

## **Poverty is not inevitable Millennium Development Goals and human rights**

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The Millennium Development Goals (MDGs) remain the most prominent global initiative to address poverty. The MDGs have played a pivotal role in helping to concentrate international attention on issues of development and poverty reduction. They have also provided a focal point for civil society, which has mobilized nationally and internationally around the MDGs to challenge poverty and exclusion. Most international development agencies have supported and prioritized the MDGs.

However, the extent to which they reflect and help advance the promise of the Millennium Declaration remains uncertain. Progress has been uneven and the Secretary-General has issued a clear warning that many of the global targets will not be met by 2015 unless efforts are radically stepped up.<sup>1</sup>

One of the key challenges in this regard is that states' obligations under international human rights law are not adequately reflected in the MDGs. The MDGs – while covering areas where states have clear obligations under international human rights law such as food, education and health - are largely silent on human rights. About two weeks ago, Amnesty International launched a report, *From promises to delivery: Putting human rights at the heart of the Millennium Development Goals*, which illustrates the gap between MDG goals and international human rights law and looks in more depth at the three areas as examples – gender equality, maternal mortality and slums. I hope this report will be another useful resource for our discussions in the coming months and beyond. While I won't go through it in detail, I will highlight a few of the main concerns and steps that governments can take between now and 2015 to make the MDG framework effective for the billions striving to free themselves from poverty and to claim their rights.

### *Ensuring consistency with human rights is essential for meaningful progress*

Targets set up under the MDGs often leave out or ignore key requirements under international human rights law. For instance, Goal 2 aims to ensure universal primary education, but neglects the obligation under the ICESCR to ensure that primary education is free, compulsory and of sufficient quality. These requirements are key, not just to comply with states' legally binding obligations, but to ensure that all children are truly able to benefit from MDG efforts to increase access to education. They are also essential if states hope to address the barriers that many children currently face in access to education and that children from marginalized communities or which face discrimination are not left out. Concerns have

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<sup>1</sup> *Keeping the promise: a forward-looking review to promote an agreed action agenda to achieve the Millennium Development Goals by 2015*, Report of the UN Secretary-General, UN General Assembly, 12 February 2010, UN Doc. A/64/665 (hereinafter *Keeping the promise*, Report of the UN Secretary-General).

already been voiced in this regard about a lack of focus on children with disabilities within the MDG framework.

Another example is Goal 5, which gives much-needed visibility to maternal health. However, restricting efforts towards MDG 5 to simply increasing access to services, neglects states' pre-existing commitment to ensure gender equality and promote the full range of women's rights, including sexual and reproductive rights.<sup>2</sup>

The realization of sexual and reproductive rights requires respect for the right of individuals to decide freely on matters relating to their sexuality and reproductive life. This encompasses the rights to decide whether and when to be sexually active; to freely choose one's partner; to consensual marriage; to decide freely the number, spacing and timing of one's children; and to be free from unsafe abortion and gender-based violence, including sexual violence, and harmful practices.<sup>3</sup> Goal 5 essentially fails to take into account two key dimensions essential for progress. It does not address the need to ensure that essential health care services are of sufficient quality, culturally appropriate and available and accessible to all, including the most vulnerable and marginalized women, and that there is no discrimination in the provision of such services. Secondly, it ignores the underlying factors that contribute to women and girls dying in pregnancy and childbirth or suffering the consequences of unwanted pregnancy and does not place sufficient emphasis on women's sexual and reproductive rights. If the international community truly want to make meaningful progress is addressing maternal mortality and morbidity, these gaps will have to be addressed in MDG efforts.

Going forward, it is essential that states and other actors supporting the MDG process review all existing and planned laws, policies and programmes linked to the MDGs to ensure consistency with international human rights standards. This review should ensure that the views and experiences of those affected by MDG initiatives are heard and taken into account.

### *Ensuring inclusion*

International human rights law requires all states to guarantee equality and non-discrimination. The MDGs, in contrast, contain no explicit requirement for states to comprehensively identify and redress exclusion and discrimination.<sup>4</sup>

While the Millennium Declaration reiterated states' commitment to "combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women", gender equality and women's rights are only partly and very poorly reflected in the MDGs. Goal 3, to promote gender equality and empower women, has been reduced to a single target – eliminate gender disparity in education –and two complementary indicators on the percentage of women involved in paid employment and political representation. This is a critical gap as UNIFEM has estimated that, worldwide, 70

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<sup>2</sup> These rights are set out in a number of key instruments including the Platform for Action, adopted at the Fourth UN World Conference on Women in Beijing (1995); the Cairo Programme of Action of the International Conference on Population and Development (1994); and CEDAW, to which 186 states are parties.

<sup>3</sup> The UN Special Rapporteur on the right to the highest attainable standard of health has clarified that "In the context of sexual and reproductive health, freedoms include a right to control one's health and body. Rape and other forms of sexual violence, including forced pregnancy, non-consensual contraceptive methods (such as forced sterilisation and forced abortion), female genital mutilation/cutting and forced marriage, all represent serious breaches of sexual and reproductive freedoms, and are fundamentally and inherently inconsistent with the right to health". Report of The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, Commission on Human Rights, 16 February 2004, UN. Doc.E/CN.4/2004/49.

<sup>4</sup> For instance OHCHR has highlighted that "The MDGs focus explicitly only on three marginalized groups, namely: children and youth (decent work for youth, education and infant mortality: MDGs 1–4), women and girls (MDGs 3 and 5 and target 1.B) and slum- dwellers (target 7.D)." See OHCHR, *Claiming the MDGs*, p. 9.

per cent of those living in poverty are women.<sup>5</sup> In many countries, women and girls continue to face barriers in getting decent work; participating in public life; and obtaining access to education, health care, adequate food, water and sanitation. Research from around the world by UN agencies, and NGOs, including Amnesty International has highlighted the pervasive nature of gender-based violence and the severe impacts it has on all aspects of women's lives from access to education to health. However, gender-based violence, a pervasive barrier to gender equality, which threatens to undermine progress on all the MDGs, is not focussed upon in the MDG framework.

In the next five years, it is essential that governments commit to addressing discrimination against women and guaranteeing equality under all the goals and targets.<sup>6</sup>

International law also prohibits discrimination on other grounds, such as race, caste, ethnicity, disability and Indigenous status. While those who are subject to these forms of discrimination are often among the poorest and most marginalized sections of the population, the MDGs do not require states to take appropriate measures to eliminate such discrimination in law, in policy and in practice.

The MDGs' exclusive focus on poverty reduction in developing countries also neglects pockets of poverty in developed countries, which are closely related to discrimination and marginalization. For example, Roma communities in many European countries continue to live in conditions that stand in stark contrast to majority populations. Many live in grossly inadequate housing and their access to services such as water, sanitation, education and health care is often inadequate or non-existent.<sup>7</sup>

The proportional nature of the targets also raises concerns that states can demonstrate progress while failing to focus on the most disadvantaged and vulnerable groups. States are asked to disaggregate the MDG indicators on the basis of sex and urban/rural communities, as far as possible.<sup>8</sup> However, there is no similar requirement to provide disaggregated data for groups who face discrimination or are disadvantaged within a particular country context, such as Indigenous Peoples or minority communities. For example, a survey of 50 MDG country reports by the UN Independent Expert on Minority Issues showed that ethnic and linguistic minorities were mentioned in only 19 reports and only in relation to certain goals. Even when they were mentioned, information on issues affecting minorities or analysis of measures directed at minority groups were not provided under each of the MDGs.<sup>9</sup>

Some countries have developed frameworks for monitoring progress, which include a specific focus on marginalized groups. For example, the Office of the High Commissioner for Human Rights reported that Thailand included disaggregated national indicators that take into account regional and ethnic disparities. Ecuador has also developed additional indicators to better reflect the rights of women, Indigenous Peoples and Afro-descendants.<sup>10</sup> However, if efforts under the MDGs are to lead to meaningful progress and to ensuring inclusion, all

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<sup>5</sup> [http://www.unifem.org/gender\\_issues/women\\_poverty\\_economics/](http://www.unifem.org/gender_issues/women_poverty_economics/)

<sup>6</sup> Article 1, CEDAW.

<sup>7</sup> See for example Amnesty International, "Europe's Roma community still facing massive discrimination", available at <http://www.amnesty.org/en/news-and-updates/feature-stories/europes-roma-community-still-facing-massive-discrimination-20090408#czech>, last accessed 24 May 2010.

<sup>8</sup> Revised Millennium Development Goal monitoring framework, including new targets and indicators, as recommended by the Inter-Agency and Expert Group on Millennium Development Goal Indicators, contained in *Report of the Secretary-General on the work of the Organization*, UN General Assembly, Sixty-second Session, 2007, UN. Doc. A/62/1, 31 August 2007, Annex II, p. 66.

<sup>9</sup> Report of the Independent Expert on Minority Issues, Gay McDougall, *Achieving the Millennium Development Goals (MDGs) for Minorities: A Review of MDG Country Reports and Poverty Reduction Strategies*, Human Rights Council, U.N. Doc. A/HRC/4/9/Add.1, 2 March 2007.

<sup>10</sup> OHCHR, *Claiming the MDGs*, p. 10.

MDG efforts need include an explicit focus on ending discrimination, in planning, monitoring and implementation. MDG efforts also need to focus on the removal of barriers faced by disadvantaged groups in accessing public and other services.

### *Setting effective benchmarks for real progress*

By using common standards and permitting international measurement, the MDGs allow for comparison of progress across countries at similar levels of development. They have also been useful in raising the bar for progress in some countries. However, these targets do not take into account individual countries' levels of progress or the resources available to them domestically and through international co-operation and assistance. As a result, rather than being realistic targets, they could be considered arbitrary benchmarks in many contexts. In some cases they also ignore the immediate legal obligations that States have in relation to each of the areas covered by the goals. A clear example of this is target 7D for the improvement of the lives of 100 million slum dwellers. This target merely endorsed the *Cities Without Slums Action Plan* and adopted a target that a partnership of various donor and other international agencies had set for their own work.<sup>11</sup> It was not based on an assessment of what states should reasonably aim to achieve globally in light of their obligations and the resources available. This target and the corresponding indicator also does not reflect states' duty to take immediate steps to provide a minimum degree of security of tenure by providing protection against forced evictions, harassment and other threats to people living in slums.

NGOs around the world, including Amnesty International, continue to document on a daily basis how people living in slums and informal settlements are subjected to and living under the threat of forced evictions. These evictions have a catastrophic effect on communities, especially those who were already living in poverty. The international community can choose to make far greater progress in improving the living conditions of close to a billion people living in slums if it focuses on the concrete steps that governments need to take to guarantee the human rights of people living in slums. This would include a commitment to provide a minimum degree of security of tenure and protection from forced evictions and to ensure that insecure tenure status does not lead to denial of or inadequate access to essential services such as water, sanitation and policing.

Some countries have adopted national targets above the MDG level. For example, Latin American countries decided to expand their MDG commitments on education to include secondary education.<sup>12</sup> Kenya, South Africa and Sri Lanka – each of whom recognise water and sanitation as human rights - adopted national targets for increasing access to water and sanitation that are stronger than the global MDG targets.<sup>13</sup> However, many countries simply used the global targets and some therefore adopted a far lower national benchmark for progress than is required under international human rights law. The current review of progress made towards the MDGs offers states a useful opportunity to set national targets that reflect their obligations under international human rights law relating to progressive realization of economic, social and cultural rights. The identification of national targets and immediate steps that states are required to take would enable better monitoring and accountability for progress. While it may not be possible to revise the global framework for the MDGs until 2015, states can adopt or revise national targets in line with their obligations to accelerate progress on the MDGs in the next five years. This would help ensure that efforts under the

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<sup>11</sup> The World Bank and UN-HABITAT, *Cities Alliance for Cities Without Slums Action Plan for Moving Slum Upgrading to Scale*, 1999, available at <http://www.citiesalliance.org/ca/cws-action-plan>, last accessed 24 May 2010, p. 1.

<sup>12</sup> OHCHR, UNICEF and the Norwegian Centre for Human Rights, *Human Rights and MDGs in Practice: A Survey of country strategies and reporting*, OHCHR, 2008, p. 14.

<sup>13</sup> Centre on Housing Rights and Evictions (COHRE), *The Significance of human rights in MDG-based policy making on water and sanitation: An application to Kenya, South Africa, Ghana, Sri Lanka and Laos*, COHRE, 2009, pp. 5, 7-8, 12 and 20-21.

MDGs are truly directed at progress in all countries.

### *Participation*

The current MDG framework does not explicitly recognize the right to participate actively and meaningfully. As a result, people living in poverty are rarely involved in developing, implementing or monitoring efforts to meet the MDGs. Where decision-making processes involve civil society, community-based organizations, social movements and individuals often tend not to be included.<sup>14</sup> In some situations, participation can be merely tokenistic.<sup>15</sup>

The Secretariat of the UN Permanent Forum on Indigenous Issues review of national MDG reports by 25 countries in Africa, Latin America and Asia/Pacific in 2006 and 2007<sup>16</sup> found that, with very few exceptions, Indigenous Peoples' input had not been included in national MDG monitoring and reporting. The reviews also identified a lack of mechanisms through which to ensure the input and participation of Indigenous Peoples themselves in the design, implementation and monitoring of policies designed to achieve the MDGs.<sup>17</sup>

Another key concern in this regard is ensuring enabling conditions for human rights defenders. For example, lack of protection for women human rights defenders and the failure to prevent and punish attacks and harassment against them makes it harder for women to participate actively. Women human rights defenders are often the target of gender-specific forms of harassment, discrimination and violence, designed to dissuade them and other women from demanding their rights and participating in public life, especially when they challenge gender stereotyping and discrimination.<sup>18</sup> In Afghanistan, women human rights defenders have been targeted by the Taliban and other anti-government groups, as well as by local warlords and militias, for reporting abuses, running safe houses, raising awareness of child and forced marriage, and providing education programmes and family planning services. Some have been forced to flee the country; others have been killed.<sup>19</sup>

### *Accountability*

International monitoring of states' efforts to meet the MDGs is limited to a voluntary public reporting system, under which many countries have submitted reports,<sup>20</sup> in many cases assisted by the UN Development Programme (UNDP). Many reports however lack an in-depth assessment of progress and are also not updated regularly. There is also another voluntary process at the UN Economic and Social Council (ECOSOC), under which states can choose to make presentations of their progress towards meeting the MDGs to the Annual Ministerial Review. Only eight countries chose to give presentations in 2008. However, there is no independent monitoring or evaluation of these reports and no forum for complaints.

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<sup>14</sup> OHCHR, UNICEF and the Norwegian Centre for Human Rights, *Human Rights and MDGs in Practice*, p. 20.

<sup>15</sup> COHRE, American Association for the Advancement of Science (AAAS) Science and Human Rights Programme, Swiss Agency for Development and Cooperation (SDC) and UN-HABITAT, *Manual on Right to Water and Sanitation*, 2007, available at <http://www.cohre.org/manualrtws>, (hereinafter COHRE, AAAS, SDC and UN-HABITAT, *Manual on Right to Water and Sanitation*), last accessed 24 May 2010, pp. 78-81.

<sup>16</sup> Secretariat of the UN Permanent Forum on Indigenous Issues, *MDG Reports and Indigenous Peoples: A Desk Review*, prepared in 2006 and 2007, available at [http://www.un.org/esa/socdev/unpfii/en/mdgs.html#\\_ftn8](http://www.un.org/esa/socdev/unpfii/en/mdgs.html#_ftn8), last accessed 24 May 2010.

<sup>17</sup> UN Permanent Forum on Indigenous Issues website, [http://www.un.org/esa/socdev/unpfii/en/mdgs.html#\\_ftn5](http://www.un.org/esa/socdev/unpfii/en/mdgs.html#_ftn5), last accessed 24 May 2010.

<sup>18</sup> For example, in its report Zimbabwe: *Between a rock and a hard place – women human rights defenders at risk*, AI Index: AFR 46/017/2007, Amnesty International documented the government's clampdown on women human rights defenders in Zimbabwe to crush dissent and prevent other women and men from becoming active.

<sup>19</sup> Amnesty International, *Afghan Women Human Rights Defenders under attack*, AI Index: ASA 11/006/2009.

<sup>20</sup> See the UN Development Group website, <http://www.undg.org/index.cfm?P=87>, last accessed 24 May 2010.

National and international accountability mechanisms applying human rights standards can strengthen MDG efforts by giving people living in poverty, and civil society acting on their behalf, greater opportunities to hold governments to account.

Amnesty International's research in Burkina Faso, for example, highlights the importance of accountability. The government's policy to provide subsidized health care for pregnant women has been undermined by the illegal charges demanded by hospitals. Women faced with such charges did not have anywhere to lodge their complaints. There is a lack of mechanisms – either within the hospital, via a medical regulatory body, or through the courts – to ensure accountability.<sup>21</sup> Such mechanisms would help enhance the delivery of the government's policies and programmes and empower women and their families to claim what they are entitled to under such policies. Processes to increase accountability and provide effective remedies can also serve as an incentive for governments to engage in co-operative dialogue with groups often excluded from policy making.

Many people, particularly those living in poverty, face considerable barriers in getting access to the courts. These must be removed so that the courts can fulfil their potential for defending and promoting rights. National laws should treat human rights, including economic, social and cultural rights, as legally enforceable. Granting civil society groups the right to present cases to the courts in the public interest; making provision for judicial independence; complying with judicial decisions; and ensuring legal aid and waiving court fees for those on low-incomes – all would improve access to justice.

As the Constitutional Court of South Africa has noted, litigation fosters participative democracy, requiring government to be accountable to its citizens between elections over specific aspects of policy. As part of this process, governments must disclose what they have done to formulate policies, what alternatives they have considered and the reasons why the option underlying a policy was selected.<sup>22</sup>

At the national level, other bodies such as human rights commissions, parliaments and regulatory bodies can also play a significant role in monitoring MDG efforts and to address marginalisation and exclusion, if they are mandated to play such a role and are made more accessible to people living in poverty.

States should also increase review by international human rights mechanisms of their MDG efforts by systematically integrate reporting on national and international implementation of the MDGs in their reports to the Universal Periodic Review (UPR) of the Human Rights Council and to international human rights treaty monitoring bodies.

### *Mutual accountability*

When we discuss accountability, it is important to highlight the role of mutual accountability in this process. Development assistance, both technical and financial, has an important role to play in tackling poverty and achieving the MDGs. States that are in a position to do so must provide development assistance – technical and financial – where such assistance is necessary to ensure the realization of at least minimum essential levels of economic, social and cultural rights for all. States and agencies that provide assistance as well as those who receive it have responsibilities to ensure that such assistance promotes non-discrimination and advances equality – including gender equality and prioritise the most marginalized communities. It also requires mechanisms to ensure transparency and accountability and for the effective participation of local communities, civil society, parliaments and other institutions in

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<sup>21</sup> Amnesty International, *Giving life, risking death: Maternal mortality in Burkina Faso*, AI Index: AFR 60/001/2009, pp. 82 – 89.

<sup>22</sup> *Lindiwe Mazibuko & Others v City of Johannesburg & Others*, Case CCT 39/09, [2009] ZACC 28, para. 160-161.

processes regarding the use and monitoring of assistance. Switzerland has already committed through the 2008 Accra Agenda for Action on aid effectiveness, that “[d]eveloping countries and donors will ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability”. The challenge is to ensure that this is concretely reflected in the MDG framework.

### *Summit*

There are five years remaining for the international community to meet the commitments made in the Millennium Declaration. The UN General Assembly’s High-level Plenary Meeting on the Millennium Development Goals (MDGs) from 20 to 22 September 2010 (the Summit) is a key opportunity for states to commit to and agree concrete steps that need to be taken to place human rights at the heart of efforts to achieve the Millennium Development Goals.

This dialogue and the UN Summit in September offer an opportunity for the international community to identify and commit to steps that governments can take between now and 2015 to make the MDG framework effective for the billions of people living in poverty from poverty who are striving to claim their rights. The draft Outcome Document as it stands now, fails to do that and it is essential the language is strengthened to ensure that human rights are placed at the centre of all efforts to meet the MDGs.

We hope that the government of Switzerland will call on all States to commit in the Outcome Document to:

1. Improving accountability – to agree to take measures to strengthen national and international mechanisms to ensure better monitoring and oversight of efforts to meet their MDGs, including to ensure their consistency with human rights. Remove any barriers that people living in poverty face in accessing justice and provide effective remedies for all victims of violations of human rights.
2. Reviewing consistency with human rights standards – to agree to review all existing and planned laws, policies and programmes linked to the MDGs to ensure consistency with international human rights standards. This review should ensure that the views and experiences of those affected by MDG initiatives are heard and taken into account.
3. Including the excluded – ensure that their efforts towards the MDGs are inclusive, that they are aimed at ending discrimination, guarantee gender equality and prioritize the most disadvantaged groups.
4. Setting national targets for progress – to call on all states to set and implement national targets to realize all economic, social and cultural rights, in particular minimum essential levels, in the shortest possible time. Governments should develop time-bound and measurable national targets, taking into account existing levels of progress and the resources available nationally and through international co-operation and assistance.
5. Ensuring participation – to call on all states to ensure that people living in poverty are able to participate meaningfully in MDG planning, implementation and monitoring at all levels. They must ensure equal participation by women and provide an enabling environment for the work of human rights defenders, including through guaranteeing people’s rights to information, freedom of expression and association.
6. Ensuring that all international co-operation and assistance in support of the MDGs is consistent with human rights standards – States that are in a position to do so must provide development assistance – technical and financial – where such assistance is necessary to ensure the realization of at least minimum essential levels of economic, social and cultural rights for all. States and agencies that provide assistance as well as those who receive it have responsibilities to ensure that all such assistance is targeted and utilized in a manner, which is consistent with human rights standards.