



Child Rights Connect submission for the UN Office of the High Commissioner for Human Rights report for the 34th session of the Human Rights Council on the “Protection of the Rights of the Child and 2030 Agenda for Sustainable Development”

October 2016

One year after the historic adoption of the 2030 Agenda for Sustainable Development by all UN Member States, it is now time for implementation of the goals and targets to achieve their realisation by 2030. This submission on behalf of Child Rights Connect highlights five approaches for governments to follow when implementing the 2030 Agenda to ensure it fully respects, fulfils, promotes and protects the rights of the child. Integrating children’s rights into the implementation of the 2030 Agenda will indeed not only contribute to its achievement for children and the realisation of their rights, but will also benefit all by and beyond 2030.

1. The implementation of the 2030 agenda should be based on a children’s rights based approach

As opposed to the previous Millennium Development Goals (MDGs), the 2030 Agenda is firmly “grounded in the Universal Declaration of Human Rights, [and] international human rights treaties”.¹ By adopting the 2030 Agenda, States thus reaffirmed their obligations regarding international human rights, including international children’s rights standards. All 17 goals and 169 targets are therefore underpinned by international human rights law, including the UN Convention on the Rights of the Child (UN CRC) and its Optional Protocols.

The realisation of the international children’s rights standards must therefore be paramount to the implementation of the 2030 Agenda.

This first means that the implementation of the 2030 Agenda by States must always be consistent with legally binding international human rights law, including international children’s rights standards as they provide the minimum legal standard to be respected by States. As such, the mere objective to meet indicators with the view to achieve the 2030 Agenda can never be reached to the detriment of children’s rights and result in violating international children’s rights standards.

This also requires that any implementation measure of the 2030 Agenda must integrate a children’s rights based approach, respecting and promoting children’s rights through any implementation measure of the 2030 Agenda.

Reciprocally, by fulfilling their obligations under international human rights law, including international children’s rights standards, States will positively contribute to the achievement of the 2030 Agenda. This complementarity means that the respect of international human rights obligations by States is key to meeting the Agenda’s goals and targets by 2030.

Using both frameworks in synergy has the potential to contribute and reinforce their mutual implementation and lead to the realisation of children’s rights. States must seize the opportunity of

¹ Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, paragraph 10.

this new framework and build on the momentum of the 2030 Agenda to reinforce the realisation of all human rights, including children's.

2. All children's rights must be integrated and promoted in the implementation of *all* goals of the 2030 Agenda. No one should be left behind.

There are direct and strong synergies between Agenda 2030 and the rights of the child as defined in the UN CRC. While some goals and targets directly refer to children, it is clear that all goals of the 2030 Agenda are relevant to all children's rights and impact their realisation. This is illustrated by UNICEF in a mapping which clearly shows all links and correlations between each goals and targets of the 2030 Agenda and children's rights.²

It is crucial to approach the 2030 from a holistic perspective encompassing *all* children's rights and for States to integrate a children's rights perspective in the implementation of *all* goals. Limiting the attention to goals explicitly mentioning children, or girls or boys, would drastically narrow the scope of the 2030 Agenda and limit the realisation of the rights of children in all their aspects.

In addition, the four core principles of the UN CRC on non-discrimination of children, the respect and promotion of the child's best interest, the child's right to life, survival and development and the respect for their views cut across the entire agenda 2030 and must be used as concrete guidelines for its implementation.

Furthermore, the 2030 Agenda has set the objective that its implementation and realisation should leave no one behind, thus clearly grounding any implementation on the principle of non-discrimination, particularly by ensuring that those furthest behind will be reached first. This pledge is cross-cutting to the implementation of the whole agenda 2030 and represents one of its key and innovative feature of this new framework. In order to fulfil this commitment, it is crucial that States take specific approaches and policies taking into account the rights of the most deprived for equitable progress for all.

States must therefore translate into action their international obligations and must integrate all children's rights in their national action plans, policies, programmes and development frameworks, including in implementing and following-up to the 2030 Agenda.

3. The implementation of the 2030 agenda must be inclusive and participatory to ensure the respect, promotion and realisation of children's rights

The 2030 Agenda's scope and ambition calls for collaboration among all relevant stakeholders for its implementation. The role of civil society, including children, is a fundamental component to a successful and children's rights-based implementation of the 2030 Agenda.

The participation of civil society including children in the implementation, monitoring and follow-up to the 2030 Agenda will be crucial to achieve all goals and to support the respect and promotion of children's rights within the implementation of the goals. In order for civil society actors to best play this role, States should create and maintain a safe and enabling environment for civil society. States must in particular set up participatory processes for civil society to engage in public decision making processes as well as accountability processes.

² http://www.unicef.org/agenda2030/files/SDG-CRC_mapping_FINAL.pdf

Children, including the most excluded, are one of the main groups of rights-holders concerned by the implementation of the Agenda 2030, and, as such, have the right to contribute and must be able to engage directly in the implementation and monitoring of the progress towards the achievement of the goals and targets. Children should be enabled to participate in any implementation, monitoring and accountability processes in a safe, meaningful and inclusive way. As rights holders, their views must be heard on the respect of children's rights in the implementation, monitoring and follow-up of the 2030 Agenda.

Children and youth were officially consulted during the negotiations of the 2030 Agenda. It is therefore essential that children be consulted and their views heard within the UN Human Rights Council through an official process on the respect of their rights in the implementation, monitoring and follow-up to the 2030 Agenda.

Finally, global partnerships have been recognised key to achieving the 2030 Agenda. It is essential that their multi-sectoral nature help enhance synergies between different goals for the realisation of children's rights across the implementation of the Agenda.

4. A children's rights based approach to financing the implementation of the 2030 Agenda

Investment in children is one of the key element for an achievement of all goals of the 2030 Agenda that respects and promotes children's rights. Public investment in children does not only contributes to realising their rights, but is also critical to achieving inclusive, equitable and sustainable development for present and future generations.³

To respect, protect and promote children's rights, the implementation of the 2030 Agenda must be supported by States' equitable and effective public resource mobilisation, allocation and spending of sufficient public resources. This is a clear obligation of State, including under article 4 of the UN CRC which must be fulfilled to ensure the implementation of the 2030 Agenda from a children's rights perspective. This also means that States must make children a priority in budgetary allocations and spending as a means to ensure the highest return on the limited resources available.⁴

In order to realise their rights, fulfil their pledge to "leave no one behind", and "to achieve substantive equality, States parties should identify groups of children that qualify for special measures and use public budgets to implement such measures".⁵ States must also "address inequalities among children by reviewing and revising relevant legislation, policies and programmes, by increasing or reprioritizing certain parts of the budget, or by improving effectiveness, efficiency and equity of their budgets."⁶ Investment in children by States to achieve the 2030 Agenda from a children's rights perspective should be measured by States through children's rights impact assessments.

To allow sufficient resources to be invested in children, States must take concrete measures to mobilise domestic resources, including through progressive taxes and non-tax revenues and where necessary, through international resources, to achieve the 2030 Agenda and realise all children's

³ Addis Ababa Action Agenda, para. 7 and UNCRC General Comment No. 19 on Public Budgeting for the Realisation of Children's Rights, para. 12

⁴ HRC resolution 28/19, para 22

⁵ UNCRC General Comment No. 19 on Public Budgeting for the Realisation of Children's Rights, para 42

⁶ UNCRC General Comment No. 19 on Public Budgeting for the Realisation of Children's Rights, para 44

rights.⁷ It is also essential for States and other stakeholders to combat corrupt or illicit practices, including tax evasion and illicit financial flows that directly affect the resources available to achieve the goals and targets of the 2030 Agenda for all including for children.⁸

The 2030 Agenda cannot be achieved without financing and investment, and the private sector is strategically positioned to support the achievement of all its goals. While the private sector has a key role to play to solidify sustainable development, it should equally respect, promote, and uphold children's rights. It must in particular ensure that business do not come at the cost of human rights, and children's rights in particular. In this regard, all actors of the private sector must be guided in their action and implementation by the Guiding Principles on Business and Human Rights,⁹ the Children's Rights and Business Principles,¹⁰ and the UN Committee on the Rights of the Child General Comment No.19 "Public Budgeting for the Realization of the Rights of the Child".¹¹

5. Strong accountability mechanisms to the 2030 Agenda integrating children's rights

Achieving all goals of the 2030 Agenda while respecting and promoting children's rights requires to hold States accountable for its implementation through a strong, robust, inclusive and effective accountability system, where States are accountable to all, including children. Indeed, the only "promise of accountability" contained a Millennium Development Goals did not allow for all its goals to be met and left a set of unfulfilled promises.

Because the 2030 Agenda is grounded in human rights, and in order to ensure that the 2030 Agenda is implemented from a children's rights perspective, existing international human rights mechanisms should be used in synergy with the 2030 Agenda accountability framework.

Existing international human rights mechanisms are uniquely placed to feed a human rights perspective into the 2030 Agenda accountability framework, including general reviews under the High Level Political Forum and to provide children's rights based inputs to ensure that the implementation respects and promotes children's rights. For example, recommendations issued by UN human rights mechanisms, including the Human Rights Council's Universal Periodic Review mechanism and special procedures, and concluding observations of human rights treaty bodies such as the UN Committee on the Rights of the Child, should inform national and thematic reviews at the High-level Political Forum for Sustainable Development.

UN human rights mechanisms could also, where relevant, add a focus on the goals of the 2030 Agenda during States reviews and make recommendations on the implementation of relevant goals in accordance with international human rights obligations.¹² Through integrating a focus in relevant existing human rights reviews, children's rights will be further strengthened.

⁷ HRC resolution 28/19, para 12(a), UNCRC General Comment No. 19 on Public Budgeting for the Realisation of Children's Rights, para. 74, 2030 Agenda, targets 17.1 and 17.2, Addis Ababa Action Agenda, para. 22

⁸ HRC resolution 28/19, para 12 (e); Addis Ababa Action Agenda, para. 23, 2030 Agenda targets 16.4 and 16.5

⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

¹⁰ https://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Childrens_Rights_and_Business_Principles.pdf

¹¹ UN Committee on the Rights of the Child (2016) General Comment No.19 "Public Budgeting for the Realization of the Rights of the Child". Available at: <https://daccess-ods.un.org/TMP/6613857.74612427.html>

¹² Save the Children, Submission for the report of the United Nations Office of the High Commissioner for Human Rights (OHCHR) on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development, October 2016

Accountability mechanisms should be guided by the principles of universality, transparency, equity, participation and must be action oriented. It is crucial that civil society, including children be able to participate in accountability processes at all levels.

Such a strong system of accountability grounded in human rights can only exist if it is based on human rights based national indicators and strong, reliable and consistent data following a human rights based approach to data¹³ that will inform and measure progress on achievement of goals and realisation of rights. States must ensure that high-quality disaggregated, relevant and timely data is collected, including through the strengthening of statistical capacities.¹⁴ This will also inform planning processes and policy development, help identifying children that are left behind in more systematic and reliable ways, and target action to fulfil the pledge of leaving no one behind.

We therefore recommend that:

- States fulfil their obligations under international children’s rights law, including to contribute and lead to the achievement of the 2030 Agenda as a whole for children and for all;
- States integrate a children’s rights based approach to their implementation of the 2030 Agenda and ensure an implementation consistent with international children’s rights standards;
- All relevant stakeholders take a holistic approach to the 2030 agenda recognising that all its 17 goals are relevant and impact the realisation of children’s rights, and integrate children’s rights as a primary consideration in any programme, policy and framework aimed at achieving the agenda 2030;
- States ensure an enabling and safe environment for civil society so that it can play its crucial role in the monitoring, follow up, implementation and accountability of the Agenda 2030, including in ensuring the integration and respect of children’s rights;
- States make children a priority in budgetary decisions and invest sufficient public resources to achieve the goals of the 2030 Agenda, including for the realisation of children’s rights, in line with UN Committee on the Rights of the Child General Comment No.19 “Public Budgeting for the Realization of the Rights of the Child”;
- The UN Human Rights Council and other international human rights mechanisms including the Universal Periodic Review and UN treaty bodies contribute to the follow-up to and achievement of Agenda 2030 to ensure the integration and respect of children’s rights in its implementation and, where relevant, to include a focus during their reviews on the implementation of relevant goals in accordance with international human rights obligations;
- The UN Human Rights Council hears the views of children through an official process on the respect of children’s rights in the implementation, monitoring and follow-up of the 2030 Agenda.

¹³ <http://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>

¹⁴ <https://plan-international.org/because-i-am-a-girl/counting-invisible-girls>