

RESEARCH BRIEF

ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND SUSTAINABLE DEVELOPMENT GOALS

KEY MESSAGES

- The 2030 Agenda for Sustainable Development adopted by the United Nations (UN) in 2015 is grounded in international human rights law, and its Sustainable Development Goals (SDGs) aim to realize human rights for 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 obligations to respect, protect and fulfil ESCR without discrimination. These explicit links between ESCR and the SDGs are the result of significant efforts made by UN human rights mechanisms to convince UN Member States to adopt a 2030 Agenda and SDGs that are based on human rights, cover as many rights as possible, and include the rights of the most vulnerable.
- The SDGs and ESCR should be seen as mutually reinforcing. ESCR can offer a legal foundation 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 SDGs' implementation 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'.
- 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 sharing the results of their work with monitoring mechanisms established under the 2030 Agenda, and by including in their own work the monitoring of the SDGs that seek to realize ESCR.
- 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 and those who are left behind.
- Since the adoption of the 2030 Agenda, UN human rights mechanisms have made significant efforts to monitor the SDGs that seek to realize ESCR. By strengthening these efforts, they can transform the beneficiaries of the SDGs into rights-holders and remind UN Member States of their 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.

MAY 2018 | CHRISTOPHE GOLAY

INTRODUCTION

This Research Brief discusses the mutually reinforcing relationship between ESCR and the SDGs, it describes the limited accountability framework of the 2030 Agenda, and it looks at the role of UN human rights mechanisms in monitoring the SDGs that seek to realize ESCR. It draws attention to the need to ensure true accountability and real targeting in the implementation of the SDGs, and it provides a set of recommendations for states, UN human rights mechanisms, the Office of the UN High Commissioner for Human Rights (OHCHR) and the HLPF.

ESCR AND SDGS

The need to adopt a human rights-based approach (HRBA) to development has been underlined by the UN and its Member States for over 20 years. When applied to ESCR and the SDGs, this approach implies that (1) the realization of ESCR should be the main objective of laws, policies and programmes aimed at implementing the SDGs; that (2) human rights instruments and principles should guide the adoption and implementation of measures taken to achieve the goals; and that (3) these measures should contribute to empower people to claim their ESCR, and states to respect, protect and fulfil ESCR, without discrimination.

The MDGs represented an important step towards the convergence of development and ESCR. They aimed to progressively realize the core content of many ESCR, for example by halving extreme poverty and hunger by 2015 (MDG 1). In adopting them, states also made clear commitments to protect and promote human rights. But the framework set up to monitor the MDGs was too weak, and a HRBA was not followed in their implementation, which was described by many as a missed opportunity.

The SDGs are far more ambitious than the MDGs. They aim to fully realize ESCR in all countries by 2030. With the objectives of leaving no one behind and achieving gender equality, they also aim to put an end to discrimination and drastically reduce inequality.

The 2030 Agenda includes 17 SDGs and 169 targets that can be regrouped in five themes, aimed at protecting people, the planet, prosperity, peace, and promoting partnerships to achieve these. The SDGs aiming at protecting 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” – are particularly relevant for the realization of ESCR.

It has been argued that 156 of the 169 targets are linked to human rights and labour standards. If we compare the content of the SDGs with ESCR, we can conclude that the SDGs cover the main elements of the rights to social security (SDG 1), food (SDG 2), health (SDG 3), education (SDG 4), water (SDG 6), work (SDG 8), and housing (SDG 11). Two SDGs are specifically designed to combat formal and substantive 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 among countries. Many other SDGs and related targets also seek to ensure that the needs of historically disadvantaged groups, including women and girls, are targeted and fulfilled. SDG 17 and many targets under other SDGs also cover the main elements of the obligation of international cooperation and assistance to realize ESCR, as it is articulated in the International Covenant on ESCR (ICESCR) and several other international human rights instruments.

The SDGs are extremely ambitious. If they were to be achieved, almost all ESCR would be realized by 2030, leaving no one behind.

IN 2016, THE THEN UN SECRETARY-GENERAL FOR EXAMPLE UNDERLINED THE COMPLEMENTARITY BETWEEN 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 (...) targets [that] address the 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”.

However, while we can conclude that the SDGs cover many of the main elements of ESCR, there are still significant gaps. Cultural rights, for example, are only partially reflected, and important elements of the rights to health and housing could have been better defined in the SDGs, in particular in relation to access to universal health coverage and to sexual and reproductive health care services, security of tenure, forced evictions and homelessness. In monitoring the SDGs

from a human rights perspective, it is therefore essential to evaluate the degree to which ESCR are covered by the SDGs, and, where there are gaps or inconsistencies, it is crucial to ensure that implementation of the targets is consistent with international human rights law. It is also important 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.

FOLLOW-UP AND REVIEW OF THE 2030 AGENDA AND THE SDGS

In adopting the 2030 Agenda, states committed to engage in systematic follow-up and review of the implementation of the SDGs at national, regional and global levels. At national level, various stakeholders should be consulted and provided with opportunities to contribute to monitoring with National Human Rights Institutions (NHRIs) playing a key role. At regional level, reviews should build on existing mechanisms, and include sharing of best practices and discussion on the achievement of common targets.

At global level, the 2030 Agenda allocates a central role in overseeing follow-up and review to the HLPF. The HLPF carries out thematic and regular reviews on the implementation of the SDGs. The regular reviews 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”. Twenty-two countries presented VNRs at the 2016 HLPF meeting, 43 countries did so at the 2017 HLPF meeting and 48 at the 2018 HLPF meeting. In the first years, VNRs focused on the establishment of institutional, legislative and policy frameworks needed to implement the SDGs. In their reviews, a number of states linked the promotion and protection of human rights to the implementation of the SDGs. At least one NHRI sent a contribution to the HLPF – the German Institute for Human Rights. But the outcome documents of the first HLPF meetings only included few references to human rights, in most cases using agreed language taken from the 2030 Agenda.

On the basis of the first HLPF meetings, it can be said that the weakness of the HLPF as a monitoring mechanism lies in the fact that national reviews are voluntary and not subject to scrutiny by an independent monitoring mechanism. This weakness is reinforced by the fact that states are not provided with country-specific recommendations on the

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measures that they should, or could, take to more effectively implement the SDGs. This is in sharp contrast with the periodic reviews of UN human rights mechanisms, at the end of which states receive numerous recommendations to better protect human rights. The duration of the review for each state at the HLPF – 30 minutes – is also short, compared with the 6 hours given to each state being reviewed by UN treaty bodies, and with the 3 hours given to each state being reviewed at the Human Rights Council’s Universal Periodic Review (UPR). The HLPF is certainly not the “Sustainable Development Council” that UN special procedures proposed during the negotiation of the 2030 Agenda, based on the working methods of the UPR.

THE ROLE OF UN HR MECHANISMS IN MONITORING THE SDGS THAT SEEK TO REALIZE ESCR

Since the adoption of the 2030 Agenda, UN human rights mechanisms have made significant efforts to engage with the mechanisms established to monitor the SDGs, in particular the HLPF, and they have been proactive in including the monitoring of the SDGs, including those that seek to realize ESCR, in their own work.

The President of the Human Rights Council and UN human rights treaty bodies have started to collaborate with the HLPF. In 2016 and 2017, they sent contributions to the HLPF meetings, in which they shared the results of their work in relation to the themes of the HLPF meetings – the principle that no one will be left behind (2016), poverty eradication and the promotion of prosperity (2017) – and in relation to the implementation of the SDGs and ESCR in the states under review at the HLPF. They have also made recommendations to improve the working methods of the HLPF, and their future collaboration.

Following the adoption of the 2030 Agenda, 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 in their reports. In 2016, it devoted its annual high-level panel discussion on mainstreaming human rights in the UN system, to the 2030 Agenda and human rights. 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 human rights and the 2030 Agenda, aimed at identifying and using the many ways through which the UN human rights system can best support states in implementing the SDGs.

Using the UPR, one of Human Rights Council's main monitoring mechanisms, several UN Member States have made recommendations to their peers, in which they have made explicit links with the 2030 Agenda or the SDGs. In more than 30 recommendations made between September 2015 and May 2017, they pushed for the implementation of the SDGs in other states, and emphasized the need to take measures to realize specific SDGs or ESCR, or the need to adopt or implement policies and strategies to implement the SDGs. At least one recommendation focused on the obligations of states to engage in international cooperation and assistance to realize ESCR and the SDGs. These recommendations were all accepted by states under review, which shows a broad agreement on the need for states to take steps to implement the SDGs, and on the UPR as an adequate forum to discuss the effectiveness of these steps.

Since the adoption of the 2030 Agenda, UN special procedures have produced numerous thematic and country visit reports in which they linked ESCR and the SDGs, and in which they made recommendations to UN Member States to guide the implementation of the SDGs with a HRBA.

In many thematic reports, special procedures have supported the complementarity and mutual reinforcement between ESCR and the SDGs. They have also emphasized the need for states to ensure that the implementation of the SDGs is consistent with ESCR and states obligations in international human rights law, the importance of participation by right holders and use of disaggregated indicators and data to reach the most vulnerable and those who are left behind, and the need to adopt new instruments and make new commitments to support the implementation of the SDGs.

If the expertise of UN human rights mechanisms, accountability and targeting are not fully integrated in the SDGs' implementation and monitoring, the SDGs will not be reached by 2030.

When they included the SDGs in their country visit reports, UN special procedures have monitored the level of realization of the SDGs, often comparing what is required

under the SDGs with what was required to reach the MDGs. A number of special procedures have emphasized the same issues they focused on in their thematic reports, such as the need to eliminate homelessness

in implementing the SDGs, curb illicit financial flows, and protect the rights of persons with disabilities. Special procedures have also pushed for the adoption of human rights-based laws, policies and programs to implement the SDGs and to reach the most vulnerable and those who are left behind. Some have further focused on the need to ensure participation of vulnerable groups in the design of these laws, policies and programs, and on the need to protect women's rights in the implementation of the SDGs.

Since 2015, several UN treaty bodies have included the monitoring of the SDGs in their review of states parties' reports, at the end of which they have made recommendations linking ESCR and the SDGs. Some treaty bodies have drafted a specific recommendation that they systematically include in their concluding observations to all states parties that they examine, which focuses on the need to implement the SDGs in a manner that is consistent with their obligations in international human rights law, and following human rights principles. Some treaty bodies are also making recommendations to states parties on the need to collect disaggregated data to monitor ESCR and the SDGs, and to design policies targeting the most vulnerable.

And most treaty bodies use the SDGs to reinforce their recommendations on the realization of specific rights or states parties' obligations, in relation to which they consider the SDGs to be particularly relevant.

CONCLUSIONS AND RECOMMENDATIONS

UN human rights mechanisms have made significant efforts to include the SDGs in their work. These efforts should be strengthened. Having very broad mandates, including on the protection of ESCR, racial discrimination, the rights of women, children, persons with disabilities, migrants, older persons, and minorities, international solidarity, and the effects of foreign debt on ESCR, they are in a unique position to make recommendations to UN member states and to provide guidance to monitoring mechanisms established by the 2030 Agenda on the implementation of the SDGs.

RECOMMENDATIONS

- UN Member 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 and those who had been left behind in the implementation of social programmes.
- UN Member 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 implementation of 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.
- Using the Universal Human Rights Index, OHCHR 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 linked to 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 contribute to the work of national, regional and global mechanisms established by the 2030 Agenda, including the HLPF, by sharing the results 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 and those who are left behind.
- 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 and non-discrimination, as well as attention to the most vulnerable and those who are left behind. It would also provide a means of accountability through independent mechanisms.
- The UN Human Rights Council should include the monitoring of the SDGs in its work. UN Member States should use the Universal Periodic Review to monitor the SDGs. UN special procedures should include the monitoring of the SDGs in their thematic and country visit reports. UN treaty bodies should incorporate the monitoring of the SDGs in their examination of state parties' reports, making recommendations that link ESCR and the SDGs.

SELECTED REFERENCES ON ESCR, SDGS AND UN HR MECHANISMS

[No One Will Be Left Behind. The Role of United Nations Human Rights Mechanisms in Monitoring the Sustainable Development Goals that Seek to Realize Economic, Social and Cultural Rights \(full research study\)](#)

[Human Rights and the 2030 Agenda for Sustainable Development](#)

[Sustainable Development Goals](#)

[High-level Political Forum on Sustainable Development](#)

[Human Rights and Sustainable Development Goals – Pursuing Synergies](#)

[Human Rights Guide to the Sustainable Development Goals](#)

[B. Feiring and A. Hassler, *Human Rights in Follow-Up and Review of the 2030 Agenda for Sustainable Development*](#)

[S. L. B. Jensen, A. Corkery and K. Donald, *Realizing Rights Through The Sustainable Development Goals: The Role of National Human Rights Institutions*](#)

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The Geneva Academy provides post-graduate education, conducts academic legal research and policy studies, and organizes training courses and expert meetings. We concentrate on branches of international law that relate to situations of armed conflict, protracted violence, and protection of human rights.

SUPPORTING THE ROLE OF UN HUMAN RIGHTS MECHANISMS IN MONITORING THE SDGS THAT SEEK TO REALIZE ESCR

The Geneva Academy project on ESCR and the SDGs aims to contribute to the realization of ESCR and the implementation of the SDGs, by strengthening the role of Geneva-based UN human rights mechanisms – the UN Human Rights Council, special procedures and treaty bodies – in monitoring the SDGs that seek to realize ESCR. Support to this project from the Human Security Division of the Swiss Federal Department of Foreign Affairs and the International Solidarity Service of the Republic and State of Geneva is gratefully acknowledged.

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