



Inputs from the President of the Human Rights Council to the 2016 HLPF: the work of the Human Rights Council in relation to the 2030 Agenda for Sustainable Development ¹

1. An assessment of the situation regarding the principles of “ensuring that no one is left behind” at the global level

The commitment to address inequalities, inequities and discrimination both within and between states is at the very centre of the 2030 Agenda for Sustainable Development. The Agenda commits “to leave no one behind”, to ensure “targets [are] met for all nationals and peoples and for all segments of society” and “to reach the furthest behind first”. The imperative of reducing inequalities and combatting discrimination permeates all of the SDGs, with two dedicated goals on combating inequality and discrimination (Goal 5 on achieving gender equality and Goal 10 on reducing inequalities), one on peaceful and inclusive societies (Goal 16), as well as commitments within every other goal and a cross-cutting commitment to disaggregate data to monitor that no one is being left behind.²

There is a strong convergence between the 2030 Agenda’s approach to “ensuring that no one is left behind” and the human rights-based approach to addressing inequality and discrimination among and within countries. The 2030 Agenda emphasizes the responsibilities of all States to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status³. It thereby puts the focus on people as rights-holders and on the corresponding responsibilities of duty-bearers in fulfilling these rights.

Like international human rights law, the 2030 Agenda calls for formal and substantive equality of opportunities and outcomes for people who are vulnerable and must be empowered. It expresses the wish “to see the Goals and targets met for all nations and peoples and for all segments of society.”⁴ This includes all children, youth, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants.⁵ It notes that both formal equality (treating all people equally under the law) and substantive equality need to be ensured and that positive

¹ The inputs contained in this document do not necessarily reflect the agreed views or positions of the Member States of the Human Rights Council.

² A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 74(f).

³ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 19.

⁴ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 4.

⁵ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 23.

measures to combat the multiple and intersecting grounds of discrimination faced by those left furthest behind are often necessary to secure substantive equality.⁶

From a human rights perspective, lack of access to education, health, food security, employment, housing, health services and economic resources may often amount to a failure to achieve internationally agreed human rights. Consistent with human rights, the 2030 Agenda calls for the elimination of the inequalities in opportunities and outcomes in terms of access to social services and economic resources.⁷ Moreover, the “social protection floor” commitment in the 2030 Agenda reflects and reinforces the obligations of States to guarantee “minimum essential levels” of economic and social rights and dedicate “maximum available resources” to their realisation.⁸

Another key element of a human rights approach to “ensuring that no one is left behind” is the reduction of relative inequalities. Consistent with international human rights law, the 2030 Agenda commits to combat income and wealth inequalities and acknowledges that relative inequalities in income and wealth hamper SDG achievement. Accordingly, the Agenda pledges to combat international inequalities among countries⁹ and reflects a “wish to see the Goals and targets met for all nations.”¹⁰ It further recognizes the need to include targets to “progressively achieve and sustain income growth of the bottom 40 per cent of the population at a higher rate than the national average.”¹¹

Finally, the 2030 Agenda highlights the need for inclusive, participatory and transparent forms of accountability and emphasises the critical importance of disaggregated data to make inequalities visible and to develop evidence based policies aimed at targeting those further behind.¹² The UN Human Rights Council can contribute significantly to the HLPF’s assessment of progress towards these commitments.

2. The identification of gaps, areas requiring urgent attention, risks and challenges

The 2030 Agenda acknowledges that a key barrier to reaching those furthest behind is discrimination. It hence recognises that “people who are vulnerable must be empowered”, and includes explicitly children, youth, persons with disabilities, people living with HIV, older persons, indigenous peoples, refugees, internally displaced persons, migrants¹³, people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism, and people living under colonial and foreign occupation.¹⁴ It envisages a world

⁶ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, SDG 10 and SDG 16.

⁷ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 3.

⁸ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, targets 1.3 and 1.4.

⁹ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, SDG 10.

¹⁰ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 4.

¹¹ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, target 10.1.

¹² A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 74.

¹³ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 23.

¹⁴ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 35.

where women and girls enjoy full gender equality and all legal, social and economic barriers to their empowerment are removed.¹⁵

Through its work, the Human Rights Council has helped to identify the multiple and intersecting forms of discrimination that people from particular ethnicities, castes or minorities, indigenous peoples, groups in situations of vulnerability, persons with disabilities, migrants, stateless and displaced persons, children, youth, older persons, slum dwellers, persons with HIV and sexual orientation or gender identity minorities (and especially women within these groups) have often faced and has drawn attention to the challenges of overcoming discrimination. A more detailed account of the work of the Council on these different forms of discrimination is provided in the annex to this document.

3. Valuable lessons learned on ensuring that “no one is left behind”

Inequalities and discrimination are not inevitable but are often produced by policy choices that fail to take account of the rights of the most marginalised. Below are valuable lessons that can be drawn from the work of the Human Rights Council, including its Universal Periodic Review, on how to ensure that no one is being left behind and that those furthest behind are targeted first.

Adopt and fully implement laws, policies and plans to combat discrimination

To ensure that no one is left behind, the Human Rights Council has called for the adoption of comprehensive anti-discrimination legislation.¹⁶ Such legislation should be in conformity with international and regional human rights standards. It should protect against direct and indirect discrimination in law as well as in practice, and should promote equality both in terms of opportunities and outcomes.

Positive measures are often needed to achieve substantive equality of opportunities and outcomes in practice. These may include affirmative action measures, quota systems and/or schemes to guarantee the effective participation and representation of marginalised groups in public life. Such measures should target not only the symptoms but also the root causes of inequality.

National laws and policies should be complemented by adequately resourced national action plans to combat discrimination. Such plans should be developed in coordination with affected groups and local organizations and be adequately resourced.

¹⁵ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 9 and SDG5.

¹⁶ See, for example, A/HRC/RES/30/9 on equal participation in political and public affairs; A/HRC/RES/30/16 on from rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance; and A/HRC/RES/30/29 on the promotion of a democratic and equitable international order.

To prevent discrimination from being replicated and inadvertently exacerbated in humanitarian response actions, countries should adopt specific measures to tackle discrimination in all development and disaster recovery actions and programming to ensure that the benefits of development humanitarian relief programmes are equally distributed.¹⁷

Promote access to justice and strengthening law enforcement and criminal justice

Providing access to the formal justice system, including access to a judicial remedy, is a critical means of combating inequalities and discrimination. Beyond formal access to the justice system, measures need to be put in place to reduce social, economic, and cultural barriers that hamper those furthest behind from accessing the justice system. Easily accessible non-formal justice systems can be a helpful complement to formal justice systems. They can enable victims and communities at risk of discrimination to access justice and pursue remedies for victims. In 2015, the Human Rights Council adopted Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court.¹⁸

Promoting human rights education against prejudice and harmful stereotypes

Human rights education and training is another important vehicle to address discrimination, which is frequently deeply embedded in interpersonal and communal relationships. Human rights education can contribute significantly to promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes. It can help foster societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, birth or other status.¹⁹ The Human Rights Council called upon Member States to take appropriate measures to ensure the effective implementation of and follow-up to the United Nations Declaration on Human Rights Education.²⁰

Promoting full, effective and equal participation

The Human Rights Council has repeatedly “recognized that women, marginalized groups, minorities, and the vulnerable are most affected by discrimination in participation in political and public affairs.”²¹ The Council has called for the “full, effective and equal participation of all citizens in political and public affairs, including by eliminating laws, regulations and

¹⁷ See, for example, A/HRC/RES/31/6 on the rights of persons with disabilities in situations of risk and humanitarian emergencies.

¹⁸ A/HRC/30/37, United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court.

¹⁹ A/HRC/RES/31/21 on human rights education and training.

²⁰ A/HRC/RES/31/21 on human rights education and training.

²¹ A/HRC/RES/30/9 on equal participation in political and public affairs.

practices that discriminate, directly or indirectly.”²² Beyond the elimination of discriminatory regulation, right holders must be empowered to claim their rights and the capacity of duty bearer to fulfil their obligations must be strengthened.

Secure access to health and education and other basic services for all

The Council has developed a series of guidance materials to promote access to health, education and other basic social services. This includes, *inter alia*, the UN technical guidance on Maternal Mortality²³; The UN Guiding Principles on Extreme Poverty and Human Rights²⁴; the Basic Principles and Guidelines on Development based Evictions and Displacement²⁵; and the Guiding Principles on Security of Tenure for the Urban Poor²⁶, to name but a few that have the most direct bearing on the SDGs.

Put in place universal social protection floors and promoting an adequate standard of living

The Human Rights Council has recognized that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality. It has further underlined the importance of compliance with the principles of non-discrimination, transparency, participation and accountability.²⁷

Progressively realise economic, social and cultural rights by devoting “maximum of available resources” and by “achieving a minimum essential level”

The Human Rights Council has recognised that States should make available the “maximum of available resources” for the progressive realisation of economic, social and cultural rights. It has further emphasized that the obligation of non-discrimination and the duty to give priority to achieving “minimum essential levels” of the realisation of each right are not subject to resource constraints.

The Council has also stressed that the “principle of non-retrogression” implies that progress in living standards should be ring-fenced during crises and periods of austerity, or at the very least ensures that the impacts of policy changes do not disproportionately impact the poorest and most marginalised.

²² A/HRC/RES/30/9 on equal participation in political and public affairs.

²³ A/HRC/21/22, Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality.

²⁴ A/HRC/RES/21/11 on the Guiding Principles on extreme poverty and human rights.

²⁵ A/HRC/4/18 Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.

²⁶ A/HRC/25/54 on the Guiding Principles on Security of Tenure for the Urban Poor.

²⁷ A/HRC/RES/31/5 on the question of the realization in all countries of economic, social and cultural rights.

The Human Rights Council further stresses that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights.²⁸ It also called upon creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or poverty reduction strategy papers.²⁹ In 2011, the Council adopted guiding principles on foreign debt and human rights.³⁰

Promote the responsible engagement of the private sector in the implementation of the 2030 Agenda

Marginalised groups are particularly vulnerable to human rights abuses linked to business activities. The 2030 Agenda includes a commitment to foster a dynamic and well-functioning business sector in accordance with the UN Guiding Principles on Business and Human Rights.³¹ The UN Guiding Principles on Business and Human Rights, which were endorsed by the Human Rights Council in 2011³² and the related Principles for Responsible Contracts integrating the management of Human Rights Risks into States-Investor Contract negotiations: Guidance for Negotiators”, provide global standards for preventing and addressing the risk of adverse impacts on human rights linked to business activity. States should take steps to implement the Guiding Principles, including the development of national action plans, as called for by the Human Rights Council³³ and its Working Group on the issue of human rights and transnational cooperation and other business enterprises.

4. Emerging issues likely to affect the realization of this principle

Acts of intimidation and reprisals against human rights defenders

A vibrant civil society plays a crucial role in facilitating participation in public life, opening issues for public debate and ensuring that people can contribute to the policies and decisions that affect their lives. The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association have expressed their concerns about the worrying global trends towards the dismantling or hampering of the exercise of the rights to freedom of expression, association and peaceful assembly, with civil society actors and human rights defenders regularly facing discrimination, harassment, and intimidation, along with increased

²⁸ A/HRC/RES/31/11 on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

²⁹ A/HRC/RES/31/11 on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

³⁰ A/HRC/20/23, Guiding principles on foreign debt and human rights.

³¹ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 67.

³² A/HRC/RES/17/4 on human rights and transnational corporations and other business enterprises.

³³ A/HRC/RES/26/22 on human rights and transnational corporations and other business enterprises.

risks of torture, forced disappearance, arbitrary detention and even summary execution.³⁴ Human Rights Council has called upon all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them.³⁵

Rise in terrorism and violent extremism

Human rights violations, inequality and discrimination of all kinds often lie at the root of violent conflict and the rise of extremism. Human rights are therefore key in preventing violent extremism, and efforts must be made to address the underlying grievances that foster violent extremism and terrorism. The 2030 Agenda, and more specifically SDG16 on peaceful and inclusive societies, address many of these critical issues. In some countries, however, efforts to prevent and counter violent extremism and terrorism have been abused to suppress political opposition or ideological dissent. The Special Rapporteur on Promoting and Protecting Human Rights and Fundamental Freedoms while Countering Terrorism has urged countries not to lose “the valuable rights and freedoms of our citizens in the rush to find new measures to protect them”. Measures which violate human rights are self-defeating: when human rights are breached in the name of counter-terrorism, grievances are fed on which violent extremists and terrorists thrive and which they use as a trigger of more violence and full scale conflict. The Human Rights Council reaffirmed the imperative to protect human rights and fundamental freedoms while countering terrorism³⁶ and preventing and countering violent extremism.³⁷

Climate change

The Human Rights Council and its Special Procedures mechanisms have consistently drawn attention to the links between human rights and climate change. Sustainable development and the protection of the environment contribute to human well-being and to the enjoyment of human rights. Human rights therefore must be respected, protected and fulfilled for all without discrimination when addressing environmental challenges, including in the application of environmental laws and policies.³⁸ States should take into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation and monitoring of the SDGs, bearing in mind the integrated and multi-sectoral nature of the latter.³⁹ This has also been reaffirmed by Parties at COP21, which noted that when taking action to address climate change, Parties

³⁴ See, for example, A/HRC/26/29, report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; A/70/361 on the promotion and protection of the right to freedom of opinion and expression; and A/HRC/31/66, a joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies.

³⁵ A/HRC/RES/31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights.

³⁶ A/HRC/RES/29/9 on the protection of human rights and fundamental freedoms while countering terrorism.

³⁷ A/HRC/RES/30/15 on human rights and preventing and countering violent extremism.

³⁸ A/HRC/RES/31/8 on human rights and the environment.

³⁹ A/HRC/RES/31/8 on human rights and the environment.

should respect, promote and consider their respective obligations on human rights, including the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, empowerment of women and intergenerational equity.⁴⁰

Lack of disaggregated data and weak data-collection systems

In a world of rising inequalities both between and within countries, disaggregated data are essential to adequately map and target those further behind first. The Human Rights Council has repeatedly underlined that reliable information and disaggregated data are essential for the assessment of progress in the realization of human rights and to help States meet their human rights commitments. Numerous recommendations coming out of the Universal Periodic Review mechanism and from Special Procedures mandate-holders call for the development of data disaggregated by vulnerable or marginalised groups, in keeping with international human rights instruments. The latter enumerates prohibited grounds of discrimination that represent authoritative and practical references for data disaggregation. The Human Rights Council has further stressed the importance of data confidentiality and access to information. Data collection processes should uphold international human rights standards and allow for data disaggregation, participation of relevant stakeholders, self-identification when collecting certain sensitive data (e.g. ethnicity), data protection, transparency and accountability.⁴¹

5. Areas where interaction between the Human Rights Council and the High-level Political Forum is required

In February 2016, the Human Rights Council devoted its annual high-level panel discussion on mainstreaming human rights in the UN system to the theme “*The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development*”. The Panel discussion, which was opened by the United Nations Secretary-General and the President of the General Assembly, is testimony to the commitment of the Human Rights Council to contribute to the implementation of the 2030 Agenda. The meeting provided an opportunity to further explore the substantive links between human rights and the SDGs. It also served as an occasion for the Council to explore how it could make its rich body of evidence available to the High-level Political Forum, given its immediate relevance to the review of SDG progress.

The discussions highlighted the need to consider the modalities for a two-way exchange between the HLPF and the HRC. Further political guidance on the type(s) of inputs which would be most useful to the High-Level Political Forum to carry out its global SDG review

⁴⁰ Outcome of the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

⁴¹ See, for example, A/HRC/RES/11/2 on accelerating efforts to eliminate all forms of violence against women; A/HRC/RES/11/3 on trafficking in persons, especially women and children; A/HRC/RES/16/12 on the rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street; A/HRC/RES/18/1 on the human right to safe drinking water and sanitation; and A/HRC/RES/19/37 on the rights of the child.

function would be helpful for the Council. In this regard, the adoption of the General Assembly resolution on the 2030 follow-up and review mechanism, including an agreement on the themes for the next few years, will provide additional helpful guidance on the basis of which the Council will be able to consider how to best respond to the call of the 2030 Agenda for “functional commissions and other intergovernmental bodies and forums to contribute to the review of SDG progress given the integrated nature of the goals as well as the inter-linkages between them.”⁴²

In the meantime, the Human Rights Council is already making a link to the 2030 Agenda in a large number of the resolutions it adopts. The Council has also requested the Office of the High Commissioner for Human Rights to put a particular emphasis on the SDGs in several of the reports which it has mandated. One such example is the request for the High Commissioner to prepare an “annual report on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the realization of economic, social and cultural rights in the implementation of the 2030 Agenda for Sustainable Development”.⁴³

The Universal Period Review (UPR) mechanism of the Human Rights Council, which builds upon principles of universality, interdependence, indivisibility and interrelatedness of all human rights, is another important avenue through which the Council could contribute both to the HLPF thematic and country reviews. The basis of the HRC’s universal periodic review (UPR) is the UN Charter, the UDHR, ratified treaties by a state and voluntary pledges and commitments made by States. Like the HLPF, the intergovernmental, State-driven and action-oriented UPR process promotes universal coverage and equal treatment of all States. It engages member States in peer-to-peer reviews which are conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner based on objective and reliable information with the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions.⁴⁴

With its country, UN system and stakeholder reports as well as recommendations that cover all civil, political, economic, social and cultural rights, including the right to development, the Universal Periodic Review can serve as a comprehensive source of information. In the first two cycles of the UPR, various recommendations made referred to the attainment of the MDGs. Given the immediate linkage between the SDGs and human rights, the UPR may continue this practice and may increasingly consider SDG progress. UPR recommendations and voluntary commitments by the States would then contribute at the same time to the realisation of human rights and SDG progress. The HLPF could draw upon the outcomes of the UPR review and recommendations, which could be made searchable by SDG in the Universal Human Rights Index database, for its thematic review. In addition, countries could also consider referring to the information generated through the UPR process when preparing for their voluntary HLPF country presentations.

⁴² A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 85.

⁴³ A/HRC/RES/31/5 on the question of the realization in all countries of economic, social and cultural rights.

6. Policy recommendations on ways to accelerate progress for those at risk of being left behind

- Adopt “no one left behind” as a lens through which the High Level Political Forum will assess SDG progress to “see the Goals and targets met for all nations and peoples and for all segments of society”, annually.
- “Reaffirm the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law” and “emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.”⁴⁵
- Adopt and adequately and fully implement laws, policies and regulations and national strategies that promote equality and non-discrimination which is in conformity with international and regional human rights standards.
- Provide protection against direct and indirect discrimination in law as well as in practice and promote equality both in terms of opportunities and outcomes.
- Adopt positive measures targeted at those furthest behind such as reservations, quota systems and/or schemes to address the structural drivers of multiple and intersecting forms of discrimination to secure both formal and substantive equality.
- Put in place specific measures to tackle discrimination in all disaster recovery actions.
- Create adequate institutions and mechanisms and promote social accountability to monitor and report on discrimination patterns.
- Provide access to the justice system and put in place measures to reduce social, economic, and cultural barriers that hamper those furthest behind from accessing the justice system.
- Use human rights education and training as well as awareness raising initiatives as a vehicle to address discrimination.
- Ensure the full, effective and equal participation of all in political and public affairs, including by eliminating laws, regulations and practices that discriminate, directly or indirectly.
- Combat the worrying trend of shrinking civil society space by investigating and pursuing accountability for all attacks and threats by State and non-State actors against human rights defenders and by publicly condemning all cases of violence, discrimination, intimidation and reprisals against human rights defenders.
- Recognise that human rights violations, inequality and discrimination of all kinds, among others, are often the root causes of violent conflict and the rise of extremism and that human rights are central to addressing the underlying grievances that foster violent extremism and terrorism and must be protected countering terrorism.
- Reaffirm that climate change is a common concern of humankind, and that Parties should, when taking action to address climate change, respect, promote and consider their

⁴⁴ A/HRC/RES/5/1 on the institution-building of the United Nations Human Rights Council.

⁴⁵ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 19.

respective obligations on human rights, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, as well as gender equality, empowerment of women and intergenerational equity.⁴⁶

- Develop methodologies and tools to better monitor, assess and systematically combat the multiple and intersecting forms of discrimination faced by those left furthest behind.
- Call upon states to invest in the disaggregation of data, which should be closely linked to the list of “prohibited grounds of discrimination” under international human rights law, and use data from non-traditional sources (including civil society).
- Recall that data collection processes should uphold international human rights standards and allow for data disaggregation, participation of relevant stakeholders, self-identification when collecting certain sensitive data.
- Recognize that gender equality is essential to achieve prosperity and a sustainable, equitable future for all, thus strive to make the implementation, follow-up and review of the 2030 Agenda gender-sensitive.

⁴⁶ Outcome of the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

ANNEX

Note: This annex provides an overview of the work of the Human Rights Councils Work and its Special Procedures has carried out to ensure that population groups facing multiple and intersecting forms of discrimination are not being left behind. The purpose of the annex is to highlight some of the most critical work which the Council has done and should not be read as a comprehensive listing of all of the wide ranging actions which the Council has taken to fight discrimination against different population groups.

Victims of racism, racial discrimination, xenophobia and related intolerance

Fifteen years after the Durban Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, very little progress has been made in tackling racism, racial discrimination, xenophobia and related intolerance. Instead, the world has witnessed an alarming increase of hate and xenophobic speech across the globe. States continue to have discriminatory laws or restrictive interpretations of laws, policies and practices, which result in a de facto discrimination. Poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty.⁴⁷ States should take this close correlation into consideration when they plan and implement policies and programmes for development, poverty eradication, and reducing social exclusion.⁴⁸ The Human Rights Council has lead the review and follow-up to the Durban Conference and set up a number of special procedures and working groups to combat racism, racial discrimination, xenophobia and related intolerance.

The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action is one of the three mechanisms established to follow up the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001.⁴⁹ Its mandate is to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action. The working group has on several occasions reaffirmed that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty. The Working Group has in this regard constantly encouraged States to take this close correlation into consideration when they plan and implement policies and programmes for development, poverty eradication, and reducing social exclusion.

⁴⁷ See A/HRC/RES/30/29 on promotion of a democratic and equitable international order.

⁴⁸ Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

⁴⁹ The Intergovernmental Working Group was established by Commission on Human Rights resolution 2002/68 and approved by the Economic and Social Council in its decision 2002/270 of 25 July 2002.

Ethnic, religious and linguistic minorities

National, ethnic, religious and linguistic minorities continue to experience deep inequalities. These inequalities threaten social cohesion, radicalise groups and create tensions which can in turn result in political unrest and violent conflict. The full realization of the rights of these minorities needs to be ensured, including by addressing their economic and social conditions and marginalization, as well as by addressing the multiple, aggravated and intersecting forms of discrimination against minorities. This will require taking appropriate action such as reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities and securing access to formal justice.⁵⁰

The Human Rights Council has “*emphasized* the need for the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, as well as to end any type of discrimination against them.⁵¹ It also *emphasized* the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights.⁵²

The Human Rights Council has “urged States to take appropriate measures by, inter alia: reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities, with a view to considering its amendment; removing obstacles that prevent persons belonging to national or ethnic, religious and linguistic minorities, including the most vulnerable within the community, such as women, children, persons with disabilities, older persons, those living in conditions of extreme poverty and minorities affected by conflict and/or displacement, from reporting a violation of their rights or accessing formal justice”.⁵³

Intolerance, discrimination and violence against persons based on their religion or belief are on the rise

Incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to arise around the world. States must, inter alia, take effective measures to ensure that public authorities, in the conduct of their duties, do not discriminate against an individual on the basis of religion or belief and should encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society irrespective of their religion. They should also strengthen international efforts to foster a global dialogue for the promotion of a

⁵⁰ See also A/HRC/RES/31/13 on the right of persons belonging to national or ethnic, religious and linguistic minorities.

⁵¹ A/HRC/RES/31/13 on the right of persons belonging to national or ethnic, religious and linguistic minorities

⁵² A/RES/HRC/31/13 on the right of persons belonging to national or ethnic, religious and linguistic minorities

⁵³ A/HRC/RES/31/13 on the right of persons belonging to national or ethnic, religious and linguistic minorities

culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.⁵⁴

The Council and its Special Rapporteur on Freedom of Religion or Belief expressed their deep concern about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world.⁵⁵ The Council further expressed its concern that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence.⁵⁶ It called upon all States, inter alia, to: take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief; encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society.⁵⁷ It also called for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.⁵⁸

Migrants, regardless of their migration status

Across the world, an increasing number of women, men and children are embarking on irregular and perilous journeys in search of safety and dignity. During 2015, more than 5,000 women, men and children lost their lives along migratory routes across the globe, with an estimated 500 children perishing in sea crossings alone.⁵⁹ With the 2030 Agenda, States committed “to cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons.”⁶⁰ Despite this commitment the human rights and fundamental freedoms of migrants continue to be violated. Migrants are being excluded from access to justice and to services such as health care, education, police, social services, public housing, labour inspectors and other public service agents.⁶¹ The Human Rights Council has systematically addressed the situation of migrants through panel discussions, resolutions and the establishment of a Special Procedure on the Human Rights of Migrants. In June 2015, the Council held an Enhanced Interactive Dialogue on the Human Rights of Migrants. The Human Rights Council resolution on the Human Rights of Migrants adopted in July 2015 recalled OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders, and requested the Office to prepare a study on the situation of migrants in transit. The Human Rights Council also dedicated its 2014 panel on Human

⁵⁴ See also A/HRC/RES/31/26 on combatting intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.

⁵⁵ A/HRC/RES/31/26 on combatting intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

⁵⁶ A/HRC/RES/31/6 on the rights of persons with disabilities in situations of risk and humanitarian emergencies

⁵⁷ A/HRC/RES/31/6 on the rights of persons with disabilities in situations of risk and humanitarian emergencies

⁵⁸ A/HRC/RES/31/6 on the rights of persons with disabilities in situations of risk and humanitarian emergencies

⁵⁹ A/HRC/31/35 on the situation of migrants in transit.

⁶⁰ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, para 29.

⁶¹ A/HRC/29/36, Report of the Special Rapporteur on the human rights of migrants.

Rights Mainstreaming and its 2016 panel on Technical Cooperation to the issue of promoting and protecting the human rights of all migrants.

Through its work the Council has reaffirmed the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status.⁶² It also reaffirmed that all migrants, regardless of their migratory status, must be able to seek access to justice and to services such as health care, education, police, social services, public housing, labour inspectors and other public service agents, without fear of being denounced to immigration enforcement authorities, detained and deported. ‘Firewalls’ must be developed between immigration enforcement and public services and support must be provided to ensure that services are not only available but also accessible to migrants.

To examine ways and means to overcome the obstacles existing to the protection of the human rights of migrants, the Council created the mandate of Special Rapporteur on the Human Rights of Migrants.⁶³ The Human Rights Council also adopts a resolution on the Protection of the Human Rights of Migrants annually and has held several high-level panel discussions. In 2015, this resolution recalled OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders⁶⁴, and requested OHCHR to prepare a study on the situation of migrants in transit.⁶⁵ The study, which was presented to the 31st session of the Human Rights Council in March 2016, concluded that there exists a critical protection gap for migrants in transit.

Persons with albinism

Persons with albinism face discrimination and barriers that restrict their participation in society on an equal basis with others every day, and continue to be subjected to torture and ill-treatment and have to fear for their lives.⁶⁶ The Human Rights Council expressed its concern about the situation of the human rights of persons with albinism in three recent Human Rights Council resolutions. It underscored the need for effective action to combat and eliminate attacks against persons with albinism and to adopt specific measures to protect and preserve the rights to life and to security of persons with albinism, as well as their right not to be subject to torture and ill-treatment. The Human Rights Council Advisory Committee prepared a study on the situation of human rights of person with Albinism.⁶⁷ It clearly set out the State’s obligations to take the necessary measures to prevent attacks and discrimination against persons with albinism are particularly critical due to the vulnerable situation of this group. These measures include the appropriate criminalization of such acts, their

⁶² A/HRC/RES/29/2 on the protection of the human rights of migrants: migrants in transit

⁶³ Commission on Human Rights resolution 1999/44 on human rights of migrants

⁶⁴ A/69/277, OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders

⁶⁵ A/HRC/31/35, OHCHR study on the situation of migrants in transit

⁶⁶ A/HRC/RES/24/33 on technical cooperation for the prevention of attacks against persons with albinism; A/HRC/28/75 Report of the Human Rights Council Advisory Committee on the study on the situation of human rights of persons living with albinism; and A/HRC/RES28/6 on the establishment of the mandate of the Independent Expert on the enjoyment of human rights by persons with Albinism.

⁶⁷ A/HRC/28/75, Report of the Human Rights Council Advisory Committee on the study on the situation of human rights of persons living with albinism

investigation and the prosecution of perpetrators. They also include preventive measures to protect persons with albinism and measures to ensure the access of survivors and their families to effective remedies, redress and rehabilitation, including health care, shelters and other services. The Human Rights Council established the mandate of the Independent Expert on the enjoyment of human rights by persons with albinism.⁶⁸ The independent expert will identify and address the main obstacles experienced by people with albinism which includes attacks, desecration of graves, trafficking of body parts, displacement, discrimination against persons with albinism, as well as human rights violations based on disabilities, challenges in the right to the highest attainable standard of health and the right to education.

People of African Descent

In 2001, the Durban Declaration and Programme of Action acknowledged that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity. In 2002, the Commission on Human Rights established the Working Group of Experts on People of African Descent.⁶⁹ The Human Rights Council and its Working Group of Experts on people of African Descent have continued to voice concerns regarding racial discrimination faced by people of African descent in the world today which negatively impacts their civil, political, economic, social, and cultural rights. The Working Group has highlighted the persistent gap in almost all the human development indicators, such as life expectancy, income and wealth, level of education, housing, employment, for people of African Descent compared to the rest of the population. More specifically, the Working Group has reported on the linkages between underdevelopment and racism, racial discrimination, xenophobia and related intolerance faced by people of African descent. The Working Group has urged States to establish programmes based on the participation of people of African descent aimed at improving their economic and social conditions. It has also reiterated its recommendation to devote special attention to the needs of people of African descent through, inter alia, the preparation of specific programmes of action for the implementation of the programme of activities for the International Decade for People of African Descent.⁷⁰

People subject to caste-based discrimination

More than 250 million people worldwide are affected by caste-based discrimination resulting in poverty, inequality and social exclusion of affected communities.⁷¹ The Human Rights Council and its Special Rapporteur on contemporary forms of racism have expressed their deep concern about the discrimination based on caste and analogous systems which remains a global phenomenon, affecting more than 250 million people worldwide.⁷² This serious human rights violation infringes upon the basic principles of universal human dignity and equality.

⁶⁸ A/HRC/RES/28/6 on the Independent Expert on the enjoyment of human rights by persons with albinism

⁶⁹ See Resolution 2002/68; and A/HRC/RES/27/25 on the mandate of the Working Group of Experts on People of African Descent

⁷⁰ A/HRC/30/56, Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions

⁷¹ A/HRC/31/56 Report of the Special Rapporteur on minority issues.

⁷² A/HRC/23/56, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Caste-based discrimination is a major cause of poverty, inequality and social exclusion of affected communities. Caste-affected communities, who are often among the most disadvantaged populations, experience the worst socioeconomic conditions and are deprived of or severely restricted in the enjoyment of their civil, political, economic, social and cultural rights.

LGBT and intersex people

The lesbian, gay, bisexual, transgender (LGBT) and intersex people continue to face pervasive, violent abuse, harassment and discrimination, including multiple and intersecting forms of discrimination. Two recent reports⁷³ requested by the Council recommend to States to end such abuses, based on international human rights law standards and the work of Special Procedures mandate holders and UN human rights treaty bodies. The reports' recommendations focus on protecting individuals from violence, preventing torture and cruel, inhuman and degrading treatment of people based on their sexual orientation, gender identity or sex characteristics, repealing laws criminalizing consensual same sex relations between adults and criminalizing transgender people, prohibiting discrimination based on sexual orientation, gender identity and sex characteristics and safeguarding freedom of expression, association and peaceful assembly for all LGBT and intersex people. The Human Rights Council has adopted two resolutions expressing grave concern with regards to acts of violence and discrimination committed against people on the basis of their sexual orientation and gender identity, and requested the High Commissioner to prepare reports documenting such human rights violations and identifying how international human rights law can be used to end such abuses.⁷⁴ Special procedures mandate holders inter alia on arbitrary detention, executions, poverty, freedom of assembly and association, freedom of expression, health, human rights defenders, torture, discrimination against women, violence against women have also expressed grave concern at violence, discrimination and other human rights violations against LGBT and intersex people and called on States to fulfil their obligations to protect them from human rights violations, investigating alleged violations, prosecuting perpetrators and ensuring remedy for victims.

Roma

The Human Rights Council and its Special Rapporteur on Minority Issues have highlighted that across the regions, negative stereotypes of Roma persist, describing them as criminal, unworthy, unclean or aggressive. Hate speech, including negative stereotyping of Roma, is widespread in the media, including social media, and in public political discourse. Roma frequently live in sub-standard living condition. Exclusion from formal schooling remains widespread. Similar marginalisation exists with regard to health and employment. In this regard, it has been recalled that states have the obligation not only to protect Roma from

⁷³ A/HRC/19/41, Report of the UN High Commissioner for Human Rights on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity; A/HRC/29/23, OHCHR report on the discrimination and violence against individuals based on their sexual orientation and gender identity

⁷⁴ A/HRC/RES/17/19 and A/HRC/RES/27/32 on human rights, sexual orientation and gender identity

forced assimilation, but also to adopt positive measures that promote the distinctive characteristics of Roma culture, including language, history and tradition.⁷⁵

Children requiring special attention

Children are among those in the most vulnerable situations. The Council has called upon all States to ensure the enjoyment by children of all their human rights.⁷⁶ Through its resolutions and annual discussions on child rights, the Council has focussed on particular groups of children and issues of concern requiring special attention and that should not be left behind. These include children in street situations, children in contact and/or in conflict with the law, violence against children in the juvenile justice system, the right of the child to health and prevention of mortality of under-five children, the right of the child to birth registration, and sexual exploitation of children through Information and Communication Technologies. In 2014, the Council adopted a Technical Guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age.⁷⁷ Through the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on trafficking in persons, especially in women and children, the Council has given a particular focus on preventing and eradicating the scourge of sale, trafficking and exploitation of children.

Gender-based discrimination

Discrimination in the law remains an important challenge in several countries.⁷⁸ Moreover, discrimination is also manifested in women's under-representation in political decision making processes⁷⁹, discrimination in the workplace, including lower wages, disproportionate work in precarious or informal settings, and unequal burden of unpaid care work.⁸⁰ They are also disproportionately subjected to violence and, particularly, sexual violence, trafficking,⁸¹ early and/or forced marriage and harmful traditional practices.⁸² Ensuring women's health, including maternal health, remains a serious human rights challenge, with the MDG goal on maternal health not having been met. To find solutions to this broad, multifaceted and complex spectrum of mutually reinforcing human rights abuses, the Human Rights Council holds annually a full-day discussion on the human rights of women⁸³, and has regularly adopted resolutions on the equality and empowerment of women. The Council established the Working Group on the Discrimination Against Women and appointed a Special Rapporteur on Violence Against Women. To address maternal mortality and morbidity, the Council adopted a technical guidance in 2012 on the application of a rights based approach to the

⁷⁵ A/HRC/31/CRP.2 Global Study on the Protection of Roma by the Special Rapporteur on Minority Issues

⁷⁶ A/HRC/RES/28/19 on the rights of the child: towards better investment in the rights of the child

⁷⁷ A/HRC/27/31, Technical Guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age.

⁷⁸ A/HRC/RES/29/4 on the elimination of discrimination against women.

⁷⁹ A/HRC/23/50, Report of the Working Group on the issue of discrimination against women in law and in practice.

⁸⁰ A/HRC/26/39, Report of the Working Group on the issue of discrimination against women in law and in practice.

⁸¹ A/HRC/26/39, Report of the Working Group on the issue of discrimination against women in law and in practice.

⁸² A/HRC/29/40, Report of the Working Group on the issue of discrimination against women in law and in practice.

implementation of policies and programmes to reduce preventable maternal mortality and morbidity, which is being implemented in numerous countries.⁸⁴ The Council has also contributed to the recognition of harmful practices – such as child and forced marriages and female genital mutilation – as violations of the human rights of girls and women that cannot be justified in the name of culture or religion.⁸⁵

Gender-based discrimination remains one of the most prevalent forms of discrimination. Promoting gender equality has been slow and discrimination in the law still persists. The Council has made considerable contributions to enhance the understanding of maternal mortality and morbidity as a critical matter of human rights. In 2012, the Council called for the implementation of a technical guidance on the application of a rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity. Both the General Assembly and the Council adopted resolutions condemning harmful practices such as child and forced marriages and female genital mutilation as violations of human rights, and held thematic debates to identify good practices towards their elimination.⁸⁶ The debates within the Council have drawn on existing programmes at the regional, sub-regional and national level and showed that that with adequate political leadership and resources, and with the active and informed participation of girls and women from affected communities, programmes can be designed that can yield concrete results in relatively short periods of time. Furthermore, the Working Group on the issue of discrimination against women in law and in practice was established in 2010 with a mandate to identify, promote and exchange views on good practices related to the elimination of laws that discriminate against women, including through consultations and dialogues with States and other actors.⁸⁷ Since 2012, the Working Group has issued a number of thematic analyses on eliminating discrimination against women in the area of health and safety, in public, political, economic, social, cultural and family life, including a focus on financial crisis.⁸⁸

Indigenous Peoples

Indigenous peoples make up 5 per cent of the world population, but 15 per cent of the poorest.⁸⁹ Many of the 2030 Agenda goals, targets and indicators have a direct link with the human rights commitments in the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention 169 on indigenous and tribal peoples' rights.⁹⁰ Hence, in 2015, the

⁸³ A/HRC/RES/6/30 Integrating the human rights of women throughout the United Nations system.

⁸⁴ A/HRC/21/22, Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality.

⁸⁵ A/HRC/29/40, Report of the Working Group on the issue of discrimination against women in law and in practice.

⁸⁶ A/RES/69/156 on child, early and forced marriage; A/RES/67/146 on intensifying global efforts for the elimination of female genital mutilations; A/HRC/RES/24/23 on strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps

⁸⁷ A/HRC/RES/15/23 on the elimination of discrimination against women

⁸⁸ A/HRC/32/44, thematic analysis: eliminating discrimination against women in the area of health and safety, with a focus on the instrumentalization of women's bodies; A/HRC/29/40, thematic analysis: eliminating discrimination against women in cultural and family life, with a focus on the family as a cultural space; A/HRC/26/39, thematic analysis: eliminating discrimination against women in economic and social life with a focus on economic crisis; A/HRC/23/50, thematic analysis : eliminating discrimination against women in political and public life with a focus on political transition

⁸⁹ A/HRC/30/41, Report of the Special Rapporteur on the rights of indigenous peoples.

⁹⁰ A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development.

Council encouraged States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the elaboration of national programmes.⁹¹

The Human Rights Council has stressed the need to pay particular attention to the rights and special needs of indigenous women, children, youth, elders and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples. The Council, therefore, encouraged States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda and in the elaboration of national programmes.⁹² The Special Rapporteur on the rights of indigenous peoples emphasized that indigenous peoples, and in particular indigenous women and girls, experience a broad, multifaceted and complex spectrum of mutually reinforcing human rights abuses. That spectrum is influenced, among others, by multiple and intersecting forms of vulnerability, discrimination and marginalization, based on gender, class, ethnic origin and socioeconomic circumstances, and historical and current violations of the right to self-determination and control of resources. The Special Rapporteur further argued that neo-liberal economic policies, foreign direct investments in indigenous territories, exploitation of mineral resources and establishment of mega-infrastructure projects without the *free, informed and prior consent* of the citizens has led to systematic violations of indigenous land rights and self-determination. The global dominance of neo-liberalism has led to development that is measured by overall growth figures, but which gives little weight to whether such development leads to a reduction in inequality or poverty alleviation therefore significantly disadvantaging vulnerable groups, such as indigenous peoples and women. The Special Rapporteur therefore recommended States to ensure that the targets and indicators to monitor the SDGs include ways to measure and incentivize progress in relation to indigenous communities and women in a meaningful way, pro-actively engage with indigenous women and girls and other members of indigenous communities, and to apply the principle of free, prior and informed consent to the development of all laws, policies and programmes.⁹³

Persons with disabilities

Persons with disabilities face discrimination and barriers that restrict them from participating in society on an equal basis with others every day. They are denied their rights to be included in the general school system, to be employed, to live independently in the community, to move freely, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to choose medical treatment and to enter freely into legal commitments such as buying and selling property. A disproportionate number of persons with disabilities live in developing countries, often marginalized and in extreme poverty. The Human Rights Council has reviewed the human rights of persons with disabilities every year since the entry into force of the Convention on the Rights of Persons with Disabilities in 2008 with the substantive support from OHCHR. Each panel resulted in a substantive resolution that

⁹¹ A/HRC/RES/30/4 on human rights and indigenous peoples.

⁹² A/HRC/RES/30/4 on human rights and indigenous peoples

⁹³ A/HRC/30/41, Report of the Special Rapporteur on the rights of indigenous peoples

emphasized the importance for “close consultations with and actively involving persons with disabilities in the reporting processes leading up to the high-level political forum”, in line with article 4 (3) of the CRPD.⁹⁴ In addition, two panels considered the situation of women and girls with disabilities suffering from gender-based violence, and a review of practices under international cooperation. In 2014, the Council created the mandate of the Special Rapporteur on the rights of persons with disabilities. She has been a strong advocate for including persons with disabilities in the 2030 Agenda as well as for promoting data disaggregation by disability.

Widening income and wealth inequalities

In his recent report, the Special Rapporteur on Extreme Poverty has argued that extreme poverty is directly related to extreme inequality, especially, but not only, in relation to wealth and income distribution within countries.⁹⁵ Economic inequality can be used to refer to a range of inequalities relating to the distribution of income (from labour or capital) or wealth (such as financial assets or land) between individuals in a society. While the magnitude of inequalities within and between countries is dependent on what exactly is being measured and how it is being measured, it is clear that income and wealth inequalities have reached new heights. Economic inequalities often interact with and reinforce inequalities in the distribution of political power and access to health, education, housing and other social rights. In 2012, the Human Rights Council adopted Guiding Principles on extreme poverty and human rights.⁹⁶

The global financial and economic crisis

The Human Rights Council has expressed its concern about the deepening inequalities after the global financial and economic crisis and warned that austerity policies have disproportionately impacted the most marginalised and less well off.⁹⁷ It is the most marginalised people who suffer the acute negative impact of the crises with decreasing opportunities for work and a reduced accessibility of social welfare programmes. International human rights law imposes immediate core obligations on States, including extraterritorial obligations, to ensure the minimum essential levels of all economic, social and cultural rights to the maximum available resources, which must not be suspended even during times of crisis and recovery.⁹⁸

⁹⁴ For example, A/HRC/RES/31/6 on the rights of persons with disabilities in situations of risk and humanitarian emergencies

⁹⁵ A/HRC/29/31, Report of the Special Rapporteur on extreme poverty and human rights.

⁹⁶ A/HRC/RES/21/11 on the Guiding Principles on extreme poverty and human rights.

⁹⁷ A/HRC/RES/31/11 on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

⁹⁸ International Covenant on Economic, Social and Cultural Rights, art.2.

Moving towards an equitable and sustainable national and international order

Deeply entrenched and cross generational inequalities between regions and countries, as well as power imbalances in global governance structures, continue to negatively affect the realization of human rights, including the right to development. The Human Rights Council reaffirmed that the implementation of the SDGs will require a more equitable and sustainable national and international order, as well as the promotion and protection of all human rights and fundamental freedoms.⁹⁹ This will include the realization of the rights of all peoples to self-determination, sovereignty over their natural wealth and resources; equal participation of all in the decision-making process; transparent, democratic, just and accountable international institutions; and an international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries.

Secure access to decent work for all

According to the ILO, in 2015 the number of unemployed people reached 197.1 million – about 1 million more than in the previous year and over 27 million higher than pre-crisis levels.¹⁰⁰ The Human Rights Council recognized that ensuring equality and non-discrimination in access to decent work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity.¹⁰¹ It further recognized that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors.¹⁰²

⁹⁹ See HRC resolutions 31/14 on the role of good governance in the promotion and protection of human rights; 30/28 on the right to development; and 30/29 on the promotion of a democratic and equitable international order.

¹⁰⁰ ILO's World Employment and Social Outlook – Trends 2016.

¹⁰¹ See A/HRC/RES/31/15 on the right to work.

¹⁰² See also A/HRC/RES/31/15 on the right to work.