

## Written Contribution

### **Fourth intersessional meeting on dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development**

**18 January 2022**

### **Building Back Better with Economic, Social and Cultural Rights and the Sustainable Development Goals**

The global COVID-19 crisis is exposing and exacerbating existing human rights violations and inequalities with a devastating effect on vulnerable groups and societies. The challenges brought about by the pandemic have placed even greater strain on the delivery of the Sustainable Development Goals (SDGs), at the start of the Decade of Action. Despite these negative developments, human rights and the SDGs provide substantial guidance for immediate crisis response and for long-term recovery strategies towards fair, resilient and sustainable societies that leave no one behind.

The 2030 Agenda for Sustainable Development adopted by the United Nations (UN) in September 2015 is grounded in international human rights law, and its 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’.<sup>1</sup>

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

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<sup>1</sup> [Joint Statement of the Chairs of the UN Treaty Bodies on the Post-2015 Development Agenda](#), May 2013.

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. Through their work, 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.

UN human rights mechanisms responded quickly to the COVID-19 crisis, described by the UN High Commissioner for Human Rights as a ‘colossal test of leadership’ requiring coordinated action. They are well placed to guide these efforts and to enhance the trust and legitimacy that are needed to ‘build back better’, with human rights and SDGs at the centre.

In April 2020, for example, the UN Committee on ESCR issued a statement on COVID-19 and ESCR in which it described the deep negative impacts of the crisis on the enjoyment of the rights to health, social security, work, food, housing and education, and in which it called States to take measures to prevent, or at least to mitigate, these impacts, giving priority to the most marginalized.<sup>2</sup> 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.<sup>3</sup>

In July 2020, for example, in a contribution sent to the High-Level Political Forum on Sustainable Development in New York, the CEDAW Committee called for joint action in the times of the COVID-19 pandemic.<sup>4</sup> For the CEDAW Committee: ‘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. [...] In their response to the crisis, States [...] 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.’<sup>5</sup>

Several UN special procedures also issued statements on the need to protect ESCR, keep the promise to reach the SDGs, and leave no one behind in response to the COVID-19 crisis. On 1st May 2020, for example, the UN Special Rapporteur on extreme poverty

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<sup>2</sup> [UN Committee on ESCR, Statement on the Coronavirus Disease \(COVID-19\) Pandemic and Economic, Social and Cultural Rights](#), 6 April 2020.

<sup>3</sup> Ibid, para. 2 and 25.

<sup>4</sup> [Contribution of the CEDAW Committee to the 2020 HLPF Meeting](#).

<sup>5</sup> Ibid, p. 1.

and human rights, Olivier De Schutter, released a statement in which he underlined that COVID-19 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’.<sup>6</sup>

In one of the most recent initiatives on human rights, the SDGs and responses to the COVID-19 crisis, a coalition of States launched in June 2021 the Sustainable Recovery Pledge, through which they committed to build a better future for all, with human rights at its heart. They committed to build back better from the pandemic, using the 2030 Agenda, grounded in States’ human rights obligations, as well as the Paris Agreement, as the blueprint.

On 5 October 2021, the Geneva Academy and the Friedrich Ebert Stiftung organized an expert seminar with UN special procedures mandate holders, treaty body members – as well as OHCHR staff – to discuss their role in pushing States and other stakeholders to build back better, or to build a new social contract for a new era, with human rights and SDGs at the centre. The expert seminar provided opportunities to discuss links that can be made with the Sustainable Recovery Pledge launched in June 2021, and to discuss recommendations made by the Geneva Academy in its [Practical Manual on ESCR and the SDGs](#), released in June 2020.

## RECOMMENDATIONS<sup>7</sup>

- States should follow a human rights-based approach in the implementation of the SDGs and in responding to the COVID-19 crisis. 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.
- 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.

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<sup>6</sup> [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.

<sup>7</sup> Christophe Golay, [Practical Manual on ESCR and the SDGs](#), Geneva Academy, 2020, p. 9.

- 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.