

# **THE SUSTAINABLE DEVELOPMENT GOALS (SDGs), REDUCING INEQUALITIES AND HUMAN RIGHTS**



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# Introduction

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- **The 2012 United Nations Conference on Sustainable Development**
- **Every state has the responsibility “to respect, protect and promote human rights,” and that “democracy, good governance and the rule of law . . . are essential for sustainable development” in each of its three dimensions: economic growth, social development, and environmental protection.**

- **The SDGs were developed based on a wider participatory and global process than the Millennium Development Goals (MDGs) and broader coverage of topics and targets.**
- **The influence of **human rights** advocates could be seen in the acknowledgement of rights throughout the text of “Transforming Our World: The 2030 Agenda for Sustainable Development**

# SDGs

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- Goal 1: **End poverty** in all its forms everywhere
- Goal 2: **End hunger**, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3: Ensure **healthy lives** and promote well-being for all at all ages
- Goal 4: Ensure inclusive and **equitable quality education** and promote lifelong learning opportunities for all
- Goal 5: Achieve **gender equality** and **empower all women and girls**
- Goal 6: Ensure availability and sustainable management of water and sanitation for all
- Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and **productive employment and decent work** for all
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation
- Goal 10: Reduce **inequality** within and among countries

- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12: Ensure sustainable consumption and production patterns
- Goal 13: Take urgent action to combat climate change and its impacts
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16: Promote peaceful and inclusive societies for sustainable development, **provide access to justice for all and build effective, accountable and inclusive institution at all levels**
- Goal 17: Strengthen the means of implementation and revitalise the Global Partnership for Sustainable Development

# What is Human Rights ?

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- ***“Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.” - OHCHR***

# International Human Rights Law/system

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- Universal Declaration of Human Rights (**UDHR**)
- International Covenant on Civil and Political Rights (**ICCPR**)
- International Covenant on Economic, Social and Cultural Rights (**ICESCR**)
- Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**),
- Convention on the Rights of the Child (**CRC**)
- Convention on the Rights of Person with Disabilities (**CRPD**)
- Convention on the disappearance of person (**CIDPN**)
- Convention against torture (**CAT**)
- United Nation Convention for the Indigenous Persons (**UNDRIP**) - **FPIC**
- Related Protocols
- International Labour Conventions (ILO)
- UN Special Rapporteur – Report to UN General Council , United Nations
- Universal Periodic Review – **UPR**- State reports , Independents report
- UN Organization – UNDP , UNESCO, WHO, UNHCR
- UN Working Groups
- International Court of Justice (ICJ)

# Regional Mechanism

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- **ASEAN Charter**
- **ASEAN Human Rights Delarations**
- **Asean Declaration on Social Protection**
- **ASEAN Blueprint**
- **AICHR (Asean Inter-governmental Commission on Human Rights)**
- **ASEAN Human Rights Court**

# ASEAN CHARTER

- A. to alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;**
- B. to promote sustainable development so as to ensure, among others, the high quality of life of its peoples;**
- C. to develop human resources through closer cooperation in education and life-long learning; and**
- D. to enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice.**

# National Legislations

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- **Federal Constitutions**
- **Employment Act 1955**
- **Occupational Safety and Health Act 1994**
- **Factories and Machinery Act 1967 (revised 1974)**
- **Trade Union Act 1959**
- **Employees Provident Fund (EPF) Act 1991**
- **Persons with Disabilities Act 2008**
- **Environmental Quality Act 1974**

# Federal Constitution

- **Federal List**- Example Article 8 – trade , commerce and industry including industries; regulation of industrial undertakings, mining , minerals and mineral ores, Art 9 – fisheries , maritime , Art 20 – control of agricultural pests, prevention of plant diseases
- **State List** –Art 2 – **Land tenure , land improvement** and soil conservation , Art 3- **agriculture and forest** , Art 6- water – subjected to federal list including rivers and canals excluding waters supplies and services
- **Concurrent List** – Art 3- protection of wild animals and wild birds, Art 4- animal husbandry , prevention of cruelty to animals , veterinary services ,Art 8 – Drainage and irrigation , Art 9 – rehabilitation of mining land and land which suffered soil erosion

## Link - SDGs and Human Rights

### Goals concerning economic, social and cultural rights:

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- **Several goals place emphasis on the importance of economic and social rights such as poverty (Goal 1),**
- **Food security and improved nutrition (Goal 2),**
- **Health and well-being (Goal 3),**
- **Quality education (Goal 4),**
- **Water and sanitation (Goal 6);**
- **Enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR).**

# SDGs concerning civil and political rights:

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- **The SDGs also include a goal on accountable and inclusive institutions and access to justice for all (Goal 16).**
- **This goal touches on important human rights standards and principles, for example including targets on access to information and protecting fundamental freedoms; participation in decision making; non-discriminatory laws and policies; and access to justice.**
- **The inclusion of such commitments provides a much-needed recognition of the crucial role that civil and political rights play in making sustainable and equitable development possible.**

# SDGs-Emphasizing the principles of equality, non-discrimination and access for all

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- The need to address growing inequalities within and between countries has been repeatedly identified as a key priority, by states and civil society alike, throughout the process of formulating the SDGs.
- There are two goals that focus specifically on inequalities: **Goal 5** on gender equality and **Goal 10**, which focuses on income inequality, exclusion (social, economic and political) and discrimination.
- The other goals and targets also include important language on **equal and universal access** (e.g. to healthcare, education, and energy) and tackling gender disparities – reflecting the core human rights principle of **non-discrimination and equality**. Persons with disabilities, older persons, indigenous peoples and children are also specifically named in some of the targets.

# Inequality

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- Inequality thwarts **human rights enjoyment and social justice** in every sphere of public life it pervades; justice services, mechanisms and institutions are no exception.
- The poorest and most **marginalized segments of society**, being **women and girls, ethnic minorities, indigenous peoples, undocumented migrants or those living in rural areas**, continue to be excluded from accessing justice on an equal footing with the most privileged segments of the population.
- This is the case in every country across the globe, even if the discriminatory patterns manifest themselves differently across regions and within countries.

# Mandate of Human Rights Commission of Malaysia

- Section 4(1) of Act 597:

To promote awareness of and provide education in relation to human rights

To advise and assist the Government in formulating legislation and procedures and recommend the necessary measures to be taken

To recommend to the Government regarding accession to international human rights instruments

To inquire into complaints regarding infringements of human rights

# Linkages with National Human Rights Institutions

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- **Mandate under the National Human Rights Commission Act**
- **Receiving complaints**
- **Conducting Public and National Inquiries**
- **Investigation powers**
- **114 on B & HR complaints – 2011- 2014, 26 complaints in 2015 (out of 676) and 16 complaints in 2016 (698)**
- **Trespass and damage to native customary land as a result of logging activities, land development and land communities, denial of rest days for employees, late payment of salary, unfair dismissal, discrimination of marginalized groups, administrative issues , land titles**

# Linkages with National Human Rights Institutions

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- **Business sectors - logging, forestry, plantation; security and finance, environment, industrial relation issues**
- **National Inquiry - December 2010- Jun 2012- complaints received 2002- 2012 (deliberate 132 cases, 892 statements were recorded - 407 Sabah, 198 Sarawak and 287 from Peninsular Malaysia involving 6,500 individuals from IP)**
- **Grievances mechanism/remedies**
- **Quasi judicial powers**

# What is the role of NHRIs in ensuring that ‘no one is left behind’?

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- NHRIs could **monitor the progress of SDGs** with the aim reducing inequalities and eliminating discrimination by ensuring the desegregation of data involving the poor and vulnerable group such as women, children, persons with disabilities, older persons, indigenous persons, minorities and persons living in extreme poverty.
- One of the lessons commonly drawn from the MDGs is the need for the SDGs to provide more disaggregated statistics and analysis to account for the most vulnerable and marginalised populations and enhance measurement of discrimination and inequalities both within and among counties.

# GOAL 10 – Reduced Inequalities within and among countries

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- **Target 10.1.-** By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average.
- **Indicators**
- **10.1.1** Growth rates of household expenditure or income per capita among the bottom 40 per cent of the population and the total population

# UDHR (Universal declaration of human rights )

- **Article 2** -Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
- **Article 22**- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

# International Covenant on economic , social and cultural rights

- **Art 2.1** Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.**2.2**
- **Art 2.2** The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**3**
- **Art 3-** The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

- **Target 10a-** Implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with World Trade Organization agreements.
- **Indicators**
- **10.a.1-** Proportion of tariff lines applied to imports from least developed countries and developing countries with zero-tariff
- **10.b-** Encourage official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes.
- **10.b.1** Total resource flows for development, by recipient and donor countries and type of flow (e.g. official development assistance, foreign direct investment and other flows)

# UDHR

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- **Art 22-** Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality
- **Art 28-** Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

# ICESCR

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- **2.1.-** Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
- **11.2** The States Parties to the present Covenant, recognizing the fundamental right of everyone **to be free from hunger**, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
- **11.2.a** To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; **11.2.b**
- **11.2.b.** Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

# Protocol of San Salvador( Additional Protocol to the American Convention on Human Rights in the area of economic , social and cultural rights

- **12.1-** Everyone has the right to adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development.
- **12.2-** In order to promote the exercise of this right and eradicate malnutrition, the States Parties undertake to improve methods of production, supply and distribution of food, and to this end, agree to promote greater international cooperation in support of the relevant national policies.

# Recalling the Declaration on the Right to Development

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized.

1.2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

3. States have **the duty to co-operate** with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to **promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.**

# An Accountability Framework

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- 1. Indicators and Reporting**
- 2. Means of Implementation**
- 3. Local**
- 4. National,**
- 5. Regional and**
- 6. International levels.**

# Means of Implementation

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- **Policies and Laws**
- **Institutions**
- **Reporting and Monitoring Mechanisms**
- **Financing**

# Comprehensive Monitoring and evaluation mechanism

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- **Ensure inclusive development across the various dimensions such as gender, ethnicity and sub- ethnicity, location, class (T20, M40 & B40) is taking place. This is in line with the requirement for disaggregated data which requires data collection and publishing to monitor the progress across many dimensions;**
- **To ensure that ‘no one is left behind’, the SDGs must be inclusive and account for marginalised communities including indigenous peoples with the need to undertake assessments ‘on the ground’;**

- **The monitoring and evaluation must include all goals and targets including social, economic and environmental dimensions of the SDGs; and**
- **Improve access to information through providing public access to data and information on SDGs monitoring and evaluation.**

# Raising awareness and understanding

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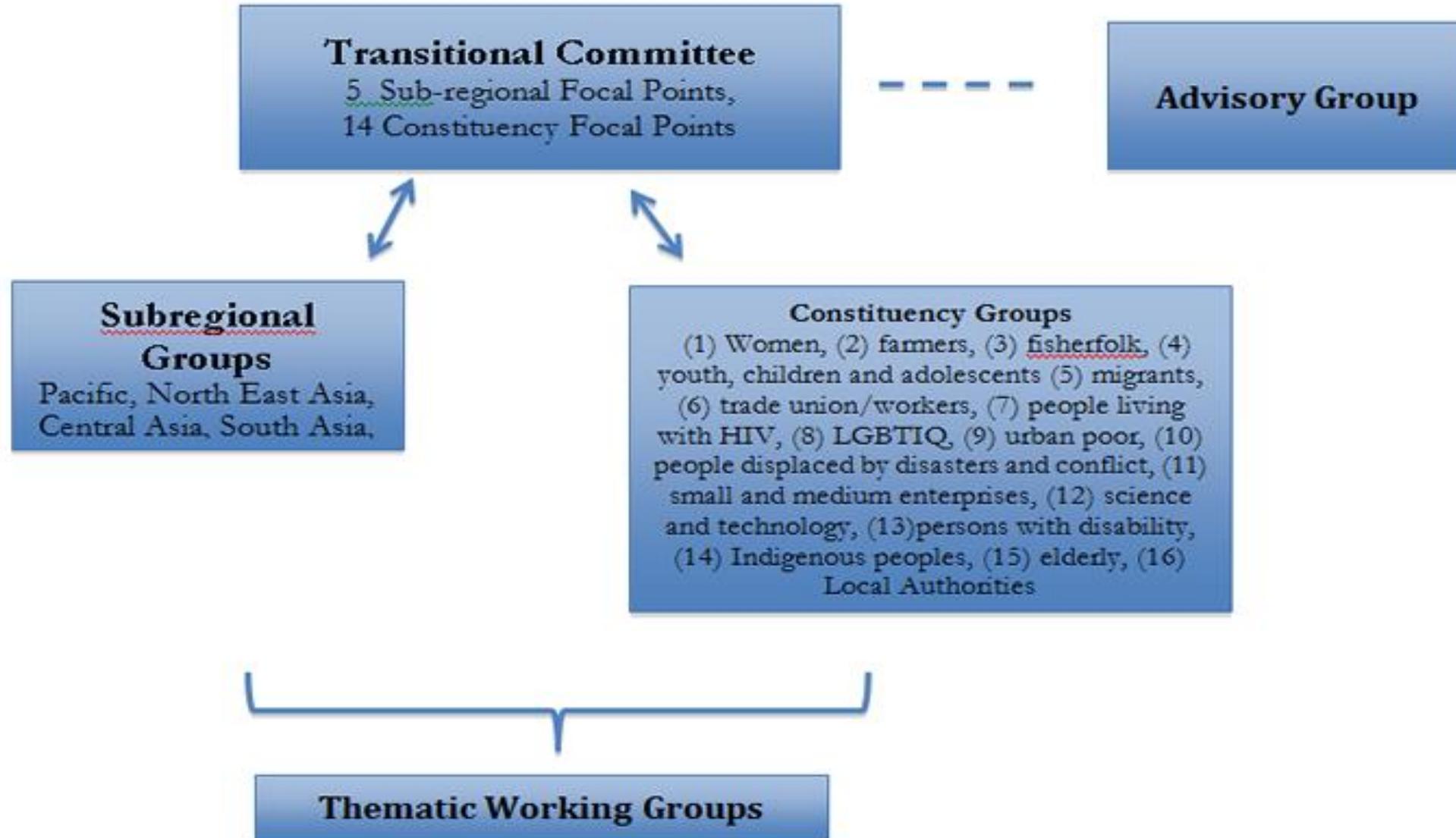
- A commitment to popularise SDGs by **creating greater awareness** among all the stakeholders with government, private sector, civil society and grassroots communities; and
- **Improve coherence** and understanding across the fivefold SDG framework of people, planet, prosperity, peace and partnership including the commitment towards sustainable development namely economic, social and environmental including human rights in a balanced way.

# Equal opportunities

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- Basic needs
- Right to education
- Access to healthcare
- Gender lens perspectives
- Safety at workplace
- Supply and chain
- Access to justice
- Access to remedies – grievances mechanism
- Marginalised group - FPIC

# Regional Engagement Mechanism



# Development Justice

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- **Economic Justice**
- **Social Justice**
- **Environmental Justice**
- **Redistributive Justice**
- **Accountability to People**



**Environmental Justice** recognises the historical responsibility of countries and elites within countries whose production, consumption and extraction patterns have led to human rights violations, global warming and environmental disasters and compels them to alleviate and compensate those with the least culpability but who suffer the most: farmers, fishers, women and marginalised groups of the global south.



**Redistributive justice** aims to redistribute resources, wealth, power and opportunities to all human beings equitably. It compels us to dismantle the existing systems that channel resources and wealth from developing countries to wealthy countries, from people to corporations and elites. It recognises the people as sovereigns of our local and global commons.



**Economic justice** aims to develop economies that enable dignified lives, accommodate for needs and facilitate capabilities, employment and livelihoods available to all, and is not based on exploitation of people or natural resources or environmental destruction. It is a model that makes economies work for people, rather than compels people to work for economies.



**Social Justice** aims to eliminate all forms of discrimination, marginalization and exclusion that pervade our communities.



**Accountability to peoples** requires democratic and just governance that enables people to make informed decisions over their own lives, communities and futures. It necessitates empowering all people, but particularly the most marginalised, to be part of free, prior and informed decision making in all stages of development processes at the local, national, regional and international levels and ensuring the rights of people to determine their development priorities.

# CONCLUSION

- **Multidisciplinary approach**
- **International human rights law - Convention/protocols etc**
- **Regional mechanism**
- **National Legal (statute, acts , enactments )- legal binding**
- **Institutional Framework- executive, legislative and judiciary**
- **National Act Plans, Policies ,guidelines etc- non binding legal instruments**
- **National human rights institutions (NHRIs), ombudsman /labour tribunals etc/trade unions**
- **Business entities – UNGP Business and human rights – duty of corporation to respect human rights/responsible business / sustainability /transparency reporting /ETOS/Cross border /financial sector and banking industry( equator principle)**
- **Academy of sciences, Academy of social sciences**
- **Professional bodies , lawyers , accountants , doctors**
- **Marginalized groups- women, child , disable person, indigenious person, migrant workers**
- **Civil societies**

Thank You



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