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Re: *Human rights in the Post-2015 Agenda*

Excellency,

Last year, convinced of the centrality of human rights to sustainable development, I wrote an open letter to all Member States appealing for the full integration of human rights in the Rio+20 process. The response from states, civil society, and other stakeholders was overwhelming.

When the final Rio outcome was adopted, it included explicit provisions on human rights-based policy coherence, including a basis in international law, the Universal Declaration of Human Rights and other human rights instruments, the need to respect, protect, and promote all human rights and fundamental freedoms for all, without discrimination of any kind, a requirement that green economy policies be consistent with international law (which includes international human rights law) and that they respect all human rights, and that the proposed Sustainable Development Goals also be consistent with international law and with all major summit outcomes (including their human rights provisions).

The Outcome included attention to a number of specific human rights, including the right to an adequate standard of living, the right to food, the right to water and sanitation, the right to health, the right to education, the right to development, all human rights in the context of sexual and reproductive health, the right to have control over and decide freely on matters related to sexuality, labour rights and fundamental rights at work, gender equality, and the right to self-determination. And it specifically integrates key elements of the human rights-based approach to development, as defined by the United Nations system, including people-centred development, attention to root causes, broad public participation, inclusion, accountability, non-discrimination, reducing inequalities, empowerment, the rule of law, democracy, good governance, access to justice, access to information, an active role for civil society, social protection floors, and effective international cooperation.

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To all Permanent Missions in New York and Geneva

Notably, the Rio outcome also includes special provisions on the rights of particular groups, among them the rights of women (with explicit reference to the CEDAW Convention), indigenous peoples (with reference to the Declaration on the Rights of Indigenous Peoples), minorities, the human rights of all migrants (regardless of their migration status), older persons, persons with disabilities, workers, and persons living under foreign occupation. Finally, Rio+20 calls for responsible regulation of the economy, of business, and of industry, including a call for "responsible business practices...such as those of the Global Compact" (with its human rights provisions), implementation of the UN Guidelines on land and tenure (which also include strong human rights provisions), and the need for economic measures that go beyond GDP. In sum, the vision of the Rio+20 outcome – itself the first step in defining the parameters of the Post-2015 agenda-- is a human rights-based vision.

Since Rio, a number of other important steps in the Post-2015 process have been realized. In June of last year, after months of deliberations, the UN System Task Team on the Post-2015 Agenda released its report, finding that the Post-2015 Agenda should be based on "human rights, equality, and sustainability." In March of this year, speaking before the Human Rights Council, the Secretary-General publicly endorsed this recommendation.

Thereafter, a series of UN-sponsored "global thematic consultations" opened the conversation to stakeholders across the globe—reaching out to governments, civil society representatives, academics, and communities, on Post-2015 themes like governance, food, education, and inequalities. In consultation after consultation one central message has emerged: human rights must be at the centre of the Post-2015 Agenda. Indeed, the UNDG synthesis report noted that "[t]he consultations consistently present human rights as a non-negotiable element [and...] call for the new development agenda to be aligned with human rights standards and accountability mechanisms. Across all 11 thematic consultations, people have explicitly called for human rights principles to be a central part of the future development agenda." The final report of the Global Thematic Consultation on Inequalities found that "[t]he most common feature of the hundreds of papers and other submissions was the clear view that any response to inequalities can and must be guided by human rights, and that the post-2015 development framework must reflect this."

Most recently, the human rights imperative has emerged as a dominant theme in the report of the *High-Level Panel of Eminent Persons on the Post-2015 Development Agenda*. At the intergovernmental level, the General Assembly's *Open Working Group on Sustainable Development Goals* has included human rights and equality prominently in its programme of work.

Of course, by now, none of us should be surprised by the dominance of this message in the Post-2015 process. Indeed, it has been written across the banners of a mobilized global citizenry from Tunis to Wall Street, from the Amazon forests to the Pacific islands. Today, no measure of economic growth, no narrow set of socio-economic indicators, no simple income test, will satisfy the demands of *the peoples of the United Nations* for a development framework that delivers on the promise of *freedom from fear and want for all people, without discrimination*. As we prepare for 2015 and beyond, we have an historic opportunity to embrace a new paradigm that

brings the hope of better delivering on that promise. This does not mean (and we have not advocated) adding a disconnected “human rights goal” to the framework. Nor does it require extending the new framework to include unmeasurable targets or an unmanageable range of goals. But doing so will require the courage to break from the limited approaches of the past, and the vision to chart a new course, based on fundamental human rights.

To that end, I believe that the ten following elements will be essential:

First, the Post-2015 Agenda must be built on a **human rights-based approach**, in both process and substance. This means taking seriously the right of those affected to free, active and meaningful participation. It means ensuring the accountability of duty bearers to rights-holders, especially the most vulnerable, marginalized and excluded. It means a focus on non-discrimination, equality and equity in the distribution of costs and benefits. It means embracing approaches that empower people, both politically and economically. And it means explicitly aligning the new development framework with the international human rights framework—including civil, cultural, economic, political and social rights, as well as the right to development. In essence, it means deliberately directing development efforts to the realization of human rights. This has been so central to the demands of people from all regions that we can now confidently assert that the extent to which it is reflected in the new framework will, in large measure, determine its legitimacy.

Second, the new agenda must address **both sides** of the development challenge—that is **freedom from both fear and want**. In the end, the limited focus of the MDGs on a narrow set of socio-economic indicators resulted in outcomes whereby countries declared to be MDG success stories became the scenes of massive social unrest and upheaval. A 21st Century conception of development cannot be so narrowly construed. Rather it must include key economic and social rights, including the right to education, to food, to health, to water and sanitation, and to decent work and social security, as well as essential civil and political rights relating to the administration of justice, personal security, and political participation, including free expression and association.

Third, the imperative of **equality** must underpin the entire framework. Doing so will require replacing now widely-discredited approaches that focused on narrowly-conceived notions of economic growth, with a dedicated focus on remedying the gross disparities that characterize our societies, and that undercut true development. The new framework must advance the three closely-related but distinct concepts of *equity* (fairness of distribution of benefits and opportunities), *equality* (that is, substantive equality of both opportunity and result, under the rule of law), and *non-discrimination* (prohibition of distinctions that are based on impermissible grounds and that have the effect or purpose of impairing the enjoyment of rights). It must encourage proactive measures to dismantle discrimination on the basis of race, sex, language, religion, age, disability, and other factors. So fundamental is this to both the legitimacy and the effectiveness of the framework, that we have advocated a two-track approach, with both a stand-alone goal on equality, as well as the integration of equality considerations across all other goals through disaggregation and targeted benchmarking. And we should be clear: this is not only a normative responsibility, but as research from all quarters has shown in recent years, also a practical imperative. We now know that

neither growth, nor poverty reduction can be sustainable without priority attention to inequality.

Fourth, marginalized, disempowered and ***excluded groups***, previously locked out of development, must have a place in the new agenda. This includes women, minorities, indigenous peoples, migrants, older persons, the disabled, and the poor. This is not only a normative obligation rooted in the prohibition of discrimination, but also a practical imperative for effective development strategies. It should by now be seen as axiomatic that no society can develop to its true potential when entire sectors of that society are blocked from contributing by legal, physical, social or political barriers. Development—real development—is about removing barriers, and expanding choices.

Fifth, we must commit to ending ***poverty***. In doing so, we must recognize that the phenomenon of poverty cannot be reduced to a simple income equation, such as “a dollar a day.” Rather, as affirmed both by the United Nations human rights system, and by persons living in poverty themselves, poverty is a global human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. As such, poverty itself represents a complex of human rights violations, and must therefore be addressed with the urgency that this characterization implies.

Sixth, the new framework must advance ***a healthy environment, as an underlying determinant of internationally guaranteed human rights***. This central message of the Rio+20 outcome, and, indeed, of the very notion of sustainable development, made ever more pressing by the threat of climate change, must find a central place in the Post-2015 Agenda. There can be little doubt today that the global climate crisis is also a human rights crisis—first for those on the front lines of the threat, including indigenous peoples, traditional farmers, pastoralists, herders and coastal communities, and people living in small island states—and ultimately for all of us, in the realization of our rights to health, to food, to water, to housing, and to a host of other essential and universally guaranteed entitlements.

Seventh, the Universal Declaration of Human Rights guarantees the right to an international order in which human rights can be fully realized. Similarly, the UN Declaration on the Right to Development mandates ***international reform*** to ensure ***human rights-based policy coherence at the international level***. In the wake of the global financial, food, climate and energy crises, and in the context of growing disparities and historic governance failures at all levels, the credibility and effectiveness of the Post-2015 Agenda will therefore depend also on the degree to which it addresses this pressing need for human rights-based reforms at the international level. Of all the MDGs, perhaps the least concrete, the least measurable and the most neglected was Goal 8 on the international partnership for development. We can do better. To that end, the Post-2015 Agenda should give due attention to strengthened modes of international cooperation and meaningful reform of global governance institutions, processes, and policies in the political, legal, economic, social, environmental, trade and development spheres, to ensure greater equity, higher levels of democratic participation and accountability, and fuller coherence with international human rights standard—including those to which extra-territorial obligations apply. And it should include measures for strengthening coherence between development, trade, investment,

intellectual property and other key policy regimes, at the global and national levels—with international human rights standards, including the right to development, as the common yardstick.

Eighth, the Post-2015 Agenda should be ***universally applicable***. In the 21st century, old distinctions between North and South, developed and developing, are beginning to lose their meaning. Today, emerging economies and middle-income countries are helping to redefine the global economy, growing poverty and inequalities in rich countries are challenging economic stereotypes, and south-south and triangular cooperation are eroding traditional distinctions between “donors” and “beneficiaries.” Migration and population aging are transforming demographic indicators in all regions, transnational economic interdependence is a fact of life, and the many manifestations of globalization -- both positive and negative -- are chipping away at the relevance of national boundaries. As such, the universally agreed, and universally applicable, normative framework of human rights is more relevant than ever to the global challenges of development. A post-2015 development agenda must therefore be a global agenda, based on universal norms and universal objectives. This does not mean adopting a “one size fits all” metric for all goals, of course. Rather, it means basing the agenda on universally agreed and applicable human rights standards, with global goals, and nationally and locally-specific targets and benchmarks, where appropriate.

Ninth, the Post-2015 agenda must include a strong ***accountability framework***. This will mean, in human rights terms, identifying clear rights-holders and corresponding duty-bearers for each mandated action, as well as (political, administrative, judicial and quasi-judicial) mechanisms at the international, national, and local levels to ensure that relevant institutions have clear responsibilities, are answerable for them, and are subject to enforceability where delivery is failing. It will mean the establishment of clear and measurable benchmarks and indicators for development goals that reflect the full spectrum of civil, cultural, economic, political and social rights, and the undertaking of structured monitoring on that basis. And it will mean aligning the Post-2015 Agenda with existing international (including treaty) obligations, and linking accountability assessments to existing human rights mechanisms, like the UN treaty bodies, special procedures, and Universal Periodic Review. In the end, we must ensure that any new accountability mechanisms at the international level draw from and reinforce existing accountability arrangements, rather than detracting from them. And,

Tenth, in the wake of the devastating global financial crisis, and revelations of abusive business practices in all regions, it is clear that responsibility for human rights-based development in the Post-2015 period must extend to ***actors in the private sector***, as well. Business entities across the value chain, and in all sectors from manufacturing to finance, have a responsibility to *respect* human rights, governments have an obligation to *protect* people from human rights harms caused by business, and people whose rights are affected by private sector activity have a right to a meaningful *remedy*. As such, the Post-2015 framework should call for due diligence in this field, for adequate regulation, for the use of human rights impact assessments, and for the full application of the UN's *Guiding Principles on Business and Human Rights*. With more effective governance by states, more responsible practices by businesses, and more access to remedies for rights-holders, the private sector can contribute to a Post-2015 economy built on human rights, including labour rights, and on responsible environmental stewardship.



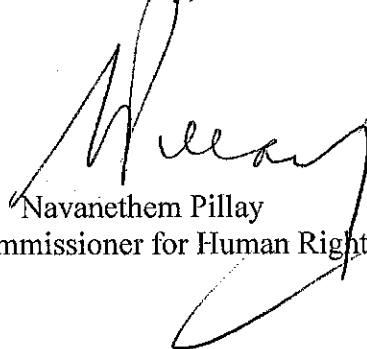
Excellency,

Twenty years ago this June, the World Conference on Human Rights convened at Vienna to forge a new vision for our world, one founded on a recognition of the fundamental interdependence between democracy, development and human rights. On the tail of a blood-stained and deprived century, the whispered call was for dignity, equality, justice, rights. And what began as a murmur in Vienna grew in volume and force with each global conference: Copenhagen and Beijing in 1995, Durban in 2001, New York in 2005 and again in 2010, and Rio in 2012. In recent years, the murmur has become a roar, echoing across societies on all continents, from victims denied redress, older persons denied respect, youth denied hope, and activists demanding a better way. From this call, we have learned much about the imperatives of sustainable development. There will be no development without equality, no progress without freedom, no peace without justice, no sustainability without human rights.

This approach is right, and it is feasible. Today, we can answer the sceptics with a robust knowledge base of practice from the ground, with reliable indicators for monitoring progress, with rigorous criteria for selecting goals and measures, and with successful methodologies for getting the job done. All that is required is the political will to move beyond the failed approaches of the past, to chart a fresh course, and to embrace a new paradigm of development built on a foundation of human rights, equality and sustainability.

In this, I offer the full support of my Office, and I wish you success.

Sincerely,



Navanethem Pillay
High Commissioner for Human Rights