they all have strong mandates to promote equality and non-discrimination, and that several of them monitor treaties protecting the rights of persons who are often left behind, including women, children, persons with disabilities, indigenous peoples, national, ethnic and racial minorities, persons in detention, migrant workers and people suffering enforced disappearance.¹⁸⁸ They also provided an assessment of the situation of those who are left behind, based on the review of 105 reports that they had examined in 2015 and 2016.¹⁸⁹

In its first contribution in 2016, the CEDAW Committee explained that '[t]he almost universal ratification of the CEDAW Convention, together with the vast experience of the Committee since its establishment in 1982 in relation to women and development acquired through its mandate, underlines the importance of the Committee's expertise in the implementation of the principle of 'ensuring that no one is left behind'.¹⁹⁰ It also explained that, based on its work with the 189 States Parties to CEDAW, it can identify factors that shape women's daily lives and their

¹⁸⁶ Statement issued by 10 UN Special Procedures Mandate Holders, 2030 Development Goals: 'No One Should Be Left Behind, And No Human Right Ignored', 12 July 2016.

¹⁸⁷ Contribution of the UN Human Rights Treaty Bodies to the 2016 HLPF Meeting, pp 1-2.

¹⁸⁸ Ibid, p 9.

¹⁸⁹ Ibid, p 2.

¹⁹⁰ Contribution of the CEDAW Committee to the 2016 HLPF Meeting, p 1.

ability to realize their rights, including entrenched inequalities, discriminatory social norms, harmful customary practices and dominant patterns of economic development.¹⁹¹ The CEDAW Committee also made a strong call for the participation of women's and human rights associations in the implementation and monitoring of the SDGs.¹⁹²

In 2017, in their contributions to the HLPF meeting, the CEDAW Committee and the CERD Committee provided information on their work in relation to poverty eradication and the promotion of prosperity.¹⁹³ OHCHR gave a child-rights perspective to the same issue.¹⁹⁴ The CEDAW Committee also warned the HLPF about the impact of private-public partnerships on poverty reduction and the promotion of gender equality.¹⁹⁵

In its contribution, the CERD Committee underlined the importance of the relationship between eradicating poverty and eliminating racial discrimination.¹⁹⁶ In a creative way, it then applied the theme of the meeting's thematic review to the states that had prepared VNRs for the 2017 HLPF meeting, focusing on the States Parties to ICERD that the Committee had examined between 2012 and 2016. The CERD Committee explained that among the 43 states that were presenting VNRs to the HLPF on progress made in implementing the 2030 Agenda, 42 were States Parties to ICERD.¹⁹⁷ Among those, 21 had been examined by the Committee between 2012 and 2015¹⁹⁸ and 5 had been examined in 2016.¹⁹⁹

The CERD Committee highlighted a number of issues derived from its reviews of these 26 states between 2012 and 2016. Explaining that racial discrimination manifests itself in different ways across states and in relation to different individuals and groups, it started by identifying groups particularly at risk of poverty and social exclusion.²⁰⁰ It then highlighted the fact that many people, in particular women, have to confront multiple forms of discrimination.

191 Ibid, pp 2–3.

192 Ibid, p 8

193 [Contribution of the CEDAW Committee to the 2017 HLPF Meeting](#), pp 2–7; [Contribution of the CERD Committee to the 2017 HLPF Meeting](#).

194 [Contribution of OHCHR to the 2017 HLPF Meeting \(Input From a Child Rights Perspective to the HLPF Review of 'Eradicating Poverty and Promoting Prosperity in a Changing World'\)](#).

195 [Contribution of the CEDAW Committee to the 2017 HLPF Meeting](#), p 9.

196 [Contribution of the CERD Committee to the 2017 HLPF Meeting](#), p 2.

197 Malaysia was the only state not party to ICERD that sent a VNR to the 2017 HLPF meeting.

198 Belarus, Belgium, Belize, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, El Salvador, Guatemala, Honduras, Iran, Japan, Jordan, Luxembourg, The Netherlands, Peru, Qatar, Slovenia, Sweden and Thailand.

199 Italy, Kenya, Portugal, Togo and Uruguay. The CERD Committee noted that reviews prior to 2012 of other States Parties to ICERD had not been taken into account as such information might be outdated. [Contribution of the CERD Committee to the 2017 HLPF Meeting](#), p 2.

200 Ibid, p 3. To highlight the extent of poverty among these groups, the CERD Committee gave the two examples of El Salvador, where 38.3% of the indigenous population live in extreme poverty and 61.1% below the poverty line, and Honduras, where 88.7% of indigenous and Afro-descendent children live in poverty and 78.4% of these in extreme poverty.

The CERD Committee underlined that these individuals and groups all suffer from discrimination, as well as violations of their ESCR, having no or inadequate access to health care, housing, education, employment, social protection, water, electricity, or other basic services. For the Committee, this showed that the achievement of SDG 1 on eradicating poverty is interlinked with the realization of other SDGs, including SDG 2 (food security), 3 (health), 4 (education), 5 (gender equality), 6 (water and sanitation), 8 (work) and 10 (reducing inequality).

In their contributions to the 2018 HLPF meeting, the CEDAW Committee and the Committee on Migrant Workers focused on the relevance of their work for the principle of ensuring that no one is left behind and for transformation towards sustainable and resilient societies.²⁰¹ In its contribution, the Committee on Migrant Workers also underlined that available migration-related data was insufficient in many countries to support the SDGs' implementation, and that 'in line with [SDG] target 17.18, this data should be [collected and] disaggregated by sex, age, nationality, reason for entry and departure from the country, and the type of work performed.'²⁰²

In their contributions to the 2019 HLPF meeting, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and OHCHR linked the rights enshrined in the CRC and the CRDP with SDGs 4 (education), 8 (decent work), 10 (reduce inequality), 13 (climate change), 16 (just, peaceful and inclusive societies) and 17 (global partnership), as well as with the principle of ensuring that no one is left behind and the need to empower children and persons with disabilities, ensuring inclusiveness and equality.²⁰³ The Committee on the Rights of Persons with Disabilities encouraged states to adopt a rights based approach in the formulation, planning, implementation and monitoring of development policies, programmes and projects related to disability inclusive development, and to transition from a medical model to a human rights model of disability.²⁰⁴ The Committee on the Rights of the Child recommended to the HLPF to provide a venue for global partners to support states and other stakeholders in their efforts to implement the SDGs in a manner consistent with their obligations under the CRC, to promote a multi-stakeholder accountability mechanism with all stakeholders' participation, including children, and to encourage synergies in the implementation of the recommendations made by UN human rights mechanisms and at the HLPF.²⁰⁵

In one of its contributions to the 2020 HLPF meeting, the Human Rights Council stated that 'from the substantive point of view, all the UPR recommendations

201 [Contribution of the CEDAW Committee to the 2018 HLPF Meeting; Contribution of the Committee on Migrant Workers to the 2018 HLPF Meeting](#).

202 [Contribution of the Committee on Migrant Workers to the 2018 HLPF Meeting](#), pp. 5-6.

203 [Contribution of the Committee on the Rights of the Child to the 2019 HLPF Meeting; Contribution of the Committee of the Rights of Persons with Disabilities \(CRPD\) to the 2019 HLPF Meeting; Contribution of OHCHR to the 2019 HLPF Meeting \(Input From a Child Rights Perspective to the HLPF Review of 'Empowering People, Ensuring Inclusiveness and Equality'\)](#).

204 [Contribution of the Committee of the Rights of Persons with Disabilities to the 2019 HLPF Meeting](#), p 10.

205 [Contribution of the Committee on the Rights of the Child to the 2019 HLPF Meeting](#), §5.

have direct relevance to the 2030 Agenda and at least one or several of its SDGs'.²⁰⁶ In another contribution, it highlighted the UPR and other human rights mechanisms' critical role in achieving the SDGs and strengthening national mechanisms for implementation, reporting and follow-up.²⁰⁷ It also underlined that accelerating progress for human rights and the implementation of the SDGs would require a HRBA to data collection and analysis to address exclusion, discrimination and inequalities, greater investment in closing gaps in data gathering and analysis, including through innovative ways of data collection, support to national statistical offices for the adoption of a HRBA approach to data collection and analysis, and strengthening cooperation between national statistical offices and national human rights institutions.²⁰⁸

In its contribution to the 2020 HLPF meeting, the Committee on Migrant Workers presented the Global Compact on Safe, Regular and Orderly Migration – endorsed by the UN General Assembly in December 2018 – as a new tool to implement SDG target 10.7, in which states committed to cooperate internationally to facilitate safe, orderly and regular migration.²⁰⁹ It also recommended that the human rights of all migrants should be included in every intergovernmental forum on migration and development, that close cooperation of the Committee on Migrant Workers with ECOSOC should be facilitated, and that reliable data infrastructure related to migration and sustainable development should be provided for future policy implementation.²¹⁰

In its contribution to the 2020 HLPF meeting, the CEDAW Committee sent a call for joint action in the times of the COVID-19 pandemic.²¹¹ It underlined that 'COVID-19 has affected victims regardless of gender, geography, ethnicity, religion, wealth or any other status. However, with our societies being unequal in the first place, the consequences of the current crisis have impacted women in a disproportionate and more severe manner. Women have experienced multiple and compounded forms of discrimination while on the front lines of responses, at home, in the health workforce and in various sectors of production.'²¹²

CEDAW COMMITTEE CALL FOR JOINT ACTION IN THE TIMES OF THE COVID-19 PANDEMIC

'Merely expressing human rights concerns in such an unprecedented situation is not enough. ... If COVID-19 teaches us only one lesson, this should be that solidarity is neither optional nor is it an act of charity. COVID-19 has shown that none of us is

²⁰⁶ Contribution of the Human Rights Council to the 2020 HLPF Meeting (UPR Recommendations and the 2030 Agenda).

²⁰⁷ Contribution of the Human Rights Council to the 2020 HLPF Meeting (Human Rights and the 2030 Agenda: Decade of Action and Delivery on the SDGs), p 1.

²⁰⁸ Ibid, p 2.

²⁰⁹ Contribution of the Committee on Migrant Workers to the 2020 HLPF Meeting, p 2.

²¹⁰ Contribution of the Committee on Migrant Workers to the 2020 HLPF Meeting, p 3.

²¹¹ Contribution of the CEDAW Committee to the 2020 HLPF Meeting.

²¹² Ibid, p 1.

safe unless we are all safe. Solidarity is the strongest means to resist a virus that recognizes no border or status.

The CEDAW Committee would like to seize the opportunity and calls for joint action against the Covid-19 pandemic from a women's rights perspective, and solicits participation from all key stakeholders, and in particular States Parties to the ... CEDAW Convention. ...

In their response to the crisis, States Parties to the CEDAW Convention must be guided by its principles of non-discrimination and gender equality, as well as by the principle of 'Leave no one behind' of the SDGs. Ultimately, States should emerge from the COVID-19 crisis with increased solidarity, by adhering to human rights norms, promoting inclusive governance, social justice and peace.'²¹³

At the end of their contributions to the HLPF meetings, UN human rights mechanisms have made recommendations linked to the themes of the meetings' thematic reviews. They also made recommendations linked to the work of the HLPF, suggesting ways in which its working methods could be improved and their collaboration strengthened. In 2018, the CEDAW Committee criticized the follow-up and review framework established to monitor the implementation of the SDGs, and recommended its improvement, by taking the UPR as 'inspiration to encourage and incentivise regular and universal reporting and robust peer review by Member States, or by inviting independent 'shadow reports' from civil society organisations alongside the official government reports, as is the practice of CEDAW and some of the other treaty bodies.'²¹⁴ In 2020, the Human Rights Council recommended to the HLPF to strengthen the linkages between human rights and the SDGs, to enhance the meaningful participation of civil society and national human rights institutions in its work, and to incorporate the outcomes of the UN human rights mechanisms, including the UPR, special procedures, and treaty bodies to enhance voluntary national review reporting.²¹⁵ It also called for systematic exchanges and briefings between the Human Rights Council and ECOSOC.²¹⁶

RECOMMENDATION

UN human rights mechanisms should continue to share the results of their work with the HLPF, and to make recommendations to improve the working methods of the HLPF, as well as their collaboration.

To make this collaboration more effective, OHCHR should use the Universal Human Rights Index to produce an annual compilation of recommendations made by UN human

²¹³ Contribution of the CEDAW Committee to the 2020 HLPF Meeting, pp 1, 4.

²¹⁴ Contribution of the CEDAW Committee to the 2018 HLPF Meeting, §5.

²¹⁵ Contribution of the Human Rights Council to the 2020 HLPF Meeting (Human Rights and the 2030 Agenda: Decade of Action and Delivery on the SDGs), p 2.

²¹⁶ Ibid.

rights mechanisms, with a focus on those that can contribute to the implementation of the SDGs.²¹⁷ This compilation should be shared with the HLPF, with an emphasis put on recommendations addressed to states that have prepared VNRs, or that are relevant to the theme or the SDGs examined during the meeting's thematic review. Ideally, the example of the Human Rights Council's UPR should be followed, with one compilation of recommendations produced for each state under review.

This compilation produced by OHCHR would provide the HLPF with a holistic view on relevant recommendations produced by UN human rights mechanisms, including from those such as UN special procedures, which have not and might continue not to send contributions to the HLPF.

²¹⁷ Since 2016, the [OHCHR Universal Human Rights Index](#) has been successfully improved and it is now possible to use this online database to look for recommendations made by UN human rights mechanisms that are relevant to the 17 SDGs.

4. CONCLUSION

The SDGs are very ambitious. They aim to fully realize ESCR in all countries by 2030. With the objectives of leaving no one behind and achieving gender equality, they aim to put an end to discrimination and drastically reduce inequality. In the 2030 Agenda, states also committed to ensure that the implementation, follow-up and review processes linked to the SDGs will be participatory, rights-based and effective, calling on the UN system as a whole to work together for these purposes.

The weakness of the 2030 Agenda lies in its accountability framework, based on VNRs and peer-reviewed soft guidance. This represents a major gap that UN human rights mechanisms can fill. By being creative in including the SDGs in their work, and by collaborating with the HLPF, UN human rights mechanisms can play a key role in monitoring the SDGs that seek to realize ESCR.

In this manual, we have seen that UN human rights mechanisms have already made significant efforts to include the monitoring of the SDGs in their work. They also started to collaborate with the HLPF.

The Human Rights Council decided to act to ensure that its agenda promotes and advances the achievement of the SDGs. It adopted several resolutions in which it linked ESCR to the SDGs, and in which it tasked its subsidiary bodies and special procedures, as well as the UN Secretary-General and OHCHR, with including the SDGs in their work or reports. Using the UPR, several states have also made recommendations to their peers, in which they have made explicit links with the 2030 Agenda or the SDGs.

UN special procedures have adopted statements and produced numerous thematic and country visit reports in which they have linked ESCR to the SDGs and have made recommendations to guide the implementation of the SDGs with a HRBA.

UN treaty bodies have included the monitoring of the SDGs in their review of States Parties' reports, at the end of which they make recommendations on ESCR and the SDGs, and they have linked the realization of ESCR to SDGs' implementation in many of their statements. The Committee on ESCR is also preparing a general comment on ESCR and sustainable development.

These efforts should be strengthened and followed by UN human rights mechanisms that have yet to include the SDGs in their work.

By monitoring the SDGs, UN human rights mechanisms fill the accountability gap of the 2030 Agenda. They thus transform the beneficiaries of the laws, policies and programmes aimed at achieving the SDGs into rights-holders and states as those having legal obligations to implement the SDGs in a manner that is consistent with human rights. This enhances participation, accountability, non-discrimination, transparency, human dignity, empowerment, the rule of law and solidarity (PANTHERS) in the implementation of the SDGs.

ANNEX: SDGs AND HUMAN RIGHTS ²¹⁸

SDGs and Related Targets

Goal 1: End poverty in all its forms everywhere

Targets include eradicating extreme poverty (less than \$1.25 a day); halving poverty; implementing social protection measures and ensuring equal access for men and women to economic resources.

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

Targets include ending hunger and malnutrition; ensuring access for all to safe, nutritious and sufficient food; improving agricultural productivity and incomes of rural women, indigenous peoples, family farmers, pastoralists and fishers; ensuring access to land and other natural resources and ensuring sustainable and resilient food production.

Goal 3: Ensure healthy lives and promote well-being for all at all ages

Targets include reducing maternal mortality; ending preventable child deaths; ending AIDS, tuberculosis and malaria; promoting mental health; ensuring universal health coverage, universal access to sexual and reproductive health-care services, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.

Human Rights Standards

Right to an adequate standard of living: UDHR, Art 25; ICESCR, Art 11; CRC, Art 27

Right to social security: UDHR, Art 22; ICESCR, Art 9; CRPD, Art 28; CRC, Art 26

Equal rights of women in economic life: CEDAW, Arts 11, 13, 14(2)(g), 15(2), 16(1)

Right to adequate food: UDHR, art 25; ICESCR, Art 11; CRC, Art 24(2)(c)

International cooperation, including ensuring equitable distribution of world food supplies: UDHR, Art 28; ICESCR, Arts 2(1), 11(2)

Right to life: UDHR, Art 3; ICCPR, Art 6; CEDAW, Art 12; CRC, Art 6

Right to health: UDHR, Art 25; ICESCR, Art 12, CEDAW, Art 12; CRC, Art 24

Special protection for mothers and children: ICESCR, Art 10

Right to enjoy the benefits of scientific progress and its application: UDHR, Art 27; ICESCR, Art 15(1)(b)

International cooperation: UDHR, Art 28; ICESCR, Art 2(1); CRC, Art 4

SDGs and Related Targets

Goal 4: Ensure inclusive and quality education for all and promote lifelong learning

Targets include ensuring universal access to free, quality pre-primary, primary and secondary education; improving vocational skills; ensuring equal access to education and expanding education facilities, scholarships and training of teachers

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

Targets include eliminating discrimination and violence against women and girls; valuing unpaid care and domestic work; ensuring the full participation of women, access to reproductive health care and equal access for women to economic resources.

Goal 6: Ensure access to water and sanitation for all

Targets include ensuring universal and equitable access to safe and affordable drinking water and to adequate sanitation and hygiene for all, reducing pollution, increasing water-use efficiency and promoting participatory management of water and sanitation services.

Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all

Targets include ensuring universal access to affordable, reliable and modern energy services.

Goal 8: Promote inclusive and sustainable economic growth, employment and decent work for all

Targets include promoting sustained economic growth; improving resource efficiency in production and consumption; achieving full and productive employment and decent work for all; eradicating forced and child labour and trafficking; protecting labour rights, including those of migrant workers, and increasing access to financial services.

Human Rights Standards

Right to education: UDHR, Art 26; ICESCR, Art 13; CRC, Arts 23(3), 28, 29; CRPD, Art 24

Equal rights of women and girls in the field of education: CEDAW, Art 10

Right to work, including technical and vocational training: ICESCR, art 6

International cooperation: UDHR, Art 28; CRC, Arts 23(4), 28(3); CRPD, Art 32

Elimination of all forms of discrimination against women: CEDAW, Arts 1-5; CRC, Arts 2, 7, 11, 13, 16

Right to decide the number and spacing of children: CEDAW, Arts 12, 16(1)(e); CRC, Art 24(2)(f)

Special protection for mothers and children: ICESCR, Art 10

Elimination of violence against women and girls: CEDAW, Arts 1-6; CRC, Arts 24(3), 35

Right to just and favourable conditions of work: ICESCR, Art 7; CEDAW, Art 11

Right to safe drinking water and sanitation: ICESCR, Art 11

Right to health: UDHR, Art 25; ICESCR, Art 12

Equal access to water and sanitation for rural women: CEDAW, Art 14(2)(h)

Right to an adequate standard of living: UDHR, Art 25; ICESCR, Art 11

Right to enjoy the benefits of scientific progress and its application: UDHR, Art 27; ICESCR, Art 15(1)(b)

Right to work and to just and favourable conditions of work: UDHR, Art 23; ICESCR, Arts 6, 7, 10; CRPD, Art 27

Prohibition of slavery, forced labour, and trafficking of persons: UDHR, Art 4; ICCPR, Art 8; CEDAW, Art 6; CRC, Arts 34-36

Equal rights of women in relation to employment: CEDAW, Art 11

Prohibition of child labour: CRC, Art 32

Equal labour rights of migrant workers: CMW, Art 25

SDGs and Related Targets

Goal 9: Build resilient infrastructure, promote sustainable industrialization and foster innovation

Targets include ensuring affordable and equitable access for all to quality infrastructure; promoting employment; generating industrialization; increasing access for small-scale enterprises to financial services and markets; supporting innovation and technology transfer and increasing access to information and communications technology.

Goal 10: Reduce inequality within and among countries

Targets include promoting higher growth rates for the bottom 40 percent; promoting social, economic and political inclusion; reducing inequalities in opportunities and outcomes; ensuring social protection for all; securing participation in economic decision making; facilitating migration and reducing transaction costs for migrant remittances.

Goal 11: Make cities inclusive, safe, resilient and sustainable

Targets include ensuring access to housing, basic services and public transport for all; participatory planning of human settlements; safeguarding cultural and natural heritage and strengthening resilience to disasters.

Goal 12: Ensure sustainable consumption and production patterns

Targets include achieving sustainable management and efficient use of natural resources; improving waste management; promoting sustainable public procurement; ensuring access to information; and building capacity for sustainable development.

Human Rights Standards

Right to enjoy the benefits of scientific progress and its application: UDHR, Art 27; ICESCR, Art 15(1)(b)

Right to access to information: UDHR, Art 19; ICCPR, Art 19(2)

Right to adequate housing, including land and resources: UDHR, Art 25; ICESCR, Art 11

Equal rights of women to financial credit and rural infrastructure: CEDAW, Arts 13(b), 14(2)

Right to equality and non-discrimination: UDHR, Art 2; ICESCR, Art 2(2); ICCPR, Arts 2(1), 26; ICERD, Art 2(2); CEDAW, Art 2; CRC, Art 2; CRPD, Art 5; CMW, Art 7

Right to participate in public affairs: UDHR, Art 21; ICCPR, Art 25; CEDAW, Art 7; ICERD, Art 5; CRPD, Art 29;

Right to social security: UDHR, Art 22; ICESCR, Arts 9-10; CRPD, Art 28

Promotion of conditions for international migration: CMW, Art 64

Right of migrants to transfer their earnings and savings: CMW, Art 47(1)

Right to adequate housing, including land and resources: UDHR, Art 25; ICESCR, Art 11

Right to participate in cultural life: UDHR, Art 25; ICESCR, Art 15; ICERD, Arts 5, 7; CRPD, Art 30; CRC, Art 31

Accessibility of transportation, facilities and services, particularly of persons with disabilities, children and rural women: CRPD, Art 9(1); CRC, Art 23; CEDAW, Art 14(2)

Protection from natural disasters: CRPD, Art 11

Right to health, including the right to a safe, clean, healthy and sustainable environment: UDHR, Art 25(1); ICESCR, Art 12

Right to adequate food and right to safe drinking water: UDHR, Art 25(1); ICESCR, Art 11

Right of all peoples to freely dispose of their natural wealth and resources: ICCPR; ICESCR, Art 1(2)

SDGs and Related Targets

Goal 13: Take urgent action to combat climate change and its impacts

Targets include strengthening resilience and adaptation to climate change and natural disasters, including in marginalised communities, and implementing the Green Climate Fund.

Goal 14: Conserve and sustainably use the oceans, seas and marine resources

Targets include reducing marine pollution; conserving coastal ecosystems, coastal marine areas and fish stock; securing market access for small-scale fishers and protecting marine biodiversity.

Goal 15: Sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss

Targets include promoting sustainable management of freshwater, mountain ecosystems and forests; combating desertification; halting biodiversity loss and combating poaching and trafficking of protected species.

Goal 16: Promote just, peaceful and inclusive societies

Targets include reducing all forms of violence, ending violence against and trafficking of children; promoting rule of law and justice for all; reducing illicit financial and arms flows, corruption and bribery; developing effective institutions; ensuring participation in decision making at all levels and providing legal identity for all.

Human Rights Standards

Right to health, including the right to a safe, clean, healthy and sustainable environment: UDHR, Art 25(1); ICESCR, Art 12; CRC, Art 24; CEDAW, Art 12; CMW, Art 28

Right to adequate food and right to safe drinking water: UDHR, Art 25(1); ICESCR, Art 11

Right of all peoples to freely dispose of their natural wealth and resources: ICCPR; ICESCR Art 1(2)

Right to health, including the right to a safe, clean, healthy and sustainable environment: UDHR, Art 25(1); ICESCR, Art 12; CRC, Art 24; CEDAW, Art 12; CMW, Art 28

Right to adequate food and right to safe drinking water: UDHR, Art 25(1); ICESCR, Art 11

Right of all peoples to freely dispose of their natural wealth and resources: ICCPR; ICESCR Art 1(2)

Right to health, including the right to a safe, clean, healthy and sustainable environment: UDHR, Art 25(1); ICESCR Art 12; CRC, Art 24; CEDAW, Art 12; CMW, Art 28

Right to adequate food and right to safe drinking water: UDHR, Art 25(1); ICESCR, Art 11

Right of all peoples to freely dispose of their natural wealth and resources: ICCPR; ICESCR Art 1(2)

Right to life, liberty and security of the person: UDHR, Art 3; ICCPR, Arts 6(1), 9(1); ICPED, Art 1

Freedom from torture: UDHR, Art 5; ICCPR, Art 7; CAT, Art 2; CRC, Art 37(a)

Protection of children from all forms of violence, abuse or exploitation: CRC, Arts 19, 34, 36, 37(a)

Right to access to justice and due process: UDHR, Arts 8, 10; ICCPR, Arts 2(3), 14-15; CEDAW, Art 2(c)

Right to legal personality: UDHR, Art 6; ICCPR, Art 16; CRPD, Art 12

Right to participate in public affairs: UDHR, Art 21; ICCPR, Art 25

Right to access to information: UDHR, Art 19; ICCPR, Art 19(1)

SDGs and Related Targets

Goal 17: Revitalize the global partnership for sustainable development

Targets include strengthening domestic and international resources; debt sustainability; technology transfer and capacity building; promoting trade; enhancing policy and institutional coherence; respecting countries' policy space; promoting multi-stakeholder partnerships; developing measurements of progress and increasing the availability of disaggregated data.

Human Rights Standards

Right of all peoples to self-determination: ICCPR; ICESCR, Art 1(1)

Right to development and international cooperation: UDHR, Art 28; ICESCR, Art 2(1); CRC, Art 4; CRPD, Art 32(1);

Right of everyone to enjoy the benefits of scientific progress and its application, including international cooperation in the scientific field: UDHR, Art 27(1); ICESCR, Art 15(1)

Right to privacy: UDHR, Art 12; ICCPR, Art 17; CRPD, Art 31(1)

International Human Rights Instruments

UDHR: Universal Declaration of Human Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of Persons with Disabilities

CEDAW: International Convention on the Elimination of All Forms of Discrimination Against Women

ICCPR: International Covenant on Civil and Political Rights

CMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ICERD: International Convention on the Elimination of All Forms of Racial Discrimination

ICPED: International Convention for the Protection of All Persons from Enforced Disappearances

CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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