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# Spotlight Reports: A Missing Link for Accountability at the High-Level Political Forum

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The 2012 United Nations Conference on Sustainable Development (the Rio+20 Conference) established the mandate of the High-Level Political Forum, (HLPF) via Resolution 66/288, which laid the ground for the HLPF to function as an accountability mechanism to follow up on the implementation of sustainable development.<sup>1</sup> However, with the adoption of the 2030 Agenda for Sustainable Development in 2015, the follow-up and review processes originally programmed into the HLPF became voluntary, with minimum requirements of reporting, no space for recommendations and no structured or mandated body to oversee the implementation of the Sustainable Development Goals (SDGs).

At the same time, Member States did commit to conducting regular Voluntary National Reviews (VNRs), which would be ‘robust, voluntary, effective, participatory, transparent and integrated’.<sup>2</sup> The VNR reports would be presented at the annual HLPF, creating a space for peer learning and feedback from different stakeholders.<sup>3</sup>

Although the follow-up and review processes are to be state-led, they are supposed to be inclusive and consultative, and to welcome inputs from relevant stakeholders. Moreover, meaningful participation of civil society and other stakeholders plays a critical role in an inclusive and evidence-based implementation of the 2030 Agenda. This is why paragraph 89 of UN General Assembly Resolution 70/1 provides a promise that the HLPF would support participation in follow-up and review processes by the major groups and other relevant stakeholders in line with Resolution 67/290.<sup>4</sup> In the same paragraph, Member States also called on major groups and other stakeholders to report on their contributions to the implementation of the 2030 Agenda.

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## Shadow and spotlight reports: two sides of the same coin

Ten treaty bodies – committees of independent experts – monitor states’ obligations under nine human rights treaties and one Optional Protocol.<sup>5</sup> Their main mandate is to periodically review the implementation of the human rights commitments by all state parties that have signed and ratified a specific treaty. After a finalised review process, each committee issues so-called Concluding Observations, which contain the committee’s analysis of the human rights situation in a given state as well as a set of recommendations that the state should implement prior to the next review process. The Concluding Observations are based on written reports provided by a variety of stakeholders and on a constructive dialogue with state representatives that takes place at UN Headquarters in Geneva.

## Shadow reports

From the very start of the engagement of civil society organisations (CSO) with the UN and its human rights monitoring mechanisms, CSOs have submitted so-called *shadow reports*. Their purpose has been to complement governments’ reports and to provide more nuanced evidence that is grounded in the lived experiences of the people, groups or communities impacted by specific human rights violations, laws, development policies and programmes – or a combination of all of these.

Shadow reports provide critical contributions to international review processes and have often brought to the attention of the UN monitoring bodies issues that were omitted, excluded or purposefully left out from state reporting.<sup>6</sup> Shadow reports do not constitute official UN documentation and are therefore not translated into the UN’s official languages.<sup>7</sup> Nevertheless, they are a formal part of a state’s review process, and can be accessed on the human rights treaty bodies section of the Office of the UN High Commissioner for Human Rights (OHCHR) website.<sup>8</sup>

Most importantly, shadow reports are considered by the reviewing treaty body on an equal basis with documentation submitted by the state in question and other stakeholders. This means in practice that the treaty body committees consider the information provided in CSO reports when preparing their questions during the constructive dialogue with a state, as well as when formulating Concluding Observations. There have been many instances where, thanks to CSO input, a treaty body committee has issued specific recommendations addressing concerns regarding human rights violations, which shows the importance and power of meaningful CSO participation in follow-up and review processes.<sup>9</sup>

Similarly, the modalities of the Universal Periodic Review (UPR) clearly outline that a review process includes ‘a summary of information submitted by other stakeholders (including civil society actors, national human rights institutions and regional organizations)’.<sup>10</sup> As such, shadow reports are submitted alongside an official report prepared by a state under the review and input from the UN OHCHR. It is crucial to mention that the reports prepared by CSOs are official inputs to the review process and that, furthermore, they are considered on the same level as input presented by Member States and UN agencies.

### Spotlight reports

Unlike shadow reports, *spotlight* reports do not play any official role in the review processes of the 2030 Agenda implementation. They are not recognised as being part of any formal documentation submitted to the UN for the HLPF and, therefore, are not seen as a valid addition to the analysis of a country undergoing a VNR.

Spotlight reports are prepared by civil society in order to provide their assessment of the implementation of the 2030 Agenda, which often challenges and questions the facts shared by a state undergoing a VNR. The spotlight reports provide crucial data and perspectives that states, and the UN system, could use to make the implementation more meaningful and targeted.

Similar to shadow reports, spotlight reports are critical tools, especially for stakeholders with limited or no access to cooperation with their governments. They are usually prepared by communities left behind by national policies and programmes. These communities view the international space as their only opportunity to make their voices heard and draw attention to specific issues they face. Additionally, spotlight reports are sometimes penned in collaboration with national human rights institutions, research communities or other stakeholders in order to deliver stronger and more credible evidence.<sup>11</sup>

In this context, however, it needs to be remembered that in most cases spotlight reports are not meant to be confrontational. CSO reports and states’ VNRs serve the same purpose, which is to ultimately improve the implementation of the 2030 Agenda and benefit the well-being of people. Therefore, they should be seen as complementary and draw on each other’s strengths and expertise.

## Participation is a human right and an imperative in just, inclusive and peaceful societies

Participation is an essential principle of governance. As a former head of government, I recognize that it may be challenging to embrace multiple, and critical, voices. But participation ensures better policies and outcomes.

—Michelle Bachelet, UN High Commissioner for Human Rights, 25 September 2020<sup>12</sup>

When adopting the 2030 Agenda, all UN Member States agreed that it was grounded in the Universal Declaration of Human Rights (UDHR) and international human rights treaties.<sup>13</sup> This should imply, therefore, that human rights obligations should be equally applicable to the implementation of the 2030 Agenda. Consequently, and relevant to the discussion in this paper, the right to participate in public affairs – which is codified in Article 21 of the UDHR and Article 25 of the International Covenant on Civil and Political Rights (ICCPR), as well as in other human rights treaties – should be consistently respected and applied in all processes concerning the implementation of the 2030 Agenda.<sup>14</sup>

The grounds for the right to participate in public affairs are of importance for a person to be able to partake in any decision-making processes that affect their life, be able to express their opinions to secure their welfare, and by doing so assist in creating an inclusive, just and peaceful society.<sup>15</sup> To be able to do that, all aspects of the 2030 Agenda, including implementation, follow-up and review, should employ a human-rights based approach (HRBA).

An HRBA is grounded in the international human rights standards. As stated by the UN Sustainable Development Group: ‘[i]t seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress and often result in groups of people being left behind’.<sup>16</sup>

Furthermore, the UN Development Programme (UNDP) highlights that an HRBA has the transformative capacity ‘to alleviate injustice, inequality and poverty’.<sup>17</sup> Equally important is the fact that applying an HRBA to development means that human rights principles – universality, indivisibility, equality and non-discrimination, participation, and accountability – are imperative in guiding any sustainable development policies and programmes.<sup>18</sup>

Applying an HRBA to the 2030 Agenda follow-up and review processes, including the VNRs as well as spotlight reports, is critical as the method empowers and inspires

people to make decisions about their own lives and suggest solutions to the problems they face. It also invites them to be active participants in the development of their communities and countries at large.<sup>19</sup>

Such an approach is supported by the 2030 Agenda and its SDGs, which acknowledge and emphasise the importance of participatory decision-making processes, especially including those furthest behind.<sup>20</sup> In particular, SDG target 16.7 aims to '[e]nsure responsive, inclusive, participatory and representative decision-making at all levels'.<sup>21</sup> This should be seen as a direct commitment by Member States to creating meaningful engagement of stakeholders in their diversity. It needs to be operationalised and put into action.

## Meaningful participation to ensure no one is left behind

At times it may seem that 'meaningful participation' has become one of the buzz phrases used at the global level when discussing or arguing for the engagement of civil society. Rarely do these discussions unpack the concept to state concretely what changes should be implemented in order to make CSO participation meaningful. Flávia Piovesan, a Commissioner in the Inter-American Commission on Human Rights of the Organization of American States, writes that '[m]eaningful participation and empowerment are reflected by the people's ability to voice their opinions in institutions that enable the exercise of power, recognizing the citizenry as the origin of and the justification for public authority'.<sup>22</sup> She adds that active and meaningful participation also requires that people take part in developing and implementation of various programmes impacting their lives as well as are seen as experts and not barely passive beneficiaries of development assistance.<sup>23</sup>

It is the responsibility of a state to design a process that is meaningful. While processes vary depending on context, resources and issues at hand, the minimum standard should include public consultations, information sharing and access to information, as well as inclusion in decision-making.

Translating this approach to the global level of the HLPF and the follow-up and review processes, states need to remember that 'civil society stakeholders serve as the most indispensable part of the measurement, monitoring and accountability framework for the SDGs'.<sup>24</sup> States have direct access to communities needing targeted and efficient policies and programmes and therefore they are in the best position to inform strategies that are thereby guided by lived experiences of those most likely to be left behind.

Meaningful participation of CSOs also contributes to transparency of the processes and makes it easier

to hold governments to account on their agreements and obligations. Consequently, the spotlight reports where all the above-mentioned data is included should play a significant role during a State's VNR. In the Decade of Action and the remaining time left for the implementation of the 2030 Agenda, there is no time or space for bare tokenistic involvement of civil society.

It is time for the UN Member States to embrace innovative and quality multi-stakeholder engagement in the follow-up and review processes. There are some emerging good practices to be inspired by and to learn from.

## Is it a unicorn? What can we learn from Finland?

As it is clearly stated in the 2030 Agenda and in the resolutions detailing its follow-up and review (UN General Assembly Resolution 70/299) and the HLPF's format and organizational aspects (UN General Assembly Resolution 67/290), the VNR processes are state-led.<sup>25</sup> However, even though states are encouraged to involve other stakeholders, none of the resolutions provides practical steps of how to do it. The results have been underwhelming, scarce and not always translating into meaningful inclusion.

As of July 2021, some states have engaged CSOs in their VNR processes through national-level consultations and inclusion of CSO representatives in national delegations to the HLPF. However, in 2020 one state – Finland – took a new and bold approach to stakeholder participation and explored an even deeper way of engaging different stakeholders in preparing its second VNR. In the opening paragraphs of Finland's VNR report, the Prime Minister, Sanna Marin, highlighted:

Government officials have carried out the overall responsibility for the work, but we have also invited several stakeholders to provide their own assessment on the progress. This has proven to be a very uplifting exercise, increasing trust and mutual understanding in the Finnish society.<sup>26</sup>

When reading through the Finnish VNR, one can see that the assessment of the progress on each SDG was done in parallel by two actors: the Finnish Government and civil society. The review of the advancement on the SDG provided by CSOs was carried out by 57 organisations and each SDG was assessed by at least 12 CSOs specialising in the theme. As stated in the VNR itself:

They represent different actors of the Finnish civil society, from small to big ones, from trade unions or national umbrella organizations of the social sector to CSOs mainly working on development cooperation or smaller activist-based actors.<sup>27</sup>

As highlighted by the VNR, there were at least two main goals with such an innovative and inclusive strategy. One was to provide a platform where voices from a diverse range of civil society actors could express their opinions about the government's actions. The second reason was to strengthen the dialogue and build trust between the government and the Finnish civil society.<sup>28</sup> It is important to mention that the assessment provided by CSOs was not always in line with the assessment given by the government. By providing space in the VNR for CSOs, the government indicated that it was open to receiving constructive feedback from stakeholders on their policies and programmes.

The responsibility of CSOs is to hold their governments to account. Their spotlight reports give accounts of the lives of the people they work with and about how those lives are impacted by the actions, or lack thereof, by the government. The analysis they provide does not often go hand in hand with the facts presented by governments and might therefore create tensions between CSOs and those governments.

In this context, the decision of the Finnish Government to create a participatory and partnership-based VNR process is so much more critical and worthy of acclaim. Instead of confrontation between the civil society and the government, the strategy implemented created space for dialogue and therefore transparency in the process.<sup>29</sup> The approach to the VNR processes applied in Finland is an excellent example of putting SDG 17 into action and using the expertise of different stakeholders in order to create more targeted, meaningful and efficient policies and programmes and in turn a more successful implementation of the 2030 Agenda.

Such methods of work require openness, willingness to take risks and commitment to listening and learning which in turn builds trust. These remain skills in need of development within government and civil society.

## Concluding remarks

Ensuring meaningful participation of civil society organizations in the review and follow-up processes of the 2030 Agenda goes deeper than *just* fulfilling the obligation of the right to participation in public affairs. Meaningful engagement safeguards engagement of different stakeholders that are impacted by policies, programmes and strategies designed and implemented by governments, which increases potential of such policies to be better targeted, more efficient and, ultimately, more successful. Furthermore, it contributes to increased transparency, improved dialogue between different actors at the national and sub-national level as well as enhanced accountability of the State to their people. In turn, it could help turn the promise of creating more just inclusive, peaceful, and prosperous

societies into reality. There are several steps Member States could take to move towards achieving the above-mentioned goals.

## Recommendations

1. Resolution 67/290 should be amended so that spotlight reports become a formal part of the documentation contributing to a state review process. This would institutionalise the participation of CSOs in different review processes within the UN and make it consistent, predictable and more meaningful.
2. The spotlight reports should be uploaded on the website alongside the documentation provided by a state delivering its VNR.
3. The HLPF's modalities should include clear instructions on how civil society will be meaningfully included during a VNR session. This would include allocating specific space and enough time for a meaningful interactive dialogue between representatives of CSOs and a state delivering its VNR.
4. States should consider new and innovative engagement of CSOs in their VNR processes, including the preparations for the VNR, the VNR at the HLPF, and post-VNR processes at the national level.
5. States should consider including a joint assessment of the national implementation of the 2030 Agenda in their VNRs together with representatives of CSOs and other stakeholders.
6. States should consider including representatives from CSOs and other stakeholders in the national delegations to the HLPF and provide space for them to present their spotlight reports.

## Endnotes

- <sup>1</sup> UN General Assembly Resolution 66/288 [The Future We Want: Outcome document], 10/06/2021, paras. 84–85, <<https://undocs.org/A/RES/66/288>>.
- <sup>2</sup> UN General Assembly Resolution 70/1 [Transforming our world: the 2030 Agenda for Sustainable Development], 10/06/2021, para. 72, <<https://undocs.org/A/RES/70/1>>.
- <sup>3</sup> UN General Assembly (note 2), para. 72.
- <sup>4</sup> UN General Assembly (note 2), para. 89; UN General Assembly Resolution 67/290 [Format and organizational aspects of the high-level political forum on sustainable development], 9 July 2013, <<https://undocs.org/A/RES/67/290>>.
- <sup>5</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Human Rights Bodies <<https://www.ohchr.org/EN/HRBodies/Pages/Overview.aspx>>.
- <sup>6</sup> Sohini Paul, ‘Shadow Report: An important tool for advocacy’, Civil Society Academy, 2 July 2020, <<https://www.civilsocietyacademy.org/post/shadow-report-an-important-tool-for-advocacy>>.
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- <sup>9</sup> Sohini Paul (note 6); UN OHCHR, Reporting to the United Nations Human Rights Treaty Bodies Training Guide Part One: The Manual (New York and Geneva: UN OHCHR, 2017), pp. 68–70, <<https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>>; International Service for Human Rights (ISHR) Academy, ‘Engaging prior to the Treaty Body review’, 2020, <<https://academy.ishr.ch/learn/treaty-bodies/engaging-prior-to-the-treaty-body-review>>.
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- <sup>11</sup> Global Alliance and TAP Network, ‘Mainstreaming SDG 16: Using the Voluntary National Review to Advance More Peaceful, Just and Inclusive Societies’, SDG 16 Hub, 2020, pp. 47–48, <<https://www.sdg16hub.org/topic/mainstreaming-sdg-16-using-voluntary-national-review-advance-more-peaceful-just-and-inclusive>>.
- <sup>12</sup> Michelle Bachelet, ‘Statement by Michelle Bachelet, UN High Commissioner for Human Rights’, High-Level Side Event: Participation, Human Rights and the Governance Challenge Ahead, 25 September 2020, <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26298&LangID=E>>.
- <sup>13</sup> UN General Assembly (note 2), para. 10.
- <sup>14</sup> The Carter Center, ‘The Right to Participate in Public Affairs: Submission on the Draft Guidelines’, May 2017, p. 1, <<https://www.ohchr.org/Documents/Issues/EqualParticipation/DraftGuidelines/CarterCenter.pdf>>.
- <sup>15</sup> Icelandic Human Rights Centre, ‘Substantive Human Rights: The Right to Participate in Society’, [n.d.], <<https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/substantive-human-rights/the-right-to-participate-in-society>>.
- <sup>16</sup> UN Sustainable Development Group, ‘Universal Values: Principle One: Human Rights-Based Approach’, [n.d.], <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>>.
- <sup>17</sup> UN Development Programme (UNDP), ‘A human rights-based approach to development programming in UNDP: Adding the missing link’, [n.d.], p. 2, <[https://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/a-human-rights-based-approach-to-development-programming-in-undp/HR\\_Pub\\_Missinglink.pdf](https://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/a-human-rights-based-approach-to-development-programming-in-undp/HR_Pub_Missinglink.pdf)>.
- <sup>18</sup> UN Sustainable Development Group (note 16).
- <sup>19</sup> UNDP (note 17), p. 2.
- <sup>20</sup> SDG Knowledge Platform, ‘Information for Integrated Decision-Making & Participation’, [n.d.], <<https://sustainabledevelopment.un.org/topics/information-integrated-decision-making-and-participation>>.
- <sup>21</sup> UN Department of Economic and Social Affairs, ‘SDG 16 targets and indicators’, <<https://sdgs.un.org/goals/goal16>>.
- <sup>22</sup> Flávia Piovesan, ‘Active, free and meaningful participation in development’, in Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development (New York and Geneva: United Nations, 2013), pp. 105–06, <<https://www.ohchr.org/EN/Issues/Development/Pages/RTDBook.aspx>>.
- <sup>23</sup> Flávia Piovesan (note 22), p. 105.
- <sup>24</sup> Transparency, Accountability & Participation for 2030 Agenda (TAP Network), ‘Beyond Voluntary National Reviews: Approaches and Methodologies for Civil Society Reporting and the SDGs and 2030 Agenda’, 2015, <<https://511.ed8.myftpupload.com/wp-content/uploads/2015/04/TAPPaperonSDGCivilSocietyReporting.pdf>>.
- <sup>25</sup> UN General Assembly Resolution 70/299 [Follow-up and review of the 2030 Agenda for Sustainable Development at the global level], 29 July 2016, <<https://undocs.org/A/RES/70/299>>; UN General Assembly Resolution 67/290 (note 4).
- <sup>26</sup> Office of the Prime Minister of Finland, ‘Voluntary National Review 2020 Finland: Report on the Implementation of the 2030 Agenda for Sustainable Development’, 2020, p. 6, <[https://sustainabledevelopment.un.org/content/documents/26261VNR\\_Report\\_Finland\\_2020.pdf](https://sustainabledevelopment.un.org/content/documents/26261VNR_Report_Finland_2020.pdf)>. Finland’s 2016 VNR and other information can be accessed on the HLPF website: <<https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=1680&menu=3170>>.
- <sup>27</sup> Office of the Prime Minister of Finland (note 26), p. 16.
- <sup>28</sup> Office of the Prime Minister of Finland (note 26), p. 16.
- <sup>29</sup> Office of the Prime Minister of Finland (note 26), p. 105.



## Making the HLPF More Inclusive

Stakeholder engagement and inclusion of those left furthest behind are key principles of the 2030 Agenda. According to UN General Assembly Resolution 70/1, follow-up and review of its implementation is supposed to be ‘open, inclusive, participatory and transparent’, ‘support the reporting by all relevant stakeholders’ and ‘be people-centred, gender-sensitive, respect human rights and have a particular focus on the poorest, most vulnerable and those furthest behind’ (paragraph 74).

The annual High-Level Political Forum (HLPF) is the main United Nations platform for follow-up and review of the 2030 Agenda and its Sustainable Development Goals (SDGs). 2019 saw the completion of the first four-year cycle of HLPFs, leading to the first review of the modalities of the Forum itself in 2020. These modalities include two resolutions codifying the structure and operational rules that govern the HLPF, as well as the thematic focus for each year of a cycle. The review also provides an opportunity to discuss improvements to guidelines and practices that are not regulated by resolutions but still have an impact on the HLPF’s form and function.

This paper series aims to promote reflections on how the HLPF process can become more inclusive of a broad range of stakeholders and more purposefully focused on the implementation of the principle of *leaving no one behind*.

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