

THE MILLENNIUM DEVELOPMENT GOALS AND HUMAN RIGHTS



INTERDEPENDENT COMMITMENTS

“Passing the midpoint to the 2015 deadline for the Millennium Development Goals, we face a development emergency. Millions of people are still trapped in structural poverty and go hungry every day. As we celebrate the 60th anniversary of the Universal Declaration of Human Rights, let us remember that development should not be a privilege of the few, but a right for all.”

Ban Ki-Moon
United Nations Secretary General

The Millennium Development Goals (MDGs) emanate from the political commitments made by leaders to tackle poverty, illiteracy and disease at the dawn of the new millennium. At the historic Millennium Summit in September 2000, the largest gathering of world leaders at the time, United Nations (UN) Member States reaffirmed their commitment to ensure the full realization of human rights in the Millennium Declaration.

The MDGs and human rights have common objectives: to preserve and protect human dignity. While there are many different contributors to poverty, injustice and discrimination are omnipresent and always constitute a denial of human rights. It is for this reason that there are extensive direct linkages between human rights provisions and the MDGs. For each Goal there are often corresponding human rights obligations, standards or norms.

Beyond the direct links, there are significant complementarities between the MDGs

and human rights obligations. First, human rights can lend legal authority to the MDGs. In turn, as political commitments made at the highest level, the MDGs provide a high-profile political process through which human rights can be progressively realized. Moreover, the political commitments encompassed by the MDGs and the legal obligations resulting from human rights treaties both provide tools for holding governments to account.

However, human rights have not yet played a significant role in supporting and influencing MDG-related activities. The MDGs have been pursued largely in isolation from the human rights commitments in the original Millennium Declaration. Some voices have criticised the MDGs themselves, questioning whether human rights standards have been lowered and sufficient attention has been paid to women and marginalized groups and national and global power inequities. At the same time, just like development benefits,

“At the mid-point of the MDGs, as the UN Secretary-General recently reminded us, we confront nothing less than a development emergency. While many countries are on track to reaching a few of the goals, large disparities persist within and across countries. Discrimination and human rights violations are frequently part of the problem, sentencing entire populations to poverty.

In the Millennium Declaration, and the 2005 World Summit, world leaders have explicitly recognized the close linkages between development, human rights and peace and security. Yet in too many cases, the MDGs are pursued in isolation from human rights. This forces us to ask the following questions:

- *Who is winning, and who is losing, in our quest to achieve the MDGs?*
- *Whose voices are being heard?*
- *What vision of development are we pursuing, if it does not privilege the poorest communities and those suffering discrimination?*
- *Can the gains of development really be sustained, if rights are not anchored in laws and institutions, and if duty-bearers are not held accountable for their efforts and outcomes?”*

Navanethem Pillay

UN High Commissioner for Human Rights

the realization of human rights remains out of reach for the poor and excluded people. The harsh reality is that in spite of the best human rights norms and laws, mass poverty and deprivation continue to plague the world.

The challenge is, therefore, to ensure that the normative power of human rights and the practical and political traction of the MDGs are brought together, and for diverse groups to work in concert to ensure that governments meet their commitments and obligations. In this way, we can work towards our common goals of human dignity and a world free of poverty and injustice.



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THE MILLENNIUM DECLARATION AND THE MILLENNIUM DEVELOPMENT GOALS

In September 2000, 189 world leaders came together at the United Nations in New York for the Millennium Summit. At this Summit they signed the Millennium Declaration in which they firmly pledged to free their fellow human beings from the “abject and dehumanizing conditions of extreme poverty,” to “freeing the entire human race from want,” and to “making the right to development a reality for everyone.”

Based on these solemn promises, they agreed to fight together against poverty, hunger, gender inequality, environmental degradation, and killer diseases such as malaria and HIV, while improving access to education, health care and clean water, all by 2015. These wide-ranging commitments are encompassed in the eight Millennium Development Goals.

THE MILLENNIUM DEVELOPMENT GOALS



The MDGs are quantifiable, time-bound, and focus on key aspects of development, as well as on establishing a partnership between developed and developing countries. However, the Goals are both ends in themselves and benchmarks for progress towards the overall goals of the Millennium Declaration: eradicating human poverty and fighting inequality.

All countries have agreed to report back on progress to the United Nations and the public on the status of their efforts to implement the MDGs. In addition, at the 2005 United Nations World Summit, developing countries signed up to producing medium-term national development plans focused on the MDGs in 2006.

“There is more to human development than the MDGs. But the goals provide a crucial benchmark for measuring progress towards the creation of a new, more just, less impoverished and less insecure world order.”

Human Development Report, 2005



UN Photo/Martine Perret

HUMAN RIGHTS

Human rights are international legal and moral standards that translate into civil, cultural, economic, political and social legal entitlements of individuals. Human rights have both an intrinsic value and an instrumental value. That is, their realization has a value in and of itself, further to their instrumental role in enabling development.

States also commit themselves to the realization of human rights by signing up to and ratifying a human rights treaty, whether international or regional. For this reason, human rights are **legally binding obligations**. Mechanisms are in place that allow individuals to complain about violations of the rights in these treaties, a trend that is increasing at the national level. Following the United Nations General Assembly's adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the United Nations system has adopted many human rights treaties, including the following 'core' nine:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
- International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (MWC)
- Convention on the Rights of Persons with Disabilities
- International Convention for the Protection of All Persons from Enforced Disappearance



Human rights possess a number of important characteristics such as being **universal**, **inalienable**, **legally binding**, and based on the **inherent dignity** and **equal worth** of all human beings. It is important to emphasize that there is no hierarchy of rights: they are equal and indivisible. They are also interdependent and rely on each other for realization. The right to free expression is dependent on freedom from hunger, and vice versa. Nobel Prize winning Indian economist Amartya Sen, who has studied the underlying mechanisms of poverty, found that no major famine has occurred in a democracy allowing free expression.

Each human right also has specific **content** and **claims**; it is not just an abstract slogan. For example, the right to health requires that health care should be available, accessible, affordable and of sufficient quality. In response to these rights, there are corresponding obligations on the **duty-bearer**. This duty-bearer has traditionally been understood as the State that must:

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- **respect** human rights by refraining from interfering with them.
- **protect** human rights by ensuring that private actors do not interfere with them.
- **fulfil** human rights by adopting the necessary measures to ensure fulfilment.
- **guarantee** human rights without **discrimination** of any kind.

Many treaties require States to take steps within their maximum available resources to ensure that human rights are enjoyed by persons **outside their jurisdiction**. There is also growing national and international legal recognition that *non-State actors* also carry some human rights responsibilities.

Similarities between MDGs and Human Rights

The Millennium Development Goals and human rights have ultimately a **common objective** and these are to preserve and protect human dignity through the achievement of a wide range of civil, cultural, economic, political and social rights. As such there are wide-ranging and deep **linkages** between human rights and the Millennium Development Goals, which can be seen in the Table below.

MDGs and human rights are also both underpinned by an international framework. There are periodic reporting processes for each at both national and international level. The international and national framework for human rights is more elaborate and each major international and regional human rights instrument has an expert committee, commission or court which monitors its realisation. At the same time, the political commitment behind the MDGs has helped focus greater political attention on poverty concerns and has arguably delivered real benefits to poor people in many countries

GOAL 1	Eradicate extreme poverty and hunger		
	Target 1.A: Halve the proportion of people whose income is less than \$1 a day (between 1990 and 2015).	<i>Right to adequate standard of living Right to Social Security</i>	UDHR, articles 22 and 25 ICESCR, articles 6, 9 and 11
	Target 1.B: Achieve full and productive employment and decent work for all, including women and young people.	<i>Right to Work</i>	ICESCR, article 6
	Target 1.C: Halve the proportion of people who suffer from hunger (1990-2015).	<i>Right to food</i>	UDHR, article 25(1) ICESCR article 11
GOAL 2	Achieve universal primary education		
	Target 2.A: Ensure that, by 2015, all children will be able to complete a full course of primary schooling.	<i>Right to education</i>	UDHR article 25(1), ICESCR articles 13 & 14, CRC article 28(1)(a), CEDAW article 10, ICERD article 5(e)
GOAL 3	Promote gender equality and empower women		
	Target 3.A: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015.	<i>Women's rights to equality</i>	UDHR article 25(1), ICESCR articles 13 & 14, CRC article 28(1)(a), CEDAW article 10, ICERD article 5(e)
GOAL 4	Reduce child mortality		
	Target 4.A: Reduce by two-thirds the under-five mortality rate by 2015.	<i>Right to life</i>	UDHR article 25, CRC articles 6, 24(2)(a), ICESCR article 12(2)(a)

GOAL 5	Improve maternal health		
	<p>Target 5.A: Reduce by three-quarters the maternal mortality ratio by 2015.</p> <p>Target 5.B: Achieve, by 2015, universal access to reproductive health.</p>	<i>Right to health</i>	UDHR article 25 ICESCR article 12 CRC article 24 CEDAW article 12 ICERD article 5(e)(iv)
GOAL 6	Ensure environmental sustainability		
	<p>Target 6.A: Have halted by 2015 and begun to reverse the spread of HIV/AIDS.</p> <p>Target 6.B: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it.</p> <p>Target 6.C: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases.</p>	<i>Right to health</i>	UDHR article 25 ICESCR article 12 CRC article 24 CEDAW article 12 ICERD article 5(e)(iv)
	Ensure environmental sustainability		
GOAL 7	<p>Target 7.A: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources.</p> <p>Target 7.B: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss.</p>	<i>Right to environmental health</i>	ICESCR article 12 CRC article 24
	<p>Target 7.C: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation.</p>	<i>Right to water and sanitation</i>	ICESCR article 12 CRC article 24
	<p>Target 7.D: Have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers.</p>	<i>Right to adequate housing</i>	UDHR article 25(1), ICESCR articles 11(1), ICERD article 5(e)(iii)
	Develop a global partnership for development		
GOAL 8	<p>Target 8.A: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system.</p> <p>Target 8.B: Address the special needs of the least developed countries (tariff and quota free access, debt relief and more generous ODA).</p> <p>Target 8.C: Address the special needs of landlocked developing countries and small island developing States.</p> <p>Target 8.D: Deal comprehensively with the debt problems of developing countries.</p>	<i>Right to development</i> <i>International obligations for ESC rights</i>	United Nations Charter articles 1(3), 55 and 56 UDHR articles 22 and 28 ICESCR articles 2(1), 11(1), 15(4), 22 and 23 CRC articles 4, 24(4) and 28(3)
	<p>Target 8.E: In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.</p>	<i>Right to health</i>	ICESCR articles 2(1) and 12 CRC, articles 4 and 24
	<p>Target 8.F: In cooperation with the private sector, make available the benefits of new technologies.</p>	<i>ESC rights</i>	ICESCR

Complementarities

While the extensive linkages between the MDGs and human rights provisions are organic, the Goals represent high-level political commitments, where as human rights provisions are legally binding obligations upon States. The differing nature of the two sets of standards can be a source of strength.

How Human rights can reinforce the Millennium Development Goals:

- The content of some MDG targets is not consistent with human rights. For example, the targets for women's empowerment are narrowly focused although a new target on reproductive health was added in 2007. Also, Target 7. D on improving the lives of 100 million slum-dwellers is extremely under-ambitious – a human rights-based approach would put greater focus on basic security of tenure for all. The Millennium Declaration called for free and fair trade, where as the MDGs only require free trade. A human rights approach would ensure that nationally adopted targets are properly aligned with a State's human rights treaty obligations.
- The MDGs aim at achieving tangible progress on poverty reduction and human development over a given implementation period. However, the targets are not sufficiently focused on the poorest of the poor or on inequality within a country. Human rights instruments require that a minimum core level of each economic, social and cultural right be immediately realized for all and that discrimination be eliminated. The MDGs often require a State only



to halve certain poverty indicators; aggregate figures can allow gross discrepancies to be masked. A human rights approach would ensure that the minimum core level, and equal rights for all individuals, be prioritized in MDG processes.

- Achieving the MDGs and tackling the various expressions of poverty in developing countries is rarely possible without addressing the root causes of poverty such as discrimination, powerlessness and poorly functioning mechanisms of accountability, all human rights issues. The global power imbalance can even be witnessed in the MDGs themselves, as Goal 8 for wealthier countries has no benchmarks. A human rights approach should help focus attention on these countries making binding commitments on trade, aid and debt.
- The MDGs are political commitments that are not legally binding. However, for each Goal there is a corresponding human rights norm, which, depending on the country, could bring legal authority to bear on efforts to achieve the Goal.
- While the MDGs focus on results, the human rights underpinnings to the Goals remind policy-makers that the process by which the Goals are implemented is just as important as the results. In particular, the human rights approach requires that individuals have the right to be involved in decision-making at all levels of policy and programme implementation.

How the MDGs can reinforce the achievement of human rights:

- The MDGs provide an opportunity to raise awareness about the urgency of eliminating the scourge of poverty and deprivation, which thereby gives renewed and greater attention to the violation of economic and social rights.
- The MDGs provide benchmarks for measuring the progressive realization of human rights. The Goals can provide specificity to the concept of progressive realization for some economic, social and cultural rights. However, if that MDG target is not adapted to national circumstances, it may not match an appropriate human rights benchmark. In the case of MDG 5, the focus on maternal mortality has arguably increased the attention given to obstetric care in work on the right to health.
- Despite the legally binding nature of human rights, they are frequently violated, particularly where judicial and governance systems do not provide adequate protection for people. Thus, political processes are usually critical in claiming and realizing human rights. Given the international and growing national mobilization behind the MDGs, they can provide a political process based on political commitments made at the highest level, through which legal rights can be claimed.
- The national and international efforts around the MDGs have led to the mobilization of resources for and within developing countries that can be applied to implement the Goals and ensure the progressive realization of human rights.



Scott Wallace/ The World Bank

The challenge in such circumstances is to effectively incorporate a human rights approach into MDG-related processes. Human rights provide the context and lens through which the Goals are to be viewed. The MDGs should not be about welfare or charity, but about implementing rights and entitlements, based on a recognition of the structural and underlying causes of poverty.



Example of the use of the Millennium Development Goal commitments to realize human rights

India

On 13 December 2006, the Supreme Court of India passed an order requiring the allocation of state and central government funding for supplementary nutrition for children, severely malnourished children, pregnant women, nursing mothers and adolescent girls. In passing this order, the Supreme Court repeatedly referred to a report highlighting the low probability of India meeting the Millennium Development Goal on hunger, and specifically to the low likelihood of halving the share of underweight children and halving the proportion of the population below a minimum consumption level.

2 IMPLEMENTATION OF THE MILLENNIUM DEVELOPMENT GOALS AND HUMAN RIGHTS





Given the complementarities between human rights and the MDGs, the human rights approach has the potential to considerably enhance development programmes and policies aimed at achievement of the Goals.

The human rights-based approach to development fundamentally sees poverty as a result of disempowerment and exclusion. Poverty is not simply a lack of material goods and opportunities such as employment, ownership of productive assets and savings. It is also the lack of physical and social goods such as health, physical integrity, freedom from fear and violence, social belonging, cultural identity, organizational capacity, the ability to exert political influence, and the ability to live in respect and dignity.

We can adapt this human rights approach to the MDGs by suggesting four key elements.

1 ALIGN THE GOALS AND NATIONALLY DEFINED PRIORITIES WITH HUMAN RIGHTS

2 BE TRANSFORMATIONAL NOT TECHNOCRATIC

3 PRIORITIZE RIGHTS WITHIN POLICY CHOICES AND RESOURCE ALLOCATION

4 CLAIM THE MDGS

1. Align the MDGs and Nationally Defined Priorities with Human Rights



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In the spirit of the Millennium Declaration, and in the implementation process, the UN has encouraged countries to adapt each Goal at the level of the targets and indicators. There is a great deal of scope here to harmonize the MDGs with existing human rights provisions. International human rights law not only pre-dates the MDGs but States have existing legal obligations to realize human rights, as nationally appropriate. Here are some of the important steps to be taken:

ADAPT THE TARGETS

Some of the MDGs are well-matched with human rights as well as national priorities but some require significant adaptation to ensure consistency. *Claiming the MDGs*, a publication by the Office of the High Commissioner for Human Rights (OHCHR) provides analysis for each MDG target that can help guide such a process. For example, MDG Target 3 requires that all children are able to complete primary schooling, whereas human rights treaties further mandate that primary education is free, compulsory, and of a certain quality. Progressive achievement is only permitted where governments lack the resources to fulfil the human rights of all. A national plan should also be in place showing how rights will be fulfilled.

States are also encouraged to introduce additional targets or even goals at the national and local level to better address human rights. In the case of Mongolia, additional legislation was actually passed to create MDG 9 on democratic governance and human rights with specific time-bound targets and indicators. Additional targets could be adopted to ensure that the MDGs will reach certain marginalized and disadvantaged groups.

Free basic education in Kenya

Free basic education became a political issue in the 2003 national elections following several years of sustained campaigning by Elimu Yetu, a civil society pressure group. Elimu Yetu led a campaign called “Basic Needs as Basic Rights.” In particular, it campaigned for free schooling by highlighting that education was a fundamental right. In its first week of power in December 2003, the new Kenyan government made education free, immediately giving hundreds of thousands of children the opportunity to go to primary school. However, despite some additional donor support, many poorer areas such as informal settlements and rural regions have no access to free public schools and must pay fees in private schools.

INCLUDE THE EXCLUDED

Taking a human rights approach means more than just targeting those that are easy to reach. Formal or informal discriminatory barriers must be removed and active steps must be taken to eliminate discrimination in practice. The MDGs explicitly focus on three marginalized groups – children, slum-dwellers and youth – but others including minorities, indigenous peoples, older people, people with disabilities, people living with HIV, migrants, refugees and internally displaced people will also require special focus depending on the context. Moreover, targets should be adapted and disaggregated to ensure the rights of marginalized groups are given sufficient attention in practice.

PRIORITIZE WOMEN’S RIGHTS IN THE TARGETS

A human rights-based approach means ensuring that the MDG lens is sufficiently focused on the rights of women, including those entrenched in the Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW). In the 1995 Beijing Declaration, governments re-emphasised that women’s empowerment and equal participation were essential for development. Although MDG 3 specifically relates to gender equality and empowerment of women, the associated target of achieving gender equality in primary and secondary education is very narrow. The United Nations Development Fund for Women (UNIFEM) has called for gender equality to be cross-cutting for all MDGs, and set out how this could be done in the publication, *Pathway to Gender Equality*. Many non-governmental organizations and women’s organizations have come up with thoughtful suggestions on operationalizing this.

ENSURE INDICATORS ARE RIGHTS-SENSITIVE

The current global list of MDG indicators developed to address the targets and goals was based on the availability of existing data and an attempt to keep the list manageable. However, a human rights approach to traditional uses of development indicators would emphasize **disaggregating the data** more clearly by gender and disadvantaged groups and adding **complementary indicators** to measure existing MDG targets. For example, the indicator for Target 7.D on slum upgrading, which measures the proportion of the urban population that lives in slums, could be complemented by indicators on secure tenure and protection from forced eviction, which are key elements of the right to housing and good slum upgrading practice. Countries have been encouraged to use additional nationally appropriate indicators.



Ray Witlin/ The World Bank

Disaggregated data and partnerships in advocacy: Malaysia

While Malaysia has made significant progress on reaching the MDGs, regional disparities and inequalities persist among remote rural and ethnic groups. The United Nations Development Programme (UNDP) Malaysia formed alliances with like-minded stakeholders and key national institutions to disaggregate MDG indicators. The analysis revealed the need for targeted development policies, and provided UNDP Malaysia with a strong statistical argument with which to promote the human rights principles of equality and non-discrimination. The findings were reported through a variety of media and submitted to the body drafting Malaysia's national development plan. These efforts contributed to increased emphasis being placed on indigenous groups, equity and the reduction of disparities in the national development plan.

UNDP, HURILINK: Human Rights and MDGs,
www.hurilink.org

2. Be transformational not technocratic

Human rights are fundamentally concerned with **empowerment**, which can be understood as an expansion of people's ability to participate in, negotiate with, influence, control and hold accountable institutions that affect their lives. This requires recognition that people are the prime agents of development and need to be part of transformation of the structures and overcoming of the obstacles that have created and contributed to poverty. It also challenges development approaches that are technocratic or top-down. Such a transformational approach needs to take a broader view of poverty, a view that addresses the root causes, including power inequalities. An increase in the amount of assistance for education may not reach the poorest children if they come from an ethnic group or region that has little political power and influence over the allocation of those funds.

There is equally a strong need to adopt a **human rights approach to participation**. This means effective respect for civil and political rights such as the right to vote,

freedom of expression, and freedom of association. Participation in the realization of economic, social and cultural rights and the right to development is also a key principle and right. For example, the African Protocol on the Rights of Women states that the "participation of women at all levels in the conceptualization, decision-making, implementation and evaluation of development policies and programmes shall be ensured." Participatory processes should therefore be critically assessed according to whether (a) there are mutually agreed upon minimum standards for the participatory process; (b) individuals can participate in the design, implementation and monitoring of development strategies that affect them; (c) women and marginalized groups are effectively included; (d) elite capture and reinforcement of existing questionable power relations is prevented; (e) the process is transparent and information is accessible; and (f) accountability mechanisms ensure that the participatory process is held to the minimum standards.

A voice in the budget process: Brazil

Many municipalities in Brazil are using participatory budgeting, outside the realm of elected officials. The approach originated in Porto Alegre, Brazil, in 1989. At the beginning of each year, neighbourhood assemblies set budget priorities and elect 44 members to a Council of Participatory Budgeting that negotiates with the local authority. Budget allocations are then made by combining "subjective preferences of citizens with the objective quantitative criteria." After a decade, 40 000 residents participated in this process with home water supply rising from 78 to 99 percent; sewage collection from 46 percent to almost 83 percent, and garbage collection reaching all residences.

3. Prioritize Human Rights in Policy Choices and Resource Allocation

“The need for trade-offs is often exaggerated and is typically based on very rudimentary reasoning. Further, even when trade-offs have to be faced, they can be more reasonably – and more justly – addressed by taking an inclusive approach, which balances competing concerns, than by simply giving full priority to just one group over another.”

Amartya Sen

A human rights approach does not automatically prescribe policy choices or the precise allocation of resources, and values participation, particularly by the excluded, in decisions on such matters. Rather it provides a framework in which such policy choices can be assessed and developed, which includes the following principles:

DO NO HARM.

Although policies and programmes to realize MDGs may have been devised with good intentions, like any development project, they have the potential to violate human rights if not carefully designed. Building a large dam may assist with MDG targets on water and providing wage employment, but such action can violate the right to work, housing and food of farmers, pastoralists and other people living in the area and decrease biodiversity. However, such violations may not register in measurement of official progress towards the MDG targets, as the group or area might not be covered in the relevant MDG targets on food, housing and environment. Therefore, a principle of ‘do no harm’ is crucial in operationalizing MDG processes.

AVOID RETROGRESSIVE MEASURES.

A policy or measure that leads to a decline in the realization of rights must be strongly justified, according to the UN Committee on Economic, Social and Cultural Rights. One social programme may, for example, be replaced with another that better fits the MDGs, and such action could fall foul of this prohibition on non-retrogressive measures. This might be the case if the closed programme was focused on a marginalized group or aimed to realize the minimum level of an economic, social or cultural right. As with any change to a new policy environment, care should be taken to ensure that human rights are not compromised in the process. In some countries, a Poverty and Social Impact Assessment has been conducted to help identify negative impacts of different policy options, though human rights dimensions need to be better included.

ADEQUATELY DIRECT POLICIES.

The policies adopted to reach the MDGs should be assessed as to whether they adequately reflect the goals as aligned with human rights. Policies and resource allocations, for example, need to be assessed as to whether they direct priority attention towards those suffering discrimination and disadvantage, especially the poorest of the poor and those suffering multiple forms of discrimination, such as rural women of an ethnic minority. For example, South Africa's Constitutional Court found, on the basis of the right to housing, that the Government's housing programme made no provision for those in emergency situations, which was a large proportion of the population.

PROVIDE ADEQUATE RESOURCES.

Achieving the MDGs will clearly involve devoting extra resources; financial, human, technical, natural and informational. In most situations, **duty-bearers' capacity** to

respect, protect and fulfil rights will need to be built over a period of time. Where weak institutions are being re-established, such as in post-conflict States, both State institutions and those institutions fulfilling a servicing and monitoring role require significant support. Proposals to increase the fiscal space through user fees, privatization or trade liberalization should be closely assessed given their potential negative impacts on human rights. The International Monetary Fund (IMF) has raised concerns that scaling up aid may lead to falling exchange rates or rising inflation and has often required the bulk of funds be diverted to paying off debt or boosting currency reserves. However, empirical studies by civil society organizations have criticized the IMF for overly conservative inflation targets and wage bill ceilings in the context of MDG-related aid flows. The IMF has countered that it is more flexible on these issues than is often portrayed.

Assessing policy options in a human rights framework: UN and Chile on social security

Chile was one of the first countries to privatize its social security system, with benefits based on individual contributions. In 2004, the UN Committee on Economic, Social and Cultural Rights expressed concern that the new system did not meet a number of human rights standards. It did not guarantee adequate social security for a large segment of the population, particularly those working in the informal economy or who could not make sufficient contributions. The majority of women (including 40 percent of working women) did not contribute to the scheme and were therefore not entitled to old-age benefits. The Committee recommended that Chile take effective measures to ensure that all workers be entitled to adequate social security benefits.

4. Claim the MDGs

A human rights approach is centred on the notion that basic human needs are not matters of charity but justice, and should therefore be embodied in clear, preferably **legally binding**, standards. This would provide a clear mandate for public officials to take action and rights claimants to hold duty-bearers accountable. A focus on legal standards is also critical for scaling up since there may be various laws that actually restrict MDG-related activities. For example, restrictive government laws have prevented successful slum upgrading programmes from being scaled up. Countries should, therefore, ensure that an effective legal framework is created that recognizes human rights and provides enforcement mechanisms. For example:

PROVIDE EFFECTIVE ACCOUNTABILITY MECHANISMS.

Most successful attempts at holding powerful actors to account have involved a wide range of methods. While States are the primary duty-bearers under human rights law, other duty-bearers such as corporations, donors and intergovernmental organizations must be answerable for the observance of human rights. Human rights standards call for the establishment of accessible and effective judicial or quasi-judicial **mechanisms of redress** that can deliver on entitlements, respond to violations, and ensure accountability. Non-judicial means of accountability are also critical. This includes mediators, treaty bodies, parliamentary processes, national human rights institutions, civil society networking and mobilization, media advocacy, and local mechanisms such as watchdog groups.

ENSURE SUSTAINABILITY AND PROTECT THE MDG GAINS.

Good development practice requires that the sustainability of interventions be dependent on ensuring the protection of gains achieved, either by formal or informal mechanisms. Building a well for a village may not be sustainable if the benefits of the project are captured by local elites, or if the underlying land ownership of the relevant place is not addressed. Therefore, to guarantee there is no backsliding on development gains, countries need to ensure that human rights are firmly embedded in the legal and institutional framework, and in social and cultural norms. Where the sustainability of MDG gains is contingent, in some countries, on sustained donor support for the medium-term, there should equally be a commitment from donors to provide ongoing support until the country can provide resources from domestic or other sources.

Legal entitlements.

The South African Water Services Act places obligations on local authorities to develop and implement plans to extend access to clean water and make it affordable, which it claims has helped it begin to erase the large water and sanitation gap. In 1992, the Supreme Court of India ruled that the right to free education for children up to the age of 14 years was an integral part of the constitutional right to life. After a civil society campaign across India, the Indian Constitution was amended to make this right explicit and model legislation was passed. While the law was criticized for failing to legislate for minimum standards, it has helped trigger significant progress.



3 GLOBAL PARTNERSHIP BASED HUMAN RIGHTS

The enormous gap between the potential realization of development and actual attainment has led to a global determination to broaden and deepen international cooperation. The 1948 Universal Declaration on Human Rights and the 1986 Declaration on the Right to Development recognize that the realization of human rights is a common responsibility. The Millennium Declaration recognizes that “in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level.”

Goal 8 thus applies to each and all MDGs and contains a number of specific commitments in the areas of increasing aid, market access to the poorest countries, debt relief, access to essential drugs, technology transfers, and taking into particular consideration the needs of small island states and landlocked countries. However, while there are many indicators for these Goals, there are almost no concrete targets that developed countries must achieve. There is no target for reduction of trade barriers, level of aid or debt relief. Some follow-up commitments towards better cooperation have been made, but they fail to meet the need for clearer benchmarking and urgent, concrete action.

Human rights standards contain legally binding responsibilities for States to cooperate with and assist each other. The Goal 8 targets should, therefore, be interpreted as far as possible in the context of human rights. For example, trade agreements should not curtail or inhibit a country’s capacity to ensure the full realization of human rights. While the Millennium Declaration called for an equitable trading system, this was omitted in MDG Target 12. Nonetheless, it should be included in practice. Equitable trading conditions implicit in the Doha Declaration should be carried out in good faith and benchmarks set to reduce high protectionist barriers in agricultural trade. However, a human rights approach also means looking at the developing countries that would potentially lose out in liberalization of trade in agriculture, or small farmers who may be forced off their land by more powerful actors because of the increased value of agricultural land.

Access to essential drugs, the Philippines and TRIPs

The Philippines has reduced the cost of medicines by passing the Generics Act 1988 and importing lower cost medicines from India. While the majority of residents still cannot afford medicines even with these steps, free trade agreement negotiations with a number of countries could threaten the viability of these generic medicine arrangements. One negotiating partner has previously made free trade agreements that are stricter than the World Trade Organization (WTO) intellectual property rights agreement (TRIPs), which permits compulsory licensing and parallel importation in the public interest. Non-governmental organizations raised this concern with the Committee on the Rights of the Child during its assessment of the Philippines. The Committee recommended that the Philippines “Make use – in the negotiations of Free Trade Agreement – of all the flexibilities reaffirmed by the Doha Declaration and the mechanisms at its disposal to ensure access to affordable medicines in particular for the poor and most vulnerable children and their parents.”



4

WORKING TOWARDS THE ACHIEVEMENT OF THE MILLENNIUM DEVELOPMENT GOALS AND THE REALIZATION OF HUMAN RIGHTS

Combining efforts to ensure the realization of human rights and the implementation of the MDGs provides a unique opportunity to work towards the common objectives of human dignity and a world free of poverty and injustice. It provides the opportunity for diverse groups to collaborate, including human rights activists, social justice activists, trade unionists, and faith-based organizations. Such collaboration adds strength to our common pursuit of life with dignity for every woman, man and child.

For no other group of people does the existence and fair application of the rule of law and of human rights matter more than for poor and marginalized people. These are the same people for whom the achievement of the MDGs matters the most. There is no doubt that without a human rights framework, achieving and – more importantly – sustaining the MDGs would not be possible.

Come together and act now to ensure the realization of human rights and the achievement of the MDGs by 2015!



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"I am absolutely convinced that the Millennium Declaration and the Goals, if interpreted and used properly, offer an incredibly powerful opportunity to convert human rights from aspirations to reality. Equally, ensuring that the discourse on the Goals is continuously anchored within a human rights framework is the only way to ensure that the Goals are achieved in an inclusive and sustainable manner."

Salil Shetty
Director, UN Millennium Campaign

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THE MILLENNIUM CAMPAIGN

The Millennium Campaign was set up by the UN Secretary General in 2002 to support individuals and organizations in their efforts to hold governments to account for the achievement of the Millennium Development Goals. We believe that only if citizens are fully aware of the commitments their governments have made and are actively engaged in the process of planning, implementation and performance monitoring can the MDGs be achieved by 2015. We are the first generation with the technology, resources and know-how to eradicate poverty.

For further information see: www.endpoverty2015.org

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

The Office of the United Nations High Commissioner for Human Rights (OHCHR) represents the world's commitment to universal ideals of human dignity. OHCHR has a unique mandate from the international community to promote and protect all human rights. The High Commissioner for Human Rights is the principal human rights official in the United Nations. The High Commissioner heads OHCHR and spearheads the United Nations' human rights efforts. OHCHR offers leadership, works objectively, educates and takes action to empower individuals and assist States in upholding human rights.

For further information see: www.ohchr.org