



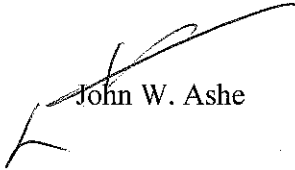
THE PRESIDENT
OF THE
GENERAL ASSEMBLY

30 June, 2014

Excellency,

I am pleased to advise that the summary of the key messages that emerged from the High-level Event of the General Assembly on “Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda,” is now accessible on the PGA’s website at <http://www.un.org/en/ga/president/68/settingthestage/5hrrol.shtml>.

Please accept, Excellency, the assurances of my highest consideration.



John W. Ashe

To All Permanent Representatives and
Permanent Observers to the United Nations
New York

Summary of the Key Messages

High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda

9 – 10 June 2014

United Nations Headquarters, New York

Overview

The High-level Event on Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda was held on 9 and 10 June 2014 at the United Nations Headquarters in New York.

The Event's main objective was to provide a platform for Member States, United Nations (UN) agencies, civil society, major groups and other stakeholders to examine how human rights and rule of law have been applied at national and international levels to improve development outcomes and how the lessons learned can assist in framing and formulating goals and targets towards a transformational post 2015 development agenda. A background note and programme for the Event are available on the PGA's website.

The Event featured a plenary debate including 72 speakers, and two panel discussions featuring presentations from Member States, UN agencies, civil society, and academia.

The President of the General Assembly, H.E. Mr. John W. Ashe presided over the opening session of the Event which featured statements by the Secretary-General of the United Nations, H.E. Mr. Ban Ki Moon; HRH Crown Princess Mette-Maritt, UNAIDS International Goodwill Ambassador; Mr. Anthony Lake, Executive Director UNICEF; and H.E. Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights (video message).

The first panel discussion examined the relevance of human rights (including the right to development) and the rule of law (at the national and international level) for poverty eradication and sustainable development. It also sought to identify challenges that had been encountered in setting policy and the normative framework for development at the national and international level.

The second panel discussion focused on good practices and options for integrating human rights and the rule of law into the post-2015 development agenda, building on country experiences and lessons learned in setting development policy and programs.

Overall, there was general agreement that human rights and the rule of law are critical to achieve poverty eradication and sustainable development. Thus it was acknowledged that for our development efforts to succeed, they must address freedom from want and freedom from fear.

Highlights of the Plenary Session

The following messages and themes emerged during the Plenary:

Lessons Learned

1. Participants recalled that the linkages between development, human rights and the rule of law are widely recognized, including in the Millennium Declaration.
2. Significantly, participants acknowledged that human rights and the rule of law were not fully integrated into the Millennium Development Goals (MDGs) despite this recognition. They further observed that for the post-2015 agenda to be transformative, inclusive and people-centered, it will have to be rooted in the principles of non-discrimination, equality, participation and accountability and reflect the range of international standards for civil, political, economic, social and cultural rights. In this connection, they emphasized that equitable and sustainable development requires a socially inclusive and participatory approach with a focus on the most vulnerable and marginalized, including women, children and youth, people with disabilities, minorities, rural populations, indigenous people and migrants.
3. They also highlighted the absence of a strong accountability framework in the MDGs, and suggested that a mechanism to review implementation will be critical in order to build a strong global partnership with mutual accountability for development.
4. Interventions also highlighted the contributions of the rule of law at the national and international levels in enabling investments and inclusive growth, promoting predictability and stability, combatting corruption, illicit exploitation of natural resources and illicit financial flows and crime, and building trust between the State and its citizens, as well as between the State and its development partners. Likewise, many described how transparent and capable institutions, mechanisms for inclusive participation, good governance and democratic accountability can serve

as drivers of peace and stability, equality, well-being and facilitate the sustainable and equitable use of resources. In this way, participants emphasized that human rights and the rule of law should not be considered as a conditionality of development but rather as an enabler of development.

Contributions to Intergovernmental Processes

5. Reflecting upon the exercise of identifying goals for the post-2015 development agenda, some participants pointed out that there is no need for a dedicated goal on human rights, arguing instead that the agenda as a whole including the choice of goals, targets, and indicators should be compliant with human rights and should provide the necessary support particularly for countries with special needs as SIDS, to enable such compliance at all levels.
6. The new agenda will also have to be based on international law and on the rule of law at both the national and international levels. In this regard, the rule of law requires respect for the Charter of the United Nations and principles of international law, including non-selectivity in the application of international law, equitable representation in international organisations and it has to be consistent with internationally agreed human rights.
7. It will also require an effective global partnership with a rules-based and open multilateral trading system as well as the fulfilment of existing commitments on debt relief and financing for development.
8. There were differing views on whether the rule of law should be included as a stand alone goal or integrated across all goals in a cross-cutting manner. Nevertheless, many noted that the strengthening of the rule of law and good governance not only support the process of development but are development outcomes in their own right.
9. Furthermore, while the question of measurability was raised, evidence was shared on how elements of the rule of law are presently being measured at the national and international level and how indicators could be combined for purposes of the post-2015 development agenda.
10. In order to strengthen the rule of law at the national level, national ownership and adaptation to local context were deemed critical while retaining the overall universally agreed foundations. At the international level, some noted the importance of strengthening global governance, including through reforms in the international decision-making bodies. The roles of civil society and of the private sector were also underscored in promoting participation and social inclusion, and development through improved economic opportunities and trade.

11. It was considered important to include, inter alia, the following targets: clear legal frameworks and effective, transparent and accountable institutions; elimination of discriminatory laws; access to independent justice; combatting illicit financial flows, corruption and impunity; meaningful public participation; individual security; sustainable management of natural resources and secure tenure to property on a non-discriminatory basis; legal identity and universal birth registration; elimination of child labour; respect for rights of migrant workers and their families; strengthening a rules-based equitable multilateral system; and respect for international law and international commitments. Gender equality was also discussed as a stand alone goal and as a cross cutting issue.

Issues for further consideration

12. Many participants reflected upon the inter-linkages between human rights and the rule of law and other goals and targets, including gender equality, peaceful and stable societies, poverty eradication, health, disaster preparedness and response, and sustainable management of natural resources.

Highlights of the Panel Discussions

Exploring the contributions of human rights and the rule of law in supporting national and international efforts towards poverty eradication and sustainable development

1. Drawing on lessons learned from the shortcoming of the Millennium Development Goals (MDGs), participants emphasized the **need to put people at the centre of development, to tackle inequalities, with a focus on the most vulnerable and marginalized** (for example women, children and youth, people with disabilities, minorities, rural populations, indigenous people and migrants) **and to address the structural impediments to sustainable development**. They considered that the efforts towards achieving the MDGs could have been enhanced by ensuring the goals consistency with agreed human rights standards and by placing stronger emphasis on the rule of law and well-functioning institutions anchored in human rights. They also highlighted **participation and accountability** as means for legal empowerment and important elements for the new development agenda.
2. It was proposed thus that the **whole development agenda should be based on human rights**. It was also proposed that human rights can contribute in the way the development goals are designed, in the means of financing those goals and in the infrastructure to ensure accountability of all development actors.

- a. In the design of goals, the new agenda should **support human rights comprehensively**. All rights are indivisible, and interdependent, including the right to development such that the right to participate and freedom of expression are as important for development as the right to food.
 - b. It was recommended that a human rights framework includes useful principles as **equality, non-discrimination and non-retrogression** that can support the design of goals and targets for a sustainable development agenda. Applying these principles in the context of development can provide useful guidance on how to adequately allocate resources to realize the human rights of all individuals. **Disaggregation of data** and specific targets for those left behind would be critical to help orient action toward the marginalized and vulnerable or otherwise those most in need.
 - c. In the financing of goals, it was suggested that human rights could **support a financing strategy that ensures sufficiency, equality and accountability of resources**.
 - d. A final point raised was that the rule of law at the national and international level can greatly **improve the means by which all development actors are held accountable** for their sustainable development performance.
3. Participants also emphasized that the rule of law is not an abstract concept. **Concrete elements of the rule of law are powerful drivers of development at the local, national and international level**. Several examples were given of areas where the rule of law, based on human rights, has contributed to inclusive and sustainable development outcomes **in all three dimensions of sustainable development**.
 4. **Clear legal frameworks** are the basis for legality, transparency and accountability. Laws should be clear and should be consistent with human rights – they need to be just and fair. Moreover in their application and enforcement, human rights should be respected.
 5. **Open and accountable institutions** are the vehicle for the delivery of services across sectors. Critically important for the effectiveness of our efforts is to **prevent and combat corruption and illicit financial flows**, as they can severely undermine development. It is important to have **accountability mechanisms** at all levels, **for all development actors, including the private sector**. Examples can be drawn from existing mechanisms such as peer review mechanisms as well as existing legal instruments as the United Nations Convention against Corruption, or the United Nations Guiding Principles on Business and Human Rights.
 6. **Access to justice, public participation in decision-making and individual security** was repeatedly raised as fundamental to tackle root

causes of poverty and violence. **Legal empowerment and access to justice** are necessary to enforce rights. National experiences were shared with respect to land rights, thus highlighting the relevance to development of other related rights, such as right to property and decent work.

7. Having a **legal identity** was highlighted as a critical step toward ensuring equal access to services and enforcement of rights. This is yet another area where the already marginalized and vulnerable populations are often disproportionately affected. Governments need **accurate population information to be able to adequately plan and target services**.
8. Impunity, corruption, violence and organized crime undermine the conditions needed for development. **Strengthening the rule of law and institutions to ensure compliance with international norms and standards, establishing an independent judiciary, ensuring adequate checks and balances, and establishing strong anti-corruption mechanisms, were proposed as measures for conflict prevention, peacebuilding, stability and good governance**.
9. Good governance is important not just at the national but also at the international level. **Many highlighted the need to work towards a more democratic international governance framework** as well as the need to enhance the participation and voice of developing countries in international institutions with some delegations specifically referring to international financial institutions and United Nations bodies as the Security Council. **At the same time, some highlighted the importance of democracy itself, as a factor conducive to the rule of law and human rights**.
10. Several speakers also highlighted the importance of ensuring that global policies relating to trade, investment, intellectual property and international cooperation should be consistent with human rights, including the right to development.
11. Participants shared national experiences on **tools for measuring** the rule of law. It was also demonstrated **how human rights could help guide the design of a transparent monitoring and accountability framework** with a set of minimum requirements, focusing not on the aggregates but **revealing disparities and inequalities**.
12. Participants also observed the **diversity of contexts** in which development takes place while noting that human rights and the aspirations for justice, security and well-being are universal values. Likewise, they acknowledged that the rule of law is founded on universally accepted norms and standards. **The universally agreed human rights can guide us to a universal, transformative, people-centred agenda**.

Towards a transformational development agenda: integrating human rights and the rule of law into the post 2015 development agenda with a view to improving development outcomes

1. It was argued that **human rights and the rule of law enhance the process of development**, as well as its outcomes. **Participation, access to information, equality, non-discrimination, transparency and accountability are key principles** that should guide the process of development. Several participants provided striking findings that **inclusive and equitable processes produced better results in almost all areas from health to education and to peace and security**.
2. It was stressed that instead of including a separate goal on human rights, **human rights standards and principles need to guide the establishment of all goals, targets and indicators**. Some laudable examples from the work of the Open Working Group on Sustainable Development Goals were shared in this regard. It was highlighted repeatedly that a balanced framework needed to aim for both freedom from want – human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, sanitation, health care and education – and freedom from fear – human rights relating to access to justice, participation in public affairs and personal security. Clear criteria to select goals, targets and indicators that reflect human rights were also recommended.
3. Several examples were given on how key aspects of the rule of law are already included in the national development strategies. It was affirmed that whilst founded on universal values, **national ownership is key, as the national development challenges of each country are unique**.
 - a. For some countries, the rule of law has been instrumental to access and foster integration into global trade. Strengthening institutions has also been beneficial to economic development at the national level.
 - b. In many countries, better access to justice has empowered otherwise marginalized parts of society, such as women or minorities.
 - c. There were also many examples demonstrating that democratization and development are mutually reinforcing as is the participation of civil society in decision-making and the freedom of the media, of expression and of association and assembly.
4. It was suggested that the following areas should be considered as targets in the post-2015 development agenda:
 - a. Elimination of discriminatory laws, practices and policies;
 - b. Access to justice, meaningful public participation and individual security;

- c. Capable and accountable (and democratic) institutions, at all levels (local, national, regional and international);
 - d. People's right to information and government data, as a requirement for effective participation and accountability;
 - e. Secure tenure of property on a non-discriminatory basis;
 - f. Measures against corruption and impunity;
 - g. Legal identity;
 - h. Decent work;
 - i. Elimination of child labour
 - j. Respect for the rights of migrant workers and their families.
5. It was also commonly suggested that gender equality should be integrated throughout the targets, in addition to being a separate goal.
6. Participants reiterated that the **rule of law at the international level has to be an integral part of the agenda**. An enabling environment for the global efforts requires respect for the Charter of the United Nations and international law. It requires good global governance and inclusive participation in decision-making at the international level.
7. Options to tackle the question of measurability were also discussed, namely:
- a. The importance of **disaggregated data** for goals targets and indicators was reinforced as an important tool for **addressing inequality**.
 - b. It was pointed out that **many governments already use indicators and gather information** on human rights, justice (such as data on the volume and duration of cases) and governance.
 - c. In addition there are **several existing mechanisms for data collection available from the United Nations, academia and civil society**.
 - d. It was suggested that it would be useful to **use a combination of administrative, objective and perception indicators** and further national examples were provided in this regard.
8. Finally, ensuring respect for human rights and the **rule of law at the national and international levels require effective accountability mechanisms**.
- a. Development actors including Governments at the local, national, regional and global levels should be held accountable.
 - b. A post-2015 accountability framework needs to **draw on existing mechanisms at all levels**. To make use of synergies and to reduce countries' reporting burden, it will be important to facilitate effective interaction between existing mechanisms, for example between the international human rights protection regime

(Universal Periodic Review, treaty bodies, Special Rapporteurs, etc.) and the sustainable development accountability mechanisms (in particular the High Level Political Forum). Existing mechanisms such as the Human Rights Council's Universal Periodic Review can also provide useful lessons on how to organize a successful global peer review.

- c. With the increasing involvement of the private sector in development, it will be important to ensure **accountability of the private sector**, for example through the application of the UN's Guiding Principles on Business and Human Rights.
- d. And there needs to be a **global partnership for development with a strong mutual accountability framework**.