

April 18, 2016

Ambassador Samantha Power
United States Permanent Representative to the United Nations
United States Mission to the United Nations
799 United Nations Plaza
New York, NY 10017

Dear Ambassador Power:

In September 2015, the United Nations adopted the 2030 Sustainable Development Agenda and set an ambitious course for eradicating poverty around the globe. Pledging to “leave no one behind,” the Sustainable Development Goals (SDGs) address critical social, economic, and environmental challenges faced by all countries, including the United States. We applaud the important role that the United States played in negotiating these historic goals. In the spirit of partnership, we write now to offer our concrete suggestions for how the United States can be a global leader in implementing the SDGs, including through follow up and review, to ensure that their impact on efforts to address poverty and inequality is fully realized at home.

As organizations and institutions engaged in domestic human rights advocacy, we have acquired significant experience with U.N. human rights reporting processes, including the U.N. human rights treaty reviews and the Universal Periodic Review, and with regional human rights mechanisms. We draw on these experiences to suggest that the following principles guide the U.S. government’s plan for domestic implementation, follow up, and review of the 2030 Sustainable Development Agenda.

1. Integration of Human Rights

The Preamble to the Agenda explains that the SDGs are intended “to realize the human rights of all.” Indeed, in an important improvement over the Millennium Development Goals, the 2030 Sustainable Development Agenda is grounded explicitly in human rights, including the Universal Declaration of Human Rights and international human rights treaties.¹ As such, international human rights principles and obligations should form a basis for the government’s understanding of its SDG commitments and guide its overall implementation, follow up, and review.²

Significantly, in developing national level indicators for measuring progress on the SDGs, the United States should take into consideration the recommendations it has received from the human rights treaty bodies,³ the

¹ *Transforming our world: the 2030 Agenda for Sustainable Development*, Para. 10.

² The Danish Institute for Human Rights has developed a comprehensive resource guide delineating the human rights implications of the Sustainable Development Goals. See <http://www.humanrights.dk/our-work/sustainable-development/human-rights-sdgs>. The UN Office for the High Commissioner for Human Rights has created a chart linking each of the SDGs to the relevant human rights instruments. See http://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf.

³ In particular, the indicators should draw on the recommendations the United States recently received from the UN Human Rights Committee, the UN Committee on the Elimination of All Forms of Racial Discrimination, the UN Committee Against Torture, and the UN Committee on the Rights of the Child.

U.N. special procedures,⁴ and the Inter-American Commission on Human Rights, as well as through the U.S.' second Universal Periodic Review. By relying on these human rights recommendations as a basis for developing national indicators, and referring back to such indicators in the follow up and review process, the United States can create concrete benchmarks for measuring its progress towards addressing recognized human rights concerns and demonstrate its responsiveness to United Nations and regional human rights experts and mechanisms.

2. Participation and Transparency

Consistent with the SDGs' grounding in human rights, the United Nations has made clear that implementation of the Agenda should be based on the principles of participation and transparency. The 2030 Sustainable Development Agenda articulates the critical role of civil society in implementing the SDGs, noting in particular that the follow up and review process should be "open, inclusive, participatory and transparent for all people and . . . support the reporting by all relevant stakeholders."⁵ In international negotiations over the terms of the SDGs, the United States championed these principles.

The U.S. can model transparency and inclusivity in SDG implementation by engaging in robust and meaningful consultation with civil society to develop national indicators for the SDGs. The government should ensure a format for consultation that fosters wide civil society participation, including participation by those directly impacted by human rights violations, individuals from marginalized communities, and people living in poverty.⁶

In addition, the United States should model participation and transparency in the data collection and reporting and review processes. The participation principle calls for data to be devised and collected by communities, organizations, and service providers that work closely with people living in poverty and other marginalized groups. The United States should invite civil society to offer perspectives on whether and how the United States is making progress in achieving the SDGs, including by providing a formal role for civil society to present data, including citizen-generated and qualitative data, for consideration during the national reporting and review cycle.⁷ And the government should make both its own data and data collected and reported by civil society accessible to all stakeholders for the purpose of the review and for wider use. The government's goal should be to develop a robust, participatory, and transparent monitoring and review mechanism that is answerable to the communities these goals are designed to empower and transform, with ample space for civil society participation.

3. Non-discrimination and Disaggregated Data

Also following from their basis in human rights, the SDGs are premised on the principle of non-discrimination, with the mandate to "leave no one behind." To adhere to this mandate and to assess gaps in

⁴ For example, U.S. national indicators should incorporate the recommendations that the United States received in the course of recent visits by the UN Working Group on Discrimination Against Women and the UN Working Group on People of African Descent

⁵ *Transforming our world: the 2030 Agenda for Sustainable Development*, Para. 4 (d). Paragraph 79 of the Agenda encourages member states, in conducting their reviews of progress at the national and sub-national levels, to "draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders."

⁶ To ensure such consultations are productive, the government should confirm the date of each consultation well in advance, along with the agenda, format, and invited government representatives. In addition, the government should ensure that the consultations are held in geographically diverse locations, to allow for wide participation.

⁷ Indeed, in designing its reporting and review process, the United States should involve all relevant civil society and government stakeholders, including government officials with jurisdiction and authority over domestic policy, and state and local officials.

outcomes between different social or economic groups or other sectors, the United States should ensure that national indicators call for the collection of disaggregated data. National indicators should call for data to be disaggregated according to gender, race, income, ethnicity, national origin, disability, age, and by urban, rural, and metro areas, as well as other factors linked to inequality and rights violations.

4. Subnational Outreach and Implementation

The SDGs are meant to be implemented at every level of government, including at the subnational level. Goal 11 specifically calls for inclusive, safe, resilient, and sustainable cities. Thus, as with the human rights treaties, state and local governments are essential partners in implementing the SDGs. Indeed, a few U.S. cities, including Baltimore and New York City, have already taken up the mantle of local SDG implementation. The federal government can further these efforts and encourage others by engaging in education and outreach to state and local officials about the U.S.' commitments under the SDGs, and engage state and local officials in national and local indicator formation, as well as reporting and review. In this way, the federal government can increase the likelihood of state and local officials joining as full partners in implementation of the SDGs to ensure their local impact.

5. Private Sector Engagement

The 2030 Sustainable Development Agenda recognizes the role of the private sector in implementing the SDGs.⁸ Indeed, Target 17.17 calls on governments to “encourage and promote effective public, public-private and civil society partnerships” in implementing the Goals. Core to its implementation of the SDGs, the United States should seek to measure whether and how private companies conduct themselves consistent with their human rights responsibilities, including as articulated by the U.N. Guiding Principles on Business and Human Rights. The United States should incorporate a regular review of the sustainable development impacts of large businesses into its national reporting and review process and ensure that the U.S. National Action Plan on Responsible Business Conduct includes an assessment of the impact of U.S. companies within the United States.

The United States championed the SDGs during the intergovernmental negotiations at the United Nations. And U.S. administration officials have noted that the SDGs largely reflect U.S. domestic policy priorities. Indeed, the 2030 Sustainable Development Agenda offers an important opportunity for the United States to develop concrete benchmarks and achieve positive outcomes to address pressing domestic human rights concerns, including racial and gender equality, health care, access to justice, housing, hunger, education, clean water and sanitation, climate change, and employment, among many other issues. Ongoing crises, such as lead contamination of the water supply in Flint, Michigan, reveal the profound importance of addressing poverty and inequality through the integrated lens offered by the SDGs.

By modeling participation and transparency, ensuring the collection of disaggregated data, engaging in strong outreach to and engagement with state and local officials and the private sector, and integrating human rights principles into every aspect of implementation, follow up, and review, the United States can set a gold standard for domestic implementation of the 2030 Sustainable Development Agenda.

⁸ Paragraph 67 of the Agenda states: “We call on all businesses to apply their creativity and innovation to solving sustainable development challenges.” *See also* Paras. 41, 52, 60.

We respectfully request the opportunity to meet with you and your colleagues in the next few weeks to explore these ideas in greater detail, and to discuss the United States' plans for developing national level indicators and a national reporting and review process. We have copied other government officials on this letter who we believe have some engagement with U.S. implementation of the SDGs. We will be in touch with your assistant to follow up. In the meantime, please feel free to contact Risa Kaufman, Columbia Law School Human Rights Institute, at risa.kaufman@law.columbia.edu, or 212-854-0706. We are eager to work in partnership to ensure that the SDGs have the transformative impact that they promise.

Sincerely,

Columbia Law School Human Rights Institute
American Civil Liberties Union
Center for Reproductive Rights
Four Freedoms Forum
Human Rights and Gender Justice Clinic, City University of New York Law School
Human Rights Watch
The Leadership Conference on Civil and Human Rights
US Human Rights Network

cc: Ambassador Sarah Mendelson, U.S. Representative to the Economic and Social Council at the United Nations
Cassandra Butts, Senior Advisor, U.S. Mission to the United Nations
Mark Siminoff, Legal Counsel, U.S. Mission to the United Nations
Mary Beth Goodman, Special Assistant to the President/Senior Director for Development and Democracy, National Security Council
Roy Austin, Deputy Assistant to the President for Urban Affairs, Justice and Opportunity, White House Domestic Policy Council
Anthony Pipa, Deputy Assistant Administrator, Bureau for Policy, Planning and Learning, U.S. Agency for International Development
Katherine Wallman, Chief Statistician, U.S. Office of Management and Budget, Executive Office of the President
Jennifer Park, Senior Statistician, U.S. Office of Management and Budget, Executive Office of the President
Corinna Zarek, Senior Advisor for Open Government, White House Office of Science and Technology Policy
Maha Jweied, Deputy Director for the Office for Access to Justice, U.S. Department of Justice
Camille Eiss, Senior Advisor, U.S. Department of State, Bureau of Democracy, Human Rights, and Labor
Nolan Klein, International Relations Officer, U.S. Department of State, Bureau of International Organizations, Office of Economic and Development Affairs