

**"Centering Human Rights and Facilitating Progress Towards the SDGs"**

*Submission by Franciscans International*

"Accelerated action and transformative pathways: realizing the decade of action and delivery for sustainable development"  
HLPF 2020

## *Introduction*

1. Already four years into Agenda 2030, the 2019 review of State progress underscored that “urgent collective attention” was needed in order to achieve the 2030 Sustainable Development Goals (SDG).<sup>1</sup> One year later, and at the start of the “decade of action,” an even harsher assessment of the state of the SDGs has been brought about by the Covid-19 pandemic. In doing so, the inseparable links between the SDGs and human rights, as previously acknowledged by the UN Secretary General,<sup>2</sup> as well as by States in the 2019 Political Declaration,<sup>3</sup> has not only been highlighted, but has also reaffirmed that the SDGs cannot be realized without State adherence to their established obligations under international law.
2. In moving forward, the pandemic should not be used as an excuse by States to justify continued lack of progress or even retrogression towards Agenda 2030. Rather, this clear “wake up call” should impel States to recognize that human rights, including economic and social rights, are necessary for all of society, and the foundation for achieving corresponding SDG targets.
3. Franciscans International (FI) underscores that pioneering initiatives or solutions are often not necessary in seeking to accelerate progress towards the realization of the 2030 Agenda. Rather, progress can be achieved through policy coherence, fulfilling prior commitments, including through operationalization of the “respect, protect, and fulfill” framework for human rights, individual and community participation in decision-making processes, and accountability. This includes both individual and joint State action, as underlined in Article 2 of the International Covenant on Economic, Social, and Cultural Rights and SDG 17 (Partnerships for the Goals).
4. In this submission, FI will examine issues concerning access to health care, clean water and sanitation; the role of States in regulating business activities and relationships to ensure respect for human rights and positively influence development; State actions in regards to combating climate change; and the state of global partnerships via adherence to prior regional and international commitments. Additionally, this submission more broadly discusses how States can accelerate the achievement of the SDGs through policy coherence and operationalization of the “respect, protect, and

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<sup>1</sup> The Sustainable Development Goals Report, 2019, <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf>

<sup>2</sup> Inclusion, empowerment and equality, must be ‘at the heart of our efforts’ to ensure sustainable development, says UN chief, 16 July 2019, <https://news.un.org/en/story/2019/07/1042581>

<sup>3</sup> In the Political Declaration of the high-level political forum on sustainable development convened under the auspices of the General Assembly, in September 2019, States affirmed that they “(...) remain resolved, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to respect, protect and fulfill human rights and achieve gender equality and the empowerment of all women and girls; and to ensure the lasting protection of the planet and its natural resources.”

fulfill” human rights framework, as well as the role of the UN in ensuring that processes in New York and Geneva reaffirm and support each other.

### *SDG 3 & the Right to Health*

5. The current COVID-19 pandemic has most visibly brought to light issues concerning health and well-being (SDG 3), including as related to inequalities within and between countries (SDG 10). The virus has disproportionately impacted indigenous peoples, minorities, and other marginalized and discriminated against groups, reflecting historic disparities in access to health care and other inequalities. In recognizing this, the Secretary General recently stressed the importance of universal health coverage (UHC), noting that “[e]veryone, regardless of their social or economic status, should have access to the health care they need.”<sup>4</sup> The call not only reiterates State duties to provide “timely and appropriate health care,”<sup>5</sup> as required under the right to health in the International Covenant on Economic, Social, and Cultural Rights (ICESCR), but its fulfillment would also inevitably serve to reach targets for SDG 3.
6. Importantly, the right to health also extends to access to safe and potable water and adequate sanitation. In seeking to control the spread of the coronavirus in the city of Detroit in the United States, the government reinstated water to homes that had shutoffs so that basic measures like washing hands could be followed. While this measure undoubtedly furthers SDG 3 and SDG 6, it was preceded years before by heavy criticism from both the UN Special Rapporteur on the human right to water and sanitation and the UN Special Rapporteur on the right to adequate housing, who called the water shutoffs “a violation of the most basic human rights of those residents.”<sup>6</sup> This example highlights that States often can quickly implement measures to respect and fulfill their human rights obligations while accelerating development. A failure to do so may not be a result of a lack of awareness or inability of the State to take appropriate action, rather it may be due to political will or policies and practices that deprioritize human rights.

### *The Role of Business in Furthering the SDGs while Respecting Human Rights*

7. This issue of political will is also reflected in State regulation of businesses operating or domiciled in their territory. The Declaration for Agenda 2030 calls on businesses to help solve “sustainable development challenges,” while underscoring the role of the

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<sup>4</sup> Covid-19 and Human Rights: We are all in this together, April 2020, P.4,

[https://www.un.org/sites/un2.un.org/files/un\\_policy\\_brief\\_on\\_human\\_rights\\_and\\_covid\\_23\\_april\\_2020.pdf](https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf)

<sup>5</sup> CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), para. 11.

<sup>6</sup> In Detroit, city-backed water shut-offs ‘contrary to human rights,’ say UN experts, OHCHR, 20 October 2014, <https://news.un.org/en/story/2014/10/481542-detroit-city-backed-water-shut-offs-contrary-human-rights-say-un-experts>

international community in ensuring that “labor rights and environmental and health standards” are protected.<sup>7</sup> While businesses and the private sector influence development, Franciscans International, alongside our partners and other NGOs, continue to document businesses flouting their responsibilities to respect human rights. The COVID-19 pandemic has brought additional attention to companies that are seeking to maximize their bottom lines while disregarding the rights of workers, including by failing to provide appropriate and necessary protective equipment and even firing individuals that dare to speak out against work conditions.

8. At the same time, some States are essentially facilitating business practices that have adverse human rights impacts and other harmful environmental effects. As will be discussed in the next section, this has ranged from rolling back standards on emissions to deeming extractive industries as ‘essential.’ For example, our Franciscan partners in Brazil have conveyed their concern over President Bolsonaro’s declaration of mining as an essential activity that should continue during the lockdown. This concern has been reinforced by media reports regarding the taking of indigenous lands in the Amazon for development projects, including those tied to extractive industries.<sup>8</sup> At the same time, effective protest and mobilization by affected communities is nearly impossible due to government closures and other measures taken to control the pandemic.
9. Again, although these issues may be exacerbated as a result of the current global crisis, they are not novel and neither are their solutions. The international community can help reinforce positive private sector contributions to Agenda 2030 by ensuring that processes already started in the UN system are realized. For example, while the UN Guiding Principles on Business and Human Rights were unanimously endorsed by the Human Rights Council in 2011, only 23 States have since produced National Action Plans (NAPs).<sup>9</sup> The actual implementation of these NAPs, including an evaluation of how such plans have upheld human rights or changed business behavior, is unclear.
10. In addition to NAPs, States should support and engage in the process for the elaboration of an international legally binding instrument on business and human rights. The process, which began in 2014, has continued to be subject to political pressure, with certain States seeking to obstruct or reduce the scope and viability of a binding instrument. As underscored in the Declaration for Agenda 2030, States should ensure that the context in which businesses operate is in line with their obligations under international and multilateral agreements; a binding instrument would serve to reinforce such prior commitments and ensure that models of development are in line

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<sup>7</sup> Transforming our World: the 2030 Agenda for Sustainable Development, para. 67, <https://sustainabledevelopment.un.org/post2015/transformingourworld>

<sup>8</sup> As Bolsonaro Keeps Amazon Vows, Brazil’s Indigenous Fear ‘Ethnocide’, New York Times, 19 April 2020, <https://www.nytimes.com/2020/04/19/world/americas/bolsonaro-brazil-amazon-indigenous.html>

<sup>9</sup> State national action plans on Business and Human Rights, OHCHR, <https://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>

with the SDGs, human rights and climate and environmental law obligations and commitments.

### *Climate change and human rights*

11. The pandemic has also laid bare the importance of combating climate change, in line with SDG 13, as well as the continued failure of the international community to take real action to face the imminent threat to human rights that it poses, including to the right to life. The UN Special Rapporteur on human rights and the environment, among others, has noted the connections between environmental degradation, COVID-19, and the health of individuals. These connections have an immediate impact, where “People living in areas that have experienced higher levels of air pollution face increased risk of premature death from COVID-19,” as well as future consequences, where “Scientists warn that....environmental degradation increase the risk of future pandemics.”<sup>10</sup>
12. While improvements in the environment have been noted since the start of “social distancing” and other measures associated with the pandemic, some States have conversely quietly rolled back environmental protections or even supported policies that could lead to further degradation. This is perhaps most prominent in the United States, where the government continues to implement an array of measures that either weaken or do away with policies related to air, water, and land pollution and degradation.<sup>11</sup> Similarly, as noted above, partners in various countries have told Franciscans International that mining and logging activities continue as an ‘essential’ activity in various countries, while illegal activities in these sectors has also increased. In Venezuela, for example, the government is promoting mining in already environmentally fragile and vital Amazon regions.
13. There have already been warnings, including by the Secretary General, that any environmental gains would likely be “short-lived, unless countries deliver on their commitment to sustainable development once the crisis is over and the global economy restarts.”<sup>12</sup> In following up on this message, while marking International Mother Earth Day in April 2020, the Secretary General underscored that a post-Covid-19 recovery must include climate-related action points, ranging from green jobs to ending fossil fuel subsidies.<sup>13</sup>

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<sup>10</sup> COVID-19: “Not an excuse” to roll back environmental protection and enforcement, UN rights expert says, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25794&LangID=E>

<sup>11</sup> The Trump Administration Is Reversing Nearly 100 Environmental Rules. Here’s the Full List, The New York Times, Updated 6 May 2020, <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html>

<sup>12</sup> Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of Covid-19, March 2020, [https://www.un.org/sites/un2.un.org/files/sg\\_report\\_socio-economic\\_impact\\_of\\_covid19.pdf](https://www.un.org/sites/un2.un.org/files/sg_report_socio-economic_impact_of_covid19.pdf)

<sup>13</sup> Secretary-General Says COVID-19 ‘Wake-Up Call’ Demands Recovery Built on Green Economy, Marking Earth Day 2020, <https://www.un.org/press/en/2020/sgsm20051.doc.htm>

14. While hope for a recovery comes within the context of a COP25 that was largely viewed as a missed opportunity, and a COP26 which has been postponed due to the pandemic, States can nonetheless take appropriate steps towards SDG 13. For example, States Parties to the Paris Agreement are required to submit new Nationally Determined Contributions this year. Although the pledges are nonbinding, States should view the NDCs, in light of the pandemic, as part of an overall 'clean state' strategy which ensures robust action and greater adherence to prior international commitments.

### *Global Partnerships and Cooperation*

15. Last, while the pandemic has brought to light internal deficiencies in national systems, including as related to the SDGs, it has also highlighted defects in international and regional cooperation. Notably, the reality of discourse such as "leaving no one behind" (as underlined in Agenda 2030) and the comparable UN discourse of "we are all in this together" in relation to Covid-19 has been laid bare.
16. Recently, the President of the European Commission offered a "heartfelt apology" to Italy from the European Union for the EU's failure to assist Italy during the crisis, including a failure to respond to "Italy's call for aid via the bloc's emergency mechanism."<sup>14</sup> In another instance, Franciscan partners have stressed that migrants deported from the United States have found themselves in a continued precarious position, as shelters have had to close in Latin America due to the pandemic. Concerns over individuals' health and well-being are exacerbated as migrants are testing positive for the virus.<sup>15</sup> These examples not only call into question the actions of States under regional and international agreements<sup>16</sup> and the fulfillment of their extraterritorial obligations more broadly, including as found under the ICESCR, but also the possibility of achieving effective and equitable global partnerships (SDG 17) and the genuine commitment of the international community to reducing inequalities among countries (SDG 10).
17. The starting point for the decade of action has been clearly laid out before the international community as a result of the pandemic. One step in the path to recovery, and to progress towards the SDGs, is for States, alongside the United Nations, to move forward with commitments that have been made decades prior, and ensure that the

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<sup>14</sup> EU offers 'heartfelt apology' to Italy over coronavirus response, The Guardian, 16 April 2020, <https://www.theguardian.com/world/2020/apr/16/eu-offers-heartfelt-apology-italy-coronavirus-response-herd-immunity>

<sup>15</sup> Guatemala says 50 migrants deported from U.S. test positive for coronavirus, Reuters, 20 April 2020, <https://news.trust.org/item/20200420015702-s2bzy/>

<sup>16</sup> This would include State commitments for non-binding instruments such as the Global Compact on Migration on assistance and cooperation.

'new normal' for the international community is one truly grounded in the principles of the UN Charter. This can include:

- Upholding obligations under international human rights law;
- Developing recovery plans that recognize the inequalities that have been highlighted by the pandemic and prior state failure to respect the principle of non-discrimination;
- Ensuring that any amendments to legislation related to water, land, and the environment more broadly provides greater protections for both people and resources;
- Developing / updating robust Nationally Determined Contributions; and
- Ensuring that obligations under regional and international human rights and environmental agreements, are upheld, including in times of crisis.