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Research Report

Key players in accountable SDG implementation: National human rights institutions

Briefing Paper, No. 16/2021

Provided in Cooperation with:

German Institute of Development and Sustainability (IDOS), Bonn

Suggested Citation: Breuer, Anita; Leininger, Julia; König-Reis, Saionara (2021) : Key players in accountable SDG implementation: National human rights institutions, Briefing Paper, No. 16/2021, Deutsches Institut für Entwicklungspolitik (DIE), Bonn, <https://doi.org/10.23661/bp16.2021>

This Version is available at:

<https://hdl.handle.net/10419/242614>

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Joint project with:

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

Briefing Paper 16/2021

Key Players in Accountable SDG Implementation: National Human Rights Institutions

Summary

Achieving the Sustainable Development Goals (SDGs) of the 2030 Agenda will require strong, accountable institutions. Since no global compliance mechanisms are in place, member states need to establish or use their own institutions and mechanisms to be held accountable for SDG implementation. In July 2021, governments, civil society and the private sector will gather at the annual UN High-level Political Forum on Sustainable Development (HLPF) to take stock of progress on the 17 SDGs. The event provides an opportunity to assess progress made in the establishment of national-level accountability frameworks for the SDGs.

Given their legal mandates, national human rights institutions (NHRIs) can play a key role in the implementation and follow-up of the SDGs. However, so far, this role has been scarcely acknowledged by governments in their Voluntary National Reviews (VNRs) on the implementation of the 2030 Agenda.

International practice shows that NHRIs play a more active role in providing information for SDG implementation than indicated in the VNRs. For instance, they collect and provide data and build capacities of national institutions. However, NHRIs are rarely represented in national bodies established to oversee SDG implementation. Yet, their ability to support the SDG process increases when they collaborate with the government, get information about SDG policy planning and receive the opportunity to demand explanations about “why” certain policies are adopted and “how” they shall contribute to successful SDG implementation. It is important to note, though, that preconditions for NHRI engagement vary considerably according to country contexts.

To strengthen national horizontal accountability in general, and to ensure a human-rights-based approach in implementing the SDGs across all sectors of development, it will be important to:

Establish NHRIs that are compliant with the Paris Principles. The pace of progress for establishing NHRIs is too slow. Currently, only half of all countries will achieve SDG indicator 16.a.1 (Existence of independent NHRIs in compliance with the Paris Principles) by 2030. The UN and other international organisations should assist governments in establishing institutions to be in conformity with the Paris Principles and to enable their effective and independent operation.

Ensure an independent voice for NHRIs. Amidst current autocratisation trends worldwide, fundamental freedoms need to be protected. This allows non-state actors and independent state oversight agencies such as NHRIs to criticise government action and demand human rights in SDG implementation. This will also contribute to the direct implementation of SDG target 16.10 on the protection of fundamental freedoms.

Enable the participation of NHRIs in national SDG oversight bodies. As a first step, it is necessary that NHRIs themselves raise awareness of their relevant role for better accountability of governments’ SDG implementation among national stakeholders. National governments should include NHRIs in the national SDG infrastructure by ensuring their representation in national SDG oversight bodies or government advisory committees.

Improve VNR reporting. Governments should make sure to adequately reflect in VNR reporting the role played by NHRIs and assess what they can contribute to national SDG implementation and monitoring.

Introduction

There is broad consensus that achieving the SDGs by 2030 requires strong and accountable institutions. Thanks to SDG 16 on “peace, justice and strong institutions”, elements of good governance, including accountability, have explicitly become part of a global development agenda and are recognised as enablers for all other SDGs.

As is the case with many other multilateral agreements, the SDGs are the product of a complex process of negotiations between states. They are based on the principle of global governance and rely entirely on voluntary reviews with limited opportunity for feedback and no formal follow-up to recommendations received.

Rather, it is incumbent on signatory states themselves to use or establish institutional frameworks that hold governments accountable for SDG implementation. Accordingly, the Agenda calls for “effective, participatory, transparent and integrated” SDG review processes, which should “build on existing platforms and processes, where these exist”. Six years into the adoption of the 2030 Agenda, and with SDG 16 on “peace, justice and strong institutions” under review at this year’s HLPF, it is time for a critical stocktaking of how governments have acted on this call. Of particular interest in this paper is the question of which measures have been undertaken to promote horizontal accountability, which is exercised by the different branches of power that engage in mutual control, and by the network of independent state agencies that are specialised in government oversight. Three types of horizontal accountability institutions are of particular importance for the establishment of national SDG accountability systems, namely parliaments, supreme audit institutions and NHRIs.

This Briefing Paper – developed in the context of a larger comparative cross-national analysis of national SDG accountability frameworks (Breuer & Leininger, 2021) and drawing on practical experiences observed by the Danish Institute for Human Rights (DIHR) – focuses on the role of official NHRIs that are accredited as being compliant with the UN Paris Principles relating to the Status of National Institutions.

Promoting accountability for SDG implementation – what role for NHRIs?

The 2030 Agenda explicitly states in the preamble that the SDGs “seek to realize the human rights of all”. In article 4 of the declaration’s introduction, the signatory states pledge that “no one will be left behind” and recognise that “the dignity of the human person is fundamental”. Furthermore, the 17 SDGs and their related 169 targets reflect human rights obligations and standards, for example: the right to health (SDG 3) the right to water and sanitation (SDG 6), the right to justice and to participate in public affairs (SDG 16) and the right to equality and non-discrimination (cross-cutting). A database developed by the DIHR shows that more than 90% of the SDG targets are directly connected to rights protected in legally binding human rights treaties and conventions.

Box 1: The concept of government accountability

The term “government accountability” describes a rule-based system through which governments are held responsible for their actions. It entails three central elements: (1) information that governments must provide about their activities and performance; (2) answerability, which implies the capacity to demand explanations from governments and the correspondent duty of governmental actors to justify their conduct; and (3) sanction, which implies the capacity to either punish governmental misconduct or underperformance, or to reward positive behaviour and good performance.

NHRIs are independent state bodies with a legal mandate to hold governments accountable to their international human rights obligations. Their main task is to promote and protect human rights and to facilitate access to remedies in the context of unlawful actions or omissions of state agencies and the private sector across all policy fields. Furthermore, their mandate includes the protection of the rights of vulnerable groups.

In the context of the 2030 Agenda, the existence of NHRIs that are compliant with the UN Paris Principles is a global indicator under SDG 16 for “peace, justice and strong institutions” (indicator 16.a.1). Given their unique mandate, NHRIs can play a key role in the implementation and follow-up of the 2030 Agenda. The Mérida Declaration, adopted in 2015 by the Global Alliance of NHRIs, outlines the functions that NHRIs can perform to promote a human-rights-compliant implementation of the SDGs. These include:

- advising governments on the human-rights-based approach to implementing the SDGs by assessing the impacts of laws, policies, programmes, national development plans and administrative practices;
- engaging with all stakeholders to raise awareness, build trust and promote dialogue;
- assisting in shaping national SDG indicators and data collection systems;
- monitoring SDG progress at all levels to identify inequality and discrimination;
- holding governments accountable by reporting on poor or uneven progress in SDG implementation to parliaments, the public, and national, regional and international mechanisms;
- conducting inquiries into human rights violations in the context of SDG implementation.

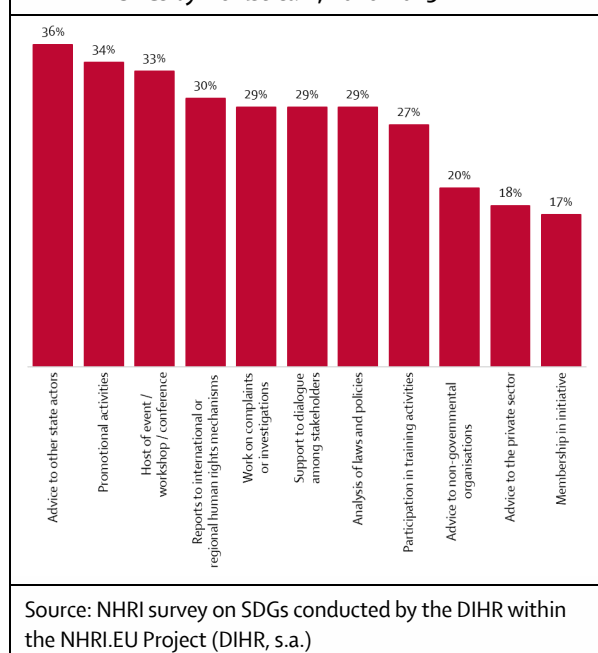
The emerging role of NHRIs in SDG accountability – a cross-national overview

A recent study by Breuer and Leininger (2021) investigates the extent to which NHRIs already perform the functions attributed to them in the Mérida Declaration. The authors conclude that the degree to which NHRIs are officially recognised as accountability actors in the SDG process is still limited. The study is based on a systematic screening of 136

VNRs submitted to the HLPF between 2016 and 2019 for mentions of NHRI activities.

The data shows a significant underreporting of the engagement of NHRIs in the VNRs, compared to what is self-reported by these institutions (Figure 1). Out of 136 VNRs, only 18 mention NHRIs as important stakeholders and five explicitly recognise their oversight role in the SDG process. Yet, these mentions are often rather vague and do not specify concrete mechanisms through which this role can be fulfilled.

Figure 1: Self-reported engagement of 50 NHRIs with SDGs by workstream, 2016-2019



In order to exercise meaningful oversight, NHRI staff need to be knowledgeable about the 2030 Agenda in the first place. Their participation in capacity-building events thus constitutes an important step towards achieving SDG accountability. Yet, only four of the analysed VNRs mentioned NHRIs' participation in such events (Algeria 2019, Serbia 2019, Hungary 2018, Costa Rica 2017). Global and regional initiatives are tackling the knowledge gap and working to strengthen NHRIs' SDG capacities. For example, the European Union-funded project NHRI.EU aims to increase knowledge of and access to SDG-related tools and to enable their participation in regional SDG peer-exchange and capacity-building events.

Since the adoption of the 2030 Agenda, most countries have established formal bodies to oversee national SDG implementation. Although these bodies are typically located in the executive branch of government, there is consensus that it is necessary to provide for their inclusive membership. Evidently, the ability of NHRIs to support the SDG process with their expertise increases the more closely they collaborate with the government and receive the opportunity to demand an explanation on "why" certain policies are adopted and "how" they shall contribute to the successful domestication of the SDGs.

Yet, judging by VNRs submitted between 2016 and 2019, NHRIs seem to be insufficiently represented in these bodies. Just one VNR (Cote d'Ivoire 2019) reported an NHRI as being a full member of the national SDG oversight body. However, NHRIs have participated in working groups that collaborate with national oversight bodies in a number of countries (e.g. Azerbaijan, Chile, Cote d'Ivoire, Ghana, Paraguay).

At the global level, the SDG accountability system is led by the HLPF. As the principal international platform for monitoring SDG progress, the HLPF convenes annually to assess governments' efforts and progress towards achieving the SDGs based on data on the global indicators and the VNRs. Although VNRs are normally government-led, a broad range of stakeholders should be involved in the review process in order to increase their credibility and provide a balanced account of national SDG achievement. The conduction of a VNR thus presents an opportunity for NHRIs to hold governments accountable for their efforts towards a human-rights-based approach to SDG implementation. Out of the 136 analysed VNRs, nine mentioned a consultation of the NHRI during their elaboration.

The mandate of NHRIs to protect the rights of vulnerable groups should not only come to bear in retrospective review processes but also in future-oriented processes of national planning and strategy formulation. Since the adoption of the SDGs, many countries have started to align their national development plans with the SDGs or have adopted SDG implementation strategies. Yet, based on the VNRs, NHRIs seem to be weakly associated with these processes, with only two countries (Guatemala 2019 and Hungary 2017) reporting NHRI involvement in drafting the national SDG implementation strategy. Another potential avenue for NHRIs to contribute towards a human-rights-based localisation of the 2030 Agenda is their involvement in the selection of national priority goals and the development of related indicators for progress monitoring. Out of the analysed VNRs, only three (Ghana 2019, Guatemala 2019, Hungary 2018) mentioned NHRI involvement in these processes. Finally, NHRIs can map their work programmes against the SDGs in order to include the assessment of human-rights-compliant SDG implementation into their routine reporting. This enables them to reveal poor human rights records or positive human rights performance vis-à-vis governments' commitments to the 2030 Agenda. According to VNRs submitted between 2016 and 2019, four NHRIs (Australia 2019, Paraguay 2018, Hungary 2018, Argentina 2017) have mapped their work programmes against the SDGs.

NHRIs in practice – unaccounted efforts, best practices and biggest challenges

Although these findings may seem discouraging at first, they need to be interpreted with care. The comparative document analysis of the VNRs presented above provides insights regarding tendencies and gaps in SDG accountability. However, as government-issued reports, the VNRs do not reflect the full range of efforts by all SDG stakeholders.

In contrast to VNR reporting, a survey conducted with the participation of 50 NHRI from the Asia-Pacific region, Africa, the Americas and Europe shows that, despite challenges, NHRIs are actively involved in SDG processes (Figure 1). Most of them expressed having experienced moderate (15 NHRIs) or serious challenges (18 NHRIs) in engaging with the national follow-up and review of the SDGs. Among barriers for engagement, they highlighted the lack of internal resources and a general lack of understanding of their role by governmental officials in charge of SDG processes.

The discrepancy between governments' VNR reporting and NHRI practice reveals the untapped potential of governments to capture NHRI contributions for advancing the SDGs. Meanwhile, worldwide, NHRIs are stepping up to fulfil their functions according to the Mérida Declaration. They mostly engage in knowledge-based and monitoring activities by providing data and building capacities, which help to hold governments accountable but also foster SDG implementation. The following examples illustrate the diversity of areas in which NHRIs are engaged. They can serve as good practices and inspiration to other NHRIs and governments alike.

National SDG planning: As a member of the National SDG Committee, Afghanistan's Independent Human Rights Commission (AIHRC) worked on the development of the National Action Plan for the SDGs and the localisation of the 2030 Agenda. The AIHRC conducted a baseline survey on the SDGs and is planning to launch a national research programme to assess the extent of SDG implementation from a human rights perspective.

Linking human rights complaints to the SDGs: The Honduran NHRI (Comisionado Nacional de los Derechos Humanos, CONADEH) maintains a database that documents and categorises human rights complaints by individuals in Honduras. In a collaboration with the DIHR, CONADEH uses artificial intelligence to tag the complaints according to the concerned SDGs. This enables CONADEH to identify areas of

SDG implementation where complaints are prevalent or occur systematically.

Technical advice to local governments: The Kenya National Commission on Human Rights (KNCHR) offers technical support to county governments in the localisation of national development plans for SDG implementation. The KNCHR was invited, among other institutions, to give technical support to counties, build their capacity around the Convention on the Rights of Persons with Disabilities and provide guidance on the integration of human rights standards into SDG implementation and progress monitoring.

Nationalisation of SDG indicators: The NHRI of Indonesia (Komnas HAM) provided inputs on key indicators to measure human rights governance as part of the national progress monitoring of SDG 16. Likewise, the DIHR provided a human rights perspective to the selection of national SDG indicators in an initiative led by the national statistics office.

Data partnerships for the SDGs: The NHRIs of Ghana, Palestine and the Philippines are engaged in national data partnerships with National Statistical Offices (NSOs), SDG coordination units and civil society to foster the use of human rights data in SDG monitoring and reporting. The NHRI of the Philippines, for example, is planning to convene data from relevant actors to enable the national monitoring of SDG indicator 16.10.1 on attacks against human rights defenders. The NHRI of Palestine contributes with data on SDG 16 and is advising on the development of an NSO guideline for the use of administrative data for SDG monitoring.

The above examples show that the potential of NHRIs to hold governments accountable in the process of SDG implementation is considerably larger than currently acknowledged in government VNR reporting. Peer learning will play an important role in disseminating information about such practices among NHRIs worldwide and promoting a human-rights-based approach towards SDG implementation.

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Published with financial support from the Federal Ministry for Economic Cooperation and Development (BMZ).

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DOI: 10.23661/bp16.2021



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