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**AGENDA 2030 POTENTIAL TO ENHANCE INTERNATIONAL  
HUMAN RIGHTS TREATY COMPLIANCE**

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I hereby declare that I have compiled the thesis independently and all works, important standpoints, and data by other authors have been properly referenced and the same paper has not been previously presented for grading.

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## **ABSTRACT**

Agenda 2030 was created and adopted 5 years ago. Agenda 2030 consists of Sustainable Development Goals which were set to enforce human rights, protection of the environment, and economic growth globally. In addition, Agenda 2030 includes a principle of „leave no one behind “, which aims to secure that no one is left behind from the development. From a human rights perspective, the principle and the SDGs aim to endeavor unity in the ever-continuing human rights battle against extreme poverty, hunger, rights to education, health, water, sanitation and work together with 11 other Goals built to support overall sustainable development.

This research analyses whether Agenda 2030 has the potential to enhance social rights treaty compliance in respect of the right to food, health, and education on a state level. In addition, specific legal problems of respective rights are analyzed within the Agenda 2030 context, and possible solutions are suggested to support Agenda 2030 potential to achieve the goals regarding rights to food, health, and education. Such analysis is done with a mixed method of quantitative and qualitative research.

Key words: Agenda 2030, SDGs, international human rights, development

## **ABBREVIATIONS**

CEDAW	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CERD	Committee on Elimination of Racial Discrimination
CRC	Convention on the Rights of the Child
DESA	Department of Economic and Social Affairs
ECHR	European Convention on Human Rights
ESC	Economic, Social and Cultural (rights)
FAO	Food and Agriculture Organization
HRMI	Human Rights Measurement Initiative
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICEDAW	International Convention on the Elimination of Discrimination against Women
ICERD	International Covenant on Elimination of All Forms of Racial Discrimination
NGO	Non-Governmental Organization
MDGs	Millennium Development Goals
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UPR	Universal Period Review

VNR	Voluntary National Review
SDGs	Sustainable Development Goals
WHO	World Health Organization

## INTRODUCTION

The Agenda 2030 and the Sustainable Development Goals (SDGs) stem from multiple international treaties and global issues regarding human rights, climate change, and economic growth. Furthermore, it aims to secure a sustainable future by enhancing social, economic, and cultural (ESC) rights. Researchers have studied previously the impact of the human rights treaty ratification and treaty compliance within states. Furthermore, the studies tend to show that ratifying states, in general, have better human rights practices than non-ratifying nations. Although, such results are found on a general level due to multiple factors related to nations' ability to comply with the treaties depending on the level of democratization, economic state, or involvement in war or other crisis. Therefore, this research analyzes, if Agenda 2030 can enhance international human rights treaty compliance and how in respect of rights to food, health, and education, despite all the above-mentioned factors.

In the first Chapter, the Agenda 2030 implementation framework is determined to identify possible issues or possibilities within the framework. The Agenda 2030 implementation framework is aimed to achieve all levels of society and engage all to participate to achieve the Goals. Whereas the previous MDGs were government-led, the SDGs are aimed at all levels of the society making it a widespread Agenda. Therefore, initially, the potential of the Agenda 2030 to impact human rights treaty compliance seems great. However, the Agenda 2030 as such is not legally binding, and therefore its potential for the second review is less effective and therefore was chosen for further research.

Moreover, this research answers to questions, does Agenda 2030 have the potential to enhance overall social rights treaty compliance on the state level? What is the main problem for such and how can it be resolved from human rights law perspective?

The analysis is targeted on SDGs 2, 3, and 4 which are directly relevant towards rights to food, health, and education. In the second Chapter, the legal connections between the SDGs and the relevant human right are determined, due to the fact that Agenda 2030 itself is not legally binding, but aims to tackle human rights issues, which are written into international human rights law. Furthermore, since the legal and non-legal issues of Agenda 2030 are then established, a solution to solve such is suggested in Chapter three.

In the fourth Chapter, an online database was used to collect data for country-specific social rights compliance scores before and during Agenda 2030 implementation for the purposes of answering research questions regarding the potential of Agenda 2030 to enhance rights compliance. Furthermore, to examining the suggested solution for Agenda 2030 contribution towards respective results additional databases and materials have been used to differentiate reasons for state compliance scores, and therefore whether the suggested solution may benefit the states. Such was executed with empirical methodology with a mixed method of quantitative and qualitative research. Even though, data would indicate better or worse human rights law compliance within a respective territory, the causality of Agenda 2030 is not absolute. Therefore, qualitative analysis was implemented to identify the resulting causality and whether Agenda 2030 impacted the results as well as the weaknesses of the Agenda. In addition, the suggested solutions are tested for analyzed states to increase accountability of Agenda 2030. Moreover, the legal status of the rights within chosen low-performing states is established to analyze on a specific state-level the underlying reasons for found scores and therefore, whether the suggested solution could benefit the state and why. Hence, leading towards answering the research questions of if Agenda 2030 currently shows potential to enhance the rights, what are the main problems for such and how those problems could be solved from human rights law perspective.

The fifth Chapter, further analyses all established information from previous chapters and continues to answer the research questions. Moreover, the possibilities of the given possible solution to enhance accountability is stated in respect of social rights treaty compliance before fully answering the research questions regarding the true potential to influence international treaty compliance in respect of the issue on accountability towards the current Agenda 2030 implementation, follow-up, and review framework. Moreover, the Agenda 2030 implementation review is done by the states which in this research shows that not all SDGs are included in the reviews, even if the respective state has the lowest score in the annexed data collection for respective social rights. Therefore, the possible solution, to increase accountability from a legal perspective and by using existing mechanisms more sufficiently, is tested on the chosen low-performing states. Simultaneously, leading towards the conclusion of this research.

# 1. AGENDA 2030 IMPLEMENTATION FRAMEWORK

The SDGs broadens the implementation to all levels of the society including state actors to non-state-actors, whereas previous MDGs were government-led.<sup>1</sup> The SDGs emphasize the importance of unified action by civil society, corporations, non-governmental organisations (NGOs) and governments,<sup>2</sup> which was stressed by UN Secretary-General António Guterres in his foreword of Global Sustainable Development Report 2019 for all to act to achieve the Goals.<sup>3</sup>

The global framework for financing and reviewing the SDGs is detailed by the Addis Ababa Action Agenda of the Third International Conference on Financing for Development.<sup>4</sup> The Addis Ababa Action Agenda contains detailed policies for Agenda 2030.<sup>5</sup> Furthermore, the implementation relies on states' own sustainable development policies, agendas, and programs which are guided by the SDGs.<sup>6</sup> In addition, multi-stakeholder partnerships, civil society action and private sectors are expected to support the realization of Agenda 2030.<sup>7</sup> Nonetheless, these implementation methods are not legally binding, whereas the UN Committee on Economic, Social and Cultural Rights, has established a procedural framework to enforce the relevant legal rights in International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>8</sup> and its Optional Protocol.<sup>9</sup> Hence, currently, the mechanisms for Agenda 2030 review are separate from legal obligations and subject to merely political or social accountability. Although, generally states do not want a bad reputation on the

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<sup>1</sup> United Nations. Report of the Intergovernmental Committee of Experts on Sustainable Development Financing; United Nations: New York, NY, USA, 2014.

<sup>2</sup> Hajer, M., Nilsson, M., Raworth, K., Bakker, P., Berkhout, F., De Boer, Y., Rockström, J., Ludwig, K. & Kok, M. Beyond cockpit-ism: Four insights to enhance the transformative potential of the Sustainable Development Goals. *Sustainability* 2015, 7, 1651–1660.

<sup>3</sup> United Nations, Global Development Report 2019.

<sup>4</sup> The Third International Conference on Financing for Development, Addis Ababa Action Agenda 2015, p 1-19.

<sup>5</sup> *Ibid.*, p 20-124.

<sup>6</sup> United Nations, The Sustainable Development Agenda, Frequently Asked Questions. Retrieved from <https://www.un.org/sustainabledevelopment/development-agenda/>, 13 February 2021.

<sup>7</sup> *Ibid.*

<sup>8</sup> Mégret F. and Alston P. (Eds.) 2020. *The United Nations and Human Rights, A Critical Appraisal*. (2nd Ed.) s.l.: Oxford, p 439-440.

<sup>9</sup> Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

international level and treaty ratification supports human rights compliance.<sup>10</sup> However, Hathaway has developed a theory against both as well.<sup>11</sup>

The review and follow-up of the SDGs are executed via global and national levels.<sup>12</sup> At the global level, the review is in accordance with the global indicators framework developed by the Inter-Agency and Expert Group on SDG Indicators.<sup>13</sup> In addition, the High-level Political Forum reviews the means of implementation on a global level according to Addis Ababa Agenda in annual meetings<sup>14</sup> and the UN Department of Economic and Social Affairs (DESA) prepares annual reports on implementation.<sup>15</sup> On a national level, the governments follow on their own national indicators, targets, and goals and may provide Voluntary National Reports.<sup>16</sup> In addition, International Accountability Panel has formulated an accountability framework for the Agenda 2030,<sup>17</sup> which consists of the review mechanism imposing social and political accountability.<sup>18</sup>

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<sup>10</sup> Neumayer E. (2005). Do International Human Rights Treaties Improve Respect for Human Rights? *SAGE Publications*, 49 (6), 925-953; Hathaway O. (2002). Do Human Rights Treaties Make a Difference? *Yale Law Journal*, 111 (8).

<sup>11</sup> Hathaway O. (2002). The Cost of Commitment. *Stanford Law Review* 55:1821-1862.

<sup>12</sup> United Nations, Department of Economic and Social Affairs. Transforming our World: The Agenda 2030 for Sustainable Development. Retrieved from <https://sdgs.un.org/2030agenda> , 13 February 2021.; Addis Ababa Action Agenda 2015, *supra nota* 4.

<sup>13</sup> United Nations, General Assembly, Resolution 70/1, p 11.; Addis Ababa Action Agenda 2015, *supra nota* 4.

<sup>14</sup> The Sustainable Development Agenda, Frequently Asked Questions, *supra nota* 6.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Transparency, Accountability & Participation Network, The Accountability Handbook: A Practical Guide to Civil Societies.

<sup>18</sup> *Ibid.*

## 2. AGENDA 2030 AND LEGAL CONNECTIONS

Immanuel Kant made a distinction between perfect and imperfect duties<sup>19</sup> which can and have been used to separate civil and political rights from ESC rights, meaning that civil and political rights are perfect duties and ESC rights imperfect.<sup>20</sup> The corresponding of perfect duties are negative obligations to refrain from doing something and imperfect duty is positive rights to benefits are imperfect since no one has an obligation to benefit someone else.<sup>21</sup> Thus, by such definitions, ESC rights could be argued as special rights instead of human rights. As Freeman explains it “UK citizens have right to health care because they are citizens of UK not because they are human”.<sup>22</sup>

The SDGs are merely soft law but the Goals stem from rights established in international human rights treaties. However, the Agenda 2030 seems to employ similar methods of reviewing which have existed within the UN mechanisms,<sup>23</sup> although without states legal obligations to take action and states remaining sovereign in implementation. Regardless, there are scholars who believe that Agenda 2030 imposes great potential towards human rights.<sup>24</sup>

### 2.1 International law and SDGs

Thus, the SDGs are merely a policy, framework, and soft law to support the actual law. For instance, SDG 4 on quality education is connected to international treaties and right to education in accordance with UDHR Article 26 and ICESCR article 13.<sup>25</sup> Similarly, every SDG is supported by human rights treaties, even though the Goals may go further in targets that are prescribed by law. Furthermore, even

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<sup>19</sup> Kant I., Gregor M. J. (1998). *Groundwork of the metaphysics of morals*. (6th Ed.) Cambridge, U.K: Cambridge University Press.

<sup>20</sup> Freeman M. (2017). *Human Rights*. (3<sup>rd</sup> Ed.). Cambridge, UK: Polity Press., p 201-203

<sup>21</sup> *Ibid.*; Kant & Gregor (1998), *supra nota* 19, 23.

<sup>22</sup> *Ibid.*, 202.

<sup>23</sup> Mégret & Alston (Eds.) 2020, *supra nota* 8, 444.

<sup>24</sup> Collins L. M. (2018) Sustainable Development Goals and Human Rights: challenges and opportunities. In: D. French, L. J. Kotze (Eds.), *Sustainable Development Goals: Law, Theory, and Implementation* (66-91). Edward Elgar Publishing, Cheltenham, UK & Northampton, MA, USA., 89-90.

<sup>25</sup> See § 13, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.; See § 26, Universal Declaration of Human Rights, 10 December 1948.

SDGs on sustainable cities, consumption, climate action, and partnership can be connected to existing human rights regulated by multiple international treaties.<sup>26</sup>

## 2.2 SDG 2, right to food and justifiability

The SDG 2 aims to „eradicate hunger, achieve food security, improve nutrition and promote sustainable agriculture“.<sup>27</sup> Ending hunger is directly aiming to enhance the right to food, and the SDG 2 composes of targets for states to intergrate to their national targets and indicators.<sup>28</sup>

Moreover, the SDG 2 recognizes agriculture as a fundamental factor in respect of available food by target 2.3 and its indicators in doubling agricultural productivity.<sup>29</sup> Also, the targets recognize production with target 2.4, trade aspect by target 2.b and problems with rural areas by target 2.a.<sup>30</sup>

### 2.2.1 International instruments

The right to food has been enshrined in multiple international treaties but access to justice has been under debate, for example during the drafting of Optional Protocol to the ICESCR.<sup>31</sup> However, by the time of adopting the Optional Protocol to the ICESCR, the UDHR had been enforced 60 years.<sup>32</sup> Paragraph 1 of Article 25 of the UDHR provides the right to adequate living, health, and well-being, including the right to food.<sup>33</sup>

The right to food has been enforced for almost a century and seen multiple international agendas and campaigns on its realization such as the World Food Summit organized by Food and Agriculture

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<sup>26</sup> United Nations, Human Rights Office of High Commissioner, Sustainable Development Goals Related Human Rights. Retrieved from [https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG\\_HR\\_Table.pdf](https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf) , 18 February 2021.

<sup>27</sup> The Sustainable Development Goals. Retrieved from <https://sdgs.un.org/> , 24 April 2021.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Golay C. (2009). *The Right to Food and Access to Justice: Examples at the National, Regional and International Levels*. Rome: FAO., 8.

<sup>32</sup> *Ibid.*

<sup>33</sup> See Article 25, Universal Declaration of Human Rights, 10 December 1948.

Organization (FAO) in Rome in 1996<sup>34</sup> and the previous MDGs.<sup>35</sup> In addition, in 2000 the UN created a post of Special Rapporteur on the Right to Food, whose role is to enforce and follow that the governments take adequate measures to respect, protect and fulfill the right to food.<sup>36</sup>

Under international law, the right to food is defined as adequate food and the fundamental right to be free from hunger,<sup>37</sup> which can be found in ICESCR as well.<sup>38</sup> Adequate food meaning that the food must be adequate in quantity and quality. Whereas the fundamental right to be free from hunger can be connected to the right to life.<sup>39</sup>

Golay argues that arguments against the justiciability of the right to food are no longer relevant or accurate.<sup>40</sup> He claims that the right *de facto* is justiciable and it has been confirmed by court cases on national and international level.<sup>41</sup> Although, the right to food is complex and impacted by other rights such as the right to life, health and work.<sup>42</sup> Similarly, the SDGs are interdependent as well on other factors to achieve another. However, its full realization is argued against due to unprecise defining.<sup>43</sup>

Furthermore, the definitions and concepts of adequate food, dietary needs, and accessibility<sup>44</sup> imposes further challenges for litigating for the right.<sup>45</sup> Simultaneously, the obligation to provide a minimum basic substance is limited by the progressive realization and available resources.<sup>46</sup> Regardless of the fact that courts have provided remedies for violations of right to food, litigation does not seem to be the strongest mechanism for the realization of the right, according to Courtis C.<sup>47</sup> Although, the

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<sup>34</sup> Ziegler J., Golay C., Mahon C. & Way S. (2011). *The Fight for the Right to Food: Lessons Learned*. Hampshire, UK: Palgrave Macmillan, p 4-6.

<sup>35</sup> United Nations, Human Rights Office of the High Commissioner, Millennium Development Goals and human rights standards. Retrieved from <https://www.ohchr.org/EN/Issues/SDGS/Pages/MDGsStandards.aspx>, on 20 March 2021.

<sup>36</sup> Ziegler, Golay, Mahon & Way (2011), *supra nota* 34, 10.

<sup>37</sup> Golay (2009), *supra nota* 31, 11.

<sup>38</sup> *Ibid.*; See Article 11, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>39</sup> Golay (2009), *supra nota* 31, 13.

<sup>40</sup> Golay (2009), *supra nota* 31, 8.

<sup>41</sup> Golay (2009), *supra nota* 31, 24-27.; *Ibid.*; Argentina, Corte Suprema de Justicia de la Nación, Defensor del Pueblo de la Nación c. Estado Nacional y otra, 2007.; Mukong v. Cameroon, Communication No. 458/1991, UN Human Rights Committee (HRC), 21 July 1994.

<sup>42</sup> Courtis C. (2007). The Right to Food as a Justiciable Right: Challenges and Strategies. In: A. von Bogbandy, R. Wolfrum (Eds.), *Max Planck Yearbook of United Nations Law, Volume 11*, (317-337). The Netherlands: Kroninklijke Brill N. V., p 325.

<sup>43</sup> *Ibid.*, 324-329.; Ziegler, Golay, Mahon & Way (2011), *supra nota* 34, 17-18.

<sup>44</sup> Ziegler, Golay, Mahon & Way (2011), *supra nota* 34, 17.

<sup>45</sup> Courtis (2007), *supra nota* 42, 324-329.

<sup>46</sup> See Article 2, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>47</sup> Courtis (2007), *supra nota* 42, 324-329.

possibility for remedy must exist, the difficulties in definitions mentioned argue against its effectiveness.<sup>48</sup> Thus, the realization of the right needs other mechanisms as well and Agenda 2030 could have the potential for such.

Even though, the SDGs are not legally binding, under international law, the states have obligation to ensure the right to food without discrimination. Furthermore, the ICESCR obligates states to international cooperation and assistance.<sup>49</sup> Simultaneously, Agenda 2030 supports this international obligation by a widespread campaign for ending hunger globally.

### **2.2.2 State responsibility**

The state's responsibility is to respect, protect, fulfill, facilitate and provide the right to food.<sup>50</sup> The Special Rapporteur has clarified the state obligation to respect the right to food by refraining from arbitrary measures which can take away one's right to food.<sup>51</sup> Furthermore, the states have the obligation to implement legislative and instrumental frameworks to ensure the right to food. Meaning to create the possibility for food for individuals within the maximum of their available resources.<sup>52</sup> In addition, the obligation to provide food for those who cannot access it by their own means, for example, detained, unemployed and disabled persons.<sup>53</sup> Moreover, the state responsibility includes to providing access to water, land, or other means of obtaining necessary dietary needs.<sup>54</sup> Although, such is prescribed by voluntary guidelines.<sup>55</sup>

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<sup>48</sup> *Ibid.*

<sup>49</sup> See § 2 International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>50</sup> Golay (2009), *supra nota* 31, 14-17.

<sup>51</sup> Ziegler J. (2006). The right to food. Report by the Special Rapporteur for the right to food, Jean Ziegler. *UN, Economic and Social Council*. E/CN.4/2006/44.

<sup>52</sup> Golay (2009), *supra nota* 31, 15.; See Article 2 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>53</sup> Golay (2009), *supra nota* 31, 18.

<sup>54</sup> FAO (2004), Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security., p 16-19.

<sup>55</sup> *Ibid.*

## 2.3 SDG 3, right to health and justifiability

SDG 3 aims to ensure healthy lives and promote well-being for all ages by tackling global maternal mortality ratio, end preventable deaths of newborns, end epidemics of AIDS, tuberculosis, malaria, and other neglected diseases, while also endure prevention of non-communicable diseases such as mental health.<sup>56</sup> Furthermore, combat substance abuse, road traffic injuries, ensure universal sexual and reproductive health care systems, achieve universal health coverage, reduce the number of deaths and illnesses due to hazardous chemicals, pollution and contamination<sup>57</sup>. Overall, to ensure health care and tackle the issues. For example, in developed countries prevention of national diseases.<sup>58</sup>

World Health Organization has commented that the SDG 3 contains all major health areas in the targets and indicators, and due to its multilevel implementation, it has effects to enhance the right to health globally.<sup>59</sup>

### 2.3.1 International instruments

The right to health gained its inalienable status through the Constitution of the World Health Organization in 1946.<sup>60</sup> It states „enjoyment of the highest attainable health is one of the fundamental rights of every human being without discrimination of race, religion, political belief, economic or social status“. <sup>61</sup> Similarly, the ICESCR article 12 confirms the „enjoyment of the highest attainable standard of physical and mental health“ and obligates ratifying state.<sup>62</sup> However, the inalienable status is not supported by all states, and privatization of health care providers complicates state administration of the right.<sup>63</sup>

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<sup>56</sup> United Nations, Department of Economic and Social Affairs, Sustainable Development. Retrieved from <https://sdgs.un.org/goals> , 25 February 2021.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> World Health Organization (2016). *World Health Statistics 2016: Monitoring Health for the SDGs*. Geneva, Switzerland: WHO Press., p 1-2.

<sup>60</sup> Constitution of World Health Organization, 22 July 1946.

<sup>61</sup> *Ibid.*, 2.; See § 1, Constitution of World Health Organization, 22 July 1946.

<sup>62</sup> See § 12, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>63</sup> Tobin J. (2012). *The Right to Health in International Law*. New York: USA. Oxford University Press, p 4.

The UDHR does not explicitly confirm the right to health, but did not abandoned and includes the right as „Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in circumstances out of his control“.<sup>64</sup> Thus, implicitly includes the right to health. Although, the right to health is confirmed by multiple other international human rights treaties<sup>65</sup> and therefore has gained its inalienable legal status under international law.

The Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 14 states the following on the matter:

„Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. The realization of the right to health may be pursued through numerous, complementary approaches, such as the formulation of health policies, or the implementation of health programs developed by the World Health Organization (WHO), or the adoption of specific legal instruments. Moreover, the right to health includes certain components which are legally enforceable.“<sup>66</sup>

Hence, it can be concluded that the right to health is justiciable. Moreover, it is more commonly included in national constitutional rights than right to food.<sup>67</sup>

### **2.3.2 State responsibility**

The international human rights law requires progressive realization for all ESC rights.<sup>68</sup> Thus recognize that it cannot be realized rapidly but requires consistent progress and if there is no progress,

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<sup>64</sup> See § 25, Universal Declaration of Human Rights, 10 December 1948.

<sup>65</sup> See § 25, Universal Declaration of Human Rights, 10 December 1948.; See § 12, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.; See § 24, Convention on the Rights of the Child, 2 September 1990.; See § 1, Constitution of World Health Organization, 22 July 1946.; See § 12, International Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979.; See § 5 (iv), International Convention on Elimination of All Forms of Racial Discrimination, 4 January 1969.

<sup>66</sup> The Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 14, para 1.

<sup>67</sup> Courtis (2007), *supra nota* 42, 322.

<sup>68</sup> See § 2 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

the state must have an explanation for such.<sup>69</sup> Moreover, since economic and social rights are dependant on the economic and social situation of the state, international law merely binds states to take necessary steps towards the ideal.<sup>70</sup> Therefore, the state's responsibility is to establish health care systems, which are available for all. In addition, the obligations include clean water, sanitation, food, shelter, health-related information, freedom of discrimination, and control spread of diseases.<sup>71</sup>

## 2.4 SDG 4, right to education and justifiability

The SDG 4 targets are to ensure completely free quality primary and secondary education for boys and girls.<sup>72</sup> Ensure access for all women and men to affordable and quality technical, vocational, tertiary education, including university.<sup>73</sup> Enhance literacy and numeracy ability, ensure knowledge of sustainable development, sustainable lifestyles, human rights, and overall ensure better education for all.

### 2.4.1 International instruments

Since the adoption of UDHR and the right to education<sup>74</sup> has been reaffirmed by multiple international treaties: UNESCO Contention against Discrimination in Education, International Convention on Elimination of All Forms of Racial Discrimination (ICERD), International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of a Child (CRC), etc.<sup>75</sup> Thus, imposing state responsibility according to the state responsibility doctrine.<sup>76</sup> The

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<sup>69</sup> Backman G., Hunt P., Khosla R. Jaramillo-Strauss C., Fikre M. B., Rumble C., Pevalin D., Paez D. A., Pineda M. A., Frisancho A., Tarco D., Motlagh M., Farcasanu D. & Vladescu C. (2008). Health Systems and Right to Health: An Assessment of 194 Countries. *The Lancet*: 372 (9655), p 2047-2085.

<sup>70</sup> Tobin J. (2012), *supra nota* 63, 177-178.

<sup>71</sup> *Ibid.*

<sup>72</sup> The Sustainable Development Goals, *supra nota* 27.

<sup>73</sup> *Ibid.*

<sup>74</sup> See § 26, Universal Declaration of Human Rights, 10 December 1948.

<sup>75</sup> Beiter K. D. (2006). *The Protection of the Right to Education by International Law: Including a Systematic Analysis of the Article 13 of the International Covenant on Economic, Social and Cultural Rights*. Leiden, the Netherlands: Martinus Nijhoff Publishers.

<sup>76</sup> Chirwa, D. (2004). The doctrine of state responsibility as potential means of holding private actors accountable for human rights. *Melbourne Journal of International Law*, 5(1), 1-36.

right to education and right to health are more often written into national law<sup>77</sup> as well and therefore are not analyzed in the same length as right to food.

#### **2.4.2 State responsibility**

The state responsibility under respective international treaties is to provide primary education for free and make secondary education available for all.<sup>78</sup> Whereas, the SDG3 goes beyond and aims to make secondary education free for all as well. Furthermore, this shall be provided without discrimination. Thus, the same right to education is stated in different treaties as well in accordance with that group of people, race (ICERD), sex (ICEDAW), children (CRC). According to Beiter „human rights accrue, by definition, to every person“. <sup>79</sup> Although, this does not mean that the right is fundamentally different but special characteristics to the application of the right are added according to the group of people.<sup>80</sup> Thus the state is responsible to implement mechanisms under international law that primary education is free for all and secondary education can be obtained by everyone by „appropriate means“<sup>81</sup>, without discrimination.

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<sup>77</sup> Courtis (2007), *supra nota* 42, 322.

<sup>78</sup> See § 13-14, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>79</sup> Beiter (2006), *supra nota* 75, 87.

<sup>80</sup> *Ibid.*

<sup>81</sup> See § 14, para 2 (b), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

### 3. AGENDA 2030 ACCOUNTABILITY VERSUS HUMAN RIGHTS ENFORCEMENT AND REMEDIES

Accountability for Agenda 2030 is imposed by follow-up and review due to difficulties to agree upon on actual monitoring and accountability framework during the negotiations on Agenda 2030.<sup>82</sup> The accountability was not welcomed by all countries<sup>83</sup> and therefore follow-up and review are conducted by National Voluntary Review (VNR) by the state. Although, the initial aim was to have robust monitoring and accountability framework for Agenda 2030 aligned with existing human rights instruments and state responsibilities.<sup>84</sup> Regardless, now the situation is that the Agenda 2030 does not have an effective accountability framework due to politics and the unwillingness of state parties to impose themselves to true accountability for failure to comply with the Agenda 2030 targets.<sup>85</sup>

However, the fundamental aim of Agenda 2030 is to enhance human rights. When considering enforcement of ESC rights, the Optional Protocol to the ICESCR contains the individual complaint instruments in case of violations of ESC rights.<sup>86</sup> Thus, the Optional Protocol imposes actual accountability for ratifying states. However, generally, ESC rights litigation is more complex than civil and political rights litigation due to the wording of the treaties imposing „immediate realization“ for civil and political rights and „progressive realization“ of the ESC rights. Thus, the violation is more directly identifiable in case of civil and political rights than ESC rights. Whereas ESC rights require analysis to determine the state compliance and identifying the alleged violation. One way to look at it and identify violations can be done by employing indicators.<sup>87</sup> Agenda 2030 consists of indicators for follow-up and review, which can help to assess violations.<sup>88</sup> However, SDG indicators

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<sup>82</sup> Donald, K., & Way, S. (2016). Accountability for the Sustainable Development Goals: A Lost Opportunity? *Ethics & International Affairs*, 30 (2), 201-213.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*, 204.

<sup>85</sup> *Ibid.*, 204-207.

<sup>86</sup> Kalantray, S., Getgen, J. E., & Koh, S. (2010). Enhancing enforcement of economic, social, and cultural rights using indicators: focus on the right to education in the ICESCR. *Human Rights Quarterly*, 32(2), 253-310.; Optional Protocol to the Covenant on Economic, Social and Cultural Rights, 18 June 2008.

<sup>87</sup> Kalantray, Getgen & Koh (2010), *supra nota* 86, 257.

<sup>88</sup> *Ibid.*, 259.

may not be aligned with the treaty obligations. For instance, SDG 3 aims to make secondary education free for all, which is not required by law.

International law provides accountability and redress whereas Agenda 2030 lacks accountability or the ability to provide remedies. Furthermore, Agenda 2030 in the absence of accountability is prone to enhance human rights compliance only in countries that willingly take it seriously, and even in such case in areas which are suitable for the government interest. In addition, when the VNRs are conducted by the states, it will only reveal what the state wants to reveal. In such light Agenda 2030 is weak,<sup>89</sup> even though results of extensive negotiations. Moreover, the law of remedies in general monitoring procedures is subject to merely reviewing in communications.<sup>90</sup> Hence, the ability to obtain justice and remedy is rather achieved through national and regional legal systems, than international legal systems. Hence, remedy for food insecurity is difficult but can be obtained under right to life for example.

Way and Donald made multiple suggestions to increase accountability for Agenda 2030,<sup>91</sup> also based on previous MDGs and created accountability towards them when accountability framework was not established.<sup>92</sup> I agree with two of them, a vice-versa monitoring for SDG reporting, where VNRs would be reviewed in respective UN Treaty Bodies and Universal Periodic Reviews (UPRs) could include SDG reporting and vice-versa (later referred to as „vice-versa reporting“), thus integrate the two and create coherence between the law and Agenda 2030.<sup>93</sup> In addition, they suggest that the National Human Rights Institutions could play a role in monitoring and therefore create accountability towards SDG implementation.<sup>94</sup> I agree with these suggestions for creating accountability within the scope of human rights treaties, since the Agenda 2030 accountability framework, is insufficient to achieve the goals. Whereas, by legal means, accountability and enforcement is established, at least to some extent, for ESC rights. In addition, national human rights institutions, at least when established according to Paris Principles,<sup>95</sup> could enhance ESC rights compliance, and could participate in

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<sup>89</sup> Williams C. & Hunt P. (2017). Neglecting human rights: accountability, data and Sustainable Development Goal 3, *The International Journal of Human Rights*, 21:8, 1114-1143.

<sup>90</sup> Shelton D. (2015). *Remedies in International Human Rights Law*. (3rd ed.) Oxford, UK: Oxford University Press, p 2.

<sup>91</sup> Donald & Way (2016), *supra nota* 82, 207-210.

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.*, 207-208.

<sup>94</sup> *Ibid.*

<sup>95</sup> General Assembly resolution 48/134, Principles relating to the Status of National Institutions (Paris Principles).

reviewing SDG implementation on the national level, and therefore address government for overlooking human rights related issues in SDG implementation. Moreover, human rights advocates can use available information to secure the rights, since international treaties are subject to national legal systems as well in the means of obtaining remedy of litigating for alleged violations is primarily exercised through national legal systems.<sup>96</sup> Such participation in SDG development has better chance to impose accountability through the scope of international law than the agreed follow-up and review framework of Agenda 2030 solely. Moreover, such vice-versa reporting between UN Treaty Body and the state, as well as national human rights institution participation in the reviews, could enhance accountability and inclusion of human rights topics to Voluntary National Reports by using existing human rights mechanisms directly to Agenda 2030 framework. These suggestions' ability to enhance accountability is also analyzed in the next chapter together with respective rights compliance data.

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<sup>96</sup> See Article 3, Optional Protocol to the Covenant on Economic, Social and Cultural Rights, 18 June 2008.; Shelton (2015), *supra nota* 90, 7-9.

## 4. DATA ANALYSIS

The data is collected on state level and is not differentiated to minority groups as SDG indicators are. However, such is adequate for the analyzing over all human right treaty compliance, which the Agenda 2030 ultimately aims to enhance. Although, measurement period is different between rights due to lack of available data.

For the purposes to determine international human rights compliance, Human Rights Measurement Initiative (HRMI) data is used. The HRMI calculates ESC rights compliance scores on national level<sup>97</sup> and is adequate data for analyzing rights compliance influence by SDGs 2, 3 and 4.

The HRMI uses two different assessment standards for income adjusted benchmark: low- and middle-income countries from high-income countries.<sup>98</sup> The benchmark high income adjusted is used for this research for the purposes of measuring rights to 1) food, 2) health and 3) education. Also, it should be noted that the HRMI scores are not based solely on population count enjoying the respective right but a measurement of how well the government is securing respective rights with their resources compered to other states at same per-capita income level.<sup>99</sup> Therefore, a score of 100 percent does not indicate that the whole population enjoys the respective right, but rather that the state is ensuring the right to the best by their available resources.

### 4.1 SDG 2 and right to food data results

The HRMI data on right to food is measured by the percentage of children under 5 stunted and the percentage of the population food secure.<sup>100</sup> In addition, to income adjusted benchmark mentioned above. Unfortunately, complete data was available only for the years 2015-2017 for the right to food.

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<sup>97</sup> Human Rights Measurement Initiative, HRMI ESR Methodology Handbook 2020., p 5-6.

<sup>98</sup> *Ibid.*, 8.

<sup>99</sup> *Ibid.*, 7-8.

<sup>100</sup> *Ibid.*, 10.

Table 5, the Global Average score indicates a two percent decrease during the implementation of Agenda 2030 from 2016 to 2017. Furthermore, the data reveals a drastic decrease in the case of Sierra Leone. In 2016, HRMI measured a 15 percent rate and in 2017 nine percent rate for right to food compliance in Sierra Leone. Also other states for instance, the Philippines had a six percent decrease, Mozambique had an eight percent decrease, Moldova five percent decrease. Based on HRMI data, Agenda 2030 had a malicious start in achieving its targets for SDG 2. Although, progressive realization is a rather slow process and must be noted, that available data for the Agenda 2030 period was limited.

Nonetheless, ratifying states to the international treaties, have had even decades to comply with state responsibility to protect, fulfill, facilitate and provide the right to food.<sup>101</sup> Regardless, the difficulty to ensure access to food persists in some countries, such as Sierra Leone. Factors to Sierra Leone's low score are previous war, high poverty rate, Ebola epidemic, and environmental degrading impacting agriculture and food production.<sup>102</sup>

Furthermore, the Constitution of Sierra Leone does not explicitly include the right to food but does to „adequate means of livelihood“<sup>103</sup> and right to life,<sup>104</sup> which could be understood to include the right to food. Moreover, Sierra Leone's VNR 2017 does not address the right to food or Goal 2 directly. The VNR addresses food insecurity through actions on poverty and environmental degrading which is endangering the population in poverty and rural areas of the country.<sup>105</sup> Although climate change is a factor towards food supply, climate measures have merely an indirect long-term impact on food security. Noting that Sierra Leone's right to food score has decreased drastically during the data measurement period, the state has available resources to respect, protect and fulfill the right also by direct measures. In respect, of appropriate measures required by law, the state should establish also other measures and by the HRMI data it has available resources for such.

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<sup>101</sup> Golay (2009), *supra nota* 31, 14-17.

<sup>102</sup> Voluntary National Review 2016, Sierra Leone.; United Nations, World Food Program, Sierra Leone. Retrieved from <https://www.wfp.org/countries/sierra-leone> , 22 March 2021.

<sup>103</sup> See § 8 (3)(a), Constitution of the Republic of Sierra Leone 1991.

<sup>104</sup> See § 16, Constitution of the Republic of Sierra Leone 1991.

<sup>105</sup> Voluntary National Review 2017, Sierra Leone.

Regarding the suggestion for better accountability meaning national human rights institution participation for SDG development review and the UN Treaty Body vice-versa reporting could have a positive impact on the right to food compliance in Sierra Leone. Regardless, that the Human Rights Council has recognized the limited ability of national human rights institutions to fulfill their tasks,<sup>106</sup> the vice-versa reporting on treaty compliance and SDG development could be beneficial in the case of Sierra Leone, since the SDG 2 is not included in the VNR.<sup>107</sup> Such could improve future VRNs to include SDG 2 and therefore establish also direct measures for the right to food. In addition, national human rights institutions and advocates when participating in follow-ups could address their concerns. By such measures, the Agenda 2030 accountability is established through the scope of international human rights law, thus does not impose any other obligations on the state than existing ones, but also increases the coherence of law and Agenda 2030, regardless if Agenda 2030 targets exceed the scope of the legal state obligations. The UN Treaty Body naturally has competence merely within the scope of the Treaty, which does have similarities with the SDGs. Hence, partially the SDGs do confirm legal obligations.

## **4.2 SDG 3 and right to health data results**

The HRMI measures right to health, by contraceptive use rate, child and adult survival rates and percentage of live birth not low weighted at birth.<sup>108</sup> The data for the right to health compliance global average shows 1% increase between 2011 and 2017, in Table 3. However, such an increase is not much in six years, while some individual countries have been able to show consistent development during the data measurement period. For instance, South Africa and Samoa data show the greatest development on state-level towards the realization of the right to health. Regardless of significant development in South Africa, the respective score in 2017 of 76 percent remains the lowest in Table 2 and therefore is selected for further analysis in order to answer the current research question.

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<sup>106</sup> Human Rights Council, Sixteenth session. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. A/HRC/16/78.

<sup>107</sup> Voluntary National Report 2016, Sierra Leone, *supra nota* 102.; Voluntary National Report 2017, Sierra Leone, *supra nota* 103.

<sup>108</sup> HRMI ESR Methodology Handbook 2020, *supra nota* 97, 10.

In South Africa, the right to health is ensured by the Constitution.<sup>109</sup> Naturally, such secures the right more effectively than not legally binding Agenda 2030. In addition, ICESCR was ratified in 2015, even though signed already in 1994.<sup>110</sup> Although, the right to health compliance score is significantly lower than the global average of 90 percent.

In 2016, Muller argued that sexual orientation impacts access to health care in South Africa due to lack of health professionals education on sexual minorities<sup>111</sup> while the majority, 61 percent, of the general population of South Africa considered homosexuality as not acceptable in 2013.<sup>112</sup> In 2019 the respective number had halved to 33 percent.<sup>113</sup> Thus, general attitudes toward sexual minorities have changed largely during the research period. However, sexual minorities are not the focal point of SDG 3 targets.<sup>114</sup> Even though Agenda 2030 does state the principle of leave no one behind, it does not include all minorities into its targets or all health concerns and therefore the SDG monitoring will be limited to the targets and indicators. Hunt and Williams have also criticized the SDG 3 indicators for being limited and the SDG's ability to measure overall state of the right as prescribed by law.<sup>115</sup> Regardless, South Africa is one of the few countries which has recognized the right to health in its Constitution and has judicial decisions on the matter.<sup>116</sup> In addition, the VRN report from 2019 from South Africa, includes comments on reductions of maternal and child mortality rates while recognizing that the estimated rates remain three times higher than in middle-income countries.<sup>117</sup>

Thus, South Africa has a strong legal foundation to enhance the right to health, and VRN includes SDG 3. Nonetheless, South Africa remains to perform worse than other countries and by the HRMI data has available resources to ensure the right better. Moreover, the state seems well-motivated to

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<sup>109</sup> See § 27, Constitution of the Republic of South Africa, 1996.

<sup>110</sup> United Nations, Treaty Collection: ICESCR. Retrieved from [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en), 5 April 2021.

<sup>111</sup> Muller A. (2016). Health for All? Sexual Orientation, Gender Identity, and the Implementation of the Right to Access to Health Care in South Africa. *Health and Human Rights*, 18(2), 195–208.

<sup>112</sup> Pew Research Center. A global study on societal acceptance of homosexuality 2013. Retrieved from <https://www.pewresearch.org/global/2013/06/04/the-global-divide-on-homosexuality/>, 10 April 2021.

<sup>113</sup> Pew Research Center. A global study on societal acceptance of homosexuality 2019. Retrieved from <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>, 10 April 2021.

<sup>114</sup> The Sustainable Development Goals, *supra nota* 27.

<sup>115</sup> Williams & Hunt (2017), *supra nota* 89, 1130.

<sup>116</sup> Constitution of the Republic of South Africa, 1996; Hoffmann v South African Airways. Constitutional Court of South Africa, Case CCT 17/00 2000, 29 September 2000.; Backman, Hunt, Khosla, Jaramillo-Strouss, Fikre, Rumble, Pevalin, Paez, Pineda, Frisancho, Tarco, Motlagh, Farcasanu & Vladescu (2008), *supra nota* 69, 2047-2085.

<sup>117</sup> Voluntary National Review 2019, South Africa.

enhance the right due to persistent score increase, and therefore UN Treaty Body monitoring under ICESCR including observations on SDG implementation could potentially result into innovative ideas or also on remarks of successful development plans. However, in South Africa's case where the right is enshrined by the Constitution,<sup>118</sup> the national human rights institutions and advocates role has more importance in enforcing the right under national jurisdiction. Although, vice-versa reporting most likely is would not result in any harm either.

### 4.3 SDG 4 and right to education data results

The indicators used by HRMI to measure right to education compliance are net primary school and secondary school enrolment rate and percent of students scoring level 3 or higher on PISA test on mathematics, science, and reading.<sup>119</sup>

Table 3, on a global level, has not developed during the 7 years of data collection. There was a one percent decrease in 2015, which increased in 2016 back to 73 percent, hence it remained the same. However, the Global maximum score reveals more changes. Although, the highest score was before Agenda 2030. Simultaneously, these changes could be explained by PISA scores, which demonstrates merely the quality of education. Thus, in the absence of noticeable development in performance during data measurement, one of the lowest-performing states is selected for further analysis.

Jordan was one of the lowest-performing states and also had a seven percent decrease during data collection from 2010 to 2017 and therefore was selected for analysis. According to UNICEF, , Jordan suffers from inequality to access education, especially from „poor socio-economic backgrounds“, including refugees, and children with disabilities.<sup>120</sup> Furthermore, the educational performance records are low.<sup>121</sup> The highest decrease in data is related to the Syrian refugee crisis and their

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<sup>118</sup> See § 27, Constitution of the Republic of South Africa, 1996.

<sup>119</sup> HRMI ESR Methodology Handbook 2020, *supra nota* 97, 10.

<sup>120</sup> UNICEF, Jordan: Education. Retrieved from <https://www.unicef.org/jordan/education> , 20 April 2021.

<sup>121</sup> *Ibid.*

enrolment rates to school,<sup>122</sup> however, also poverty influences school attendance rates.<sup>123</sup> Although, Jordan does have Strategic Plan to combat issues on education.<sup>124</sup> Moreover, comparing HRMI data to data provided for school enrolment on basic and secondary levels in 2018, Jordan provides a total of 75 percent attendance for years 2015 and 2016.<sup>125</sup> In such regard, the reason for HRMI data showing lower scores could be due to low PISA performances and the quality of education.

While, Jordan's Voluntary National Review from 2017 did not include SDG 4 on education but focused on poverty eradication, economic growth, health, empowerment of women, justice, and climate change.<sup>126</sup> Moreover, in Jordan, the right to education is a constitutional right,<sup>127</sup> however, it does not apply to immigrants, which is discrimination and not in accordance with international principles of the right to education,<sup>128</sup> regardless of ratification of the ICESCR. Initially, it does not seem contradictory that the VNR does not include SDG 3, since there is already a strategy for education.<sup>129</sup> Although, since there is a lack of coherence between international law and national law, SDG3 exclusion from review seems more inappropriate, and accountability for such is called for.

Jordan's rate increased from 2016 to 2017 by 3 percent, which is the highest in Table 3. Nonetheless, the score by HRMI is low, and VNR did not include SDG 4, which contradicts the principle of „leave no one behind“ and the ability of Agenda 2030 to enhance human rights treaty compliance.

In contrast to Jordan, the Korean Republic is a good example of rising from „recipient country to a donor country“,<sup>130</sup> and was selected for additional analysis due to such. The Korean Republic has the highest average score of 98 percent, which has remained high through the data collection period.

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<sup>122</sup> Al-Hawamdeh A., El-Ghali H. A. (2017). Higher Education and Syrian Refugee Students: The Case of Jordan (Policies, Practices, and Perspectives). *The Regional Conference on Higher Education in Crisis Situations: Higher Education in Crisis Situations: Synergizing Policies and Promising Practices to enhance Access, Equity and Quality in the Arab Region*, 28 – 29 March 2017, (5-8) Beirut, Lebanon, United Nations Educational, Scientific and Cultural Organization Regional Bureau for Education.

<sup>123</sup> The Hashemite Kingdom of Jordan, Ministry of Education, Education Strategic Plan 2018-2022, p 1.

<sup>124</sup> *Ibid.*

<sup>125</sup> Education Strategic Plan 2018-2022, *supra nota* 121, 4.

<sup>126</sup> Voluntary National Review 2017, Jordan.

<sup>127</sup> See § 6, 9, 20, Constitution of The Hashemite Kingdom of Jordan 1952.

<sup>128</sup> Al-Dabbas A. (2018). The Right to Education in the Hashemite Kingdom of Jordan. Retrieved from [http://www.nchr.org.jo/Admin\\_Site/Files/PDF/62f4fe6d-8f21-490c-bb1f-809a3027eb8c.pdf](http://www.nchr.org.jo/Admin_Site/Files/PDF/62f4fe6d-8f21-490c-bb1f-809a3027eb8c.pdf) , 2 May 2021, p 5-6.

<sup>129</sup> Voluntary National Review 2017, Jordan, *supra nota* 124.

<sup>130</sup> UNICEF, Info by Country, Korean Republic. Retrieved from [https://www.unicef.org/infobycountry/repkorea\\_13421.html](https://www.unicef.org/infobycountry/repkorea_13421.html) , 20 April 2021.

Although, it decreased from 98 percent to 91 percent between 2014 and 2015, just before Agenda 2030 took place. In addition, it has remained at 91 percent between 2015 to 2017. Regardless, the state performs well in regards of the right to primary and secondary education for all.

The Korean Republic has experienced vast economic growth and educational development before the data selection period, and therefore data shows merely good results in Table 3. Furthermore, in the Korean Republic requires school enrolment from ages 6 to 15 whereas in Jordanian educational system is not as strong and enrolment to school is weak due to socio-economic reason and such, whereas similar issues does not exist in the Korean Republic. The enrolment rate in the Korean Republic for primary school is 99.9 percent<sup>131</sup> and for secondary school is 98 percent.<sup>132</sup> Therefore, in Jordan, the emphasis is on developing school enrolment rates by improving the socio-economic status of families and in the Korean Republic the emphasis is on improving the socio-economic status of teachers.<sup>133</sup> By the example of the Korean Republic, the economic state of the nation has significant influence over the right to education. Hence Agenda 2030 SDGs on economic growth may result in better education systems, regardless of the HRMI data includes available resources to rate calculation and in such perspective, vice-versa UN Treaty Body reporting in the means of ICESCR scope on the right and SDG implementation Jordan could benefit from it. In addition, since secondary school enrolment rates are lower than primary education, national human rights institutions participating in SDG implementation reviews could potentially direct government measures to increase the rates.

#### **4.4 Environmental rights perspective to data results**

Does Agenda 2030 present the potential to influence human rights compliance in a respective settings where environmental degradation endangers the right to food and health? Maybe. Agenda 2030 is not a legal instrument, hence it cannot provide a remedy, and human rights as environmental rights are a

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<sup>131</sup> The Republic of Korea, Ministry of Education, Education system, Primary school. Retrieved from <http://english.moe.go.kr/sub/info.do?m=020102&s=english> , 20 April 2021.

<sup>132</sup> World Bank, Data, School enrollment, secondary (% net) - Korea, Republic. Retrieved from <https://data.worldbank.org/indicator/SE.SEC.NENR?locations=KR> , 20 April 2021.

<sup>133</sup> The Republic of Korea, Ministry of Education, *supra nota* 129.

relatively new concept,<sup>134</sup> and is constantly developing by court cases. Although, Agenda 2030 may further develop the idea of environmental rights due to the inclusion of environmental preservation and human rights realization. Furthermore, the SDG 3 includes target on reducing air, water, and soil pollution-related illnesses and deaths.<sup>135</sup> Thus, the Agenda 2030 may integrate human rights and environmental preservation by implicitly including the concept of environmental rights, which by long term may salvage agriculture in Sierra Leone. However, when climate change impacts agriculture and right to food, the state liability is a complex question. European Court of Human Rights has ruled multiple cases on, so to say, environmental rights.<sup>136</sup> However, not on the right to food.<sup>137</sup> Moreover, in the case of Sierra Leone, we must look at African Court on Human and Peoples Rights, and most cases on the right to food and environment seem to be related to indigenous peoples' lands.<sup>138</sup> Therefore, environmental degradation and prevention of the degradation has been held as a violation of human rights, even though if subject to indigenous peoples' land.<sup>139</sup> Regardless, the regional case law is developing towards securing lively hoods by securing the environment.

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<sup>134</sup> Collins (2018), *supra nota* 24, 78.; SERAC, Center for Economic and Social Rights v. Nigeria, African Commission on Human and People's Rights, No. 155/96, 27 May 2001.

<sup>135</sup> The Sustainable Development Goals, *supra nota* 27.

<sup>136</sup> European Court of Human Rights (April 2021), Factsheet – Environment and the ECHR.

<sup>137</sup> *Ibid.*

<sup>138</sup> Golay (2009), *supra nota* 31, 41-42; SERAC, Center for Economic and Social Rights v. Nigeria, *supra nota* 132.

<sup>139</sup> *Ibid.*

## 5. DISCUSSION

Does Agenda 2030 have the potential to enhance overall social rights treaty compliance on the state level? What is the main legal problem and how such can be resolved from Agenda 2030 perspective? The main problem of Agenda 2030 potential to influence positively rights compliance is the lack of accountability towards SDG implementation and achievement. Failure to implement or even include all SDGs, even if such seems greatly needed, can be seen from VNRs by some states.<sup>140</sup> If some SDGs are excluded from VNRs, such as in the case of Sierra Leone,<sup>141</sup> there is no accountability for the exclusion. Although other focal points of the Sierra Leone VNR do also influence the right to food,<sup>142</sup> it seems inappropriate to implement SDG 2 merely so. Especially, when the right compliance score is as low as in the case of Sierra Leone in Table 1. The state struggles with the right to food compliance due to multiple reasons,<sup>143</sup> however, HRMI data suggests that the state does have resources to do better. Since, the right to food is enshrined by ICESCR,<sup>144</sup> to increase accountability to act in respect of SDG 2, the Agenda 2030 reviews could be integrated into treaty compliance reviews and concluding observations by the respective Treaty Body. Even though the SDGs or Agenda 2030 are not legally binding,<sup>145</sup> due to the fact that there is a connection to ICESCR, the respective Treaty Body may review actions from the light of Article 11 of the ICESCR.<sup>146</sup> Such does not expose any other obligations on the state due to Agenda 2030, it merely confirms the existing right to food under international law.<sup>147</sup> In addition, it would create accountability for Agenda 2030 in the light of ratified Article 11 and „appropriate steps to ensure the realization of the right“.<sup>148</sup> Sierra Leone could benefit from such vice-versa reporting since it could increase SDG 2 inclusion to Agenda 2030 reviewing process by the state. In addition, if national human rights institutions would actively participate to the

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<sup>140</sup> Voluntary National Review 2016, Sierra Leone, *supra nota* 102.; Voluntary National Review 2017, Sierra Leone, *supra nota* 103.; Voluntary National Review 2017, Jordan, *supra nota* 124.

<sup>141</sup> Voluntary National Review 2016, Sierra Leone, *supra nota* 102.; Voluntary National Review 2017, Sierra Leone, *supra nota* 103.

<sup>142</sup> *Ibid.*

<sup>143</sup> Voluntary National Review 2016, Sierra Leone *supra nota* 102.; United Nations, World Food Program, Sierra Leone, *supra nota* 103.

<sup>144</sup> See § 11, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>145</sup> The Sustainable Development Agenda, Frequently Asked Questions, *supra nota* 6.

<sup>146</sup> See § 11, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>147</sup> See § 11, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>148</sup> See § 11 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

review process, it could also increase SDG 2 inclusion in government policies by claiming to state obligations under international law. Moreover, it could lead to implementation of immediate measures to help the ones in need currently instead of merely long-term measures,<sup>149</sup> which do have influence over right enjoyment as well but solely seem incompetent to address right to food. Although, the state obligation is to „take appropriate steps“,<sup>150</sup> and most commonly the violation of the right is seen by courts as a violation of the right to life.<sup>151</sup> When the HRMI score for treaty compliance is nine percent, there must be resources to implement other measures as well than currently implemented under Agenda 2030.

In respect of the right to health and education, they are more commonly regulated also in national legislation than the right to food.<sup>152</sup> The rights to health and education are therefore a bit more developed in terms of a clear statutory basis. Data regarding the right to health had globally remained quite the same in Table 2, except for one percent increase in 2016 from 2015. In respect of gradual increase in right compliance, data for South Africa increased every year by at least one percent. This can be identified as a successful progressive realization of the right,<sup>153</sup> due to a total of seven percent increase during data collection period of seven years in Table 2. Moreover, South Africa has included the right to health in its constitution,<sup>154</sup> which supports the claim that the right to health is more commonly included in national legislation than right to food. In contrast to SDG 2 and Sierra Leone, South Africa had included SDG 3 in their VNR.<sup>155</sup> Thus, South Africa is more willing and legally obligated to address respective right, even without accountability from Agenda 2030. Regardless, South Africa had the lowest score in 2017 in Table 2 and was selected for further analysis. Even though, right to health is a constitutional right in South Africa,<sup>156</sup> the state may benefit from the vice-versa reporting model with SDG 3 implementation review and UN Treaty Body review cycle combination within the light of Article 12 of the ICESCR.<sup>157</sup> South Africa is yet not on the global

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<sup>149</sup> Voluntary National Review 2016, Sierra Leone, *supra nota* 102.; Voluntary National Review 2017, Sierra Leone, *supra nota* 103.

<sup>150</sup> See § 11 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>151</sup> Courtis (2007), *supra nota* 42, 328-329.

<sup>152</sup> *Ibid.*, 322.

<sup>153</sup> See § 2 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>154</sup> See § 27, Constitution of the Republic of South Africa, 1996.

<sup>155</sup> Voluntary National Review 2019, South Africa, *supra nota* 115, 38-41.

<sup>156</sup> *Ibid.*

<sup>157</sup> See § 12, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

average level on the right compliance, hence the right is not realized in full and should therefore be subject to treaty body reviews as well. In addition, national human rights institutions could also contribute towards the right's full realization while the state's population remains to have discriminatory views on sexual minorities, which may affect access to health within such minority group, as Muller had argued in her article that health care providers obtain such sexual discriminatory opinions,<sup>158</sup> which falls within the immediate realization scope of social rights.<sup>159</sup> Whereas, human rights advocates may bring proceedings in cases where such discrimination deprives access to health care. Although, such may not have any connections to Agenda 2030 or its implementation. However, SDG 3 reviews from the light of Article 12 is an important solution to enhance right compliance, whereas Agenda 2030 currently is weak to enhance without a sufficient degree of accountability,<sup>160</sup> hence such could be enforced within the scope of international or national law.

Right to education data did not show global process during the data collection period, except one percent decrease and increase in 2015 and 2016. Moreover, Jordan was selected for further analysis in contrast to the Korean Republic which performed well throughout the data collection. In Jordan, the right to education is a constitutional right,<sup>161</sup> however, it does not apply to immigrants,<sup>162</sup> which is discrimination and not in accordance with international principles of the right to education,<sup>163</sup> regardless of ratification of the ICESCR.<sup>164</sup> Thus, the HRMI score is low due to above mentioned legislative reasons<sup>165</sup> influencing the access to education for other than Jordanians, in addition to other issues in providing education for all.<sup>166</sup> Since, the constitution and international standards for the right to education are not in harmony,<sup>167</sup> Jordan would benefit from the vice-versa review reporting on SDG 4 implementation and treaty compliance between the UN and the state. Regardless, that the SDG 4

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<sup>158</sup> Muller (2016), *supra nota* 109, 202.

<sup>159</sup> Kalantry, Getgen & Koh (2010), *supra nota* 86, 257.

<sup>160</sup> Williams & Hunt (2017), *supra nota* 89, 1116.

<sup>161</sup> See § 6, 9, 20, Constitution of The Hashemite Kingdom of Jordan 1952.

<sup>162</sup> *Ibid.*; Al-Dabbas (2018), *supra nota* 126, p 5-6.

<sup>163</sup> Al-Dabbas (2018), *supra nota* 126, 5-6.

<sup>164</sup> Ratification Status for CESC – International Covenant on Economic, Social and Cultural Rights. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CESCR&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CESCR&Lang=en) , 9 May 2021.

<sup>165</sup> See § 6, 9, 20, Constitution of The Hashemite Kingdom of Jordan 1952.; Al-Dabbas (2018), *supra nota* 126, 5-6.

<sup>166</sup> UNICEF, Jordan: Education, *supra nota* 121.; Education Strategic Plan 2018-2022, *supra nota* 124, 1.; Al-Hawamdeh, El-Ghali (2017), *supra nota* 120, 5-8.

<sup>167</sup> Al-Dabbas (2018), *supra nota* 126, 5-6.

indicators aim to make secondary education free for all<sup>168</sup> whereas the ICESCR requires secondary education as available for all,<sup>169</sup> the vice-versa reporting should be executed in the light of Article 13 of the ICESCR<sup>170</sup> and address current measures to amend the right to education in accordance with ICESCR.<sup>171</sup> In addition, if such accountability could be increased through existing treaty obligations Jordan would be more likely to include SDG 4 in their VNR as well, if it is reported also to the respective Treaty Body and includes treaty compliance review. In addition, residents of Jordan may benefit from national human rights institutions participation in SDG review and who could claim measures to address issues related to access to education.

To conclude and answer the research questions, Agenda 2030 is designed to be widespread in its implementation and in such regard has the potential to engage levels of the society<sup>172</sup> to enhance social rights compliance, and may have the potential to enhance the rights conditionally. While demonstrated by data analysis, the economic status of the state has influence over social rights enjoyment as well and therefore the SDGs regarding economic growth may influence also the human rights related SDGs, namely SDGs 1-6 and 8 on poverty, hunger, health, education, gender equality, clean water and sanitation and work.<sup>173</sup> Although, this research focused on rights to food, health, and education, and the previous claim is made based on analysis regarding those and requirements to ensure ESC rights to the „maximum of available resources“.<sup>174</sup> By raising available resources Agenda 2030 could enhance social rights compliance on the state level. However, by the means of SDGs 2, 3 and 4, the potential to influence the rights is subject to lack of accountability,<sup>175</sup> which undermines the potential of Agenda 2030 to enhance social rights. Participating states are reviewing implementation themselves and implementation is subject to state will to implement and therefore also political interests of the states. Thus, lack of accountability is the greatest issue of Agenda 2030,

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<sup>168</sup> The Sustainable Development Goals, *supra nota* 27.

<sup>169</sup> See § 13 (2 (b)), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>170</sup> See § 13, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>171</sup> See § 13, International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>172</sup> Addis Ababa Action Agenda 2015, *supra nota* 4.; United Nations, Department of Economic and Social Affairs, *supra nota* 12.

<sup>173</sup> The Sustainable Development Goals, *supra nota* 27.

<sup>174</sup> See § 2 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

<sup>175</sup> Williams & Hunt (2017), *supra nota* 89, 1116.; Donald & Way (2016), *supra nota* 82, 202.; Beisheim, M. (2015). Reviewing the post-2015 sustainable development goals and partnerships: a proposal for a multi-level review at the high-level political forum. *SWP Research Paper, 1/2015*. Berlin: Stiftung Wissenschaft und Politik -SWP- Deutsches Institut für Internationale Politik und Sicherheit., p 9.

since the Agenda is not legally binding. Furthermore, it could increase accountability when international law is applied where the law is aligned with the SDGs.

All the example states could benefit from the suggested review model which includes treaty obligations to SDG implementation,<sup>176</sup> when treaty obligations and SDG targets are aligned. Such would increase the SDG implementation accountability<sup>177</sup> from the legal perspective. Currently, Treaty Bodies are concluding their observations separately from Agenda 2030 and SDG reviews do not have a sufficient accountability framework to achieve the Goals. Although, some of the targets are not coherent with international legal obligations and those may be left for the states to interpret. Nonetheless, partially the SDGs are enforceable according to existing legal obligations. In addition, active participation of national human rights institutions in reviewing of the SDGs<sup>178</sup> could enhance the inclusion of human rights related SDGs to the VNRs, whereas human rights advocates may create accountability<sup>179</sup> in the absence of steps or measures taken towards the progressive full realization of the right.<sup>180</sup> Hence, use the current law to create accountability for SDGs when within the scope of law. Thus, Agenda 2030 could enhance social rights compliance in states and solve its main issue to achieve the Goals.

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<sup>176</sup> Donald & Way (2016), *supra nota* 82, 207-208.

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid.*

<sup>180</sup> See § 2 (1), International Covenant on Economic, Social and Cultural Rights, 3 January 1976.

## CONCLUSION

The implementation of the SDGs is designed to be widespread and reach every level of the society in the public and private sector to reach goals by united effort and respect to the principle „leave no one behind“. In addition, international human rights law establishes state obligations on treaty-ratifying states. Although, the SDGs may not be completely coherent with legal state obligations, the SDGs address multiple issues relevant to the human rights treaties. However, Agenda 2030 lacks accountability from a human rights perspective, and when there is merely follow-up and review, there is no true obligation for states to implement or achieve the Goals. Hence, the main problem of Agenda 2030 is the lack of accountability, due to politics in negotiations of the Agenda 2030.

The right to food justiciability is rather a more argued topic than the justiciability of rights to health or education, which are more commonly enshrined by national constitutions. Regardless, some scholars argue for its justiciability and there are court cases to support such as well, even if under a violation of the right to life. Fundamentally, the right to food is interconnected with the right to life, and in such case of the interconnectivity of the right, may in fact even create more possibilities for its litigation. Nonetheless, all these social rights are enshrined by international human rights treaties and impose state responsibilities to progressively realize the right. Hence, requires appropriate measures through positive and negative obligations by the state to take steps towards realizing the right.

Although, the HRMI data collected with the high-income adjusted benchmark, measuring state compliance in respect of what other states have been able to do with similar per-capita, is adequate to measure state compliance in the means of realizing the right to the maximum with available resources of the state. The data results show varying results for rights compliance within states and more commonly on the global average, the right compliance score has rather remained the same or even worse during the start of Agenda 2030 implementation. Moreover, the right to food score decreased globally by three percent during the data collection period, indicating a malicious start for SDG 2. In addition, Sierra Leone's compliance score decreased from 15 percent to nine percent. Found reasons for such were related to poverty, environmental degradation, previous war, and a health epidemic. Regardless of such a low score, Voluntary National Reviews by the state for respective years did not include SDG 2, although poverty, economic growth, and climate change were included. However,

these measures have a long-term impact on the right to food, HRMI data suggests that also direct measures to help the ones in immediate need could be done. The state could potentially benefit from suggested measures to create better accountability by Agenda 2030, through legal means.

In addition, South Africa had the lowest score for the right to health, although the right is a constitutional right in South Africa. The score in 2017 was the lowest, even though the state also gradually increased its score through the data collection period and therefore was selected for further analysis. Regardless, of the legal status of the right in South Africa, one of the reasons for the low score was found to be related to at least some extent to discrimination against sexual minorities. Even though the constitutional right is aligned with international standards by ensuring access to health care for all. In addition, child and maternal mortality rates also remained three times higher than in other middle-income countries. Even though in the case of South Africa, the right compliance was gradually increasing, the state could benefit from increased accountability towards the Agenda 2030 through existing legal measures combined with SDG reviews, within the scope of the law.

Regarding the right to education, Jordan received one of the lowest scores and was selected for further analysis and respective accountability increasing method. In addition, the score for Jordan decreased by seven percent during the data collection period, confirming the choice for further analysis. In contrast to the Korean Republic who had one of the best results in Table 3, Jordan suffers from a weak quality of education, and the constitutional right to education is not aligned with international standards, leading to discrimination against asylum seekers or immigrants. Furthermore, in contrast to the Korean Republic, Jordan struggles with poverty rates influencing primary and secondary education enrolment rates, whereas in the Korean Republic primary and secondary school enrolment rates are almost 100 percent. Hence, Jordan could benefit from the given solution to increase Agenda 2030 accountability by using existing human rights law to support respective SDG 4 implementation, when the SDG 3 is aligned with treaty obligations.

Without accountability, the data results vary greatly between states and will continue to vary in the future. Furthermore, the current data does not prove whether Agenda 2030 has the potential to enhance social rights compliance, noting that the data was limited to provide such determination. In addition, the data is from the state level and not specifically between genders or minority groups as the SDG indicators are, the data used in this research provides an overall result of respective rights compliance

in the respective state. This being said, the SDG implementation at the state level is also influenced by the respective state's current government policy and the state's willingness to take reviews of SDG development seriously or include relevant SDGs in the review. Whereas the rights to food, education, and health are proven justiciable and can be enforced, Agenda 2030 cannot. Therefore, the Agenda 2030 accountability framework from human rights law perspective is incompetent to achieve its aim.

Hence, as a solution for these issues, national human rights institutions and advocates should participate in SDG reviews with the state and actively promote the social rights realization methods. In addition, UN Treaty Body reports and concluding observations could include SDG review within the scope of respective legal rights. Such could increase the accountability for Agenda 2030 at least partially in the scope of existing human rights law. Mere failure to achieve the Goals does not result in a human rights violation, but by the suggested framework of increased accountability, alleged violations can be identified also through SDG implementation and review by the UN Treaty Body of by the national human rights institutions and advocates. Moreover, when the SDGs are coherent with international human rights, such as free primary education for all, or the right to be free from hunger, or the right to the highest attainable health. Thus, the SDG implementation also means appropriate measures to realize the respective right within the meaning of international human rights treaties. Therefore, the combined review mechanism does not impose any new obligations on states but rather confirms the existing state obligations through Agenda 2030, while increasing the ability of the Agenda to enhance social rights treaty compliance in the future. Currently, in such form of implementation and follow-up and review framework Agenda 2030 may merely enhance rights within states which willingly want to address respective SDGs and is most likely to receive various results from states and not achieve the Goals. Although, by integrating existing human rights mechanisms to the Agenda 2030, the potential increases due to increased accountability of realizing the rights, and therefore the Agenda 2030 could potentially enhance international human rights treaty compliance.

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## APPENDICES

### Appendix 1. Table 1.

Table 1. HRMI high income adjusted right to food score (%)

Country	2015	2016	2017	Average
Afghanistan	93	85	76	85
Albania	63	63	63	63
Angola	35	35	35	35
Argentina	84	76	69	77
Armenia	76	71	69	72
Australia	88	86	85	86
Austria	96	97	98	97
Bangladesh	84	84	84	84
Belgium	91	90	89	90
Bosnia and Herzegovina	96	95	97	96
Botswana	36	30	27	31
Bulgaria	90	91	92	91
Burkina Faso	100	100	100	100
Cambodia	61	65	64	63
Cameroon	43	35	31	36
Canada	97	97	97	97
China	99	97	95	97
Costa Rica	82	82	80	81
Croatia	98	97	96	97
Czech Republic	97	98	100	98
Denmark	96	96	96	96
Ecuador	81	81	81	81
Egypt, Arab Rep.	76	70	67	71
El Salvador	61	64	64	63
Estonia	93	94	94	94

Finland	91	93	93	92
France	95	96	96	95
Georgia	73	71	69	71
Germany	99	99	99	99
Ghana	58	58	57	57
Greece	86	85	85	85
Guatemala	60	58	59	59
Guinea	38	36	32	36
Honduras	53	55	56	55
Hong Kong SAR, China	92	94	95	94
Hungary	92	94	95	94
Iceland	95	94	94	94
Ireland	88	93	93	91
Israel	94	94	93	94
Italy	94	95	95	95
Japan	100	100	100	100
Kazakhstan	97	96	94	96
Kenya	53	53	52	53
Korea, Rep.	98	98	97	98
Kyrgyz Republic	98	97	94	96
Latvia	93	93	93	93
Lesotho	22	22	23	22
Liberia	39	46	43	43
Lithuania	88	90	91	90
Luxembourg	95	97	98	97
Malawi	85	87	78	84
Mauritius	91	87	84	87
Mexico	74	73	74	74
Moldova	90	87	82	86
Mongolia	84	78	76	79
Montenegro	91	93	92	92
Mozambique	100	97	89	95
Namibia	32	31	30	31
Nepal	97	95	91	94
Netherlands	96	96	98	97
New Zealand	90	89	86	88
Niger	100	100	100	100
Nigeria	70	70	70	70
North Macedonia	91	92	92	92
Norway	96	96	96	96
Philippines	58	55	49	54

Poland	95	98	98	97
Portugal	86	87	91	88
Romania	84	86	88	86
Russian Federation	95	95	98	96
Serbia	94	93	93	93
Seychelles	88	88	88	88
Sierra Leone	35	15	9	20
Singapore	100	99	97	98
Slovak Republic	98	99	99	98
South Africa	55	52	49	52
Spain	95	95	95	95
St. Lucia	82	82	82	82
Sweden	98	97	96	97
Switzerland	98	98	100	99
Tajikistan	100	99	90	97
Tanzania	48	38	35	40
Togo	67	59	59	62
United Kingdom	91	94	97	94
United States	88	89	90	89
Uruguay	82	80	77	80
Vietnam	94	94	95	95
Global average	82	81	79	81

Source: Human Rights Measurement Initiative (2020), [rightstracker.org](https://rightstracker.org)

## Appendix 2. Table 2.

Table 2. HRMI high income country right to health score (%)

Country	2011	2012	2013	2014	2015	2016	2017	Average
Albania	98	98	98	99	99	99	99	98
Algeria	93	93	93	93	93	93	-	93
Antigua and Barbuda	92	92	92	92	92	92	92	91
Argentina	90	91	91	91	91	92	92	91
Armenia	93	93	94	94	94	94	94	93
Australia	94	94	94	94	93	93	93	94
Austria	92	92	92	93	93	93	94	92
Azerbaijan	87	87	87	88	88	89	-	87
Bahamas, The	81	81	81	82	82	82	82	81
Bahrain	-	88	88	88	88	88	88	88
Barbados	89	89	89	89	89	89	89	88
Belarus	89	91	91	92	92	93	93	91
Belgium	92	92	92	92	92	92	92	92
Belize	89	89	89	89	89	90	90	89
Bosnia and Herzegovina	97	97	97	97	97	97	97	97
Botswana	73	74	75	76	77	79	80	74
Brazil	89	89	89	89	90	90	90	89
Brunei Darussalam	77	77	77	78	78	78	78	78
Bulgaria	90	90	90	90	90	90	90	90
Canada	93	93	93	93	93	93	93	93
Chile	94	94	94	94	94	94	94	94
China	96	96	96	96	96	97	97	96
Colombia	89	89	89	89	89	89	90	89
Costa Rica	95	94	94	94	94	94	94	95
Croatia	95	95	95	96	96	96	96	95
Cyprus	89	89	90	90	90	90	90	89
Czech Republic	92	91	92	92	92	92	92	92
Denmark	93	94	94	94	95	95	95	94
Dominican Republic	86	86	86	86	86	86	86	86
Ecuador	92	92	92	92	92	92	92	92
Estonia	93	93	94	93	94	94	95	93
Fiji	90	90	90	90	90	90	90	90
Finland	95	96	96	96	97	97	97	96
France	92	91	92	92	92	92	92	92

Georgia	94	93	93	93	93	93	93	93
Germany	92	92	92	93	92	93	93	92
Greece	91	92	93	92	92	92	92	91
Grenada	91	91	91	91	91	91	91	91
Guatemala	88	88	88	88	89	89	89	88
Guyana	84	84	84	84	84	84	85	84
Hungary	88	89	89	89	89	89	89	88
Iceland	99	98	98	98	97	97	98	98
Iran, Islamic Rep.	91	92	92	92	93	92	92	92
Iraq	83	82	82	83	83	83	83	82
Ireland	94	94	94	94	93	93	93	94
Israel	93	93	93	93	93	94	94	93
Italy	94	94	94	94	94	94	94	94
Jamaica	91	91	91	91	91	91	91	90
Japan	90	91	91	91	91	91	91	91
Jordan	90	90	90	90	90	90	91	90
Kazakhstan	86	85	86	87	88	88	89	86
Korea, Rep.	95	95	95	95	95	95	95	95
Kuwait	86	86	86	87	87	87	88	86
Latvia	91	91	91	92	92	92	92	91
Lebanon	92	93	93	93	93	93	93	93
Lithuania	90	90	90	91	91	91	91	90
Luxembourg	89	90	89	91	91	90	91	90
Malaysia	87	87	87	87	87	87	87	87
Maldives	93	93	93	93	93	93	93	91
Malta	94	94	94	94	94	94	94	95
Mauritius	85	85	85	-	-	-	-	86
Mexico	93	93	93	93	93	93	93	93
Montenegro	97	96	96	96	96	96	96	96
Namibia	72	73	74	75	75	76	77	72
Nauru	81	77	77	76	77	77	77	78
Netherlands	93	94	93	94	94	94	94	93
New Zealand	94	94	94	94	94	94	94	94
North Macedonia	96	96	96	95	95	96	96	95
Norway	95	95	95	96	96	95	96	95
Oman	85	85	85	85	85	86	86	84
Palau	89	87	87	83	83	-	-	87
Panama	90	89	89	89	90	90	90	90
Paraguay	92	92	92	92	92	92	92	91
Peru	92	93	93	93	93	93	93	92
Poland	92	92	92	93	93	93	93	92

Portugal	92	92	92	92	92	92	92	92
Qatar	85	85	85	85	86	86	86	85
Romania	90	90	90	90	90	90	90	90
Russian Federation	84	85	85	85	86	86	86	85
Samoa	92	96	96	96	96	97	97	94
Saudi Arabia	-	86	86	86	86	87	87	86
Serbia	94	94	94	95	95	95	95	94
Singapore	87	87	87	88	88	88	88	89
Slovak Republic	89	90	90	90	90	90	90	90
Slovenia	94	94	94	95	95	95	94	94
South Africa	69	71	72	73	74	75	76	70
Spain	93	93	94	94	93	93	93	93
Sri Lanka	89	89	89	89	89	89	89	89
St. Lucia	89	89	89	89	90	90	90	89
St. Vincent and the Grenadines	89	89	89	89	89	89	89	89
Suriname	83	83	83	83	84	84	84	84
Sweden	97	97	97	97	97	97	97	97
Switzerland	93	93	93	93	93	93	94	93
Thailand	88	88	88	88	88	88	88	88
Tonga	96	96	96	96	96	96	97	96
Trinidad and Tobago	78	78	78	78	78	79	79	78
Turkey	88	89	89	89	89	90	90	89
Turkmenistan	86	86	86	86	86	86	86	86
United Arab Emirates	91	91	91	91	91	91	91	91
United Kingdom	92	93	93	93	93	92	92	92
United States	86	86	86	86	86	85	85	86
Uruguay	91	91	91	91	92	92	92	91
Venezuela, RB	88	88	88	88	88	88	89	88
Global average	90	90	90	90	90	91	91	90

Source: Human Rights Measurement Initiative (2020), rightstracker.org

### Appendix 3. Table 3.

Table 3. HRMI high income countries right to education score (%)

Country	2010	2011	2012	2013	2014	2015	2016	2017	Average
Albania	51	51	-	60	61	62	61	61	57
Argentina	-	-	56	56	57	57	58	58	57
Australia	-	-	-	-	-	83	82	82	82
Austria	75	75	78	78	78	77	77	77	77
Belgium	85	85	85	85	86	84	84	84	85
Brazil	53	53	50	53	53	55	55	55	53
Bulgaria	67	68	70	72	72	72	71	71	69
Canada	-	-	88	88	87	88	92	93	89
Chile	64	64	62	64	64	67	67	67	65
Colombia	52	53	49	50	49	54	55	55	52
Costa Rica	-	-	55	56	56	55	56	55	55
Croatia	80	80	82	81	81	78	78	78	80
Cyprus	-	-	70	70	71	68	68	68	69
Czech Republic	80	80	83	82	82	80	81	80	81
Denmark	81	81	81	81	80	82	82	83	81
Dominican Republic	-	-	-	-	-	38	38	39	38
Estonia	90	90	92	93	93	92	92	92	91
Finland	95	95	90	91	91	90	91	91	93
France	83	83	83	83	83	82	83	83	83
Georgia	-	-	-	-	-	67	68	69	68
Greece	78	78	77	77	75	74	74	75	75
Hong Kong SAR, China	86	85	93	92	92	88	89	91	88
Hungary	84	84	80	81	81	77	77	77	81
Iceland	81	80	76	76	76	75	75	76	77
Indonesia	44	47	47	48	48	50	50	50	48
Ireland	85	85	90	90	90	86	86	87	87
Israel	77	77	81	81	81	80	80	80	78
Italy	82	81	81	82	82	81	81	80	80
Jordan	58	56	55	52	51	54	54	51	55
Kazakhstan	59	59	60	60	61	62	62	63	61
Korea, Rep.	97	98	97	98	98	91	91	91	95
Latvia	83	83	84	85	85	82	83	83	83
Lithuania	83	83	83	83	83	80	80	80	82
Luxembourg	65	65	66	66	66	63	63	62	64

Macao SAR, China	63	63	65	64	65	72	75	77	67
Malaysia	-	-	52	52	51	50	50	51	51
Malta	-	-	-	-	-	73	73	73	73
Mexico	52	52	50	52	53	54	55	55	52
Moldova	-	-	-	-	-	82	82	82	82
Montenegro	-	-	-	-	-	-	63	63	63
Netherlands	83	83	85	85	85	83	84	83	84
New Zealand	-	-	-	86	86	85	86	86	86
North Macedonia	-	-	-	-	-	50	-	-	50
Norway	81	81	79	80	80	82	82	82	81
Peru	50	51	48	50	50	53	55	56	51
Poland	86	85	90	91	91	86	87	87	87
Portugal	77	77	77	82	82	84	85	85	79
Qatar	48	48	49	49	49	52	52	52	46
Romania	-	-	-	-	65	63	62	62	61
Russian Federation	-	-	-	79	80	83	83	82	81
Serbia	-	-	75	75	74	75	75	74	75
Singapore	-	-	-	-	-	-	94	95	94
Slovak Republic	78	78	74	73	73	71	71	71	75
Slovenia	84	84	84	85	85	89	88	88	86
Spain	79	79	80	81	81	82	83	84	80
Sweden	81	80	77	78	80	85	84	84	82
Switzerland	79	79	78	79	80	76	77	76	78
Thailand	56	57	60	60	61	54	54	54	57
Trinidad and Tobago	54	54	54	54	54	-	-	-	54
Turkey	67	69	68	71	71	60	60	61	65
United Arab Emirates	-	-	-	-	-	-	57	61	59
United Kingdom	85	83	82	84	86	85	85	85	84
United States	77	78	76	76	76	76	77	77	76
Uruguay	57	57	52	52	55	61	61	64	57
Global average	73	73	73	73	73	72	73	73	73
Grand Max	97	98	97	98	98	92	94	95	98

Source: Human Rights Measurement Initiative (2020), rightstracker.org

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