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Item 3 of the provisional agenda **Requests addressed to the Advisory Committee stemming from Human Rights resolutions:
National policies and human rights**

 National policies and Human Rights

(draft preliminary outline, 6 July 2019) prepared by Ion Diaconu[[1]](#footnote-2), Rapporteur of the drafting group

 National Policies and Human Rights

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 Structure of a Preliminary Outline on National policies and human rights

Structure of a preliminary outline of the study with regard to the implementation of the 2030 Agenda for Sustainable Development by integrating human rights into national policies.

 I. Background

1. In June 2017, the Human Rights Council adopted resolution [35/32](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/35/32) entitled National policies and human rights in which it requested the Advisory Committee to prepare a study that could help States to implement the 2030 Agenda for Sustainable Development by integrating human rights into national policies on the basis of the compilation prepared by the United Nations High Commissioner for Human Rights, and to present the study within its regular reporting cycle to the Council at its forty-fifth session (September 2020), on the occasion of the fifth anniversary of the adoption of the 2030 Agenda.

 II. General aspects

2. Importance of adopting national policies to implement the 2030 Agenda for Sustainable Development and of integrating human rights into these policies:

- to underline the responsibility of States to promote economic, social and cultural development and to ensure respect for human rights and fundamental freedoms for all;

- to stress the need to integrate their obligations in this field in their national policies of sustainable development based on a human rights perspective;

- to underline the importance of adopting such national policies for ensuring a global engagement and mobilizing all national efforts, as well as different forms of international assistance and cooperation, for the fulfilment of the objectives of sustainable development.

3. Although the Agenda goals are integrated and human rights are indivisible, each government is called to set its own targets taking into account national circumstances and its specific challenges in order to achieve sustainable development, and to decide how these goals and targets should be incorporated into national planning processes, policies and strategies, while fully respecting human rights. States may adopt a general national policy of development concerning all goals under the 2030 Agenda, or sectorial policies, covering one or several goals, as appropriate.

4. The need to adopt the national policies for sustainable development and the integration of human rights with a wide particpation in the process:

- adopt such policies through national strategies, programmes and plans of action, integrating the goals of development and respect for human rights related to them;

- ensure the participation of the society as a whole in the process of elaborating, adopting and implementing national policies of development fully integrating human rights;

- give an open public expression of the national policies for sustainable development integrating human rights , through national legislation or through political statements adopted at the highest level, including the parliaments, and with the participation of all political forces and of organizations of civil society;

- give expression of such policies in documents adopted by regional organizations, where they have such competences, adopted thereafter by member States.

5. The responsibility of States to ensure, by integrating human rights and fundamental freedoms into their national policies for development, respect of human rights and freedoms for all, without distinction of any kind such as race, colour, sex, religion, language, disability, political and other opinion, national or social origin, property, birth or other status.

6. National policies have to emphasize the requirement that nobody is left out, that all the population living on the territory of a State should benefit from the implementation of such national policies.

7. Special attention should be given to segments and groups of the population who are usually disadvantaged: women, children and youth, indigenous peoples, minority groups of all kinds, migrants, asylum seekers, poor strata and groups in the country.

 III. Structure of the substantial part of the study

 A. Incorporating human rights in the policies and plans of development.

8. The majority of the goals established by the 2030 Agenda for Sustainable Development covers mainly economic and social development; therefore, the national policies to implement the 2030 Agenda have to integrate, as appropriate for each State, economic, social and cultural rights.

9. States should elaborate and adopt strategies, plans and programmes of action, as necessary multi-annual, covering the different goals established and integrating explicit objectifs and targets as necessary, in order to ensure respect for human rights and freedoms, starting from the assessment of the existing situation on the basis of reliable data.

10. They should also include in the national budgets the necessary allowance, including multi-annual commitments, in order to fulfil the targets estabished.

11. States should take into account recommendations made during the Universal Periodic Review and those made by human rights mechanisms in assessing development needs and the requirements to respect human rights and fundamental freedoms, in light of their universallity.

12. The approach followed has to take into account the indivisibility and interdependence of human rights, without in any way ignoring the need for full respect of civil and political rights, many of whom are directly related to participation in the elaboration and implementation of national policies, to the political representation, to democratic societies in general.

 B. Living no one behind

13. National policies adopted should take into account all groups of the population, according to their needs and to the general situation in the country.

14. States should identify disadvantaged groups and prioritize their development needs, using official or estimated disaggregated data and taking into account the grounds of prohibited discrimination under international human rights, as well as standards adopted and recommendations and reports of human rights mechanisms.

15. National policies should be directed to the extent it is necessary in each country to ensure gender equality and to empower women and girls in all filelds(mainly education, labour and public life).

16. According to the demographic situation in each country, national policies of development should take into account the need to protect the human rights of indigenous people, of afro-descendants and other minority groups, of all other individuals living on the territory of each State, according to applicable international instruments on human rights and fundamental freedoms.

17. National policies should be adopted taking into consideration the views and prospects of the young generation and the intergenerational aspects of human development.

 C. Participation and accountability

18. States should ensure the participation of all segments of the society in the elaboration, adoption and implementation of the national policies of development integrating respect for human rights and fundamental freedoms, through their genuine representatives, including organizations of women, of young people, trade unions, other professional associations in different fields, national human rights institutions, non-governmental organizations of all kinds and associations of the private sector.

19. Each State should establish a structure of periodic consultations or use one of the existing bodies to this effect, entrusted to elaborate such national policies with the participation of all those concerned, in order to consider different aspects of the national policies, to contribute to their elaboration and adoption.

20. Each State should entrust or develop, as appropriate, an adequate mechanism to follow up, with the participation of all the groups concerned, the implementation of the national policies of development giving particular attention to respect for human rights and fundamental freedoms as integrated in the national policies.

21. Each State should design, according to its national procedures, a system of accountability for the implementation of different objectives under the national policies, of reporting and reviewing the situation stage by stage and of considering the adoption of new measures when necessary. 4.Increasing the involvement of local government in promoting human rights and fundamental freedoms in the framework of the goals of the Agenda for Sustainable Development.

 D. Involvement of the local government

22. Without any prejudice to the primary responsibility of governments, States should take into account the significant contribution that local government can make to the elaboration of national policies for the implementation of the goals of the Agenda for Sustainable Development and the promotion of human rights and fundamental freedoms.

23. While noting that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned, States should take steps to increase their involvement in the the fulfilment of the national policies and in the promotion of human rights taking into account their proximity to people, their knowledge of the situation and their important function to provide public services that address local needs.

24. States should ensure the active participation of the local government bodies, according to their constitutional and legal systems, in the elaboration and implementation of the programmes to fulfil the goals of the Agenda by integrating human rights and fundamental freedoms and in the follow-up of the implementation of such programmes at local levels.

25. In the elaboration and adoption of national policies, Federal States should involve the federate states, local governments and communities, taking into account their responsibilities for implementing programmes of development and for respecting human rights and fundamental freedoms in their regions.

26. Governments should also encourage the interaction and exchange of knowledge between local government and local stakeholders, including civil society, in the elaboration and implementation of local government programmes for promoting the fulfilment of goals of the Agenda and respect for human rights and fundamental freedoms.

 E. On the contents of the National Policies

27. The national policies, adopted to respond to the goals indicated in the Agenda, have to include targets in direct relationship to respect for human rights and fundamental freedoms, mainly the rights to work, the right to social security including social insurance, the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, the right to education and the right to take part in cultural life, according to the Covenant on economic, social and cultural rights.

28. National policies may focus on one or several elected goals, as appropriate, according to the situation in each country. For instance:

(a) end poverty in all its forms, taking into account those targets established in the Agenda for Sustainable Development 2020-2030 (Goal 1);

(b) ensure healthy lives for all, taking into account those targets established in the Agenda for Sustainable Development 2020-2030 (Goal 3);

(c) ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, taking into account those targets established in the Agenda for Sustainable Development 2020-2030 (Goal 4)

29. National policies may also focus on several goals from the Agenda, taking into account their intersectionality, such as:

(a) the protection of the rights and freedoms of children, as they are envisaged mainly in relation to ending poverty and hunger(Goals 1 and 2), ensuring healthy lives(Goal 3), ensuring quality education(Goal 4), achieving gender equality and protection of girls(Goal 5), promoting productive employment and decent work for young people and securing the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and ending child labour in all its forms (Goal 8), combating climate change and its impacts (goal 13).

(b) the protection of the rights of women and girls, as they are envisaged mainly in relation to ending poverty and hunger (Goals 1 and 2), ensuring healthy lives(Goal 3), ensuring quality education(Goal 4), achieving gender equality and the protection of girls(Goal 5), promoting productive employment and decent work for all women and men, including the equal pay for work of equal value(Goal 8), combating climate change and its impacts(Goal 13).

(c) most of the Goals related to the protection of the environment (particularly Goals 6, 7, 11,12, 13, 14 and 15).

30. The national policies should be based on a coherent approach, from the point of view of respect for human rights and fundamental rights, taking into account the close relationship between the implementation of different goals from the Agenda, such as ensuring sustainable management of water and sanitation for all and sustainable and modern energy for all (Goals 6 and 7), promote inclusive and sustainable economic growth, build resislent infrastructure and make cities and human settlements inclusive, safe and resilient and sustainable (Goals 8, 9 and 11).

31. In defining plans of action and measures for sustainable development according to Goals of the Agenda, States should strive to promote the participation of the private sector through direct investment and public-private projects, as well as international cooperation and assistance, with full respect for human rights and fundamental freedoms.

32. The structure envisaged above should be reviewed taking into account the Compilation prepared by the High Commissioner of Human Rights of good practices, challenges, lessons learned and recommendations in mainstreaming human rights as enshrined in international human rights law, into national policies, which was requested by the Human Rights Council in the resolution 35/32 of 11 July 2017.

1. The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)