



Ref: 19/2/4

Johannesburg, 13 October 2014

Excellency,

Re: National Human Rights Institutions and the Post-2015 Development Agenda

The coming year offers a crucial opportunity to advance human rights based sustainable development. In June 2013 the UN High Commissioner for Human Rights wrote to you to highlight the growing consensus on the interdependence of sustainable development and human rights. This recognition has been reaffirmed in global agreements including the Millennium Declaration, the outcomes of the special summit on the Millennium Development Goals in 2010, the Outcomes of the Rio+20 summit on Sustainable Development in 2012 and others.

National Human Rights Institutions (NHRIs) can play an important role in giving practical effect to this commitment at both the national and international levels. Established according to the Paris Principles, adopted by the UN General Assembly in 1993 (UN General Assembly Resolution A/RES/48/134) NHRIs act as a bridge between the international and domestic levels in the promotion and protection of human rights.

NHRIs have extensive experience of promoting greater understanding, awareness and respect for human rights among all of those involved in achieving sustainable development whether States, other public bodies, international organisations or private actors. Indeed a number of NHRIs have experience of promoting and protecting human rights in the implementation of the Millennium Development Goals (MDGs) which could be shared. OHCHR, for example cites NHRIs in Colombia, Ecuador, Peru, Nepal and the Philippines as examples of good practice.

Further, NHRIs can help to inform global accountability mechanisms linked to the Post-2015 Development Agenda, such as the High Level Political Forum and the proposed "peer review" process, sharing experience based on engagement with UN human rights reviews including the Universal Periodic Review and UN treaty bodies.

As independent statutory bodies accredited within the international system, NHRIs perform a series of "bridging" roles which make them suited to support efforts to translate a universal sustainable development agenda at the national level. NHRIs can influence the national process of implementation and accountability to ensure human rights are integrated in the process of tailoring and tracking goals, targets and indicators nationally.

Correspondence should be directed to:

South African Human Rights Commission (SAHRC)

ICC Liaison Officer Judith Cohen jcohen@sahrc.org.za & ICC Deputy Liaison Officer Vivian John-Langba vjohn-langba@sahrc.org.za 33 Hoofd Street, Braampark Forum 3, Braamfontein, Johannesburg 20 01

Copy to: International Coordinating Committee (ICC) Katharina Rose, ICC Geneva Representative 8-14 Avenue de la Paix, CH-1211 Geneva 10, Switzerland k.rose.icc@gmail.com



INTERNATIONAL COORDINATING COMMITTEE OF
NATIONAL INSTITUTIONS FOR THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS (ICC)

Office of the ICC Chairperson
Mabedle Lourence Mushwana

NHRIs are also uniquely placed to ensure human rights based monitoring of the implementation of the Post-2015 Agenda. They can act as a catalyst for monitoring that is participatory (including people directly affected and civil society), evidence based (based on data which is appropriately disaggregated and based on a monitoring framework which integrates human rights indicators), and transparent and accountable (through parallel reporting to Parliaments, UN human rights bodies and international mechanisms which may be established to track progress in the Post-2015 Agenda) and fosters a cycle of constructive accountability (whereby the monitoring process feeds into the implementation process, directing priorities appropriately to ensure achievement of the goals for all).

Furthermore, NHRIs can promote remedies for all human rights and can use their protection powers to address serious human rights concerns linked to the implementation of the Post-2015 Agenda. NHRIs powers to undertake investigations or inquiries, legal powers to intervene in court cases or undertake strategic litigation, as well as individual complaint handling, can all have a role in ensuring human rights are respected, protected and fulfilled in the implementation of the Post-2015 Agenda.

Excellency,

In the twenty years since the Vienna World Conference and Programme of Action on Human Rights, and the adoption of the Paris Principles by the General Assembly, global recognition of the interdependence of all human rights, and of development and human rights has grown considerably. So too have NHRIs, which now number over one hundred. It is time to secure strong foundations for human rights centred development in the finalisation of the Post-2015 Development Agenda. In doing so, NHRIs can be strong and legitimate independent actors to promote and protect human rights.

We would welcome engaging with you to discuss how NHRIs experience of promoting and protecting human rights in all regions can help inform a Post-2015 Development Agenda that reflects the ten points in the High Commissioner's letter of 6 June 2013.

Sincerely,

Adv. Mabedle Lourence Mushwana
Chair of the International Coordinating Committee of National
Institutions for the Promotion and Protection of Human Rights

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ANNEX:

Joint statement of National Human Rights Institutions concerning the Post 2015 Development Agenda

The Millennium Development Goals (MDGs) come to an end in 2015. It is widely recognised that they have resulted in positive outcomes for a number of social goals. However it is also recognised that the failure to integrate human rights into the MDGs meant that the goals did not advance the full range of rights, and that abstract targets were sometimes met at the expense of rights and through increasing inequality. This is despite repeated global commitments to integrate human rights in development activities, not least in the Millennium Declaration which preceded the MDGs.

Negotiations on the Post-2015 Development Agenda are entering their final year. A draft of the “Sustainable Development Goals” (SDGs) is now in circulation and, together with various other contributions, will form the basis for intergovernmental negotiations ahead of a Summit of Heads of State and Government at the UN General Assembly in 2015. That summit is expected to adopt a set of goals and targets to be attained by 2030, which will replace the current MDGs. The SDGs will address a number of human development issues that in turn are human rights issues and they will have a significant impact on the environment for human rights for years to come.

Considerable efforts have been made by global civil society, The United Nations, as well as some states, to integrate human rights into the Post-2015 Development Agenda. The potential roles of National Human Rights Institutions at both the national and the international level in promoting, protecting and monitoring the realisation of human rights through the Post-2015 Development Agenda is also beginning to be discussed. Negotiations are now entering a critical phase and risks remain that opportunities to protect and promote human rights could be missed.

The UN High Commissioner for Human Rights has set out ten essential elements for the effective integration of human rights in the Post-2015 Agenda. In reference to this, the International Coordinating Committee of National Human Rights Institutions strongly encourages all actors to pursue a Post-2015 Development Agenda which:

- 1. Integrates human rights standards and principles into both process and substance.** This means that the goals should be linked to human rights indicators – including civil, political, economic, social and cultural rights. Processes for implementation and monitoring should integrate human rights principles such as non-discrimination and empowerment of vulnerable groups; free, meaningful and active participation of those affected; and accountability of duty bearers to rights

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holders; all of which are key elements of a human rights-based approach to development. It should be recognised that human rights are both a means and an end of sustainable development.

2. Addresses both sides of human dignity: freedom from fear and

freedom from want. The Post-2015 Agenda should include civil and political rights issues such as administration of justice, political participation, freedoms of expression and association, alongside economic, social and cultural rights issues such as decent work, education, health, adequate housing, food, water and sanitation. It should also reflect obligations to prioritise the achievement of minimum essential levels of economic and social rights (including through “zero targets”), to prioritise the most marginalised, and to achieve progressively availability, accessibility, acceptability, adaptability and quality of services.

3. Is underpinned by the imperative of equality. It must advance equity (fairness of distribution of benefits and opportunities), equality (substantive equality of both opportunity and result), and non-discrimination (prohibition of distinctions that are based on impermissible grounds and that have the purpose or effect of impairing the enjoyment of rights).

4. Has a clear place for marginalised, disempowered and excluded

groups. This includes women, minorities, Indigenous Peoples, migrants, older persons, children, persons with disabilities, people living in poverty, and other groups. Development should aim at removing legal, physical, social, economic, technological or political barriers faced by marginalized people.

5. Includes commitments to end poverty. It should recognise that poverty cannot be reduced to a matter of income. It should be recognised that poverty is a human condition characterised by sustained or chronic deprivations of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil and political, economic, social and cultural rights.

6. Advances a healthy environment, as an underlying determinant of human rights. It should reflect the fact that climate change is a human rights crisis – first for those on the front line, particularly the most marginalised, but ultimately for all of us.

7. Advances international reform to ensure human rights coherence at the international level. It should address meaningful reform, good governance and democratisation of global governance institutions, processes and policies in the

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political, legal, economic, social, environmental, trade and development spheres to ensure greater equity, more democratic participation, justice and accountability, and increased coherence with international human rights standards, including extra-territorial obligations. It should also advance increased coherence between development, trade, investment, intellectual property and other key policy regimes at the global and national levels with international human rights standards, including steps to enable developing countries to implement a Post – 2015 Development Agenda based on human rights.

8. Is universally applicable. Old distinctions between developed and developing countries are starting to lose their meaning. The growing economic strength of emerging and middle-income countries, growing poverty and inequalities in industrialised countries as well as huge demographic changes linked to migration and ageing not to mention the many impacts of diverse globalisation all challenge the limited scope of the MDGs to “developing” countries. The Post-2015 Development Agenda must be universally applicable and grounded in universal and indivisible human rights with global goals and nationally and locally specific targets and benchmarks, where appropriate.

9. Includes a strong accountability framework. It should be based on a recognition of rights-holders and duty bearers and rest on a multilayered “web of accountability” at local, national and international levels where all of those with responsibilities (including governments, international financial institutions and the private sector) are accountable. Implementation should foster a “cycle of accountability” where human rights based indicators are used to track progress, disaggregated data is collected and evidence based evaluations inform enhanced steps to deliver outcomes. People affected should be involved in monitoring and accountability and the goals should advance access to justice and remedies.

10. Extends to actors in the private sphere. It should reflect the respect, protect and remedy framework outlined in the UN Guiding Principles on Business and Human Rights. It should call for due diligence, adequate regulation, and the use of human rights impact assessments and seek to ensure that the private sector contributes to a Post-2015 economy built on human rights, including labour rights, and on responsible environmental stewardship.

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