



Scottish Human Rights Commission's Briefing on the Sustainable Development Goals July 2019

Introduction

The [2030 Agenda for Sustainable Development](#)ⁱ was adopted by all United Nations Member States in 2015. It is intended to be a transformational agenda which provides a plan of action for people, planet and prosperity. The 17 Sustainable Development Goals (SDGs) and its 169 targets are an urgent call for action by all countries. They provide a cohesive and indivisible combination of the three dimensions of sustainable development: the economic, social and environmental. At their heart, they seek to realise everyone's human rights. Stimulating action to eradicate poverty in all its forms and in doing so heal and secure the planet for future generations, leaving no one behind.

The Scottish Human Rights Commission (the Commission) was established by The Scottish Commission for Human Rights Act 2006, and formed in 2008. The Commission is the national human rights institution for Scotland and is independent of the Scottish Government and Parliament in the exercise of its functions. The Commission has a general duty to promote human rights and a series of specific powers to protect human rights for everyone in Scotland.

Recognising the potential of NHRIs, in 2015 the Mérida Declarationⁱⁱ identified several important roles for NHRIs in the SDG agenda.ⁱⁱⁱ These include: knowledge exchange; impact assessment; facilitating partnership working; enabling participation; collecting data; promoting human rights based approaches; monitoring progress; conducting inquiries; and facilitating access to justice.

In June 2019, the UK Government submitted its voluntary national review (VNR) of progress on the SDGs to the UN's High Level Political Forum (HLPF), a document to which the Scottish Government contributed. To ensure a fuller reflection of Scottish progress and areas for improvement, a Scottish Supplementary Review has also been produced for Scotland by the [SDG Network](#).^{iv} This Network led by the Scottish Council for Voluntary Organisations, was created to support partnership working across Scotland and beyond to: build awareness of the SDGs; engage across civil society, government and business; support implementation where possible; and ensure all voices are heard by decision makers. The Commission is part of this growing network which now has 300+ people and organisations, including the Scottish Government, working together on the SDG Agenda.

The Commission welcomes the opportunity to provide this short briefing about our reflections on both Scotland's and our own process of engagement with the Sustainable Development Goals. The scope of this briefing does not cover the progress under the specific Goals, as our contribution to this has been done via the SDG Network Scottish Supplementary Review. This briefing instead focuses on some of our key concerns (and areas of further action) within the

Scottish Government's current approach to SDG monitoring and implementation, as well as some reflections of the benefit a formal process for NHRI engagement could bring to the VNR process.

The Commission's engagement with the Scottish Government on the SDGs

In July 2015, the First Minister pledged that Scotland would lead the way to deliver the Sustainable Development Goals expressing a desire for Scotland to *"provide international leadership on reducing inequality across the globe"*.^v

Also in 2015, the Commission set out its monitoring framework for Scotland's first National Action Plan for Human Rights (SNAP).^{vi} In recognition of the role that the Mérida Declaration sought for NHRIs and the recognition that the SDG Agenda was firmly rooted in the international human rights framework, the decision was taken to ensure that the SDG agenda was at the heart of SNAP's long term goals.

SNAP 2030 Outcomes

1. Each of us is empowered to understand and embrace the value of human rights asserting them in all parts of our lives.
2. Each of us can participate in shaping and directing decisions that affect our human rights.
3. Organisations providing public services contribute to a human rights culture by valuing and putting human rights at the heart of what we do.
4. Scotland increasingly implements its international human rights obligations, influences and learns from international experience and promotes human rights in all of its international engagements.
5. All organisations are held to account for the realisation of people's rights through international and domestic laws, regulation and monitoring.
6. Each of us has access to and can enjoy quality public services which respect our dignity, irrespective of who we are or where we live.
7. Each of us experiences improved opportunities and life outcomes whilst Scotland experiences an overall reduction in inequality of opportunity and outcomes.

These seven SNAP long-term goals cut across the SDG Agenda and encourage an explicit connection between SNAP Action and the SDG Goals, targets and importantly their timeline. SNAP (2013-17) is currently being evaluated with its second version due to be launched in 2020. The SDGs were also embedded within the evidence based used to help to develop the next iteration of the Action Plan.

Within the monitoring framework, all SNAP Action Groups were provided with a mapping of how the SDGs related to both the SNAP Outcomes and the Scottish Government's mechanism for measuring national progress: the National Performance Framework (NPF).^{vii}

In December 2015, an Innovation Forum hosted as part of SNAP, Scotland's First Minister pledged to embed human rights and the SDGs within the process of measuring national progress:

“When we signed up to the Sustainable Development Goals in the summer, I promised to reflect those goals within our National Performance Framework and I do make the same pledge today in relation to the Action Plan [SNAP]. We should integrate our performance framework with the sustainable development goals and the action plan. Doing that will make Scotland a world leader. It means that we will truly – not just in words but in action - be putting human rights at the heart of how we assess our national performance as a country”.

A review of the NPF^{viii} in 2017, was supported by the Commission via a working group that comprised of the Commission alongside the Scottish Government leads for the NPF, SDGs and Human Rights. This work was brought within the Scottish Government's [Open Government Partnership](#) Action Plan (Action 2)^{ix}. Specifically to support the Outcome and Indicator review, the Commission undertook a Data Gap Analysis to highlight where the Scottish Government's national indicators matched on the SDGs and where gaps existed that could be addressed in the new iteration of the NPF. This process was repeated after the new national outcomes and indicators were in draft form.

This gap analysis estimated that only around 30% of the SGD indicator measures were well reflected in the revised NPF. It was clear that any contribution to the VNR would require supplementary data to that provided within the NPF if the Scottish Government was to be able to adequately measure progress towards all of the SDGs. This information was fed into the SDG Network when it began the process of developing the Scottish Supplementary Review.

Our gap analysis also noted the expectation that individual countries would not necessarily focus on all targets within the SDGs, but rather, would decide on which targets had the most relevant domestic applicability. Any such decisions made about prioritisation of targets though, need to be made through a transparent process (which has been less clear). It is also the case that some countries may chose more challenging targets if those presented within the SDGs have already been or are close to being achieved. In addition, countries may choose more domestically appropriate indicators. Scotland has included a range of such indicator measures, in particular in relation to Goal 1.

The Commission also made concrete suggestions as to how the National Outcomes themselves could better reflect the whole SDG agenda. Whilst the NPF does make links between Outcomes and SDGs, this could be improved, in particular around the transparency of how this was done.

The Commission had also tried to encourage the development of a NPF to truly embed the human rights framework, as the First Minister committed to in December 2015. The Commission had encouraged the NPF Team to take a human rights based approach (HRBA) to both the process of redesigning the NPF (with outcomes drawing from and connecting to their relevant human rights standards and SDGs) and the development of human rights based indicators. Best practice^x explains that such indicators help to measure progress across three levels, namely: having the right structures in place with regards to law and policy, ensuring that

the correct processes with sufficient resources can support effective implementation and bring about desired outcomes. Together they address the essential aspects of human rights implementation, namely: **commitment, effort and result**.

The focus on commitment and effort, as opposed to only measuring result outcome, is one of the areas which make human rights indicators distinct. Outcome indicators look backwards at results, whereas Structure and Process indicators help governments to look forward and make more progress, e.g. by removing barriers to better outcomes such as systemic discrimination as a result of law or policy, intended or unintended. Process indicators also strengthen evidence-based policymaking by assisting governments in determining whether their interventions are properly resourced and are actually leading to improved outcomes or whether they need to be adjusted. These suggestions were not taken forward in this review.

The Commission did, however, very much welcome the development of a specific human rights outcome: ***“we respect, protect and fulfil human rights and live free from discrimination”***. The Scottish Government has also now agreed to participate in a knowledge exchange coordinated by the Commission in October 2019. This meeting will draw on the expertise of the Office of the High Commissioner for Human Rights’ human rights indicator specialist and the Danish Institute for Human Rights SDG specialist, to explore the feasibility of adopting a HRBA to the next review.

Throughout the review of the NPF, Scottish Government representatives and Ministers, frequently referred to the NPF as the mechanism by which Scotland would both *monitor* and *implement* the SDGs. There was also a sense that the SDGs were perceived within government to be of international rather than domestic concern. This was concerning to the Commission. There does, however, appear to be a shift in thinking following the launch of the NPF and through the process taken by the Scottish Government to respond to the VNR. The Scottish Government has now highlighted the need for better integration of the SDG goals and targets across government portfolios and has chosen to prioritise this process rather than attending the VNR. The Commission will keep a watching brief on this process.

Collaboration with Civil Society

The Commission has also recently become a member of Scotland’s SDG Network^{xi}. The Network has been formed out of a demand to enhance working together and facilitating partnerships across Scotland and beyond. The Network’s objectives are to build awareness with and engagement on the SDGs across civil society and with business and government. Where possible, it will also support the implementation of the SDGs in Scotland and aims to ensure that the voice of those committed to sustainability is heard by key decision makers. The SDG Network includes the Scottish Government as a key stakeholder which has helped to bring together the views of people and organisations across Scotland to feed into the [UK Voluntary National Review](#) and Scottish Supplementary Review.

The Commission also provided evidentiary information to the UWS-Oxfam Partnership, on both the Commission’s existing concerns about the NPF Indicator data gaps, as well as our recent UN treaty body review parallel reports. The UWS-Oxfam Partnership published their report [On Target for 2030? An independent snapshot review of Scotland’s progress against the United Nations Sustainable Development Goals](#) on July 1st 2019. It combines contributions for 22 Civil

Society Organisations and provides additional evidence to the SDG Network's Scottish Supplementary Review.

Other Commission work on the SDGs

In addition to the work on SNAP and the NPF, as encouraged through the Mérida Declaration, the Commission have also engaged with the SDGs in a number of other ways. This has included considering the SDG Goals and targets within the processes of strategic and operational planning. This will enable planned future work by the Commission to support rights holders, civil society groups, and the government to draw direct links between SDGs and international human rights obligations through human rights treaty reporting and parallel reporting processes.

Over the last three years, the Commission has also systematically included, where relevant, reference to the SDGs within its policy and legislative consultation submissions to Government and Parliament. For example in our submissions on [A New Future For Social Security Social Security in Scotland](#), the [Child Poverty \(Scotland\) Bill](#) and on [Guidance on engaging communities in decisions relating to land](#).^{xii}

The Commission has also shared good practice from its work on the SDGs with the wider international human rights and SDG communities, in order to encourage a better understanding of the relevance of human rights within the SDG agenda and vice versa. This engagement has included producing or contributing to a range of publications, including Blog posts, ENNHRI and GANHRI publications, and publications by the Danish Institute for Human Rights.^{xiii} It has also included presentations at a range of knowledge exchange opportunities, including presentations for the SDG Global Alliance, ENNHRI & ANNHRI and the CoE.^{xiv}

NHRIs and the VNR Process

As can be seen from the previous sections, the Commission has over the last four years attempted to fulfil the Mérida Declaration's intentions for NHRIs to engage with civil society, government and the international human rights community to support the SDG Agenda. As noted already, the Mérida Declaration sets out clearly the range of ways in which NHRIs can meaningfully engage with the SDG agenda, and therefore it remains disappointing that there is no official channel through which NHRIs can submit formal parallel reports within the SDG review process. A core aspect of many NHRIs' mandate is to provide supplementary reports to various UN committees to support the treaty body review process. This, along with civil society reporting, is critical to ensure that the UN Committees have an accurate picture with which to make a state assessment of compliance and progressive realisation.

Whilst the Commission has participated in the civil society led SDG Network and the production of its Scottish Supplementary Report, this report contains the views of the whole network, including the government and as such can only ever be a summary of views. The Commission believes that given the wealth of experience of NHRIs have in this type of review process, it is a missed opportunity for enabling NHRIs to hold their governments to account for progress (or otherwise) towards the SDG Goals.

The Commission is one of three 'A status' NHRIs in the UK, alongside the Equality and Human Rights Commission (EHRC) and the Northern Ireland Human Rights Commission. NHRIs act as a

bridge between their own country and the international human rights system. NHRIs also support existing international accountability mechanisms through their role in treaty monitoring and parallel reporting on state compliance, including the Universal Periodic Review process. It is the independent nature of most NHRIs and their experience in monitoring the implementation of standards which places them in the perfect position to be at the heart of the Sustainable Development Goal (SDG) 'web of accountability'.^{xv}

SDG Indicator 16.A.1 also requires each state to establish independent NHRIs, operating independently to encourage equality and diversity, eliminate unlawful discrimination, and monitor and promote human rights compliance. The existence of the Commission fulfils this aspect of Goal 16 for Scotland.^{xvi} Utilising the capacity of the NHRI to support SDG accountability and independent scrutiny

Recommendations

In order for the Scottish Government to strengthen the links between the SDG 2030 Agenda and the international human rights framework it should:

1. adopt a human rights based approach to their National Performance Framework – both in the process of the next review cycle and the development of human rights based outcomes and indicators (also a recommendation of the 2018 [First Minister's Advisory Group on Human Rights Leadership](#))^{xvii}.
2. incorporate evidence of progress towards SDG Goals, where relevant, within their UN treaty body reporting (including UPR) to strengthen national understanding of how the SDG Agenda and human rights framework interact.
3. develop a new Human Rights Act of the Scottish Parliament which will consolidate existing civil and political rights whilst incorporating a range of economic, social, cultural and environmental rights into domestic law, enabling a system of domestic accountability for rights violations (also a recommendation of the 2018 First Minister's Advisory Group on Human Rights Leadership).
4. develop resourced implementation plans that genuinely foster cross-portfolio cooperation to deliver against the Goals.

In order for NHRIs to fulfil their obligations set out in the Mérida Declaration:

1. a formal process should be created to enable NHRIs to contribute their substantial expertise in the monitoring state of compliance, to support the constructive review of state progress on the SDG Agenda.

For further Information please contact the Commission at : hello@scottishhumanrights.com

End.

ⁱ <https://sustainabledevelopment.un.org/post2015/transformingourworld>

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- ii In October 2015, the International Network of NHRIs (ICC) - which later became the Global Alliance of National Human Rights Institutions (GANHRI) met in Mérida, Mexico, to discuss the potential roles for NHRIs in supporting the realisation of the 2030 Agenda for Sustainable Development. The Merida Declaration sets out that role.
- iii <http://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>
- iv <https://globalgoals.scot/scotlands-sustainable-development-goals-network/>
- v <https://www.scotsman.com/news/politics/nicola-sturgeon-signs-un-pledge-on-global-poverty-1-3834853>
- vi <http://www.scottishhumanrights.com/scotlands-national-action-plan/>
- vii <https://nationalperformance.gov.scot/>
- viii Under the Community Empowerment Act 2015, the NPF Outcomes must be reviewed at least once every five years.
- ix <https://www.opengovpartnership.org/>
- x <https://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>
- xi See: <https://globalgoals.scot/sdg-national-review-2019/>
- xii See <https://tinyurl.com/y5ymb5c9>; ** <https://tinyurl.com/y54lybj4>; ** <https://tinyurl.com/y694tq5z>
- xiii Publication of a blog for the Journal of Health and Human Rights (March 2016) entitled “Contributing to the Accountability Web: The Role of NHRIs and the SDGs”: <https://tinyurl.com/y6cmka9z>
- Participation in research by the European Network of NHRIs (ENNHRI) on *HRBA to poverty measurement under SDGs*: http://ennhri.org/IMG/pdf/poverty_and_sdg_s_tor_20171027_fin.pdf
- Providing good practice information for the Global Alliance of NHRIs (GANHRI) publication: *National Human Rights Institutions engaging with the Sustainable Development Goals (SDGs) (2017)*: <https://tinyurl.com/y5wdyuvh>
- Contributing to the Danish Institute Publication – Human Rights and Data (2017): <https://www.humanrights.dk/publications/human-rights-data>
- Providing good practice information for the Danish Institute Publication: National human rights institutions as a driving force for sustainable development (2019) <https://www.humanrights.dk/publications/national-human-rights-institutions-driving-force-sustainable-development-good-practices>
- xiv Participation at the Global Alliance workshop on Peaceful, Just and Inclusive Societies, Presentation on “Use, analysis and visualization of data and reporting mechanisms for SDG Goal 16+” (2017) <https://sdgresources.relx.com/ga> https://sdgresources.relx.com/sites/default/files/annotated_agenda_final.pdf
- Participation at the Regional Consultation, Europe and Arab States hosted by ENNHRI, Arab Network for NHRIs (ANNHRI) and UNDP - Presentation entitled : “The role of NHRIs in monitoring and accountability (‘reporting’)” (2016) Conference information: http://ennhri.org/IMG/pdf/agenda_nhris_and_sdg_s_01122016.pdf
- Conference report: <https://tinyurl.com/y8jq8wmc>
- Presentation and participation at the Council of Europe Workshop on National Action Plans for Human Rights June 2017, at the invitation of Nils Muižnieks. Discussion focus: What are the *opportunities for renewing NAPs? (including alignment with the UN Sustainable Development Goals (SDGs))*.
- Presentation at the 2019 ENNHRI Academy in Venice on NHRIs and the SDGs.
- xv See: Donald, K. Promising the World: Accountability and the SDGs, 2016. <http://www.hhrjournal.org/2016/01/promising-the-world-accountability-and-the-sdgs/>;
CESR, *Breaking the Accountability Taboo in Sustainable Development Negotiations*, June 2nd, 2015; <http://cesr.org/article.php?id=1732>;
Hosie, A. 2016, “Contributing to the Accountability Web: The Role of NHRIs and the SDGs”, *Journal of Health and Human Rights March 2016*; <https://www.hhrjournal.org/2016/03/contributing-to-the-accountability-web-the-role-of-nhris-and-the-sdgs/>
- xvi The existence of the three Commissions further fulfils this aspect of Goal 16 at the UK level.
- xvii <https://humanrightsleadership.scot/>