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**Gender, the Millennium Development Goals, and Human  
Rights in the context of the 2005 review processes**

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Report for the Gender and Development Network

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October 2004

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## **Acknowledgements**

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This paper was commissioned by the Gender and Development (GAD) Network and made possible through the support of the UK Department for International Development and GAD Network members.

Members of the GAD Network Working Group supported this project. I thank Brita Fernandez Schmidt for our inspiring and insightful conversations and Emily Brown for her encouragement. Staff within DFID and GAD Network member organisations offered their time for extensive and detailed interviews. Specific acknowledgement goes to Sylvia Beales, Felicity Daly, Brita Fernandez Schmidt, Ceri Hayes, and Ines Smyth for their role in advising me on the revision of the paper.

My participation in the 2004 International Human Rights Academy in Utrecht gave me the opportunity to discuss the issues surrounding this project with human rights activists, students, and experts from all over the world.

Finally, I am enormously grateful to Nicola Painter for her support and for her assistance in research, analysis, drafting and editing.

Genevieve Renard Painter, Montreal, October 2004

## Acronyms

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BOND	British Overseas NGOs for Development
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CERD	Convention on the Elimination of all forms of Racial Discrimination
CSW	Commission on the Status of Women
DFID	UK Department for International Development
GA	United Nations General Assembly
GADN	GAD Network
GDP	gross domestic product
HIPC	Heavily-Indebted Poor Countries
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFIs	International Financial Institutions
IMF	International Monetary Fund
LDCs	Least Developed Countries
MDGRs	MDG Reports
MDGs	Millennium Development Goals
NDHR	National Human Development Reports
NGOs	Non-governmental organisations
OECD-DAC Gender Net	Gender Network of the OECD-Development Assistance Committee
PPP	purchasing power parity
PRSPs	poverty reduction strategy papers
SAPs	structural adjustment programmes
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNRISD	United Nations Research Institute for Social Development
WIDE	Women in Development Europe

## **Executive Summary**

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### **Introduction**

The year 2005 is a strategic window for women's human rights advocacy because in this year the Beijing Platform for Action (BPFA) and the Millennium Declaration and Millennium Development Goals (MDGs) will be reviewed. This paper offers the GAD Network a way to think about the opportunities offered by these coinciding reviews and outlines an advocacy agenda for participation in the reviews at an international level.

This paper argues that achievement of the MDGs is both an indication of and a necessity for the realization of human rights, because the MDGs correspond to states' existing human rights obligations found in the Convention on the Elimination of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Setting the MDGs back within a human rights framework provides analytical and practical tools towards challenging the prevailing neo-liberal, economic growth-driven model of development.

### **The Millennium Declaration and the Millennium Development Goals**

The MDGs originated in the Millennium Declaration. The Millennium Declaration originated in world conferences held in the 1990s, which themselves were built on international human rights treaties. Thus, the MDGs were borne out of human rights.

However, the MDGs are being invoked in support of a neo-liberal vision of development that departs from their origins in human rights principles. The MDGs themselves are just goals; what matters is the approach to development that they are being used to justify. The MDGs conflict with the pillars of growth-driven models of development because these approaches simultaneously demand investments in health, education, and infrastructure, while emphasizing neo-liberal reductions in state expenditure for purposes of financial stability. Many international agencies and donors have proclaimed their commitment to the MDGs; however, these rhetorical commitments are not worth much if they do not address the incoherence of pursuing development to the detriment of human rights.

The MDGs have not un-seated the predominance of a neo-liberal, economic growth-driven model of development that relies on women as instruments as opposed to agents of development. The deployment of the MDGs in support of this definition of development makes them incompatible with their origins in human rights.

The weakness surrounding Goal 8 is perhaps the clearest indication of the incoherence in the status quo approach to development. The lack of global monitoring of Goal 8 suggests that developing countries are being held accountable for progress in overcoming enormous development challenges, while rich countries have no obligations of action or monitoring. Furthermore, there is no link between rich countries' development co-operation policies and their international human rights obligations.

PRSPs are central to this incoherence because they replicate old structural adjustment programmes (SAPs) in their emphasis on short-term stabilisation over long-term development and the extension of privatisation and liberalisation agendas. Despite the rhetoric surrounding national ownership, the old models of development are promoted, and the MDGs are plugged in to support these models.

The deployment of the MDGs in this manner creates a problematic understanding of gender equality and human rights. The faces of women in the MDGs are predominantly those of a 'girl child', a 'pregnant woman', and a 'mother'. The indicators under Goal 3 call attention to women's roles as producers and decision-makers in the formal economy, but these indicators are routinely overlooked. Women's empowerment is pursued, not because it is a human right, but because attainment of equality will produce favourable ripple effects. Existing effective frameworks of facilitating and measuring women's empowerment have fallen off the agenda.

The MDG targets and indicators are themselves problematic. They are acclaimed as an international consensus on global development goals; however, they ignore issues at the heart of development, such as conflict, human security, and reproductive and sexual rights. They are criticised as unreliable measures of progress due to unreliable methodologies and definitions. The measurement of poverty under Goal 1 exemplifies these flaws. Monitoring of the MDGs has serious problems in data, national participation and ownership, synergies with other reporting processes, and capacity. There are insufficient analyses of progress, no mechanisms to explore factors which fall beyond the scope of the MDGs, and no guidelines to monitor the extent and quality of civil society participation.

The use and abuse of indicators is best seen by looking at the MDG Reports and the Executive Summaries of Task Force Reports. Both sets of reports show dismal performance in gender mainstreaming. Women are seen as vulnerable victims and mothers, rather than as agents of development. Statements by the World Bank and IMF reflect instrumentalist understandings of the links between gender and the MDGs.

Though the MDGs have captured attention and generated global political will, the unified global commitment to the MDGs may be in decline. The apparent consensus obscures the real differences among states that have been exacerbated by rises in militarism, extremisms, and fundamentalisms. Global civil society organisations are critically engaging in the MDGs, but they have been slow to participate in a process which many feel has been delivered from top-down. Many organisations are engaging with the MDGs at only a surface-level.

Despite these criticisms, there is cause to be optimistic about the potential to reclaim the MDGs. The understanding of the place of the MDGs in development policy, planning and practice has become more textured since 2000. These changes in development policy understanding are a step towards a contextually-specific implementation of the MDGs. However, they continue to be on the periphery of a system that promotes a vision of development associated with economic growth-driven models and instrumentalist understandings of gender equality. The review of the Millennium Declaration and the MDGs will take place in a context that presents both

opportunities and obstacles in the areas of development policy, political will, and civil society engagement.

To develop effective strategies for participation in the 2005 review processes, the GADN should bear these contextual issues in mind. The predominance of neo-liberal models of development that depend on women as instruments continues to be the primary challenge to development and women's human rights advocates.

### **Reviewing Progress: What is really at stake**

The Millennium Review planned for October 2005 will look at the Millennium Declaration and the MDGs. The review offers opportunities to re-affirm the MDGs and stress the importance of gender equality in the MDGs. It is also an opportunity for civil society to hold governments to account. A range of initiatives is planned at a government and civil society level. Interest in the Millennium Review is greater among donor governments than among developing country governments and civil society organisations. There are fears that the MDG review will be narrowed to a discussion of financing and will be dominated by the global security agenda and political context. There are concerns about dismal attention to gender equality and weak gender mainstreaming in the MDGs. Some are worried that the MDGs are replacing international human rights definitions of government obligations and associated accountability mechanisms. The MDG Review process is seen as top-down and excluding input from grass-roots experiences. Many organisations are faced with the dilemma of having to prioritise scarce resources towards the upcoming review processes.

At the 49th session of the Commission on the Status of Women (CSW) in March 2005, a review and appraisal will take place of the implementation of the Beijing Declaration, the Platform for Action, and the outcome of 23rd special session of the General Assembly. Contrary to the Millennium Review, the Beijing +10 Review does not appear to be a mainstream priority for governments in developed or developing countries. It is not a significant institutional priority for GAD Network members either. Although Beijing +10 is low on the agenda, people do believe that it offers opportunities for taking stock, analysing progress on women's human rights, and understanding why progress has been limited in a number of areas. Despite this optimism, the interviews and literature conducted for this study reveal many anxieties concerning Beijing +10. There are concerns that the international climate is hostile to women's human rights. The difficulties in ensuring broad representation of women from the South at the CSW present a further challenge.

Although there is a global commitment to linking the reviews, there are differences in priorities, as donors are focused on the MDG Review and Southern civil society organisations are focused on the Beijing Review. Developing country governments do not seem to be doing much for either review.

Linking the Millennium Review and the Beijing Review is an opportunity. But some advocates fear that linking the reviews will marginalise the BPFA and narrow the women's human rights agenda. A major effect of this marginalisation would be the lack

of attention placed on women's human rights in developed countries because the MDGs are understood as only relevant for developing countries. Furthermore, the Millennium Review may just be an exercise in further entrenching a model of development which is disempowering to women and threatens the realization of human rights. Alongside these substantive challenges, there is the additional problem that few people are working on building linkages between reviews.

The conclusion remains that the reviews and their linkage present opportunities and obstacles. Much remains to be debated and decided about the 2005 reviews. The GAD Network should bear these considerations in mind in shaping its strategy for engagement.

### **Linking human rights and the MDGs**

The MDGs are being used in support of a model of development that threatens the realisation of human rights and gender equality. This dissonance can be seen in the work of the Task Forces and the comparison between the Beijing +10 priorities for women's empowerment and those highlighted through use of the MDG indicators. This disconnect must be bridged in order to challenge the neo-liberal model of development and work towards the realization of the MDGs and human rights.

Human rights and the MDGs can be complementary and mutually reinforcing instruments towards development. Human rights instruments and mechanisms can be used to mitigate the problems of the MDGs, and the MDGs can mitigate the weaknesses of human rights instruments. The ICESCR, CEDAW, and the BPFA offer a conceptual framework for understanding the MDGs as human rights obligations.

The ICESCR generates the following definition of states' immediate obligations: non-discrimination, non-infringement, non-retrogression, taking steps towards progressive realization, and meeting core obligations. The core obligations (basic housing, adequate food, basic education, primary health care, and water) correspond to the MDGs.

CEDAW contains guarantees of equality between women and men and freedom from discrimination. States have an immediate obligation to pursue a policy of eliminating discrimination. The obligation of conduct is immediate, while the obligations of result (realization of the rights to work, education, etc.) are gradual.

Through its definition of discrimination, CEDAW can be used to expose prejudice towards women. CEDAW bridges the traditional division between civil and political rights and economic, social, and cultural rights and reaffirms the indivisibility of human rights. CEDAW attempts to overcome the public/private dichotomy at the heart of international human rights law. The Beijing Platform for Action and CEDAW are complementary. CEDAW establishes rights and obligations, and the BPFA offers substantive analysis of the issues.

Building the linkages among the ICESCR, CEDAW, BPFA, and the MDGs shows that the MDGs are concrete human rights obligations which must be prioritized and achieved in a non-discriminatory way. This changes the debate from the language of will and commitment to the language of duty and obligation. This can be used to

challenge an instrumentalist economic growth-driven model of development that sacrifices social policy objectives to economic priorities and undermines women's empowerment.

In addition to these conceptual tools, human rights instruments can help to counter some of the weaknesses associated with the MDGs in the areas of monitoring, policy analysis, policy design, participation, and accountability. The MDGs offer little scope for analysis of the reasons for success or failure in reaching their goals. Human rights instruments can account for this by providing an analytical lens on the achievement of the MDGs. A feminist, human rights approach to development requires more than just identifying detrimental effects on women but determining their causes. In harnessing political will, the MDGs can complement and strengthen human rights instruments while human rights instruments can attenuate some of the flaws in the MDGs.

It would be possible to achieve the MDGs without fulfilling the spirit of just human development by, for example, focusing on the most populous countries and ignoring the most poor but sparsely populated countries or areas. Human rights instruments can challenge such an approach because the commitment to non-discrimination and equality requires specific attention to groups that experience discrimination or disadvantage.

An approach grounded in the ICESCR, CEDAW and the BPFA challenges interventions based on economic growth-driven models of development and instrumentalist understandings of women's role in development. Such an approach legitimates and strengthens gender mainstreaming in policy-making, define standards and priorities for government actions, and offer practical explanations and policy recommendations. Gender mainstreaming as a strategy can be grounded in the immediate obligation under CEDAW to pursue a policy of eliminating discrimination against women and the definition of gender mainstreaming offered in the BPFA. ICESCR and CEDAW can ground the obligation of non-retrogression on rights. The obligations under CEDAW and ICESCR can be linked to define standards for the progressive realization of rights and to identify core obligations which states are duty-bound to meet immediately. The BPFA offers practical interventions and identifies responsible actors who can work towards achievement of rights.

A participation deficit stands as a significant barrier to achievement of the MDGs. Weak civil society participation in the MDG process is not only a threat to the achievement of the MDGs but is also contrary to the right to participation protected under human rights law. Human rights instruments can help to increase global participation as they are relevant for advocacy in both the North and South. Human rights also ground the practical experience of participation because advocacy around human rights has been a central arena for the growth and strengthening of civil society.

Human rights instruments could be used to challenge the weak accountability mechanisms in the MDGs by arguing that not only are states politically committed to the MDGs, they are also legally obligated under human rights treaties. This would

create scope for linking the MDGs to treaty reporting processes and provide more space for NGOs to engage in the process. In addition to shifting the debate from political commitment to obligation, this brings the benefits of an institutionalized process and an established role for civil society.

Lack of political will is the Achilles heel of the ICESCR, BPFA, CEDAW, and many international human rights mechanisms. The MDGs receive more attention than human rights. Goal 8, despite its weaknesses, provides a framework for improved international aid and co-operation. This approach could be stronger than the human rights route because the international community has agreed to this 'Global Partnership for Development.'

By building a complementary relationship between the MDGs and human rights, human rights could act as a check on strategies to achieve the MDGs. The MDG process could ensure that human rights do not get left behind and that rich countries move from promises to action.

### **A Way Forward**

This paper argues that the linkage of the Millennium Review and the Beijing +10 Review provides a strategic window that can be used to re-frame the MDGs as international human rights obligations. This linkage would connect the review processes to the analytical tools and practical strategies offered by human rights. The task is to ensure that the reviews are directed towards achievement of human rights, not towards the further entrenchment of a neo-liberal, economic-growth driven model of development.

The departure point for the GAD Network's advocacy should be that achievement of the MDGs is both an indication of and a necessity for the realization of human rights. The MDGs largely correspond with states' core obligations under international human rights law, thus generating immediate and binding obligations. The centrality of a women's human rights approach to development must be emphasised. The MDGs and gender mainstreaming must be reclaimed as strategies to achieving human rights.

The Network should move quickly to prepare and implement its strategy for 2005. Above all, it is essential that the GAD Network and its members fully own and shape this strategy. The framework offered in this paper is a proposal to these ends.

## Introduction

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The year 2005 is a strategic window for women's human rights advocacy, as the Beijing Platform for Action (BPFA), the Millennium Declaration and Millennium Development Goals (MDGs) will be reviewed. This paper offers the GAD Network a way to think about the opportunity offered by these coinciding reviews and outlines an advocacy agenda for participation in the reviews at an international level.

There is a great deal of materials on the MDGs, and there is talk about linking human rights, gender, and the MDGs. However, little has been produced at a conceptual or practical level to build these linkages. Effective participation is further hampered by confusion about what the MDGs actually mean and represent – they are variously interpreted as indicators, as tools, or as processes. Despite this confusion and the scarcity of conceptual and material resources, the GADN must agree a way forward and seize the opportunities offered by the 2005 review processes. There is no time for delay.

This paper argues that achievement of the MDGs is both an indication of and a necessity for the realization of human rights, because the MDGs correspond to states' existing human rights obligations found in the Convention on the Elimination of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Setting the MDGs back within a human rights framework provides analytical and practical tools to challenge the prevailing neo-liberal, economic growth-driven model of development.

This project was carried out through extensive desk research and interviews with members of the GAD Network and staff in the UK Department for International Development (DFID) and DG Development of the European Commission. A short email questionnaire was also administered alongside sixteen in-person interviews.<sup>1</sup>

The first section of this paper presents a working definition of a conceptual framework linking gender, development, and human rights. The second section analyses the Millennium Declaration and the MDGs. The third section discusses the upcoming review processes of the Millennium Declaration, the MDGs, and the Beijing Platform for Action. The fourth section develops analytical and practical linkages between the MDGs and human rights instruments. The paper concludes by outlining elements of an advocacy strategy for consideration by the GAD Network. Annexes follow.

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<sup>1</sup> See Annex 6 for a list of interviews.

## Conceptual Framework

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### Introduction

This paper departs from a feminist standpoint in its effort to build bridges between gender, development, and human rights, and specifically between the MDGs and international human rights law.

Three streams of theory and practice underpin the relationship among development, gender, and human rights: 1) development and gender equality are themselves human rights, or 2) human rights and gender equality are part of the process to achieve development; or 3) human rights and gender equality are tools to achieve development. These streams can be mutually reinforcing or negating.

The differences among these three models are about means and ends, but at a more fundamental level, they embody different understandings of development. Defining development as a human right limits ambiguity about the desired end: it is the achievement of human rights. In the second model, development could be defined as “about people – and about how development enlarges their choices,”<sup>2</sup> a definition which incorporates entitlements, opportunities, freedoms, and individual rights.<sup>3</sup> But, as in the third stream, development could be defined more narrowly by equating development with economic growth, increasing income and wealth, producing commodities, and accumulating capital. The strengths of the first two approaches can be used to challenge this narrow definition of development.

### Development is a human right

The assertion that development is a human right is grounded in treaties that generate obligations on states to pursue human rights. Human rights are inter-related and interdependent,<sup>4</sup> and human development is multi-dimensional.<sup>5</sup> A human-rights based approach espouses the principles of universality and indivisibility of rights. It takes empowerment, transparency, and accountability as operating principles.<sup>6</sup> Such an approach puts people at the centre of development and sees them as agents who have rights to participate. Disadvantage, inequality, and discrimination are priority concerns, thus putting power at centre stage<sup>7</sup> and leading to a need for disaggregated data and analysis of the root causes of oppression.

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<sup>2</sup> UNDP (United Nations Development Programme). 1990. *Human Development Report 1990*. New York: Oxford University Press.

<sup>3</sup> Overseas Development Institute. 2001. “ODI Briefing Paper: Economic Theory, Freedom and Human Rights: The Work of Amartya Sen.” London. [[www.odi.org.uk](http://www.odi.org.uk)]. p. 4.

<sup>4</sup> Eyben, Rosalind. 2003. “The rise of rights: Rights-based approaches to international development.” *IDS Policy Briefing Issue 17*. University of Sussex, Institute of Development Studies, Brighton. p 2.

<sup>5</sup> Moser, Caroline and Norton, Andy, et. al. 2001. *To Claim Our Rights: Livelihood, Security, Human Rights and Sustainable Development*. London: Overseas Development Institute. p. vii.

<sup>6</sup> UNDP (United Nations Development Programme). 2003. “Poverty Reduction and Human Rights: A Practice Note.” New York.

<sup>7</sup> Hughes, Alexander and Wheeler, Joanne, et. al. 2003. “Rights and Power Workshop: Report.” Institute of Development Studies, Development Research Centre on Citizenship, Participation and Accountability, Brighton. p. 7.

Because states have duties to move expeditiously towards achievement of these rights,<sup>8</sup> a human rights approach sets the framework for debate about how resources should be prioritised and shifts attention from a technical to a political process.<sup>9</sup> This approach requires effective mechanisms of monitoring progress and holding governments to account. The achievement of human rights is the responsibility of all states towards their citizens.

Some agencies use this approach. Help Age International grounds its policy analysis and lobbying work within international human rights instruments with the aim of making them relevant at a grass-roots level.<sup>10</sup> The UN Agencies have developed a "Common Understanding" which states that all its development cooperation should further the realisation of human rights as laid down in international human rights instruments and that development cooperation contributes to the development of the capacities of duty-bearers to meet their obligations and/or of rights-holders to claim their rights.<sup>11</sup>

The most contested element of the 'development is a human right' approach centres on the obligation of international co-operation. Some argue that international human rights instruments<sup>12</sup> create obligations on rich states of development assistance and technical co-operation towards poorer states,<sup>13</sup> whereas others define this obligation as moral and political, rather than legal, in nature.<sup>14</sup> Furthermore, it is argued that the 'right to development' is top-down, because it ignores the fact that the challenge for poor people is about making the law work for them, rather than for the elite, and it devalues people's own understanding of their rights.<sup>15</sup> In the examples above, Help Age International asserts that the right to development creates

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<sup>8</sup> van Weerelt, Patrick. 2000. "The Application of a Human Rights-based Approach to Development Programming. What is the Added Value?" UNDP, New York. [[http://www.undp.org/governance/publications\\_full.htm#hr](http://www.undp.org/governance/publications_full.htm#hr)]. p. 6.

<sup>9</sup> Eyben. 2003. p. 2.

<sup>10</sup> Beales, Sylvia. 2000. "The Mark of a Noble Society: Human Rights and Older People." HelpAge International, London; Beales, Sylvia. 2003. "Note for DFID Consultation on Rights Based Approaches: Human Rights Approaches of HelpAge International." HelpAge International, London.

<sup>11</sup> UN (United Nations). 2004. "The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding among the UN Agencies (Stamford Principles)." [[http://www.undp.org/governance/publications\\_full.htm#hr](http://www.undp.org/governance/publications_full.htm#hr)]

<sup>12</sup> UN GA (United Nations General Assembly) 1986. *Declaration on the Right to Development*. GA Res. 41/128. UN Doc. A/41/53; UN GA (United Nations General Assembly). 1993. *Vienna Declaration and Programme of Action*. A/CONF.157/23. Vienna; UN GA (United Nations General Assembly). 2001. *Declaration and Programme of Action of World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. Durban; UN GA (United Nations General Assembly). 2000. *Millennium Declaration*. A/RES/55/2. 18 September. New York.; UN (United Nations). 1966. *Covenant on Economic, Social and Cultural Rights*. 993 U.N.T.S. 3 New York, Art. 2.

<sup>13</sup> Hunt, Paul. 2003. "The right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Report of the Special Rapporteur to Commission on Human Rights." E/CN.4/2003/58. UN Economic and Social Council, Commission on Human Rights. p. 9.

<sup>14</sup> Piron, Laure-Hélène. 2002. "The Right to Development: A Review of the Current State of the Debate for the Department for International Development." Overseas Development Institute, London. p. 5.

<sup>15</sup> Eyben. 2003. p. 3.

international obligations between states, whereas the UN Common Understanding does not.

The 'development is a human right' approach leads to an understanding of gender equality based on empowerment and the realization of women's human rights. This approach questions the global political, economic and social architecture into which gender and development thinking has tried to integrate women.<sup>16</sup> It calls for both a change in structural inequalities between individuals, groups, and countries and a response to basic needs. Gender mainstreaming is a method for achieving this approach when it is aimed at achieving gender equality and when it is defined and applied as both mainstreaming of gender analysis in all policy decisions and taking actions to address specific barriers to women's empowerment. The critical contribution of the empowerment approach is its emphasis on participation and its commitment to a global transformation agenda that challenges all forms of oppression and domination, from the personal to the international, from the political to the economic.<sup>17</sup>

### **Human rights are part of the process to achieve development**

The prevailing development approach is built on national ownership of strategies and improved aid effectiveness.<sup>18</sup> Direct budget support has become the overarching framework for development aid, with poverty reduction strategy papers (PRSPs) acting as the channel through which development aid is planned and implemented in many countries.<sup>19</sup> The emphasis is on institutional reform, 'good governance', poverty reduction, and a shift away from challenging the root causes of poverty.<sup>20</sup> A preference for technical, 'best practice innovative solutions' and a concern for results and indicators have accompanied these trends.<sup>21</sup>

This method of development can be used towards the achievement of a definition of development based on choice, freedom, and capability. This requires consistency between the objectives of economic policy and social policy, as social policy is not there to soothe the wounds created by economic policy and economic policy is needed to reduce poverty and promote human development.<sup>22</sup>

As part of the process of development, human rights focus attention on empowerment of people to claim their rights, participate in decision-making and

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<sup>16</sup> Sen, Gita and Grown, C. 1987. *Development, Crises, and Alternative Visions: Third World Women's Perspectives*. New York: Monthly Review Press. p. 20.

<sup>17</sup> Jain, Devaki. 2004. "Women's rights between the UN human rights framework and free trade agreements." In Macdonald, Mandy, ed. 2004. "A Report of WIDE's Annual Conference. Globalising Women's Rights: Confronting Unequal Development Between the UN Rights Framework and the WTO Trade Agreements." WIDE (Women in Development Europe), Brussels.

<sup>18</sup> Piron. 2002. p. 25.

<sup>19</sup> Herfkens, Eveline. 2003. "Donors and Recipients." *Development Policy Journal* Vol. 3, April: 101-106.

<sup>20</sup> Razavi, Shakra. 1999. "Gendered Poverty and Well-Being: Introduction." *Development and Change* Vol. 30, 409-433.

<sup>21</sup> Menon-Sen, Kalyani. Presentation reported in Macdonald, ed. 2004.

<sup>22</sup> Alarcon, Diana. 2003. "The MDGs in National Policy Frameworks." *Development Policy Journal* Vol. 3, April: 37-46.

monitoring, and hold governments to account. Some international agencies, donors, and organizations have incorporated rights. These uses are more accurately defined as 'rights-based', because they are many steps removed from the framework of international human rights law. DFID explicitly downplays the role of international human rights accountability mechanisms, domestication of international human rights treaties, and fair and accessible justice systems to enforce rights.<sup>23</sup> Oxfam uses rights in its approach, but it includes some which are not drawn from the international human rights framework, such as the right to be heard, and a recent study found a lack of clarity within the organisation about human rights as either substantive principles or accountability processes.<sup>24</sup>

In this approach, gender equality, like human rights, is part of the process to achieve development. Gender mainstreaming aids in the process of achieving development because it is necessary to the achievement of development objectives, generates policies that promote women's empowerment, and ensures attention to women's specific needs.

### **Human rights are tools to achieve development**

Although some donors, agencies, and civil society organisations invoke human rights in their work, this vision of human development is often eclipsed by policies and practices which equate development with economic growth and cuts in state spending in the name of liberalization and financial stability.<sup>25</sup> It is based on the erroneous notion of a trade-off between investing to boost economic growth and investing in human development, despite evidence of the correlation between increasing inequality and some kinds of trickle-down theories of economic growth.<sup>26</sup> Women are the unwilling backbone of this model of development, as they can be used as instruments to more efficiently achieve the desired ends.<sup>27</sup> They are sent to school to become workers in export industries, they are given health care to be better mothers, they are ensured land rights and given training to become better farmers that produce cash crops, and they are expected to care for the young and the sick, ensure there is nutritious food on the table, and provide community services because the state has to cut back on expenditure. Critiques of this model of development have prompted a shift in rhetoric and a co-optation of the language of human rights, but many power-holders in the international development community have been slow to abandon this approach.

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<sup>23</sup> Piron, Laure-Hélène. 2003. "Learning From the UK Department for International Development's Rights-Based Approach to Development Assistance." Overseas Development Institute, London. p. 13.

<sup>24</sup> Freeman, Marsha A. 2002. "Women's Human Rights Evaluation: Use of the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women to achieve gender equity in the context of poverty alleviation and humanitarian assistance." Report prepared for Oxfam, Oxford. p. 25

<sup>25</sup> See, for example: Dollar, David and Kraay, Aart. 2002. "Spreading the Wealth." *Foreign Affairs* January/February: 120-133.

<sup>26</sup> Alarcon. 2003. p 41.

<sup>27</sup> Moser, Caroline. 1993. *Gender, Planning and Development: Theory, Practice and Training*. London: Routledge. p. 71.

This recalcitrance represents the most fundamental barrier to achievement of the MDGs and the realization of human rights.

### **What to take forward**

Those who advocate that there is a 'human right to development' see human development as an obligation, whereas as those who advocate 'rights-based approaches to development' see development as a process without obligation. But in the face of the greater threat of the continued entrenchment of a neo-liberal model of development, the differences between these approaches should not overshadow the similarities. Both approaches emphasise participation, empowerment, equality, non-discrimination, monitoring of progress, and accountability. These approaches can be mutually reinforcing and can be deployed as means to achieve similar and common ends.<sup>28</sup>

On this analysis, these are the main components of the working conceptual framework that links gender, development, human rights, and a feminist agenda:

- ? We need a social transformation that uproots all forms of oppression and domination;
- ? We need to work at all levels – from the private to the international level, encompassing political, economic, social, and cultural issues;
- ? Participation and empowerment are essential;
- ? Equality and non-discrimination must be guiding principles;
- ? Progress must be monitored, and there must be accountability mechanisms and processes.

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<sup>28</sup> ODI (Overseas Development Institute). 1999. "What Can We Do With a Rights-Based Approach to Development?" London. p. 4.

# The Millennium Declaration and the Millennium Development Goals

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## What are the Millennium Declaration and the MDGs?

As the product of the largest-ever gathering of world leaders, the Millennium Declaration sets out a vision for the twenty-first century.<sup>29</sup> It proclaims fundamental values of equality, freedom, solidarity, tolerance, respect for nature, and shared responsibility. Commitments were made in the areas of: peace, security, and disarmament; development and poverty eradication; protecting the environment; human rights, democracy and good governance; protecting the vulnerable; meeting the special needs of Africa; and strengthening the United Nations. The UN Secretariat issued a Road Map for implementation of these commitments which focused on eight MDGs to be achieved by 2015. With the exception of a few leakages from other sections, the MDGs come out of the 'Development and Poverty Eradication' section of the Declaration.<sup>30</sup> Task Forces were established under the Millennium Project to recommend operational strategies for achieving the MDGs.<sup>31</sup>

The MDGs originated in the Millennium Declaration. The Millennium Declaration originated in the world conferences held in the 1990s, which themselves were built on international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination on all forms of discrimination against women (CEDAW). Thus, the MDGs were born out human rights.

## What do the MDGs measure and monitor?

### Indicators

The MDG indicators capture measurable areas of development that demonstrate progress towards specific targets under each Goal.<sup>32</sup> The targets and indicators are acclaimed as an international consensus on global development goals, but they ignore issues at the heart of development, such as conflict, human security, and reproductive and sexual rights.<sup>33</sup> They are criticised as unreliable measurements of progress, due to problems with methodology and definitions.<sup>34</sup> The measurement of poverty under MDG1 exemplifies these problems.

Poverty is measured using indicators like the proportion of the population below \$1 or the poverty headcount ratio that rely upon high levels of construction and are highly unreliable.<sup>35</sup> For example, World Bank poverty data from the 1990s suggests that great progress has been made on poverty alleviation, but closer examination

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<sup>29</sup> UN GA (United Nations General Assembly). 2000. *Millennium Declaration*. A/RES/55/2. 18 September. New York. para. 32.

<sup>30</sup> See Annex 1 for a table of the MDGs.

<sup>31</sup> See Annex 2.1 for more on the Millennium Project.

<sup>32</sup> See Annex 2.2. for information on progress on reaching the MDGs.

<sup>33</sup> Vandemoortele, Jan. 2004. "Can the MDGs foster a new partnership for pro-poor policies?" UNDP, New York. p. 3.

<sup>34</sup> See Annex 2.3 for more background information and detailed critique of indicators.

<sup>35</sup> *Ibid.* p. 4.

shows that global poverty reduction trends may actually have reversed during this period.<sup>36</sup> Use of World Bank indexes is said to result in a systematic underestimation of poverty, due to inaccurate conversion rates in purchasing power parity (PPP), use of national household surveys which have shown significant inconsistencies and mask inequality within households,<sup>37</sup> and aggregation of data from rural and urban areas.

The World Bank has conceded some of these difficulties in accuracy.<sup>38</sup> But even if the accuracy of World Bank indexes is assumed, this methodology fails to account for non-economic definitions of poverty. The prevailing poverty alleviation theory relies upon an elastic relationship between economic growth and poverty reduction.<sup>39</sup> But poverty is fundamentally a "human phenomenon"<sup>40</sup> which can be exacerbated by and experienced through non-income factors, such as limited land ownership, food insecurity, loss of income and productivity due to environmental degradation or violence, and restricted access to social resources. The experience of poverty is marked by degradation of psychological well-being and exacerbated by risk and vulnerability.<sup>41</sup> MDG indicators on poverty do not take into account insecurity, such as war, nor do they address sustainability which is critical for long-term rural poverty alleviation.<sup>42</sup> These non-economic conditions are addressed under other MDGs or not addressed at all, suggesting that they are not part of poverty. It is essential to challenge a narrow income-centred definition of poverty in order to reclaim Goal 1 and its indicators as useful measurements of progress.

### Monitoring

Mechanisms for monitoring progress on the MDGs include annual UN global reports, five-year comprehensive reviews, and country-level MDG reporting.<sup>43</sup> To date, forty country-level MDG Reports (MDGRs) have been produced. Reports should coincide with national data gatherings, such as 3-5 year household surveys. Dimensions of inequality (e.g. gender, ethnic, regional) in achievement of progress should be reported. The United Nations Development Programme (UNDP) guidelines state that sex-disaggregated data are key, not just for Goal 3 but for all the other goals.<sup>44</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> Vandemoortele. 2004. p. 6.

<sup>38</sup> Okidegbe, Nwanze. 2001. "Rural Poverty: Trends and Measurement." Rural Strategy Background Paper #3. World Bank, Washington DC. p. 44.

<sup>39</sup> Karshenas. 2001. p. 18.

<sup>40</sup> Okidegbe. 2001. p. 1

<sup>41</sup> Moser, Catherine. 2001. "Insecurity and Social Protection – Has the World Bank Got it Right?" *Journal of International Development* 13. p. 364.

<sup>42</sup> Scherr, Sara J. 2000. "A Downward Spiral? Research Evidence on the Relationship Between Poverty and Natural Resource Degradation." *Food Policy* 25, 2000.

[[www.elsevier.com/locate/foopol](http://www.elsevier.com/locate/foopol)].p. 480; Jahan, Selim and Umana, Alvaro. 2003 "The Environment/Poverty Nexus." *Development Policy Journal* Vol. 3, April: 53-70; Koziell, Izabella and McNeill, Charles I. 2003. "Reducing Poverty by Using Biodiversity Sustainably." *Development Policy Journal* Vol. 3, April: 71-80.

<sup>43</sup> See Annex 2.4 for more information and critique of MDG reports.

<sup>44</sup> United Nations Development Group. 2003. "Country Reporting on the Millennium Development Goals, Second Guidance Note." UNDP, New York.

A recent UNDP evaluation revealed serious problems with the MDGRs around data, national participation and ownership, synergies with other reporting processes, and capacity.<sup>45</sup> There is insufficient scope in the MDGRs for analysis of why progress has or has not been achieved, and no mechanism to explore the impact of factors which fall beyond the scope of the MDGs (like peace and security). There are no guidelines, regulations, or monitoring of the extent and quality of civil society participation.

### **What do the MDGs reveal about development?**

The MDGs were born out of human rights and extracted from a Declaration that sets an agenda for global transformation. But the MDGs are being invoked in support of a neo-liberal vision of development that departs from either the approach that development is a right, enshrined in the Millennium Declaration and in international human rights law, or the approach that human rights are part of the process to achieve development. The MDGs themselves are just goals; what matters is the approach to development that they are being used to justify.

#### Revealing incoherence, contradiction, and business as usual

The MDGs crash up against the pillars of the growth-driven model of development, as they require investments in health, education, and infrastructure,<sup>46</sup> while the neo-liberal model emphasises a reduction in state expenditure for purposes of financial stability.<sup>47</sup> The MDGs are not being met because governments and donors are failing to invest in services, failing to take advantage of cross-sectoral synergies, and failing to foster an enabling international environment.<sup>48</sup> A 1998 study of 30 developing countries showed that two-thirds spent more on debt servicing than on basic social services. There have undoubtedly been changes since then, particularly through the HIPC (Heavily-Indebted Poor Countries) initiative. But implementation is slow, and its impact has been limited by declining commodity prices. On top of this, fluctuations in aid represent the largest source of economic shock to Least Developed Countries (LDCs).<sup>49</sup>

Many international agencies, including UNDP, UNIFEM,<sup>50</sup> and the International Financial Institutions (IFIs), and donors, such as DFID, have proclaimed their commitment to the MDGs. But these rhetorical commitments are not worth much if

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<sup>45</sup> UNDP (United Nations Development Programme) Evaluation Office. 2003. "Millennium Development Goals Reports: An Assessment." UNDP, New York.

<sup>46</sup> Vandemoortele. 2004. p. 9.

<sup>47</sup> Dollar, David and Kraay, Aart. 2000. "Growth is good for the poor." World Bank, Washington DC.

<sup>48</sup> Vandemoortele, Jan. 2003 "Are the MDGs Feasible?" *Development Policy Journal* Vol. 3, April: 1-22.

<sup>49</sup> Gore, Charles. 2003. "The International Poverty Trap." *Development Policy Journal* Vol. 3, April: 107-126.

<sup>50</sup> Heyzer, Noeleen. 2003. "Making the Links: Women's Rights and Empowerment Are Key to Achieving the Millennium Development Goals." Paper presented at Workshop on Gender Equality and the Millennium Development Goals, Washington DC.

they do not address the incoherence that results from pursuing a neo-liberal model that equates economic growth with development.

Recent statements by the IFIs suggest that this approach has not changed. For example, in a study on the costs of attaining the MDGs, the World Bank concludes that to achieve the MDGs by 2015, institutional reform coupled with between \$40-\$60 billion a year in additional foreign aid are required.<sup>51</sup> One method derives the figure based on a calculation of the investment needed to achieve the GDP (gross domestic product) growth necessary for poverty reduction. The study states its assumptions – of a static world trading system and static private flows – but says nothing about its assumption that GDP growth leads to poverty reduction for the poorest members of society facing structural, social barriers to human development. The second method measures the costs of attaining the health, education, and environmental goals. Its education estimates do not account for issues like the costs of working at a community level on attitudes about the value of educating girls, so that they are actually allowed to go to school. The analysis of the costs of achieving the health goals are about the costs of ‘inputs’ like vaccination, oral rehydration therapy, and promotion of breast feeding. The International Monetary Fund (IMF) has affirmed that “the MDGs are a powerful tool for enhancing the economic welfare,”<sup>52</sup> revealing their assumption that economic welfare and economic growth are the desirable ends.

The weakness around Goal 8 is perhaps the clearest indication of the enduring status quo. Commitments were made in the areas of trade and financial policy, market access, debt relief, development aid, and access to medicines and the benefits of new technologies. In contrast to the seven other MDGs, there are no time frames, quantifiable benchmarks, or instruments to monitor rich countries, financial institutions, and corporations.<sup>53</sup> There are a few countries that are voluntarily producing their own reports on progress towards Goal 8. But the lack of global monitoring of Goal 8 leads to the conclusion that developing countries are being monitored and held to account for their successes and failures in overcoming enormous human development challenges, whereas rich countries have no obligations.<sup>54</sup> Furthermore, there is no link between rich countries’ development co-operation policies and their international human rights obligations.

PRSPs are central to this structure of contradiction and incoherence because they replicate old structural adjustment programmes (SAPs), with their emphasis on short-term stabilisation over long-term development and the extension of the privatisation

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<sup>51</sup> Shantayanan, Devarajan, et al. 2002. “Goals for Development: History, Prospects and Costs.” World Bank, Washington DC.

<sup>52</sup> Heller, Peter S. 2003. “Can the IMF Contribute to the Promotion of the MDGs Relating to Gender Equality?” Paper presented at Meeting of High-Level Women in International Finance, Economics, and Development, Dubai.

<sup>53</sup> WEDO (Women’s Environment & Development Organization). (nd) “Information and Action Guide – Women’s Empowerment: Gender Equality and the Millennium Development Goals.” New York.

<sup>54</sup> Birdsall, Nancy and Clemens, Michael. 2003. “From Promise to Performance: How Rich Countries Can Help Poor Countries Help Themselves.” Center for Global Development (CGD) Brief, Washington DC. Volume 2, Issue 1. p. 2.

and liberalisation agenda.<sup>55</sup> As the PRSPs should be designed around the MDGs, this brings the risk that the exclusions in the MDGs will be left out of a country's poverty reduction plans, and subsequently in donor agencies funding through budget support.<sup>56</sup> But this risk is theoretical, because PRSPs from a range of countries with very different contexts and challenges all contain the same essential strategies.<sup>57</sup> Despite the rhetoric about national ownership, the same model of development is being promoted, and the MDGs are being plugged in when they support that model. PRSPs as re-branded SAPs fail as a poverty reduction policy model: the World Bank has identified 65 'uphill' countries with regard to achievement of the MDGs, but two-thirds of those countries had what the Bank regarded as 'good policies' that improved the macro-economic environment and increased exports but have not dented poverty levels.<sup>58</sup>

To add to the confusion, the PRSPs and the MDGs appear to be 'competing' as the UN is promoting the MDGs, while the World Bank is promoting the PRSPs. For example, Jeff Sachs, head of the Millennium Project, has proposed a Costings Approach to the MDGs. Government should make action plans based on the priorities needed to achieve the MDGs and then work to identify the required resources and investment strategy.<sup>59</sup> This is a shift from the PRSP approach, which asks a country to work backward from an investment portfolio to describe what poverty reduction goals can be achieved with those resources. The World Bank has proposed re-setting the goal-post for the MDGs to 2050, on the basis that the 2015 goals are not achievable.<sup>60</sup> While this may be true in some countries, making this statement just before the planning process for the first 2005 review signals weak institutional commitment.

#### Revealing the approach to gender in the MDGs

The way that the MDGs are being deployed to support this model of development is causing a problematic understanding of gender equality and human rights. This can be seen by looking at the indicators, the MDG Reports, the work of the Task Forces, and statements by the IFIs.

The faces of women in the MDGs are predominantly those of a girl child, a pregnant woman, and a mother. The indicators under MDG3 call attention to women's roles as producers in the formal economy and decision-makers, but these indicators are routinely forgotten. Women's empowerment is pursued, not because it is a human right, but because attainment of equality will address market inefficiencies and produce favourable ripple effects like birth rate reductions. Linkages have been forged between gender and a growth-driven approach to development.<sup>61</sup> For example, studies have

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<sup>55</sup> Gore. 2003.

<sup>56</sup> Ibid.

<sup>57</sup> Vandemoortele. 2004. p. 8.

<sup>58</sup> Gore. 2003.

<sup>59</sup> Vandemoortele, Jan and Roy, Rathin. 2004. "Making Sense of MDG Costing." UNDP, Poverty Group, New York.

<sup>60</sup> World Bank. 2004. *Responsible Growth for the New Millennium: Integrating Society, Ecology, and the Economy*. Washington DC.

<sup>61</sup> Kabeer, Naila. 1999. "The Conditions and Consequences of Choice: Reflections on the Measurement of Women's Empowerment." Geneva: UNRISD (United Nations Research Institute for Social Development), Discussion Paper No. 108. p. 1.

shown that a failure to meet the goal of gender equality in education will lead to economic growth losses.<sup>62</sup>

Although women's empowerment is difficult to measure, existing models have fallen off the agenda (for example, the Gender Development Index and the Gender Empowerment Measure). Such efforts conceptualise empowerment under three factors of power: resources (pre-conditions), agency (process), and achievements (outcomes).<sup>63</sup> Within these categories, a wide range of indicators far beyond education captures the experience of empowerment. Common indicators of empowerment focus on allocation of income and resources within a family; less common indicators look at division of household labour, freedom from violence, and couple negotiations regarding sex.<sup>64</sup> Proxy indicators such as education, literacy rates, and parliamentary representation can play a role, but they should not be allowed to replace and overshadow the broader goal which is being measured, as is taking place in the MDGs.

The use and abuse of indicators to measure progress can be seen by looking at a recent gender evaluation of the MDG Reports.<sup>65</sup> It shows dismal performance in gender mainstreaming and attention to women's empowerment and the predominance of an approach which identifies where women are present in development but does not analyse gender-differentiated roles and responsibilities or causes and consequences of inequality. Women are seen as vulnerable victims and mothers, rather than as agents of development.

Although a full review of the outputs of the other Task Forces is beyond the scope of this report, a quick look through a gender lens at the Executive Summaries of the Task Force reports shows that many of them mirror this limited understanding of women's role in the MDGs.<sup>66</sup> Only two reports analyse both women's issues and gender equality. One report talks about gender but is based in a 'women in development' analysis. Two reports briefly mention women and gender equality but see the issue as the responsibility of another MDG and Task Force. One report mentions women, but not gender, and three reports reference neither gender nor women.

Statements by the World Bank and IMF reveal instrumentalist understandings of the links between gender and the MDGs. The World Bank argues that "Attempting to meet the MDGs without promoting gender equality will both increase the costs and minimize the likelihood of attaining the goals."<sup>67</sup> Poverty is defined in a gender-blind way but women's instrumental roles in poverty reduction are stressed. For example, in the Costings study mentioned above, women's bodies are both part of the problem

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<sup>62</sup> Abu-Ghaida, Dina and Klasen, Stephan. 2003. "The Costs of Missing the Millennium Development Goal on Gender Equity." Discussion Paper. University of Munich, Department of Economics. p. 20.

<sup>63</sup> Kabeer. 1999. p. 3.

<sup>64</sup> Malhotra, Anju, et al. 2002. "Measuring Women's Empowerment as a Variable in International Development." World Bank, Gender and Development Group, Washington DC. p. 26.

<sup>65</sup> Menon-Sen, Kalyani. 2003. "Millennium Development Goals. National Reports: A Look Through a Gender Lens." UNDP, New York. See Annex 2.4 for summary of report.

<sup>66</sup> See Annex 2.5 for gender analysis of Executive Summaries of Task Force Reports.

<sup>67</sup> World Bank. 2003. *Gender Equality and the Millennium Development Goals*. Washington DC. p. 1.

(their lack of sanitation and breast feeding) and part of the solution, if they can be organised as suitable inputs (cleaned up for feeding infants). The underlying message remains that gender equality is to be promoted because it has high 'payoffs' for economic growth and poverty reduction.<sup>68</sup> Even accepting the starting point of an efficiency approach to gender equality, it is not possible to analyse gender and the MDGs without attention to issues not captured in the indicators, like violence against women.

The IMF asserts, in evidence of a failure of gender mainstreaming, that some MDGs are directly related to women, like education and maternal health, while other MDGs are not, like poverty and environment. It argues that specifically 'non-neutral' policies would be necessary to respond to disproportional disadvantage experienced by women and girls. It presents this disadvantage as a fact of life, rather than analysing why it exists. Using women, rather than gender, as the lens of analysis, the instrumental gains of addressing women's disadvantage come into focus: "improving the education, health, and income status of women is key to reducing the fertility rate, increasing labor productivity, and raising human capital."<sup>69</sup>

Thus, the MDGs have not un-seated the prevalence of a neo-liberal, growth-driven model of development that forfeits social policy objectives to economic policies and relies on women as instruments for development objectives. The deployment of the MDGs in support of this definition of development is incompatible with their origins in human rights.

### **Overcoming these challenges**

The review of the Millennium Declaration and the MDGs is taking place in a context that presents both opportunities and threats in the areas of development policy, political will, and civil society engagement.

#### Development policy, planning and practice

The understanding of the place of the MDGs in development policy, planning and practice has become more textured since 2000.<sup>70</sup> It is recognised that MDGs are a simplification, and the practical work at a country-level retains much of the complexity related to development that is not represented in the MDGs. It is acknowledged that it may be possible to meet the MDGs at a global level through progress in India and China, but this could leave behind entire regions and countries or entire sub-groups within countries. At a country-level (e.g. Vietnam and Cambodia), the indicators and targets have been made more context-specific to recognise that the global targets may be inadequate (for example, because they are unattainable or have already been reached). The Cambodian Country Report had strong emphasis on engendering the statistics used for the indicators.<sup>71</sup> The MDGs have a less significant role on year-to-year policy-making than may be imagined, because they are based on national

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<sup>68</sup> Ibid., p. 3.

<sup>69</sup> Heller. 2003. p. 1.

<sup>70</sup> According to interviews with DFID staff.

<sup>71</sup> Hyun, Mia. (nd) "Project Narrative Report. Engendering the Cambodia Country Report for the Millennium Development Goals (MDGs)." UNIFEM-UNDP SPPD CMB/02/018/77.

statistical information gathered every five years. To track annual progress, DFID uses proxy indicators that can be monitored more frequently and reliably (e.g. monitoring progress towards achievement of the child mortality goal through a proxy indicator like rate of vaccinations).

The work of Task Force 3 represents a challenge to the instrumentalist understanding of gender and, indirectly, the neo-liberal growth-driven model of development. The Task Force Report argues that not only is it essential to achieve the Gender Equality and Women's Empowerment MDG, it is also essential to integrate gender considerations into the other MDGs.<sup>72</sup> They explain problems in using the Girls' Education target as a proxy indicator for gender equality and women's empowerment. Even if parity in girls' education is achieved, it does not bring empowerment without the opportunity to use that education to obtain decent work or without the chance to participate in political decision-making. Education of girls cannot eliminate violence against women. Furthermore, empowerment requires agency – the ability of women to control their own destiny.<sup>73</sup> On the basis of their analysis, the Task Force proposes additional targets to be monitored at a country-level, sub-populations who should be a focus of attention (poor women, adolescents and youth), and six strategic priorities aimed at keeping on the agenda the issues which have been left out of the MDGs.<sup>74</sup> Since the publication of the report for comments, the Task Force has withdrawn its proposal for additional indicators.<sup>75</sup>

The work of Task Force 3 is a forward step, but it has weaknesses. Its reports are erratic in terms of a rights analysis of gender equality and women's empowerment. There is insufficient effort to link up their analysis to a human rights framework and little regard for the sources of accountability offered by the international human rights machineries. It is only in the section on violence against women that the international human rights system is mentioned. A further problem, which goes beyond this Task Force report to the structure of the Millennium Project, is the weak linkages between the MDG3 analysis of gender equality and the other MDGs. It does not appear that there is any structure in place to ensure that the linkages between the MDGs are being made and that gender is being mainstreaming in all MDGs. The consequences can be seen in the poor gender mainstreaming in the other Task Force Reports.

These changes in development policy, planning, and practice are a step towards contextually-specific implementation of the MDGs, but they are tinkering at the edges of a system which continues to promote a vision of development associated with narrow economic growth-driven models and instrumentalist understandings of gender equality.

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<sup>72</sup> Grown, Caren and Gupta, Geeta, et al. 2004. "Task Force 3 Interim Report on Gender Equality. From Promises to Action: Recommendations for Gender Equality and the Empowerment of Women." Millennium Project, New York. p. 4

<sup>73</sup> Ibid 9

<sup>74</sup> Grown, Caren et al. 2003. "Background Paper of the Task Force on Education and Gender Equality: Promises to Keep: Achieving Gender Equality and the Empowerment of Women." Millennium Project, New York.

<sup>75</sup> Grown, Caren. 2004. "Message from MDG Task Force 3." Right2Education Listserv, hosted by ActionAid. 31 August 2004.

### Political Will

The MDGs have captured political attention and generated global political will. According to one DFID staff member, the Millennium Declaration and the MDGs represent the first international consensus about a vision for the future since the Universal Declaration of Human Rights (UDHR). The MDGs are seen as helpful to gender advocates, because they include social rights issues like reproductive health and education and include a specific goal on gender equality. They are an advocacy tool that have helped to revitalize international aid flows and have focused attention at an institutional level on targets and protected or created space to stress the importance of gender equality.

However, the unified global commitment to the MDGs may be in decline, as some countries have argued that it is absurd to keep pursuing unattainable targets. The World Bank has suggested moving the date to 2050, and some donors are much less enthusiastic about the MDGs than others (e.g. the US). Furthermore, the apparent consensus shown by these targets only obscures the very real differences that exist among states about human rights, democracy, governance, and equality among citizens and states. The rise of militarisms, fundamentalisms, and extremisms and the focus on global security in the last few years has further polarized these differences.

### Role of Civil Society

Global civil society is critically engaging in the MDGs. The small number of interviews conducted for this project with Northern-based development agencies revealed that most of them are working in some way with the MDGs, often in policy and campaigning work. Most are being careful to use the MDGs to fulfil their own ends, and the MDGs are not seen to have a major impact in fundraising from organisations such as DFID that are driven by the MDGs. Some organisations reported that they were using MDGs as way to challenge government policies, by arguing that it is impossible to achieve the targets without attention to issues like gender equality and access to services.

But despite evidence of civil society engagement in the MDGs, organisations seem to view the process as belonging to governments and to the UN.<sup>76</sup> This finding at the UK level has been noted elsewhere: civil society organisations have been slow to engage in a process which they did not participate in creating and which many feel has been delivered from top-down.<sup>77</sup> Organisations in the North do not see their own development work as fulfilling part of the promise of Goal 8 of "global partnership for development."<sup>78</sup> Furthermore, many organisations are engaging with the MDGs at only a surface-level. For example, a number of people interviewed asserted that they were working on the MDGs, but they had not read the Millennium Declaration, heard of the

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<sup>76</sup> Bissio, Roberto. 2003. "Civil Society and the MDGs." *Development Policy Journal* Vol. 3, April: 151-160.

<sup>77</sup> Barton, Carol and Prendergast, Laurie, eds. 2004. *Seeking Accountability on Women's Human Rights: Women Debate the UN Millennium Development Goals*. New York: WICEJ (Women's International Coalition for Economic Justice).

<sup>78</sup> World Federation of UN Associations. 2003. "We the Peoples: A Call to Action for the UN Millennium Declaration." Geneva.

Millennium Project, or read the Task Force reports. Very few organisations demonstrated any in-depth understanding or engagement with the UN-level MDG processes. Some felt that the MDGs were not really owned or understood throughout the organisation.

To develop effective strategies for participation in the 2005 review processes, the GADN should bear these contextual issues in mind as reasons for caution and optimism. The further entrenchment of a neo-liberal model of development continues to be the primary challenge for development and women's human rights advocates. In the review process, the MDGs will be used by advocates from both sides as tools for justifying competing visions of development.

## Reviewing Progress

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### Reviewing Progress on the Millennium Declaration and MDGs: MDG +5

#### Plans for 2005

The General Assembly (GA) committed to regularly reviewing progress in implementing provisions of the Millennium Declaration<sup>79</sup> and subsequently agreed that there would be a global-level review at the 60th session of the GA in October 2005. The plans for the review will be discussed during the next GA session.<sup>80</sup> The review will look comprehensively at the Millennium Declaration, not just the MDGs. The findings of the Millennium Project, in the form of a Synthesis Report on operational strategies for achieving the MDGs, will be presented. As the meeting will be a GA session, it will be difficult to ensure direct civil society participation because only member states have the right to be represented.

A range of initiatives is planned at a government and civil society level for the MDG+5 review. This survey presents findings from the interviews; it does not aim to be comprehensive.

#### *Government*

Despite the emphasis within DFID on the MDGs and the fact that the review is just over a year away, there does not appear to be a corporate strategy for MDG+5. However, it is likely to attract high-level ministerial attention closer to the time. DFID is not undertaking any large-scale research to understand the barriers and constraints to achieving the MDGs. There are internal efforts to collect information from staff about their impressions and analysis of progress, including some success stories. Donor agencies are preparing reports on the MDGs, and DG Development of the European Commission is undertaking a synthesis of these reports. The EU Gender Experts Group has drafted a paper discussing the linkage of the reviews of the Millennium Declaration, the MDGs, and the BPFA. The Gender Network of the OECD-Development Assistance Committee (OECD-DAC Gender Net) is pushing the importance of gender in the MDGs and the linkages to the Beijing review process. Financing and resources under Goal 8 is likely to be a focus of the Review. The issues of global security and terrorism may dominate much of the discussion.

No interviews were conducted with staff from governments of developing countries. However, one interviewee reported that interest in the MDG+5 review was much greater among donor governments than among developing country governments. There is often little awareness of the MDGs or the MDG+5 review within ministries, particularly at the implementation level, and usually only if the MDG applies to their sector.

#### *Civil Society*

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<sup>79</sup> UN GA (United Nations General Assembly). 2000. *Millennium Declaration*. A/RES/55/2. 18 September. New York. para. 31

<sup>80</sup> UN (United Nations). 2001. "Road Map Towards the Implementation of the United Nations Millennium Declaration." Report of the Secretary-General. A/56/326. New York.

Civil society organisations are making plans for the MDG+5 review, but the interviews showed that the issue is clearly not receiving as much attention among non-governmental organisations (NGOs) as it does among donor agencies. One agency reported that they did not think that any of their Southern partners were involved in the review, even some of the larger advocacy-focused organisations. A number of agencies are working on developing certain messages and analysis to feed into the MDG process. Most NGOs said they were planning to work on the MDG review through existing networks. The upcoming UK presidency was identified as a key lobbying opportunity.<sup>81</sup> Everyone saw the MDG+5 process as an advocacy opportunity, with a key role for European NGOs to lobby their governments prior to the review itself. There were concerns that a 'Campaigns' message, like a clear statement about aid quantity and financial flows, would overshadow a broader engagement with the many issues around the MDGs.

#### Opportunities and Strengths around MDG+5

The MDG+5 review offers a chance to re-affirm the importance of the MDGs and the global commitment to their achievement. It may be wise to push for a clear, simple message, like commitment to 2015 and no extension of time-bound targets to 2050. The review is an opportunity to stress the importance of a human rights approach to development, with special attention on equality and non-discrimination. It creates space to highlight issues which have been overlooked by the MDGs, such as the broader non-discrimination and inclusion agenda.

Given that the 2005 target on girls' education will be missed, the review could focus attention on what is being lost by inadequate concern for gender equality issues. There is a push for a joint ministerial statement on the importance of gender equality in the MDGs, through the OECD-DAC Gender Net. Donors may need sharp analytical evidence that lack of attention to gender equality and poor gender mainstreaming is hampering achievement of the MDGs (despite the extensive availability of literature on these topics).

NGO engagement in the process is seen as essential and influential. Many organisations talked about the MDG Review as a venue to hold governments to account for their commitments. In addition to these substantive issues, the MDG Review was seen as a way to transform and strengthen advocacy by working in more effective alliances; for example, by bringing together women's groups and organisations focused on the education goal.

#### Threats and Weaknesses around MDG+5

There is a concern that the review will be narrowed to discussion of financing and resources. Drafts of donors' reports for the review show that this is happening. There are fears that the global security agenda will distract attention away from a substantive review. Inherent in a review of the MDGs are the problems within the MDGs themselves. Most civil society observers are very anxious about the global political context and its effect on monitoring of the MDGs, as the rise of

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<sup>81</sup> Serene Communications. 2004. "UK Presidencies of the G8 and European Union: Report on Consultation of Women's Organisations in UK with Tom Brake MP." London.

fundamentalisms, extremisms, and militarizations across the world has narrowed debate and polarized the international community. There are concerns that the MDGs will be abandoned in the face of imminent failure in 2015. This leads to calls for a global re-affirmation and non-negotiation of the MDGs.

There are concerns about dismal attention to gender equality and weak gender mainstreaming in the MDGs. The emphasis being placed on Girls' Education is taking away from attention to the other indicators under Goal 3. Some DFID staff felt that their work on Girls' Education was not directed at understanding how gender inequality affects girls' education, but on a much narrower question of access. Concerns about gender mainstreaming in the Millennium Project were raised, in particular regarding a draft of the report on Goal 1 (Poverty & Hunger) which implied that women were instruments rather than agents of poverty eradication and also regarding proposals to 'mainstream gender' in the Synthesis Report by including a chapter on 'women and other minority groups.'

The MDG+5 Review could more appropriately be called an 'accountability lite' mechanism, as states have no obligations to report on progress.<sup>82</sup> This is particularly problematic regarding Goal 8. Linked to this are the concerns that the MDGs are replacing international human rights definitions of government obligations,<sup>83</sup> and the MDG Review process will overshadow other monitoring and accountability mechanisms.<sup>84</sup>

Criticisms are also made about inclusion and exclusion. The IFIs and the US are not seen to play a sufficient role; they must engage in the review process for the MDGs to make any difference.<sup>85</sup> The MDG review process is seen as top-down and lacking in opportunities for experiences from the grass-roots to be heard.<sup>86</sup> Women, older people, indigenous people, and poor people face particular barriers to participation.<sup>87</sup>

A final set of concerns relate to NGOs' abilities to participate in the review process in the context of shrinking funding. Many organisations are having to choose how to allocate their scarce resources towards the upcoming review processes. It is clear that many NGOs will not be able to participate in all the global level processes in 2005. In the interviews conducted with UK organisations, there was an enormous range of views about how to prioritise the reviews (e.g. MDG+5, Beijing+10, or WSSD+10). This diversity of views coupled with resource constraints may threaten joined-up advocacy. One critic argues that if NGOs are being touted as a primary source of pressure for holdings governments to account, then funds must be provided for this work.<sup>88</sup>

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<sup>82</sup> Menon-Sen. 2004.

<sup>83</sup> Barton. 2004.

<sup>84</sup> Obando, Ana Elena. 2003. "Women and the Millennium Development Goals." Women's Human Rights Net [[www.whrnet.org/docs/issue-mdg.html](http://www.whrnet.org/docs/issue-mdg.html)].

<sup>85</sup> Barton. 2004.

<sup>86</sup> Barton. 2004.

<sup>87</sup> According to interviews.

<sup>88</sup> Barton. 2004.

## **Reviewing progress on the Beijing Platform for Action: Beijing + 10**

### Plans and activities for 2005

At the 49th session of the Commission on the Status of Women (CSW) in March 2005, a review and appraisal will take place of the implementation of the Beijing Declaration, the Platform for Action, and the outcome of 23rd special session of the General Assembly (2000).<sup>89</sup> The review will be conducted by looking at national action plans designed to implement the Platform for Action, State reports to the committee monitoring CEDAW, information generated through annual CSW sessions, particularly expert groups meetings, and analysis of questionnaires submitted by States to the UN Division for the Advancement of Women on implementation of the BPFA. Official statistics, PRSPs, MDGRs, and other sources of information will also be used.

Alongside information about states' implementation of the BPFA, reports from the regional preparatory meetings will feed into a final global report which will show the challenges which are identified by using the Platform for Action as an analytical framework. A diversity of views has emerged at the regional meetings. Some women's organisations have criticized the BPFA for failing to respond to their needs. The preparatory meetings may be setting the stage for the global review, as there has been strong anti-abortion lobbying, calls to water down parts of the BPFA text, and efforts to insulate governments from civil society pressure.

The Beijing +10 Review does not appear to be a mainstream priority for governments in developing countries. For example, according to one interviewee, in two Asian countries, the Beijing +10 Review may be a priority for the Women's Ministries, but staff working on sector issues like health, education, or water do not mention the Beijing +10 review or show signs that they are participating in the process.

At a Northern government level, interviews indicate that the review is not a mainstream institutional priority, and the staff who are working on the review are those staff with specific gender responsibility. For example, DFID's Senior Gender and Diversity Adviser is compiling DFID's part of the UK government's submission for Beijing +10, but with only limited involvement from staff in regional offices or the rest of the policy division. DFID has not commissioned any new research or substantial work to mark Beijing +10, but it does hope to work with WOMANKIND Worldwide and the British Council to draw attention to the linkages between CEDAW and the MDGs. DG Development of the European Commission has identified funds to be able to work with the United Nations Research Institute for Social Development (UNRISD) on a specific research report on Gender and Development for Beijing +10. Some DFID staff felt that it was important for DFID to participate in the regional preparatory meetings, but they did not know about them or how to effectively engage. At a cross-departmental, governmental level, Beijing +10 is not a top priority. The joint

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<sup>89</sup> UN (United Nations). 2000. "Questionnaire to Governments on Implementation of the Beijing Platform for Action and the Outcome of the Twenty-Third Special Session of the General Assembly." New York.

responsibility of the Foreign and Commonwealth Office, DFID, and the Women and Equality Unit for Beijing +10 creates problems of leadership and lack of coordination.

Beijing +10 is not a significant institutional priority for GAD Network members. Only three organisations reported any concrete plans around Beijing +10 (either by themselves or by their partner organisations). Most organisations said they hoped to work through networks such as the GAD Network or BOND (British Overseas NGOs for Development). Some organisations cited resource constraints and strategic choices as considerations in their decisions around Beijing +10, as Beijing +10 was viewed as less important than MDG+5 or the review of the WSSD. Beijing +10 may be receiving more attention among civil society organisations in the South, if the extent of participation in the regional meetings and statements from regional forums can be taken as any indication.<sup>90</sup>

#### Opportunities and strengths around Beijing +10

Although Beijing +10 seems to be low on the agenda among both governments and many civil society organisations, people believe that it offers opportunities for taking stock, analysing progress on women's human rights, and understanding why progress has been limited in a number of areas. It is an important occasion to hold governments to account for the commitments they made to women's human rights. It creates an international space for women to participate in policy debate, to meet each other, to put issues on the agenda, and to lobby their governments.

#### Threats and weaknesses around Beijing +10

In the face of this optimism, the interviews and literature indicate many anxieties. People are worried that Beijing +10 is a low-priority issue among governments and will be overshadowed by the Millennium Review. There are concerns that at Beijing +10, we will be talking to ourselves or running to stand still in the face of better resourced, more organized fundamentalist lobbyists.

The international climate, characterized by the rise of militarisms, the 'war on terror' and the polarization of the world order, is regarded as hostile to women's human rights. The rise of fundamentalisms, threats to and roll-backs of women's human rights, and the struggle to maintain language on sexual and reproductive rights is cited by many as evidence of the threats to the BPFA.

Women's human rights are not only under attack, they are also being hijacked. Concepts of gender, equality, and mainstreaming have been de-politicized and turned into symbolic and technical tools to achieve objectives which threaten or ignore women's human rights concerns. The use of images of women and statements about their disempowerment to back up the case for war in Iraq and Afghanistan were cited as examples of this trend.

The global women's movement may not reach consensus in time for Beijing +10, as there is a diversity of views about how to best use the review process. The

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<sup>90</sup> Articulación de Mujeres Brasileñas, et al. 2004. "Novena Conferencia Regional sobre la Mujer de América Latina y el Caribe: Declaración de Organizaciones de la Sociedad Civil." Comisión Económica para América Latina y el Caribe. Mexico City; APWW-Meet NGO Forum Statement. 2004. "Statement of the Asia Pacific NGO Forum on Beijing + 10."

difficulties in ensuring broad representation of women from the South at the CSW present a further challenge. Both GAD Network members and DFID staff raised their concerns about lack of resources for NGOs to participate in the Beijing +10 process.

## **Linking the Reviews of the Beijing Platform for Action and the Millennium Review**

### Plans for 2005 to link the reviews

Governments have agreed that there should be a linkage between the review of the Beijing Platform for Action and the review of the Millennium Declaration and the MDGs, as proposed by the Secretary General.<sup>91</sup> The outputs from the CSW's Beijing +10 review will be fed into the Millennium Review. The OECD-DAC's Gender Net has agreed to work to build linkages between Beijing +10 and the Millennium Review.

Although there is a global commitment to linking the reviews, there are differences in priorities, as donors are focused on the MDG Review, whereas as Southern civil society organisations are more focused on the Beijing Review. According to one interviewee, developing country governments are not doing much for either review.

### Opportunities and Strengths of linking the reviews

Linking the Millennium Review and the Beijing Review was regarded as an opportunity by all the people interviewed. The linkage of the reviews has been presented as an opportunity to push certain messages. They include:

- ? The importance of gender mainstreaming for achievement of all the MDGs;
- ? The need to understand the connections among the MDGs from a gender perspective;
- ? The re-assertion of issues which have been left out of the MDGs – including sexual and reproductive rights, violence against women, labour rights;
- ? The challenge to the neo-liberal development paradigm and privatization of services as a barrier, rather than a method, for achievement of the MDGs;
- ? The need for debt cancellation;
- ? The need for global economic justice and peaceful resolution of international disputes in order to achieve the MDGs.

### Threats and Weaknesses of linking the reviews

Despite this optimism, there are concerns about linkage of the reviews. Some advocates fear that linking the reviews will marginalise the BPFA and narrow the women's human rights agenda.<sup>92</sup> The Questionnaire to Governments for the Beijing +10 confirms this fear. It asks states to report on achievement of the MDGs as part of an overview of achievements and challenges in promoting gender equality and women's empowerment. But it singles out Goals 2 (education), 3 (gender equality and

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<sup>91</sup> UN CSW (United Nations Economic and Social Council, Commission of the Status of Women). 2004. "Review of the methods of work of the Commission on the Status of Women in the context of integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields." E/CN.6/2004/2. New York.

<sup>92</sup> Barton, Carol. 2004. Presentation reported in Macdonald, ed. 2004. p. 9.

women's empowerment), 5 (maternal mortality), and 6 (HIV/AIDS), implying that the goals on poverty, hunger, and environmental sustainability do not relate to implementation of the BPFA and realization of women's human rights.

A major effect of this marginalisation would be the lack of attention placed on women's human rights in developed countries, because the Millennium Review and the MDGs are understood as only relevant for developing countries. This could drive a wedge between women from the North and South.

The Millennium Review may just be an exercise of further entrenching a model of development which is disempowering and threatens realization of human rights. A comparison of the priorities which have emerged through the Beijing +10 regional preparatory meetings and the MDGs reveals the substantive disconnect that must be bridged in order to link the review processes. The Latin America Report and the individual African regional reports were analysed to uncover the major issues that have been identified as challenges to implementation of the BPFA.<sup>93</sup> A weakened women's movement and economic barriers to women's empowerment appear in all but one report. Social and cultural attitudes that hinder women's empowerment are identified as challenges in five of seven of the reports. Lack of, or ineffective, gender mainstreaming, and gaps between gender policies and implementation appear in more than half of the reports. The international environment – in terms of debt relief, trade, and aid conditionality – is identified as a major disabling factor to implementation of the BPFA in more than half of the reports. High maternal mortality and access to education are among the issues that appear in only one report. This comparison shows that the challenges identified in the Beijing +10 review do not line up with what are understood by the MDG framework to be the main gender equality challenges – girls' education and maternal mortality.

Alongside these substantive challenges, there is the additional problem that although many people are enthusiastic about linking the reviews, few people are working on building those linkages. Southern NGOs appear to be focusing on the Beijing Review. Northern NGOs, notably some US and Canadian organisations, are emphasising the Millennium Review. At the WIDE Annual Conference (Women in Development Europe), participants agreed that it was important to link these reviews, but the report implies that this was new terrain for many.<sup>94</sup> Efforts to join campaigning on girls' education with campaigning by the women's rights movement show that even when attempts at linkages have been made, there have been problems.

Resource constraints and strategic choices may explain lack of attention to the linkage of the reviews. Engaging effectively in the Millennium Review process requires substantial resources, skills, and capacity. The MDG learning curve is steep, the process is time-consuming, the terms of engagement are not enabling to the women's human rights agenda, and there are few guarantees that participation will result in concrete progress. Faced with a choice, focusing on the Beijing review may offer a

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<sup>93</sup> See Annex 3.1 for full analysis of priorities identified in regional meetings.

<sup>94</sup> Macdonald, Mandy, ed. 2004.

more productive and positive agenda. Some are worried about investing to engage in both reviews, only to find a new paradigm rolled out in a few years' time.

Within both civil society and government circles, there are mixed feelings about the upcoming review processes. The reviews and their linkage present opportunities and threats. Much remains to be debated and decided about the 2005 reviews. The GAD Network should bear these considerations in mind in shaping its strategy for engagement.

## Linking human rights and the MDGs

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### Introduction

Despite their origins in human rights, the MDGs and human rights do not sit comfortably together, because the MDGs are being used in support of a model of development which threatens realization of human rights and gender equality. This dissonance can be seen in the continued entrenchment of a neo-liberal model of development, the use of the MDGs as indicators to measure progress, the work of the Task Forces, and the comparison between the Beijing +10 priorities for women's empowerment and those highlighted through the MDGs. This disconnect must be bridged in order to challenge the neo-liberal model of development and work towards the realization of the MDGs and human rights.

Human rights and the MDGs can be complementary and mutually reinforcing as approaches to development. Human rights instruments and mechanisms can be used to mitigate the problems of the MDGs, and the MDGs can mitigate the weaknesses of human rights instruments. Following a brief overview of human rights instruments, this section will analyse this complementary relationship conceptually and practically, by looking first at issues and analysis and second at process and approach.

The United Nations Charter and the UDHR mandate universal respect for and observance of all human rights on the basis of equality and non-discrimination. The principle of equality and non-discrimination is enshrined in core international human rights instruments (the UN Charter (Arts. 1, 2, 7), the ICCPR (Art. 26)<sup>95</sup>, and the ICESCR (Arts. 2, 3)) and reinforced by specific conventions (Convention on the Elimination of all forms of Racial Discrimination (CERD)<sup>96</sup>, CEDAW).

These legally-binding treaties are complemented by non-binding commitments and recommendations, such as the Beijing Platform for Action and General Recommendations by the Committee monitoring CEDAW. They play a normative role in interpreting rights protected by treaties. Whereas treaties tend to be phrased in broad terms, non-binding instruments give interpretations of certain rights, establish standards for their implementation, include commitments to actions, and set out targets and indicators for monitoring progress.<sup>97</sup> Comments from committees monitoring human rights treaties are not technically legally binding, but they are regarded as authoritative and often followed.

States which are party to a treaty are expected to adopt or modify their domestic legislation or policies to conform to the standards set out in the treaty. First, states must respect human rights, by refraining from interfering directly or indirectly with the enjoyment of human rights. Second, states must protect human rights, by preventing third parties from interfering with or violating human rights, which includes taking

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<sup>95</sup> UN (United Nations). 1966. *Covenant on Civil and Political Rights*. 999 U.N.T.S. 171. New York.

<sup>96</sup> UN (United Nations). 1969. *International Convention on the Elimination of All Forms of Racial Discrimination*. 660 U.N.T.S. New York.

<sup>97</sup> Asher, Judith. 2004. *The Right to Health: A Resource Manual for NGOs*. London: Commonwealth Medical Trust. p. 11.

necessary measures to prevent individuals or groups from violating the rights of others. Third, states must fulfil human rights, by adopting measures that facilitate the full realization of human rights.<sup>98</sup>

The domestic legal framework determines the status of a human rights treaty in national law. Domestic law, such as a constitution, may provide more detailed definition of rights and guarantees of protection. National level legislation, policies, and enforcement mechanisms determine to a large extent whether rights are claimed and granted.

International human rights law creates a minimum standard for national legislation and policy-making. It defines what governments agreed they must achieve, but it does not define how to go about realizing those rights, and it is thus neutral regarding the role of the public and private sector in provision.<sup>99</sup>

## Issues and Analysis

This section illustrates that the ICESCR, CEDAW, and the BPPA offer a conceptual framework for understanding the MDGs as human rights obligations. The ICESCR establishes states' immediate obligations to achieve the MDGs, while CEDAW establishes the obligations of equality and non-discrimination.

### Development: MDGs as core obligations under the ICESCR

#### *Introduction*

The ICESCR and the ICCPR include the obligation of non-discrimination (Art. 2 of each) and the guarantee of the equal rights of women and men to the enjoyment of the rights set forth in the Covenant (Art. 3 of each). CEDAW strengthens the definition and protection of the human rights of women by discussing the specific obstacles to women's enjoyment of their rights. Referring to the ICCPR and the ICESCR defines the scope of these rights and the nature of states' obligations. The interpretation of women's human rights by reference to the International Covenants and CEDAW reinforces the message from the Vienna World Conference on Human Rights in 1993: women's rights were officially recognized as human rights, and those rights were considered to be universal and indivisible.<sup>100</sup>

#### *State obligations under the ICESCR*

States have obligations to take steps towards achieving progressively the full realization of the rights set out in the ICESCR, using all appropriate means including the adoption of legislative measures (Art. 2).<sup>101</sup> The concept of progressive realization recognises the fact that achievement of these rights requires gradual progress over time.

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<sup>98</sup> Ibid. p. 13.

<sup>99</sup> Hunt, Paul. 2004. "UN Special Rapporteur: Reporting and effects." Presentation given at International Human Rights Academy, Utrecht, 15-28 August 2004.

<sup>100</sup> Gierycz, Dorota. 2002. "Human Rights of Women at the Fiftieth Anniversary of the United Nations." In Benedek, Wolfgang, ed. 2002. *The Human Rights of Women: International Instruments and African Experiences*. London: Zed Books.

<sup>101</sup> However, see Annex 4.1 for critique of economic, social, and cultural rights as human rights.

Although the concept of progressive realization is at the heart of economic, social and cultural rights, it does not cancel out states' immediate obligations. States have immediate obligations to take deliberate, concrete and targeted steps towards the full realization of the rights set out in the Covenant within a reasonably short time after ratification. The state must take these steps to the maximum of its available resources, both from within the state and through international co-operation. According to the Montreal Principles on the interpretation and implementation of the guarantees of non-discrimination, these resources must be distributed in a manner which provides substantively equal exercise and enjoyment of economic, social, and cultural rights.<sup>102</sup> No matter how a state is doing on progressively realizing the rights to health, or education, or work, it has an immediate obligation to do so in a non-discriminatory way.<sup>103</sup> States must refrain from undertaking any measures which directly or indirectly infringe on the enjoyment of rights and must refrain from taking back rights which have been realized.

The argument is often made that economic, social and cultural rights will have to wait for a future date because the state lacks resources. The Covenant addresses this in two ways: it mandates prioritization of resources and it defines resources as those available internally and through international co-operation.

The principle of resource prioritization has been extended to develop a concept of minimum core obligations. A state is presumed to have failed in its obligations under the Covenant if significant numbers of its population are deprived of the right to food, the right to essential primary health care, the right to basic shelter and housing, or the right to the most basic forms of education.<sup>104</sup> If a state is failing in these areas, it must demonstrate that it has used all resources at its disposition in an effort to satisfy, as a priority, these minimum obligations. The concept of core obligations thus provides a means of defining the very rock-bottom responsibilities of states in terms of economic, social, and cultural rights. The immediate obligation of non-discrimination mandates that even these core obligations must be met in a non-discriminatory manner. The Committee has further defined and articulated these core obligations in a number of General Comments on housing,<sup>105</sup> food,<sup>106</sup> education,<sup>107</sup> and health,<sup>108</sup> and water.<sup>109</sup>

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<sup>102</sup> Aurora, Sneh, et al. 2002. "Montreal Principles on Women's Economic, Social, and Cultural Rights." para. 18.

<sup>103</sup> CESCR (Committee on Economic, Social and Cultural Rights). 1990. "The Nature of States parties Obligations (Art. 2, par. 1)." General Comment 3. Geneva.

<sup>104</sup> *Ibid.*, para 10.

<sup>105</sup> CESCR. 1991. "The right to adequate housing." General Comment 4. E/1992/23. Geneva and CESCR. 1997. "The right to adequate housing: Forced evictions." General Comment 7. E/1998/22, annex IV. Geneva.

<sup>106</sup> CESCR. 1999. "The right to adequate food." General Comment 12. E/C.12/1999/5. Geneva.

<sup>107</sup> CESCR. 1999. "Plans of action for primary education." General Comment 11. E/C.12/1999/4. Geneva and CESCR. 1999. "The Right to Education." General Comment 13. E/C.12/1999/10. Geneva.

<sup>108</sup> CESCR. 2000. "The right to the highest attainable standard of health." General Comment 14. Geneva.

<sup>109</sup> CESCR. 2002. "The right to water." General Comment 15.

### *Immediate obligations under ICESCR*

- ? Non-infringement of enjoyment of rights
- ? Non-retrogression on rights
- ? Non-discrimination
- ? Take steps towards progressive realization
- ? Meet core obligations

### *Core obligations under the ICESCR*

- ? Basic Housing
- ? Adequate Food
- ? Basic Education
- ? Primary Health Care
- ? Water

### *Linking ICESCR and the MDGs*

There are many overlaps between the MDGs and internationally-defined human rights, as can be demonstrated by a few examples.<sup>110</sup> The MDGs set a goal of halving the proportion of people who suffer from hunger; Article 11 of the ICESCR defines a right to an adequate standard of living, including adequate food, and a right to be free from hunger. Article 13 of the ICESCR establishes a right to education, and the MDGs set a goal that boys and girls will be able to complete a full course of primary schooling. Goal 5 about maternal mortality is mirrored in the ICESCR, which codifies a right to special pre and post-natal protection for mothers (10), a right to the enjoyment of the highest attainable standard of physical and mental health (12), and a right to benefit from scientific progress and its applications (15). ICESCR defines a right to safe water, under right to adequate standard of living (11) and right to health (12), and the MDGs state the aim to halve the proportion of people without sustainable access to safe drinking water.

The MDGs have been described as minimum development goals. This echoes the human rights concept of core obligations. These linkages between the MDGs and human rights generate the following principles of states' immediate obligations:

- ? *Non-discrimination*: All steps taken towards achievement of the MDGs should benefit people equally and in a non-discriminatory way.
- ? *Non-infringement*: States may not get in the way of enjoyment of rights.
- ? *Non-retrogression*: States may not roll-back rights which have been achieved (e.g. by criminalizing abortion, introducing user fees for primary education)
- ? *Take steps towards progressive realization*: States have legal obligations to work towards achievement of the MDGs, because realization of human rights requires achievement of the goals.
- ? *Meet core obligations*: States must demonstrate that a substantial number of its population enjoy core rights. If it has failed in this obligation, it must show

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<sup>110</sup> See Annex 4.2 for full table listing connections between MDGs and human rights.

it has used, in an expeditious, effective, and non-discriminatory manner, all its available resources towards the meeting of these core rights.

- Basic Housing
- Adequate Food
- Basic Education
- Primary Health Care (including maternal health)
- Water

States' core obligations roughly line up with the MDGs:

<b>GOALS AND TARGETS</b> from the Millennium Declaration	<b>CORE OBLIGATIONS</b> Under ICESCR
Goal 1: Eradicate extreme poverty and hunger	Basic housing Adequate food
Goal 2: Achieve universal primary education	Basic education
Goal 3: Promote gender equality and empower women	Basic education Primary health care
Goal 4: Reduce child mortality	Adequate food Primary health care Water
Goal 5: Improve maternal health	Adequate food Primary health care Water
Goal 6: Combat HIV/AIDS, Malaria, and other diseases	Primary health care Water
Goal 7: Ensure environmental sustainability	Basic housing Water

### Gender: Obligations of Equality and Non-Discrimination under CEDAW and BPFA

#### *CEDAW: Introduction*

Built on the International Covenants (ICCPR & ICESCR), CEDAW was adopted in 1979 and entered into force in 1981. By including both civil and political rights and economic, social, and cultural rights, and specifically addressing issues of discriminatory traditions and the rights of rural women, it challenged the Cold War divisions on the definition of human rights and reflected the concerns of women in the developing world.<sup>111</sup> The Convention has been described as an international bill of rights for women, as it brings together in a single treaty a mixture of non-discriminatory, corrective, and protective provisions.<sup>112</sup>

As of March 2004, 177 countries, over 90% of UN Member states, are parties to the treaty. But some states have used reservations to effectively hollow out the heart

<sup>111</sup> Timothy, Kristen and Freeman, Martha. 2000. "The CEDAW Convention and the Beijing Platform for Action: Reinforcing the Promise of the Rights Framework." University of Minnesota, Institute of Public Affairs. p. 6.

<sup>112</sup> McPhedran, Marilou, et al. 2000. "The First CEDAW Impact Study: Final Report." Centre for Feminist Research and The International Women's Rights Project, York University.

of their obligations under CEDAW.<sup>113</sup> CEDAW has been remarkably susceptible to reservations and interpretive declarations.<sup>114</sup>

#### *States' Obligations under CEDAW*

CEDAW contains guarantees of equality between women and men and freedom from discrimination. States who are party to CEDAW acquire obligations at three levels. First, states must prohibit discrimination in their laws and in the practice of public authorities and institutions, and they must pursue a national policy to eliminate discrimination against women (Art. 2). Second, states must take all appropriate measures to ensure the full development and advancement of women (Art. 3). Third, states must take all appropriate measures to address the structural, social and cultural patterns which underpin discrimination against women (Art. 5).

The majority of the provisions in the Convention (on social and economic rights and personal and family rights) are phrased as obligations to take all appropriate measures, because these rights must be progressively realized over time.<sup>115</sup> Nevertheless, states have an immediate obligation to pursue a policy of eliminating discrimination (Art. 2). Thus the obligation of conduct (have a policy) is immediate, while the obligations of result (realization of the rights to work, education, etc.) are gradual.

CEDAW offers three useful conceptual and analytical tools.<sup>116</sup> First, through its definition of discrimination, CEDAW addresses discrimination against women, not discrimination on the basis of sex or gender, and so can be used to expose prejudice towards women.<sup>117</sup> Using CEDAW directs attention towards the root causes of discrimination against women, not just factual descriptions of gender inequality. The definition in Article 1 covers any distinction, exclusion or restriction which has the effect or purpose of being discriminatory, thus including both de jure and de facto equality.<sup>118</sup>

Second, CEDAW bridges the traditional division between civil and political rights and economic, social, and cultural rights and reaffirms the indivisibility of human rights.<sup>119</sup> The recognition in Article 5 of discrimination in the social and cultural sphere brings into light the patterns of conduct and beliefs that are the basis for prejudice and stereotypes.

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<sup>113</sup> See Annex 4.3 for more on reservations to CEDAW.

<sup>114</sup> Charlesworth, Hilary and Chinkin, Christine. 2000. *The boundaries of international law: a feminist analysis*. Manchester: Manchester University Press. p. 104.

<sup>115</sup> Byrnes, Andrew. 2002. "The Convention on the Elimination of all Forms of Discrimination against Women." In Benedek, Wolfgang, ed. 2002. *The Human Rights of Women: International Instruments and African Experiences*. London: Zed Books. p. 120.

<sup>116</sup> See Annex 4.4 for more on using CEDAW as an analytical and advocacy tool.

<sup>117</sup> Byrnes. 2002.

<sup>118</sup> Ibid.

<sup>119</sup> Dairiam, Shanthi. 2002. "The Areas of Common Grounds Among Various UN Guiding Instruments – CEDAW, Beijing Platform for Action, and the Outcomes Document." Presentation to Expert Group Meeting on Regional Implementation and Monitoring of the Beijing Platform for Action and the Outcome of the 23<sup>rd</sup> Special Session of the UN General Assembly Relating to Women. International Women's Rights Action Watch Asia Pacific.

Third, the Convention attempts to overcome the public/private dichotomy at the heart of international human rights law. Human rights violations are traditionally understood as violations perpetrated by the state or with its consent against their citizens in the public sphere. But it is in the private sphere that women most need guarantees of protection of their rights. The Convention affirms not only women's equal rights to participate in public political decision-making, but also their equal rights within the family (Art. 16). This is a shift from other human rights instruments which designate the family as a unit to be protected from state interference.<sup>120</sup>

Although conceptual and analytical weaknesses in CEDAW have been pointed out by some critics and activists,<sup>121</sup> the treaty does generate an obligation of equality and non-discrimination. The Beijing Platform for Action, although a non-binding instrument, offers further analytical insight into what such an obligation actually means for states' actions.

#### *The Beijing Platform for Action*

The BPFA represents a watershed moment in terms of understanding the barriers to gender equality and recognition of women's human rights.<sup>122</sup> The Beijing Conference explicitly linked women and development and moved the debate away from basic needs and welfare.<sup>123</sup> The BPFA reinforced the message that women's rights and gender equality were human rights.

The BPFA added breadth and depth to existing human rights instruments such as CEDAW. It moves beyond CEDAW on poverty by directly addressing women's poverty issues (e.g. land, inheritance rights). The BPFA is more comprehensive than CEDAW in its discussion of education, with specific references to the rights of indigenous women and migrant women. The BPFA position on women and health goes beyond CEDAW by affirming women's right to the enjoyment of the highest attainable standard of physical and mental health throughout the lifecycle.<sup>124</sup> The Platform links economic systems, women's access to economic resources, and barriers to women's employment.<sup>125</sup> The discussion of women in decision-making offers detailed provisions. The section on the Girl Child draws on CEDAW and the Convention on the Rights of the Child. The BPFA also crystallized a number of women's human rights issues that had previously been overlooked: violence against women, women's human rights in armed conflict, sexual and reproductive health rights, media, and the environment.<sup>126</sup> It made specific recommendations regarding institutional structures to achieve gender equality, through its discussion of national machineries for the advancement of women.

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<sup>120</sup> UN GA (United Nations General Assembly). 1948. *Universal Declaration of Human Rights*. GA Res. 217 (III) , UN Doc. A/810 (1948) 71, Art. 16; UN (United Nations). 1966. *Covenant on Civil and Political Rights*. 999 U.N.T.S. 171. New York, Art. 23.

<sup>121</sup> See Annex 4.5 for critiques of CEDAW.

<sup>122</sup> See Annex 4.6 for discussion of weaknesses of BPFA.

<sup>123</sup> Timothy and Freeman. 2000. p. 7.

<sup>124</sup> *Ibid.*, p. 13.

<sup>125</sup> *Ibid.*, p. 14.

<sup>126</sup> Brautigam, Christine Ainetter. 2002. "International Human Rights Law: The Relevance of Gender." In Benedek, Wolfgang, ed. 2002. *The Human Rights of Women: International Instruments and African Experiences*. London: Zed Books.

The Platform for Action and CEDAW are complementary. CEDAW establishes rights and obligations, and the BPFA offers substantive analysis of the issues.<sup>127</sup> As the BPFA is not a legally-binding treaty, the issues and rights which are covered under CEDAW have a more solid grounding in a specific state obligation, which can be complemented by the analysis of the issue under the BPFA. The BPFA moves beyond CEDAW on some issues and reinforces CEDAW in others.

#### Linking ICESCR, CEDAW, and the BPFA

The ICESCR defines the immediate obligation on states of meeting core obligations, which correspond to the MDGs. CEDAW and the BPFA establish and reinforce the immediate obligation of gender equality and non-discrimination.

Building the linkages among the ICESCR, CEDAW, BPFA, and the MDGs shows that the MDGs are not lofty global commitments being pursued out of global charity. They are concrete human rights obligations which must be prioritized and achieved in a non-discriminatory way. Re-framing the MDGs as human rights obligations changes the debate from the language of will and commitment to the language of duty and obligation. The human rights language, in its emphasis on rights, duties, and non-discrimination, can be used to challenge an instrumentalist economic growth-driven model of development that sacrifices social policy objectives to economic priorities and undermines women's empowerment and gender equality.

### **Process and Approach**

In addition to offering analytical and conceptual tools (the concepts of equality and core obligations), human rights instruments offer practical tools that can be used to influence the process of policy, planning, and practice. Human rights instruments can help to counter some of the weaknesses associated with the MDGs in the areas of monitoring, policy analysis, policy design, participation, and accountability. In the area of harnessing political will, the MDGs can complement and strengthen human rights instruments.

#### Monitoring

It would be possible to achieve the MDGs without fulfilling the spirit of just human development by, for example, focusing on the most populous countries and ignoring the most poor but sparsely populated countries or areas. Human rights instruments can counter-act this weakness, because the commitment to non-discrimination and equality requires specific attention to groups that experience discrimination or disadvantage. CEDAW and the BPFA provide a framework to assess non-discrimination and equality, hence putting emphasis on disaggregation of data. As there is an immediate obligation of non-discrimination, then the goals cannot be achieved if, in the process, inequality has been perpetuated or exacerbated.

Although human rights instruments do force greater attention on disaggregation of data and attention to inequality in monitoring progress, they can be criticized for vagueness about the nature of progress to be realized. In its General Comments, the Committee monitoring the ICESCR has sought to define the nature of states'

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<sup>127</sup> Timothy and Freeman. 2000. p. 7-12.

obligations under the right to health, education, and so on. Although these documents give greater clarity, their existence also demonstrates that the ICESCR lacks specific goals and targets for effective monitoring of government progress. The BPFA also suffers from a lack of clear indicators to assess governments' performance of the commitments they made at the World Conference.<sup>128</sup> The MDGs, with their measurable targets and indicators, can provide more specificity, but they must be linked up to human rights obligations and be monitored using disaggregated data.

#### Policy analysis

The MDGs offer little scope for analysis of the reasons for success or failure in reaching the goals. Human rights instruments can counter-act this by providing an analytical lens on achievement of the MDGs. A feminist, human rights approach to development requires more than just identifying that women are an adversely affected group, but analyzing why.<sup>129</sup> This analysis rests on a comprehensive definition of human rights as indivisible and inter-connected. CEDAW defines non-discrimination and equality, with reference to both de jure and de facto equality and attention to the public and the private sphere. General Recommendations of the CEDAW Committee, the BPFA, and General Comments from the ICESCR Committee can be used to analyse that discrimination to determine its causes and consequences. Doing this requires gender analytical information and gender analysis. Interviews revealed that if CEDAW is used by NGOs, it is viewed as helpful in analysing discrimination and exclusion.

#### Policy-making

The Millennium Project has developed recommendations for achieving the MDGs that reflect current thinking about appropriate and effective development interventions. However, there is evidence within the Task Force reports of the influence of an instrumentalist, economic-growth driven model of development. This is particularly evident in the treatment of gender equality issues and the view of women as efficient tools for development goals. Such an approach dismisses women's agency and undercuts empowerment and participation as a core principle of achievement of human rights and the MDGs. An approach grounded in the ICESCR, CEDAW and the BPFA challenges these trends. Together they can legitimate and strengthen gender mainstreaming in policy-making, they can define standards and priorities for government actions, and they can offer practical explanations and policy recommendations.

Gender mainstreaming as a strategy can be grounded in the immediate obligation under CEDAW to pursue a policy of eliminating discrimination against women (Art. 2), because even partial implementation of rights must benefit women and men equally. The BPFA can be used to give meaning to that obligation of gender mainstreaming.<sup>130</sup> It defines gender mainstreaming as a means of addressing the root

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<sup>128</sup> Ibid., p. 16.

<sup>129</sup> Dairiam. 2002. p. 2.

<sup>130</sup> UN (United Nations). 1995. Report of the Fourth World Conference on Women: Platform for Action. A/Conf.177/20. Beijing. para. 202.

causes and nature of discrimination, and it stresses women-specific programs to deal with the symptoms or effects of discrimination.<sup>131</sup>

ICESCR and CEDAW can ground the obligation of non-retrogression on rights, and the BPFA can be used to analyse whether such retrogression has taken place. The obligations under CEDAW to take all appropriate measures towards the realization of economic, social, cultural, personal, and family rights can be linked with the ICESCR to define standards for the progressive realization of rights and to identify core obligations which states are duty-bound to meet immediately. These can be used to argue for the prioritization of some government actions (e.g. meeting core obligations) over others (e.g. research into new weapons).

The BPFA offers practical interventions and identifies responsible actors who can work towards achievement of rights. Unlike CEDAW, which establishes legal prohibitions and state obligations, the BPFA is an action plan. It offers advice to governments about the strategic objectives and policies which should be pursued to achieve women's human rights. States are the primary duty bearers, but international agencies, the private sector, and NGOs also have important roles to play. The BPFA was a catalyst in the establishment of women's machineries and gender strategies within national governments, and almost all these ministries have used the 12 critical areas of concern from the BPFA as part of their national strategies or as a policy framework.

Therefore, as an advocacy tool, the ICESCR, CEDAW, and the BPFA can be used to lend authority to specific policy recommendations for the realization of human rights, thus helping to challenge inequality-enhancing, growth-driven development interventions.

#### Participation

The MDGs were formulated in the context of a development paradigm which emphasises the importance of participation, grass-roots engagement, and empowerment. The PRSPs mirror at least rhetorically this type of approach, yet in practice they have failed to bring about meaningful civil society engagement. Similarly, the MDGs are seen by civil society activists as an externally-imposed development vehicle. Many civil society organisations from both the North and South feel they were not involved in the establishment of the MDGs as a global development compact; thus, ownership of the process is weak.<sup>132</sup> This participation deficit stands as a significant barrier to achievement of the MDGs. The recent establishment of the Millennium Campaign aimed at harnessing civil society support for the process is an acknowledgement by the international community of this problem. A further concern is that the focus on developing countries and the implication that rich countries do not face development challenges shapes the terms of engagement between organisations in the North and South: Northern NGOs become part of the 'aid community' while Southern NGOs are 'targets.' This limits the potential for effective, egalitarian North-South, South-North partnerships.

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<sup>131</sup> Brautigam. 2002. p. 19.

<sup>132</sup> Bissio. 2003.

Weak civil society participation in the MDG process, both at national and international levels, is not only a threat to the achievement of the MDGs. It is also contrary to the right to take part in the conduct of public affairs (Art. 25) protected under the ICCPR, and the right under CEDAW to participate in the formulation of government policy (Art. 7). Activists can use ICCPR and CEDAW to argue that they have rights to participate in the MDG process. This means being part of the policy-making process, nationally and internationally, as well as the national and global reviews.

Not only do human rights instruments ground the claim for participation, they also ground the practical experience of participation, because advocacy around human rights has been a central arena for the growth and strengthening of civil society.

CEDAW has been invoked in support of efforts to enact or amend laws. Actual or pending ratification has brought about changes in law in order to ensure compliance with the treaty.<sup>133</sup> In a few landmark cases from Botswana, South Africa, India, and Nepal, the Convention has been relied upon or cited in judicial decisions.<sup>134</sup> A recent multi-country impact assessment revealed a number of enabling factors and barriers in the effective utilisation of CEDAW and showed that CEDAW is having an impact at a national level, although the extent varies from country to country.<sup>135</sup>

The Beijing World Conference process strengthened women's human rights activism, because it brought together governments and civil society in a dialogue within the framework of human rights rather than as a marginal women's issue. The process developed advocacy skills in women's NGOs, raised the profile of international human rights instruments as tools for the promotion of gender equality, and helped to put women's organisations on the map as legitimate watchdogs of government action.<sup>136</sup>

Human rights instruments can also help to increase global participation because they are relevant for advocacy on human rights and development in both the North and South. One clear strength of the BPFA is that it concerns itself with gender inequality and women's human rights in all countries, North and South, poor and rich. As a common platform, CEDAW signifies the shared agenda among women's organisations working in different contexts, although there are diverging views about the meaning and relevance of CEDAW at a grass-roots level.

The processes surrounding the ICESCR, CEDAW, and the BPFA can help to fill the participation deficit present in the MDGs. Yet human rights instruments are not a magic bullet. There is evidence from interviews that these instruments are no longer seen as central to people's day-to-day work. Furthermore, urban, middle-class, advocacy-oriented organisations tend to be over-represented in international human rights activism, while small, grass-roots organisations face major barriers to effective participation in these processes at national or international levels. In order to realize

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<sup>133</sup> McPhedran. 2000.

<sup>134</sup> Byrnes. 2002.

<sup>135</sup> See Annex 4.4 for summary of findings.

<sup>136</sup> Timothy and Freeman. 2000. p. 3.

the potential presented by human rights to counter the non-participatory character of the MDG process, the GAD Network must work to overcome these inequalities by promoting participation at grass-roots and international levels.<sup>137</sup>

#### Accountability

As a political commitment rather than a treaty, the Millennium Declaration is non-binding, and the MDGs are goals, not obligations. As a result, weak accountability mechanisms accompany the MDGs. For example, the MDG Reports are not being linked up to states' existing reporting obligations under human rights treaties. There is no established procedure for engaging civil society in participating in the reporting process or submitting alternative reports. The most flagrant vacuum in accountability surrounds Goal 8. Human rights instruments could be used to challenge these weaknesses in accountability by arguing that not only are states politically committed to the MDGs, they are also legally obligated as states parties to human rights treaties.<sup>138</sup> This would create scope for linking the MDGs to reporting processes under human rights treaties and provide more space for NGOs to engage in the process. This section will focus on the mechanisms under CEDAW as an illustration of the potential sources of accountability derived by linking the MDGs and human rights law, but there are similar processes under the ICESCR and other human rights instruments.

Parties to CEDAW subject themselves to supervision by the Committee on the Elimination of Discrimination against Women, a group of independent experts elected by States Parties but serving in their private capacity (Art. 17). The Committee is empowered to draft General Recommendations, input into World Conferences, and liaise with other UN agencies and human rights bodies.<sup>139</sup> The General Recommendations competence allows the Committee to interpret the Convention, making it a dynamic text.<sup>140</sup> States Parties agree to submit regular reports on the measures they have taken to give effect to the provisions of the treaty. The Committee reviews these reports and offers suggestions and recommendations.<sup>141</sup>

There are serious weaknesses in the state reporting process. The Committee has a backlog of about 40 states' reports.<sup>142</sup> There are no evaluation criteria for measuring the reports of governments and for measuring improvement.<sup>143</sup> For some countries reporting could more accurately be called a non-reporting process. Many countries only report positive changes, and the Committee is not empowered to hold states accountable for complete reporting.<sup>144</sup> Alternative NGO reporting is thus essential. The Committee lacks a mechanism for monitoring follow-up with states concerning its

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<sup>137</sup> Hayes, Ceri. 2004. "Out of the Margins: An Analysis of the Millennium Development Goals from a Women's Human Rights Perspective." London: WOMANKIND Worldwide.

<sup>138</sup> Center for Human Rights and Global Justice. 2003. "Human Rights Perspectives on the Millennium Development Goals: Conference Report." NYU School of Law, New York.

<sup>139</sup> Byrnes. 2002.

<sup>140</sup> Dairam. 2002.

<sup>141</sup> For more detail on the functions of the reporting process, see Annex 4.7.

<sup>142</sup> Flinterman, Cees. 2004. "UN Treaty-based Mechanisms: CEDAW." Presentation given at International Human Rights Academy, Utrecht, 15-28 August 2004.

<sup>143</sup> Byrnes. 2002.

<sup>144</sup> Flinterman. 2004.

Concluding Comments.<sup>145</sup> Monitoring of state compliance has been strengthened through the introduction of individual complaints procedure under the Optional Protocol.<sup>146</sup>

Enormous resource and institutional constraints hamper the Committee. From its inception, the Committee sat for only two weeks annually, less than other human rights treaty body; this has been increased to two sessions a year.<sup>147</sup> The Committee has uneven expertise regarding some countries or specific issues. There are few lawyers on the Committee, and the composition of the Committee is often a politicized issue. A lack of effective cooperation with other human rights treaty bodies also hampers effectiveness.<sup>148</sup>

Compared to CEDAW, the BPFA provides a weak accountability mechanism. There is no state-by-state review of progress in implementing the Platform. The reviews happen at a global level, so they produce conclusions that do not translate easily into practical recommendations at a national level. The review process can be cumbersome, as it involves regional preparations followed by a synthesis at a global level. The problems around the Beijing+5 review demonstrated a lack of consensus about the function of the review, as some saw it as an opportunity to renegotiate the text of the BPFA.

Taken together, CEDAW and the BPFA offer a framework for holding governments to account for their obligations on human rights. CEDAW offers the advantage of specific state-by-state reports, but this process does not always receive high-level political attention. A global process, such as the Beijing +10 review, is more likely to generate global political interest and can provide more leverage for holding governments to account than the CEDAW process.

Both processes create opportunities for civil society organisations to hold their governments to account. Interviews showed that GAD Network members use CEDAW and the BPFA to remind governments of their obligations regarding gender equality, from a local to international level. The BPFA helps to guide advocacy work because the Critical Areas of Concern direct attention to areas where governments are failing to keep their promises. Yet few organisations acknowledged the difference between CEDAW and the BPFA in terms of the nature of states' obligations. They interpret the BPFA as a commitment to which governments should be held to account. NGOs are making insufficient use of CEDAW to back up or strengthen their arguments from one of 'political commitment' to 'legal obligation.'

The issues around lack of accountability regarding Goal 8 do not seem easily solved by reference to human rights instruments, because there is little consensus on the right to development.

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<sup>145</sup> Charlesworth and Chinkin. 2000. p. 220.

<sup>146</sup> UN GA (United Nations General Assembly). 1999. Optional Protocol to the Convention on the Elimination of Discrimination against Women. A/54/4. For more information on the Optional Protocol, see Annex 4.8.

<sup>147</sup> Charlesworth and Chinkin. 2000. p. 220.

<sup>148</sup> Gierycz. 2002.

Linking the MDGs to international human rights brings human rights accountability mechanisms into the MDG process. In addition to changing the terms of accountability from commitment to obligation, this brings the benefits of an institutionalized process and an established role for civil society.

#### Political will

Building linkages between MDGs and human rights instruments will benefit human rights by harnessing global political will. Lack of political will is the Achilles heel for the ICESCR, BPFA, CEDAW, and many international human rights mechanisms. The MDGs receive more attention than human rights, particularly as commitments to international human rights and humanitarian law treaties are rescinded, notably by the US. The Platform for Action is particularly vulnerable, because of its status as the outcome of a conference rather than a treaty. There are few states that view the women's human rights agenda as a high priority issue and a handful that openly obstruct it.

The lack of consensus around the concept of a 'right to development' means that human rights instruments do not bring much to the table in terms of an obligation of international co-operation between rich and poor states. Goal 8, despite its weaknesses, provides a framework for calling for improved international aid and co-operation. This approach could be stronger than the human rights route because the international community has agreed to this 'Global Partnership for Development.'

By building a complementary relationship between the MDGs and human rights, human rights could act as a check on strategies to achieve the MDGs, and the MDG process could ensure that human rights do not get left behind and that rich countries move from promises to action.

The following table summarises the linkages between the MDGs and a human rights approach to development as derived from CEDAW, ICESCR, and the BPFA. The far-right column identifies the value-added of linking the MDGs with a human rights approach.

	<b>Problems with seeing MDGs in isolation</b>	<b>Value-added of linking MDGs and Human Rights</b>
Issues / Content	? Focus on achievement of goals. Little attention on process and means, which creates scope for neo-liberal development model that undermines human rights and gender equality.	? States have legal obligations to work towards achievement of the MDGs, because realization of human rights requires achievement of the MDGs. ? The MDGs roughly line up with states' core obligations under ICESCR. ? States have an immediate obligation of non-discrimination and gender equality; gender mainstreaming is a strategy to fulfil that obligation.
Monitoring	? Look at average progress at a global level. MDGs can be achieved by progress in most populous countries and without reaching the very poorest.	? Emphasis on non-discrimination and equality means progress must be analysed based on dis-aggregation, not averaging.
Policy Analysis	? Little analysis within MDG framework of reasons for progress or challenges on MDGs, and little attempt to bring in broader contextual issues.	? CEDAW helps identify discrimination (de jure and de facto, in public and private spheres, in reference to all human rights) as a barrier to achievement of MDGs ? CEDAW and BPFA uncover the root causes of that discrimination and its consequences for women's human rights. ? But, one may need to supplement CEDAW and the BPFA to cover issues that are left out of human rights instruments or superficially treated.
Policy-making	? Underlying prevalence of neo-liberal approach to development, with women regarded as instruments for efficient realization of goals. ? Weak connections between MDGs, silo mentality, gender is someone else's responsibility.	? CEDAW and the ICESCR define obligations, BPFA offers strategies and interventions and identifies range of actors. ? CEDAW and BPFA legitimate the call for effective gender mainstreaming. ? Human rights instruments help set priorities: <ul style="list-style-type: none"> <li>o Immediate obligations (non-discrimination, non-retrogression, core obligations)</li> <li>o Demonstrate states are taking steps towards progressive realization of rights</li> </ul>

Participation	<ul style="list-style-type: none"> <li>? Weak civil society participation in and ownership of MDG process</li> <li>? MDGs focus attention on developing countries, participation of North in achievement of development goals is limited to aid</li> </ul>	<ul style="list-style-type: none"> <li>? ICCPR and CEDAW define a right of participation</li> <li>? Civil society organisations have experience in working through human rights mechanisms and feel ownership of these processes</li> <li>? Achievement of human rights is a challenge for all states – encourages participation on more equitable terms by North and South</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>? Weak formal accountability mechanisms, only reporting at global level. States have set these goals themselves and can move them and be held accountable to them as they please.</li> </ul>	<ul style="list-style-type: none"> <li>? States parties to international human rights treaties have binding international obligations related to the MDGs.</li> <li>? Human rights offers state-by-state mechanisms for accountability, if the MDGs are incorporated into treaty reporting process.</li> <li>? A rights framework is an instrument for people's mobilisation to hold their governments accountable.</li> <li>? Both the MDGs and human rights involve exposure of state progress at an international level which can be used in advocacy.</li> </ul>
Political Will	<ul style="list-style-type: none"> <li>? MDGs have captured global attention and can be used to harness political will.</li> <li>? Goal 8, although weak, offers more to defining an obligation of international cooperation than human rights does.</li> </ul>	<ul style="list-style-type: none"> <li>? States care more about the MDGs and the Millennium Review than they do about human rights, human rights accountability mechanisms, and the Beijing +10 Review.</li> <li>? There is little international consensus around a Right to Development, therefore difficult to argue obligation of international co-operation.</li> </ul>

## A Way Forward

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In conclusion, this paper has argued that the linkage of the Millennium Review and the Beijing +10 Review opens a strategic window that can be used to re-frame the MDGs as international human rights obligations. This linkage would connect the review processes to the analytical tools and practical strategies offered by human rights.

This framework is offered as one way to link the MDGs and human rights. It has been developed with the objective of enabling the GAD Network to participate at the international level in the 2005 review processes. It is based on recognition of the strengths of GAD Network members and a belief that the Network can be greater than the sum of its parts. Other frameworks linking the MDGs and human rights may be more appropriate within other contexts and with different objectives, such as working at national or local levels in the South to promote participation in the reviews.

The GAD Network should participate in both the Millennium Review and Beijing +10 Review and should position itself as a bridge between these reviews. The Millennium Review process should be recognised for the global political momentum it generates. The task is to help ensure that this momentum is directed towards achievement of human rights, not further entrenchment of a neo-liberal, economic-growth driven model of development.

The departure point for the GAD Network's advocacy should be that achievement of the MDGs is necessary to, and an indication of, realization of human rights. The MDGs largely correspond with states' core obligations under international human rights law, thus generating immediate and binding obligations. The centrality of a women's human rights approach to development should be emphasised. Gender mainstreaming must be reclaimed as a strategy to achieving women's human rights, not a technical process for efficient progress towards development goals.

Re-framing the MDGs in the context of international human rights yields the following analytical and conceptual tools:

- ? Definition of state obligations on the achievement of human rights:
  - o Non-discrimination and equality ≠ discrimination (de jure and de facto), indivisibility of rights, in public and private sphere
  - o Non-infringement
  - o Non-retrogression
  - o Take steps towards progressive realization ≠ including gender mainstreaming and recommendations for policy and resource prioritization
  - o Meet core obligations
- ? Empowerment of people to participate in development processes
- ? Established process of monitoring progress and holding governments to account

There are weaknesses to this proposal. The re-framing of poverty reduction and human development in human rights terms is removed from the current political reality. Economic, social, and cultural rights are denigrated by some states as merely

'manifesto rights.' At a more subtle level, even among states who express commitments to human rights approaches, there is a tendency to treat human rights as instruments to achieve human development goals such as poverty eradication.<sup>149</sup>

There are kinks and holes in the human rights machinery. Goal 8 cannot be understood in human rights terms without answering the contested question of the right to development and the obligations of rich states towards poorer states. Human rights instruments emphasise the relationship between the state as duty-bearer and the citizen as rights-holder.<sup>150</sup> This emphasis on state-citizen ties is out of step with the contemporary context, as international issues, such as global insecurity, economic integration, and environmental degradation, and international non-state actors, such as the IFIs, multi-national corporations, and terrorists, are at the heart of modern challenges to the realization of human rights.<sup>151</sup> An additional barrier may be the literacy and mandate of GAD Network members regarding a human rights approach to development.

In response to these weaknesses, it may be argued that states' reluctance to frame their actions in human rights terms is at the heart of the challenges to human development in both the North and South. Civil society should continue to advocate for the full realization of these principles, even if they are swimming against the tide at an international level or within their own organisations. The gaps within the human rights machinery may be filled by reference to the Preamble of the UDHR in which states committed to the foundational principles of freedom, justice and peace. This creates openings for addressing issues which are not currently well-defined in the international human rights framework, like the right to development, or threats to human rights that occur at the international level or at the hands of international non-state actors.

Depending on the audience, it may be appropriate to argue that gender equality and gender mainstreaming are essential to achievement of the MDGs. These arguments have been made in many publications, and the GAD Network can draw on these rather than proposing new arguments and analysis.<sup>152</sup> These arguments should be strengthened by demonstrating that gender equality and mainstreaming are not only essential to achievement of the MDGs, they are also part of states' human rights obligations. The Network should avoid being drawn into narrow debates on instrumentalist understandings of women's role in human development.

On the basis of the available literature and interviews, the most likely strategic allies in this effort include WIDE, WICEJ, Asia-Pacific Women's Rights Action Watch, and efforts through the OECD-DAC Gender Net, UNIFEM, and UNRISD. In addition to the reviews themselves, key advocacy opportunities include:

? Brasilia Conference on Inclusion<sup>153</sup>

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<sup>149</sup> Piron. 2002. p. 29.

<sup>150</sup> Moser and Norton. 2001. p. 26.

<sup>151</sup> However, see Skogly, Sigrun I. & Gibney, Mark. 2002. "Transnational Human Rights Obligations." *Human Rights Quarterly* 24 (2002): 781-798 (arguing that there is an international legal basis for states' human rights obligations to transcend state boundaries).

<sup>152</sup> See Annex 5 for list of publications.

<sup>153</sup> Contact Sylvia Beales, Help Age International for further information

- ? The Winners and Losers from Rights-Based Approaches to Development Conference – February 2005 <sup>154</sup>
- ? UNIFEM & DG Development conference – Follow-up from Beijing +10 and preparation for MDG+5 (planned June 2005) <sup>155</sup>

The Network should move quickly to prepare and implement its strategy for 2005. Above all, it is essential that the GAD Network and its members fully own and shape its advocacy strategy. The framework and strategy offered in this paper is a proposal for discussion.

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<sup>154</sup> See <http://idpm.man.ac.uk/new/index.shtml> for further information.

<sup>155</sup> Contact: Eva Joesldotter-Berg for further information

## Annex 1: The Millennium Development Goals

MILLENNIUM DEVELOPMENT GOALS, TARGETS, AND INDICATORS	
GOALS AND TARGETS from the Millennium Declaration	INDICATORS for Monitoring Progress
<b>GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER</b>	
<b>Target 1:</b> Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day.	<b>Indicator 1:</b> Proportion of population below \$1 (PPP) per day <b>Indicator 1a:</b> Poverty headcount ratio (percentage of population below the poverty line) <b>Indicator 2:</b> Poverty gap ratio (incidence X depth of poverty) <b>Indicator 3:</b> Share of poorest quintile in national consumption
<b>Target 2:</b> Halve, between 1990 and 2015, the proportion of people who suffer from hunger.	<b>Indicator 4:</b> Prevalence of underweight children under five years of age. <b>Indicator 5:</b> Proportion of population below minimum level of dietary energy consumption.
<b>GOAL 2: ACHIEVE UNIVERSAL PRIMARY EDUCATION</b>	
<b>Target 3:</b> Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.	<b>Indicator 6:</b> Net enrolment ratio in primary education. <b>Indicator 7:</b> Proportion of pupils starting grade 1 who reach grade 5. <b>Indicator 8:</b> Literacy rate of 15-24 year-olds.
<b>GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN</b>	
<b>Target 4:</b> Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015.	<b>Indicator 9:</b> Ratio of girls to boys in primary, secondary, and tertiary education <b>Indicator 10:</b> Ratio of literate women to men, 15-24 years old <b>Indicator 11:</b> Share of women in wage employment in the non-agricultural sector <b>Indicator 12:</b> Proportion of seats held by women in national parliament
<b>GOAL 4: REDUCE CHILD MORTALITY</b>	
<b>Target 5:</b> Reduce by two thirds, between 1990 and 2015, the under-five mortality rate	<b>Indicator 13:</b> Under-five mortality rate <b>Indicator 14:</b> Infant mortality rate <b>Indicator 15:</b> Proportion of 1 year-old children immunised against measles
<b>GOAL 5: IMPROVE MATERNAL HEALTH</b>	
<b>Target 6:</b> Reduce by three quarters, between 1990 and 2015, the maternal mortality rate	<b>Indicator 16:</b> Maternal mortality ratio <b>Indicator 17:</b> Proportion of births attended by skilled health personnel

<b>GOAL 6: COMBAT HIV/AIDS, MALARIA, AND OTHER DISEASES</b>	
<p><b>Target 7:</b> Have halted by 2015 and begun to reverse the spread of HIV/AIDS</p>	<p><b>Indicator 18:</b> HIV prevalence among pregnant women aged 15-24 years  <b>Indicator 19:</b> Condom use rate of the contraceptive prevalence rate  <b>Indicator 19a:</b> Condom use at high-risk sex  <b>Indicator 19b:</b> Percentage of population aged 15-24 years with comprehensive correct knowledge of HIV/AIDS  <b>Indicator 19c:</b> Contraceptive prevalence rate  <b>Indicator 20:</b> Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years.</p>
<p><b>Target 8:</b> Have halted by 2015 and begun to reverse the incidence of malaria and other diseases.</p>	<p><b>Indicator 21:</b> Prevalence and death rates associated with malaria.  <b>Indicator 22:</b> Proportion of population in malaria-risk areas using effective malaria prevention and treatment measures.  <b>Indicator 23:</b> Prevalence and death rates associated with tuberculosis  <b>Indicator 24:</b> Proportion of tuberculosis cases detected and cure under DOTS.</p>
<b>GOAL 7: ENSURE ENVIRONMENTAL SUSTAINABILITY</b>	
<p><b>Target 9:</b> Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources.</p>	<p><b>Indicator 25:</b> Proportion of land area covered by forest.  <b>Indicator 26:</b> Ratio of area protected to maintain biological diversity to surface area  <b>Indicator 27:</b> Energy use (kg oil equivalent) per \$1 GDP (PPP)  <b>Indicator 28:</b> Carbon dioxide emissions per capita and consumption of ozone-depleting CFCs (ODP tons)  <b>Indicator 29:</b> Proportion of population using solid fuels</p>
<p><b>Target 10:</b> Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation.</p>	<p><b>Indicator 30:</b> Proportion of population with sustainable access to an improved water source, urban and rural.  <b>Indicator 31:</b> Proportion of population with access to improved sanitation, urban and rural.</p>
<p><b>Target 11:</b> By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers.</p>	<p><b>Indicator 32:</b> Proportion of households with access to secure tenure.</p>

**GOAL 8: DEVELOP A GLOBAL PARTNERSHIP FOR DEVELOPMENT**

<p><b>Target 12:</b> Develop further an open, rule-based, non-discriminatory trading and financial system.</p> <p>Includes a commitment to good governance, development and poverty reduction – both nationally and internationally.</p>	<p><i>Some of the indicators listed below are monitored separately for the least developed countries (LDCs), Africa, landlocked countries and small island developing States.</i></p> <p>Official development assistance</p> <p><b>Indicator 33:</b> Net ODA, total and to the least developed countries, as a percentage of OECD/DAC donors' gross national income</p> <p><b>Indicator 34:</b> Proportion of total bilateral, sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation)</p> <p><b>Indicator 35:</b> Proportion of bilateral official development assistance of OECD/DAC donors that is untied</p>
<p><b>Target 13:</b> Address the special needs of the least developed countries</p> <p>Includes tariff and quota free access for the least developed countries' exports; enhanced programme of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction</p>	<p><b>Indicator 36:</b> ODA received in landlocked countries as a proportion of their gross national incomes</p> <p><b>Indicator 37:</b> ODA received in small island developing States as proportion of their gross national incomes</p> <p><b>Indicator 38:</b> Proportion of total developed country imports (by value excluding arms) from developing countries and from the least developed countries, admitted free of duty</p>
<p><b>Target 14:</b> Address the special needs of landlocked countries and small island developing States (through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly)</p>	<p><b>Indicator 39:</b> Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries</p> <p><b>Indicator 40:</b> Agricultural support estimate for OECD countries as a percentage of their gross domestic product</p> <p><b>Indicator 41:</b> Proportion of ODA provided to help build trade capacity</p>
<p><b>Target 15:</b> Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term</p>	<p><b>Indicator 42:</b> Total number of countries that have reached their HIPC decision pointed and number that have reached their HIPC completion points (cumulative)</p> <p><b>Indicator 43:</b> Debt relief committed under HIPC initiative</p> <p><b>Indicator 44:</b> Debt service as a percentage of exports of goods and services</p>

<p><b>Target 16:</b> In cooperation with developing countries, develop and implement strategies for decent and productive work for youth</p>	<p><b>Indicator 45:</b> Unemployment rate of young people aged 15-24 years, each sex and total</p>
<p><b>Target 17:</b> In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries</p>	<p><b>Indicator 46:</b> Proportion of population with access to affordable essential drugs on a sustainable basis</p>
<p><b>Target 18:</b> In cooperation with the private sector, make available the benefits of new technologies, especially information and communications</p>	<p><b>Indicator 47:</b> Telephone lines and cellular subscribers per 100 population  <b>Indicator 48a:</b> Personal computers in use per 100 population and internet users per 100 population  <b>Indicator 48b:</b> Internet users per 100 population</p>

## Annex 2: The Millennium Declaration and the MDGs

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### 2.1 Millennium Project

Task Forces were established to recommend operational strategies for achieving the MDGs, by reviewing innovative practices, prioritizing policy reforms, identifying frameworks for policy implementation, and evaluating financing options. Their efforts form the Millennium Project, an independent advisory body to the UN Secretary-General. The Task Forces include independent scholars, staff from the UN agencies, and other public, non-governmental, and private-sector institutions. There are ten Task Forces, but they do not correspond exactly with the MDGs. There is one Task Force on Education and Gender Equality, while there are clearly two separate goals on these areas. According to one interviewee, it was only through active lobbying that there is a task force charged with the Gender Equality MDG. Officials within UNDP and the Millennium Project assumed that gender was covered by the Task Force on Education.

All of the task forces have been asked to submit a Background Report, an Interim Report (outlining recommendations), and a Final Task Force Report (by December 2004). These will feed into the Millennium Project's Final Synthesis report, due to the Secretary-General by June 2005. Task Force 3 has prepared both its Background Report and Interim Report, and it has opened them for comments. The main audience for Task Force Three's reports is UN agencies who provide resources and technical support, policy makers in developing countries who may find the recommendations useful, and women's organisations who can use the reports in their advocacy.

### 2.2 Progress on reaching the MDGs

The picture in 2004 indicates that although there has been some progress at a global level, most of the data suggests setbacks. Assessing progress at this global level requires overlooking two important problems: first, there are technical and methodological problems within the indicators themselves, and secondly, progress at a global or national level may obscure stagnation or retrogression at local levels or within particular groups of society. With this in mind, a review of progress demonstrates that the MDGs are all well behind their targets.<sup>156</sup>

- ? *MDG1, Target 1 - Income Poverty*: World Bank estimates (2002) indicate that the average proportion of people living on less than \$1 per day decreased from 32% in 1990 to 25% in 1999, but this data is misleading as the global progress was attributable to declines in Asia, particularly China. The reliability of global poverty estimates is questionable.
- ? *MDG 1, Target 2 – Hunger*: The world is not on track, despite large declines in East Asia, especially China, and some progress in South Asia. There has been little or no change in sub-Saharan Africa. Girls are at greater risk of malnutrition as they grow older.

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<sup>156</sup> Vandemoortele, Jan. 2003 "Are the MDGs Feasible?" *Development Policy Journal* Vol. 3, April: 1-22.

- ? *MDG2 – Education:* At the current rate, the global education target will not be reached until 2030. This reduces the chances of meeting the other MDGs, due to the synergies between improving education and achieving other human development goals.
- ? *MDG3 – Empowerment of Women:* The gender gap in primary enrolment narrowed in the 1990s, but lack of gender parity is still evident. Only 76% of girls complete primary school compared to 85% of boys. At a secondary level, there is greater variation in enrolment rates than at the primary level. Countries with large disparities in favour of boys in primary education have even larger disparities in secondary education. Countries with moderate disparities in favour of boys appear to have reduced those gaps in secondary education. Countries close to parity or with low disparities in favour of girls tend to close the gap or reinforce the female advantage in secondary education. In every region except sub-Saharan Africa, female secondary completion rates are lower than female secondary enrolment rates and are lower than male completion rates. The world is not on track to reaching equality in education, either by 2005 or by 2015.

In 91% percent of countries, the female share of non-agricultural wage employment is less than 50%. There has been progress made to increase women's representation in politics, but the target of 30 percent of women in legislative bodies has only been reached in 14 countries of 171 countries for which there are data available.<sup>157</sup>

- ? *MDG 4 – Child Mortality:* Levels of immunisation have been reached in Latin America, the Caribbean, and East Asia, but they have actually decreased in sub-Saharan Africa. As almost half of under-5 deaths occur in sub-Saharan Africa, meeting this goal is unlikely.
- ? *MDG 5 – Maternal mortality:* This goal is not on track. The global proportion of births attended by skilled health professionals increased only from 42% to 53%.
- ? *MDG6 – HIV/AIDS:* Globally no progress has been made towards the target of reducing HIV prevalence among young people, and women represent a growing proportion of those infected.
- ? *MDG7 – Safe water:* There have been improvements in South Asia but little or none in LDCs. The current rate of progress may not be sustainable to meet the target.

### **2.3 Indicators: background information and critique<sup>158</sup>**

In order to monitor the progress of the MDGs, a series of 48 quantitative indicators were identified. The indicators have generated much of the debate surrounding the MDGs.

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<sup>157</sup> Grown, Caren and Gupta, Geeta, et al. 2004. "Task Force 3 Interim Report on Gender Equality. From Promises to Action: Recommendations for Gender Equality and the Empowerment of Women." Millennium Project, New York.

<sup>158</sup> Written by Nicola Painter

The MDG indicators are the product of an intergovernmental process aimed at identifying measurable areas of development progress towards specific targets under each Millennium Goal. Monitoring occurs on both global and country-specific levels, relying upon international organisations and national statistics. The United Nations recommends that country data, when available, be used to report on indicators. The process of monitoring the MDGs builds upon existing frameworks of development assessment and data collection, such as national statistical offices and the PRSPs.<sup>159</sup> MDG monitoring is intended to occur in consultation between national and international stakeholders. Indicators are intended to have the ability to 'evolve' to country-specific contexts.<sup>160</sup>

Much of the criticism levelled at MDG indicators can be attributed to constraints found in areas of social science research. Analytical methodology is inevitably constrained by limitations in data collection. Development is a profoundly complex and embedded phenomenon characterised by a range of economic, social, and political components. The difficulty in drawing over-arching conclusions about the MDGs indicates the extent to which methodology can influence analytical outcomes. Two components of methodology influence reliability: 'observation' and 'construction'. Indicators that require simple observation are more reliable than indicators that require high levels of construction. For example, it is much easier to observe net enrolment rates for education than to estimate net completion rates. The following five indicators have been identified as the most reliable: 1) under-five mortality rate; 2) underweight among children; 3) net enrolment ratio in primary education; 4) ratio of girls to boys in primary and secondary schools; and 5) the proportion of births attended by skilled personnel. The five most problematic indicators include: 1) proportion of the population below \$1 per day; 2) proportion of the population below a minimum level of dietary energy consumption; 3) primary completion rate; 4) maternal mortality ratio; and 5) the proportion of the population with access to safe drinking water.<sup>161</sup> The measurement of poverty shows how methodological constraints limit the reliability and efficacy of MDG indicators. These estimates rely upon high levels of construction and are thus highly unreliable.<sup>162</sup>

The MDG on women's empowerment identifies only a single target focused on education. The indicators of progress towards reducing gender disparities in education deal with enrolment ratios, literacy rates, share of women in wage employment, and the proportion of seats held by women in national parliaments. As a point of comparison, under the Beijing Platform for Action there are 12 areas of critical concern including education, health issues, violence against women, armed conflict, and human

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<sup>159</sup> United Nations Development Group, Department of Economic and Social Affairs. 2003. *"Indicators for Monitoring the Millennium Development Goals: Definitions, Rationales, Concepts, and Sources."* New York. p. 1.

<sup>160</sup> Ibid.

<sup>161</sup> Vandemoortele, Jan. 2004. "Can the MDGs foster a new partnership for pro-poor policies?" UNDP, New York. p. 4-5.

<sup>162</sup> Ibid., p. 4.

rights. Under education alone, there are six objectives and 17 indicators.<sup>163</sup> The MDG goal on women's empowerment falls far short of the standard set by the Beijing Platform for Action.

The definition and monitoring of women's empowerment in the MDGs is contested. It is often argued that because women's empowerment is an intangible concept, measurements must rely on proxies such as education, literacy rates, and parliamentary representation. Arguments like these highlight the importance of creating methodological frameworks to effectively measure, and thus force the agenda of, women's empowerment. Efforts in this direction conceptualise empowerment as it is defined under three factors of power: resources (pre-conditions); agency (process); and achievements (outcomes).<sup>164</sup> Conceptualising empowerment in this way builds on Sen's concept of capabilities, or the components of a person's ability to follow a life that he/she values. Within these categories, a wide range of areas far beyond education would comprise the experience of empowerment.

The conclusions to be drawn from criticisms of both methodology and content of the MDG indicators are two-fold. First, indicators are inherently problematic, and no methodology will solve all the problems of reliability and accuracy. Second, the current list of indicators leaves off many areas of concern, particularly in the measurement of women's empowerment. These deficiencies seem to signal a divergence of opinion between development strategies. A growth-driven approach to development tends to produce a quantitative approach to monitoring and assessment. A human rights approach has the potential to fill in the gaps in effective monitoring with more qualitative, comprehensive definitions of women's empowerment.

## **2.4 MDG Reports: background information and critique**

The MDG Reports are intended to mobilise society by focusing on nationally-defined priorities. Civil society engagement is viewed as central to this process. MDGRs are not meant to provide policy recommendations but rather capture progress to date. They should be nationally owned and should be an opportunity to improve national data monitoring.<sup>165</sup> While the MDGs are global, country-level reports may tailor the targets to specific country contexts. The MDGRs should benefit from existing analysis for PRSP reports, National Human Development Reports (NDHR), and human rights country reporting (e.g. CEDAW).

A recent evaluation of the MDG Reports showed that the reports suffered from major gaps in data and lack of sex-disaggregated data and other data that could shed light on inequality.<sup>166</sup> The reporting process had not filtered into either parliamentary

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<sup>163</sup> UNESCAP (United Nations Economic and Social Commission for Asia and the Pacific). 2003. "Gender Indicators for monitoring the implementation of the Beijing Platform for Action on women in the ESCAP region."

<sup>164</sup> Kabeer, Naila. 1999. "The Conditions and Consequences of Choice: Reflections on the Measurement of Women's Empowerment." Discussion Paper No. 108. UNRISD (United Nations Research Institute for Social Development), Geneva. p. 3.

<sup>165</sup> United Nations Development Group. 2003.

<sup>166</sup> UNDP (United Nations Development Programme) Evaluation Office. 2003. "Millennium Development Goals Reports: An Assessment." UNDP, New York.

or national-level debates. This, coupled with weak civil society engagement, pointed to deficits in country ownership of the MDGR process. The value-added of the MDGs is not clear to stakeholders, as the process was mired in technocratic discussions. There are weak linkages with other reporting processes, such as those under the PRSPs (but there was no discussion of human rights reporting processes). The report identified lack of capacity – both statistical and organisational – as the major constraints for improved MDGRs. Weakness in statistical capacity was found in “the capacity to incorporate statistical analysis into policy” – seeming to imply that policies written first and statistics are plugged into them afterwards.

The UNDP has also commissioned a specific ‘look through a gender lens’ at 13 of the MDGRs. The results show dismal performance in gender mainstreaming and attention to women’s empowerment in development. The report incorporates both a gender analysis and a women in development analysis.<sup>167</sup> A selection of its conclusions is presented here.

Under MDG 1 (Poverty), gender or women are mentioned, but there is only report which makes linkage between sex-disaggregated data, analysis of the causes and consequences of poverty, poverty reduction policies, and ensuring rights for women. In MDG 2 (Education), gender issues have been mainstreamed, but there is little analysis of the reasons for the identified gender gaps in education. Under MDG 4 (Infant mortality), there is only one report which provides age-specific death rates disaggregated by sex, and the vast majority of the reports assume that women are and should be solely responsible for care of infants. There are encouraging signs in the reporting under MDG 5 (Maternal mortality), as a number of countries have redefined the goal in the broader context of reproductive health, and gender inequality has clearly been identified as a contributing factor to maternal mortality in most reports. In contrast, in the discussion of HIV/AIDS under MDG 6, only two reports identify gender inequality as a specific cause of women’s vulnerability to HIV/AIDS. The reporting under Goal 3 shows that gender issues in education have been recognised, but the other two indicators have not received the same level of gender analysis. In addition, many reports have avoided ‘difficult’ issues like violence against women. However, there are encouraging signs. For example, the MDGRs tended to be more analytical in reporting on Goal 3, in terms of identifying underlying causes of a reported trend, which helps to expose deep-rooted gender inequality.

## **2.5 Gender analysis of Executive Summaries of Task Force Reports<sup>168</sup>**

A quick look through a gender lens at the Executive Summaries of the other Task Force Reports show that the extent and quality of attention to gender and women’s empowerment is patchy.

The report of the Task Force on Water and Sanitation provides the strongest example of a gender mainstreamed approach.<sup>169</sup> It discusses the need for gender

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<sup>167</sup> Menon-Sen, Kalyani. 2003. “Millennium Development Goals. National Reports: A Look Through a Gender Lens.” UNDP, New York.

<sup>168</sup> Written by Nicola Painter

analysis as part of the policy-making process, stressing the relevance of gender inequalities in management of water infrastructure. It notes that success in water management is more likely if women participate and are decision-makers. The report of the Task Force on Poverty and Economic Development includes a relatively good treatment of gender equality and women's issues.<sup>170</sup> It analyses the differential manner in which poverty affects women and the connection to gender norms, and it devotes part of the policy section to human rights of women, such as land rights and education.

The report of Task Force 2 on Hunger refers to women as mothers and vulnerable victims, despite its initial assertion of the importance of empowering women.<sup>171</sup> The report mentions women frequently but in ways that emphasises their vulnerability or their role as mothers. It does make some effort to address gender issues, by mentioning the importance of girls' education, reproductive rights, and political participation, but these initiatives are seen to be beyond the direct scope of the work on hunger. Its recommendation to increase the agricultural productivity of women farmers demonstrates the lack of a gender analysis. The report does not acknowledge that women may be prevented from taking advantage of productivity-enhancing opportunities due to the structure of gender roles and inequalities, as they can't shift their household reproductive responsibilities and may be barred from accessing credit or securing rights over their land.

Analysis of the connections between HIV/AIDS, gender inequality, and women's rights appears in the report of Task Force 5 on HIV/AIDS.<sup>172</sup> Although the report's emphasis is on investing in the health care system, it acknowledges women's vulnerability to HIV/AIDS infection and the social attitudes and norms which underpin that vulnerability. In response to this analysis, it suggests policies that 'transcend' HIV/AIDS, such as girls' education, women's property rights, and combating violence against women. These actions appear as part of the over-lapping structure of the MDGs – in other words, as falling under some other MDG and Task Force.

The report of Task Force 5 on Tuberculosis acknowledges briefly that certain groups are at an increased risk, and it includes gender as a factor in increasing risk.<sup>173</sup> But gender is seen to be 'dealt with' through the overlapping structure of the MDGs.

It is shocking that gender issues are not mentioned at all in the report of Task Force 4 on Child Health and Maternal Mortality.<sup>174</sup> The focus is on improving health

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<sup>169</sup> Task Force on Water and Sanitation. 2003. "Interim Summary Report. Achieving the Millennium Development Goals for Water and Sanitation: What Will it Take? Millennium Project, New York.

<sup>170</sup> Pangestu, Mari and Sachs, Jeffrey, et al. 2004. "Task Force 1 Interim Report on Poverty and Economic Development." Millennium Project, New York.

<sup>171</sup> Sanchez, Pedro and Swaminathan, M.S. et al. 2004 "Task Force 2 Interim Report on Hunger." Millennium Project, New York.

<sup>172</sup> Binagwaho, Agnes et al. "Task Force 5 Interim Report Working Group on HIV/AIDS." Millennium Project, New York.

<sup>173</sup> Broekmans, Jaap et al. 2004. "Task Force 5 Interim Report Working Group on Tuberculosis." Millennium Project, New York.

<sup>174</sup> Chowdbury, Mushtaque et al. 2004. "Task Force 4 Interim Report on Child Health and Maternal Health." Millennium Project, New York.

services, both in terms of personnel and infrastructure, and there is little regard for underlying societal obstacles that prevent women from accessing health services, such as lack of reproductive rights, restrictions on freedom of movement, or non-existent transportation from rural areas to emergency health care facilities. Women, if mentioned at all, are tools for achievement of the MDGs, and they are not seen to have rights to be free from avoidable maternal mortality.<sup>175</sup>

There is no mention of women or gender in the executive summaries of the reports of three Task Forces: on Improving the lives of slum dwellers (Task Force 8),<sup>176</sup> on Science, technology, and innovation (Task Force 10),<sup>177</sup> and on Environmental Sustainability (Task Force 6).<sup>178</sup> This stands out as an *a priori* failure of gender mainstreaming, but it is even more disturbing considering the obvious gender issues in relation to secure tenure, access to the benefits of science and technology, and sustainable environmental management. The report of the Task Force on Open, Rule-based Trading Systems (Task Force 9) was not available.

If the executive summaries can be taken as an indication of the general outlook of the Task Force reports, they demonstrate disappointing and patchy attention to gender equality and women's empowerment. Gender is not a cross-cutting issue in any of the reports. Goal 3, which deals specifically with gender, is the only goal in which gender issues have been addressed by all countries. Beyond this, gender issues most frequently appear under maternal mortality and poverty. Women's issues (as opposed to gender issues) appear most frequently under maternal mortality, HIV/AIDS, education, and poverty, but in only four reports under infant mortality. Women and gender are markedly absent in both sections on environmental sustainability and global partnership for development.

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<sup>175</sup> Yamin, Alicia E. and Maine, Deborah P. 1999. "Maternal Mortality as a Human Rights Issue: Measuring Compliance with International Treaty Obligations." *Human Rights Quarterly* (1999), 21(3): 563-607.

<sup>176</sup> Garau, Pietro et al. 2004. "Task Force 8 Interim Report on Improving the Lives of Slum Dwellers." Millennium Project, New York.

<sup>177</sup> Juma, Calestous et al. 2004. "Task Force 10 Interim Report on Science, Technology and Innovation." Millennium Project, New York.

<sup>178</sup> Sears, Robin. 2004. "Task Force 6 Interim Report on Environmental Sustainability." Millennium Project, New York.

## Annex 3: Reviews

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### 3.1 Priorities identified through BPFAs Framework

As of July 2004, regional preparatory meetings had been held for North, West, Central, Southern, and East Africa, Central America and Mexico, the Caribbean, South America, and the Arab region. The available concluding reports shed light on the challenges to implementation of the BPFAs. The Latin America Report<sup>179</sup> and the African regional reports<sup>180</sup> were analysed to uncover the issues that have been identified as challenges to implementation of the BPFAs. They were then clustered to arrive at a general picture of the global challenges to women's empowerment that emerge by using the BPFAs as an analytical framework. This analysis would be strengthened by inclusion of reports from the Asian and Pacific region, Europe, and the Middle East, but they are not currently available.

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<sup>179</sup> UN ECLAC (United Nations Economic Commission for Latin America and Caribbean). 2004. "Roads Towards Gender Equity in Latin America and the Caribbean." 9<sup>th</sup> Regional Conference on Women in Latin America and the Caribbean. Mexico City.

<sup>180</sup> UNECA (United Nations Economic Commission for Africa). 2004. "Report of the Sub-regional Decade Review Meeting on the Implementation of the Beijing Platform for Action in Eastern Africa." 2-4 June 2004; UNECA. 2004. "Report of the Sub-regional Decade Review Meeting on the Implementation of the Beijing Platform for Action in Southern Africa." 26-29 April 2004. ECA/SA/WST/BPFA/2004/06; UNECA. 2004. "Réunion d'évaluation décennale de mise en oeuvre de la Plate-forme de Beijing (Beijing+10) en Afrique du nord." 14-16 Avril 2004. Centre Africain pour le genre et le développement (CAGED) and Bureau de la CEA pour l'Afrique du nord (CEA-AN). CEA-AN/TNG/BEIJING+10/04/02; UNECA. 2004. "Synthesis Report: Sub-regional Meeting on the Decade Review of the Implementation of Beijing Platform of Action in West Africa". 13-15 April 2004; UNECA. 2004. "Réunion sous-régionale sur l'évaluation décennale de la mise en oeuvre des Plate-formes d'Action de Dakar et Beijing." 19-21 Avril 2004. Sub-regional Office for Central Africa. ECA/SRO-CA/Beijing+10/04/Meet.

<b>Beijing +10 - Challenges Identified</b>	<b>Out of 7 reports</b>
Weakened women's movement	6
Economic - barriers for women's empowerment	6
Social and cultural attitudes	5
Problems in gender mainstreaming	5
Illiteracy	4
Disabling international environment	4
Gap between policy and practice	4
Poverty	3
HIV/AIDS	3
Conflict	3
Weak political power and participation of women	3
Lack of resources	3
Weak or ineffective national machineries on women	3
Lack of political will	3
Weak legal framework for promotion of gender mainstreaming and equality	2
The global political context (fundamentalism, war on terror)	2
Analysis of gender & inequality is weak	1
Lack of evidence of success on women's human rights	1
Access to education is varied	1
Weak government and problems in governance	1
No change in gender division of labour	1
High maternal mortality	1
Urbanisation / rural-urban migration	1
Absence of women in peace processes	1

## Annex 4: Linking human rights and MDGs

### 4.1 Critique of Economic, Social, and Cultural Rights as Human Rights

Some countries argue that economic, social, and cultural rights are not rights but aspirations. The 'real' human rights are civil and political rights, because they can be realized by a state refraining from acting (like refraining from torture, arbitrary detention). However, the assessment that respect for rights contained in the ICCPR require states to refrain from acting does not hold up to closer scrutiny. For example, the right to a fair trial requires resource-intensive, positive action by the state to establish a fair and effective judicial system with guarantees of due process.<sup>181</sup> The devaluing of economic, social and cultural rights is an affront to the basic principle that human rights are indivisible. The challenge to the value of economic, social, and cultural rights has particular meaning for women's human rights. Equality in civil and political rights is undermined unless equality is secured in the exercise and enjoyment of economic, social, and cultural rights.<sup>182</sup>

### 4.2 Linkages between MDGs and Human Rights

GOALS AND TARGETS from the Millennium Declaration	HUMAN RIGHTS Articles from CEDAW [Right to ...]	HUMAN RIGHTS Articles from the ICESCR [Right to ...]
<b>GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER</b>		
<b>Target 1:</b> Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day.	(11.1) work (11.1.e) social security (13.a) right to financial credit (14) rights of rural women (15) equal rights in respect of contracts and property (16) prohibition of early and forced marriage [on the basis that EFM is often linked to and contributes to women's poverty] (16) equality in marriage regarding property rights [on the basis that inequality in inheritance and land rights are linked to women's poverty]	(6) work (9) social security (11) adequate standard of living (10) protection of children from economic and social exploitation [on the basis that poverty motivates child labour]
<b>Target 2:</b> Halve, between 1990 and 2015, the proportion of people who suffer from hunger.	(2) elimination of discrimination by any person (5) social and cultural	(11.1) adequate standard of living, including adequate food (11.2) be free from hunger

<sup>181</sup> Jaichand, Vinodh. 2004. "Social, Economic, and Cultural Rights – Introduction." Presentation given at International Human Rights Academy, Utrecht, 15-28 August 2004.

<sup>182</sup> Aurora, Sneh, et al. 2002.

	patterns of conduct [regarding practices in some countries of women and girl children eating last and least]	[General Comment 12]
<b>GOAL 2: ACHIEVE UNIVERSAL PRIMARY EDUCATION</b>		
<b>Target 3:</b> Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.	(10) equal rights education (14.2.d) rural women's rights to obtain training and education	(13) education [General Comment 13]
<b>GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN</b>		
<b>Target 4:</b> Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015. * Articles related to the indicators and to broader goal are included here because the target represents an unacceptable reduction of women's empowerment to the education of girls.	The whole Convention is about empowerment of women, but note in particular: (2) policy of eliminating discrimination (3) measures to ensure full development and advancement of women on basis of equality with men (5) modify social and cultural patterns of conduct (10) education (7), (8) participation in political and public life, at national and international levels (6) suppress trafficking and exploitation of women (General Recommendation 19) protect women from all forms of violence, as VAW is a form of discrimination	(2.2) non-discrimination (3) equal rights of men and women (13.1) education for everyone (13.2) equal access and availability of education (6) work ICCPR – (25) – participation in government
<b>GOAL 4: REDUCE CHILD MORTALITY</b>		
<b>Target 5:</b> Reduce by two thirds, between 1990 and 2015, the under-five mortality rate	(12) eliminate discrimination in field of health care in order ensure equality in access to health care services (* Note that this is weaker than right to health in ICESCR) (14) rights of rural women	(12) enjoyment of highest attainable standard of physical and mental health [General Comment 14]
<b>GOAL 5: IMPROVE MATERNAL HEALTH</b>		
<b>Target 6:</b> Reduce by three quarters, between 1990 and 2015, the maternal mortality rate	(12) eliminate discrimination in field of health care in order ensure equality in access to health care services	(10) special protection for mothers before and after childbirth (12) enjoyment of highest attainable standard of

	(14) rights of rural women	physical and mental health (15) right to benefit from scientific progress and its applications
<b>GOAL 6: COMBAT HIV/AIDS, MALARIA, AND OTHER DISEASES</b>		
<b>Target 7:</b> Have halted by 2015 and begun to reverse the spread of HIV/AIDS	(5) modify social and cultural patterns of conduct (12) health (16) equality in marriage and family relations, including family planning (General Comment 19) violence against women	(12) enjoyment of highest attainable standard of physical and mental health (15) right to benefit from scientific progress and its applications
<b>Target 8:</b> Have halted by 2015 and begun to reverse the incidence of malaria and other diseases.	(12) health (14) rights of rural women	(12) enjoyment of highest attainable standard of physical and mental health (15) right to benefit from scientific progress and its applications
<b>GOAL 7: ENSURE ENVIRONMENTAL SUSTAINABILITY</b>		
<b>Target 9:</b> Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources.	(14) role of rural women in survival of their families (7), (14) participation in political and public life	(11) right to continuous improvement of living conditions
<b>Target 10:</b> Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation.	(14) rural women – adequate living conditions, including water supply (7), (14) participation in political and public life	(11) adequate standard of living (12) health [General Comment 15]
<b>Target 11:</b> By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers.	(14) rural women – adequate living conditions (15) equal rights regarding contracts and property	(11) adequate standard of living
<b>GOAL 8: DEVELOP A GLOBAL PARTNERSHIP FOR DEVELOPMENT</b>		
<b>Target 12:</b> Develop further an open, rule-based, non-discriminatory trading and financial system.	(7), (8), (14) right of women to participate	ICCPR – (25) – participation in government
<b>Target 13:</b> Address the special needs of the least developed countries	(7), (8), (14) right of women to participate	ICCPR – (25) – participation in government
<b>Target 14:</b> Address the special needs of landlocked countries and small island developing States	(7), (8), (14) right of women to participate	ICCPR – (25) – participation in government
<b>Target 15:</b> Deal comprehensively with the debt problems of	(7), (8), (14) right of women to participate	ICCPR – (25) – participation in government

developing countries through national and international measures in order to make debt sustainable in the long term		
<b>Target 16:</b> In cooperation with developing countries, develop and implement strategies for decent and productive work for youth	(11) equality in work and protection of health and safety	(6) work (7) enjoyment of just and favourable conditions of work
<b>Target 17:</b> In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries	(12) equality in access to health care services	(15) right to benefit from scientific progress and its applications
<b>Target 18:</b> In cooperation with the private sector, make available the benefits of new technologies, especially information and communications	(2) non-discrimination (3) ensure full development and advancement of women	(15) right to benefit from scientific progress and its applications

### 4.3 Reservations to CEDAW

Some states have used reservations to effectively hollow out the heart of their obligations under CEDAW. In keeping with the basic principle of consensual acceptance of obligations, a state can enter reservations at the time of ratification (Art. 28(2)). CEDAW has been remarkably susceptible to reservations. In contrast, there are few substantive reservations to CERD, and none on the basis of religion or culture.<sup>183</sup> The Convention does not define certain articles against which reservations are not permitted, nor does it define rights which cannot be suspended in times of emergency (unlike the ICCPR, Art. 4). Sweeping reservations which appear incompatible with the object and purpose the treaty have questionable status in international law. But a further problem is that no body is empowered to assess whether reservations are acceptable, and the only monitoring of acceptability of reservations comes from other states.

### 4.4 Using CEDAW as an analytical and advocacy tool

A recent piece by UNIFEM on HIV/AIDS demonstrates how CEDAW can be used as an analytical tool.<sup>184</sup> On the basis of gender analytical information about the issues related to HIV/AIDS and gender, it looks to the Convention and the General Comments for the nature of state's obligations. The General Comments also provide recommendations to states about appropriate policy interventions.

<sup>183</sup> Charlesworth and Chinkin. 2000. p. 108.

<sup>184</sup> Waldorf, Lee. 2001. "Turning the Tide: CEDAW and the Gender Dimensions of the HIV/AIDS Pandemic." UNIFEM, New York.

A recent multi-country impact assessment revealed a number of enabling factors and barriers in the effective utilisation of CEDAW.<sup>185</sup> CEDAW made a difference for women's human rights activism in countries where there was NGO awareness about CEDAW and its potential. NGOs were most effective when they could identify appropriate treaties for lobbying on certain issues. The systematic use of cross-cultural gender-specific indicators enabled effective appraisal of government policy and practice. Barriers to the effective implementation of CEDAW included: the marginalised position of NGOs in the political system, lack of resources in NGOs, the alienation of the national government from civil society, the lack of support from government officials, the difficulty in putting gender policies into practice, the lack of media awareness of CEDAW and the reporting process. The study showed that CEDAW is having an impact at a national level, although the extent varies from country to country.

#### 4.5 Critiques of CEDAW

The Convention suffers from some analytical weaknesses. Its definition of equality and non-discrimination has been debated and criticised. For example, it is not clear whether the definition of discrimination in the Convention would also cover discrimination on the basis of sexuality.<sup>186</sup> The Convention has been labelled androcentric: "Equality is generally presented as women being treated in the same way as men."<sup>187</sup> But women's lack of empowerment arises precisely because they do things which cannot be compared to men – like working in employment sectors dominated by women, doing caring work within the home, and bearing children. There is no recognition in the equality/non-discrimination model that women's empowerment requires society as a whole (women and men) to change, not just women to be 'brought up' to the standard of men. The focus on equality with men also deflects attention away from the fact that denial of women's human rights is the result not only of discrimination based on sex, but also intersecting discrimination based on ethnicity, class, ability, or other status.

This criticism may be too far-reaching, because the definition of discrimination is not as limited or severe as it appears.<sup>188</sup> Certain articles address the gender-specific disadvantage that only women suffer, such as traditional practices and attitudes and trafficking and prostitution, and the Convention recognises the gender-specific issues of maternal health and reproduction. Furthermore, as demonstrated in their General Recommendation on violence against women, the interpretation of discrimination has been broad enough and not unduly formalistic, so that it captures the disadvantage which women *actually* suffer.

The Convention has been criticised for its complete silence on violence against women in the private sphere. The Committee addressed this in General

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<sup>185</sup> McPhedran. 2000.

<sup>186</sup> Ibid.

<sup>187</sup> Charlesworth and Chinkin. 2000. p. 231.

<sup>188</sup> Byrnes. 2002.

Recommendation 19, by stating that violence against women is a form of discrimination. But this is still rooted in the distinction between public and private space. The inclusion of trafficking and prostitution shows that only forms of gender-based violence which manifest themselves in the public sphere are contemplated by the Convention. The Committee stated that violence against women is a human rights violation not in itself but because it results in discrimination in women's enjoyment of their rights to life, equality in the family, health, liberty and security of the person, and other rights.<sup>189</sup> The Committee defines the scope of state's obligation to include violence perpetrated both by the state and by public actors. States are responsible for acts of violence which they condone or which are committed by their agents. But private actors only trigger state responsibility if the state fails to act with due diligence to prevent violations of rights or to investigate, punish, or provide effective remedies for acts of violence.

#### **4.6 Critiques of BPFA**

While the BPFA may have the strength of being comprehensive, it is weak in terms of analytical coherence or structure and it can be read like a shopping list of aspirations. The BPFA may be out of date with some of the current frameworks around international development, such as budget support and PRSPs. The BPFA includes a statement about the intersections of multiple forms of discrimination and their impact on women (para. 46). It has a specific critical area of concern regarding the girl child, but there is insufficient attention to older women's issues and silence on the rights of lesbian, bisexual, and trans-gendered women.

#### **4.7 Functions of reporting procedure under CEDAW**

The reporting procedure ensures a regular comprehensive review of the situation with respect to each of the rights in the Convention.<sup>190</sup> It enables governments to demonstrate that they are taking action to implement provisions of the Convention, and it creates space for public scrutiny and monitoring of state compliance with the treaty, particularly by women's organisations. The Committee welcomes alternative or Shadow Reports from civil society organisations.<sup>191</sup> The Shadow Reporting process provides a regular opportunity for civil society organisations to analyse the situation, work in coalitions to lobby governments, and raise women's awareness of their rights.<sup>192</sup> As state reports are submitted every four years, the process should provide a basis for evaluating progress, particularly regarding obligations of a more

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<sup>189</sup> CEDAW (Committee on the Elimination of Discrimination against Women). 1992. "Violence against women." General Recommendation 19. CA/47/38. New York.

<sup>190</sup> Byrnes, Andrew. 2002. "The Convention on the Elimination of all Forms of Discrimination against Women." In Benedek, Wolfgang, ed. 2002. *The Human Rights of Women: International Instruments and African Experiences*. London: Zed Books.

<sup>191</sup> Flinterman, Cees. 2004. "UN Treaty-based Mechanisms: CEDAW." Presentation given at International Human Rights Academy, Utrecht, 15-28 August 2004.

<sup>192</sup> McPhedran. 2000.

programmatic nature, and increase understanding of the challenges faced in implementing the CEDAW.

#### **4.8 Optional Protocol to CEDAW**

The Optional Protocol was adopted by the General Assembly in 1999, and it entered into force in 2000. There are 62 states which are parties to the Optional Protocol. For states which have ratified the Optional Protocol, individuals may bring communications to the Committee regarding violations of their rights under CEDAW, provided they have exhausted all domestic remedies. The State in question must submit written explanations regarding the complaint, and following examination, the Committee transmits its views on the matter to the State party and the complainant. Although these recommendations are not strictly binding because the Committee is not a judicial body, the State must report back within six months on steps they have taken. The Optional Protocol also confers on the Committee the power to initiate inquiries into grave or systematic violations by a State party of rights under the Convention. A State party to the Optional Protocol may not enter reservations to the Protocol or opt out of the Individual Complaints procedure; however, it may opt out of the Committee's Inquiry procedure.<sup>193</sup>

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<sup>193</sup> Byrnes. 2002.

## Annex 5: Selected resources on the MDGs

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WHO (World Health Organization). 2003. "En-gendering the Millennium Development Goals on Health." Department of Gender and Women's Health, Geneva.

World Bank. 2003. *Gender Equality and the Millennium Development Goals*. Washington DC.

## Annex 6: People interviewed

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Interviews were conducted in person or by phone during July 2004.

### Government

- ? De Haan, Arjan. DFID.
- ? Dillon, Bridget. DFID.
- ? Evans, Phil. DFID.
- ? Holden, Pat. DFID.
- ? Joeksdotter-Berg, Eva. DG Development, European Commission.
- ? Keeling, Ann. DFID.
- ? Martini, Richard. DFID.
- ? Zeitlyn, Sushila. DFID.

### Civil Society

- ? Ashworth, Georgina. CHANGE. (email)
- ? Beales, Sylvia. Help Age International.
- ? Daly, Felicity. ICSW (International Council on Social Welfare).
- ? Derbyshire, Helen. Consultant.
- ? Elson, Diane. Essex University, Member of MDG Task Force 3.
- ? Fernandez Schmidt, Brita. WOMANKIND Worldwide.
- ? Gear, Sally. VSO (Voluntary Services Overseas).
- ? Hunt, Jacqui. Equality Now.
- ? Khan, Zohra. One World Action.
- ? Narayanswamy, Lata. BRIDGE, IDS, University of Sussex.
- ? O'Connell, Helen. One World Action.
- ? Smyth, Ines. Oxfam.
- ? Wekiya, Irene. Action Aid.