<u>*Focus Area 16: Peaceful and iclusive societies, rule of law and capable institutions*</u>

1. General points
- We reiterate our strong preference for maintaining FA 16 as it is in a stand-alone goal on peaceful and inclusive societies, rule of law, and effective, accountable and transparent institutions good governance with addition of good governance and with changing the word "capable" with the expression "effective, accountable and transparent institutions". The title would read as follows: "*Peaceful and inclusive societies, good governance, rule of law and effective, accountable and transparent institutions*"
- The rationale behind having a stand-alone goal including rule of law is that there are aspects of the rule of law that relate intrinsically to the sustainable development (such as equal access to justice, fight against corruption) that do not find their place under other focus areas or specific goals. It would be a lost opportunity not to have these aspects addressed under a stand-alone umbrella and would deprive sustainable goals agenda from addressing core aspects of the development.
- We would like to address clearly that the concerns raised that such a goal would impose any kind of conditionality on development-related activities are artificial and not justified. Contrary to these concerns, a stand-alone goal dealing with the rule of law would be on an equal footing to any other goal as we all agreed to part from the principle that there is no prioritization and conditionality among the streamlined sustainable goals. These principles of non-conditionality and non-hierarchy of the goals should be clearly articulated in the chapeau part.
- At the same time, the cross-cutting nature of the rule of low should be reflected as well in the updated document, as the rule of law acts as an enabler for other sustainable development goals and we have made specific references to all these aspects throughout the week when we addressed each focus area so far.
- We would like to stress that stand-alone goal and enabler-type of approach are not mutually exclusive, but mutually reinforcing and coherent. Generally, the OWG working document priorities for FA16 focus on mechanisms, policies and actions – many of them broad and cross-cutting – that are expected to contribute to sustainable peace and good governance. However, these directions need to be translated into targets articulated as specific outcomes that matter to people and that will motivate and guide action. As currently formulated, there is a risk of skewing future development efforts on peace and governance towards the implementation of processes and the development of capacities, without a clear sense of purpose as to what these processes and capacities are intended to achieve. In other words, we need to move beyond output-oriented targets towards outcome-oriented targets.

2. Detailed elements

Creating peaceful and inclusive societies:
- Point 16 c) (*inclusive, participatory decision- making*): we strongly support a target on participation and inclusion that will ensure the existence of mechanisms for all people to take part in and influence decisions made by the government in a transparent manner. Barriers to participation should be removed, especially for those marginalized groups which are systematically excluded.

- o I*ndicators* to assess: access to public information, legal framework to ensure regulatory transparence and public dialogue on decision-making, as well as perception indicators such as public satisfaction with and acceptance of decision making processes.
- We reiterate our support for targets mentioned in point a) and b) as formulated in current version.

Rule of law, capable institutions:
- Point 16a) (*effective, accountable and transparent institutions at all levels*) is for us of outmost importance in the context of sustainable development as we only can develop ourselves throughout public institutions that we create and entrust with shaping our lives. It is why this target of effective, accountable and transparent institutions at all levels has a cross-regional support and should remain under the rule of law goal to reflect the substantive contribution to this process.
  - o Indicators to assess: the existence of public auditing, the existence of legal framework for ensuring access to public information.
- Point 16b) (*justice system*), similarly to point a), is a mandatory target to development. Along with other delegations, we would like to add the expression "to all" in conjunction with "equal access", the word "impartial" and the expression "human rights" in conjunction with "justice system". The phrase would read as follows [dictation speed]: "by 2030 provide equal access **to all** to independent, **impartial** and responsive justice systems, including related to **human rights**, property and tenure rights, employment, business, taxation, trade and finance". The rationale behind this last addition is that accountability for human rights violation is universally agreed and needs to find its reflection in a sustainable development environment.
  - o Indicators to assess: existence of legal framework for and independent and impartial organization and functioning of the justice system, existence of judicial remedies for addressing human rights violations.
- Regarding target 16c) (*on public services, including legal identity*) – we support and consider that universal birth registration should be achieved. The text would have the following reading: "by 2020 provide public services for all, including through universal birth registration"
- Point e) (*anti-corruption*) as it stands now needs to be reshaped to reflect international commitments engaged by states on anti-corruption that are easy to measure: "by 2030 establish effective institutional and legal frameworks to prevent and combat corruption in all its forms". This target should stand alone and therefore we would prefer to address in separate target "combating illicit financial flows", that address areas beyond anti-corruption such as anti-money laundry, tax evasion and unfair trade policies.
- Regarding target 16f) (*freedom of media association and speech*), we consider that it is important to focus on their promotion and respect in accordance with the existing international commitments and not on "removing unnecessary restrictions", which is difficult to assess and implement. We suggest the following reading of this target: "*ensure that all people enjoy freedoms of expression, opinion, association, peaceful assembly, the right to information, as well as the protection of civil society space*".
  - o *Indicators* to assess: the existence of enabling legislative framework promoting freedom of speech and independence of media and allowing the registration and

development of the civil society organisations; number of existing associations, number of persons applying to access information and accepted requests, etc).

- We note that the current version of the document, as it has been updated, does not refer to "good governance" and we would like to reiterate our wish to include "good governance" in the title of the focus area 16 and as a specific target that would read as follows: "by 2030 develop good governance practices through organization of genuine, periodic free and fair elections". Such target is mandatory for ensuring inclusive and participatory approach to development of the society as a whole.
  - o Indicators to assess: existence of legal framework for inclusive and participative electoral systems, existence of parliamentary processes.