



Human Rights and the Millennium Development Goals

Making the Link



This Primer is based on the views and experiences of development practitioners on linking human rights and the MDGs in their work. It provides basic guidance on how to make the link and explores the key questions that practitioners will face in doing so.

The primary audience is the non- human rights experts. The Primer responds to the request from development practitioners, expressed in a virtual discussion on the subject, for guidance in this area.



Millennium Development Goals

- 1 Eradicate extreme poverty and hunger
- 2 Achieve universal primary education
- 3 Promote gender equality and empower women
- 4 Reduce child mortality
- 5 Improve maternal health
- 6 Combat HIV/AIDS, malaria and other diseases
- 7 Ensure environmental sustainability
- 8 Develop a global partnership for development

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Human Rights and the MDGs



The Contribution of a Human Rights Based Approach to the MDGs



Challenges



Final Remarks

Preface

In September 2000, 189 world leaders agreed to the Millennium Declaration, a new global commitment to reduce extreme poverty and achieve human development and human rights. Recognising the need to translate the commitment into action, the international community arrived at the Millennium Development Goals (MDGs) – a set of eight time-bound, quantifiable goals focused on human development. Since their adoption in 2001, the MDGs have risen to the top of the development agenda.

At the same time, human rights have risen in prominence within development policy and programming. A growing number of bilateral and multilateral aid agencies have adopted human rights policies for their programming over the past ten years; and conferences and virtual discussions on human rights and development are increasingly common.

Yet while the policies of aid agencies increasingly emphasise the connection between human rights and development, in practice the two concepts often remain on separate, parallel tracks. Indeed, many observe that, in practice, the operational link between MDGs and human rights is tenuous at best.

Does this matter? This question was posed to development practitioners in 2006 during a virtual discussion on the links between human rights and MDGs. The resounding conclusion of the six-week discussion, hosted on UN knowledge networks, was that linking human rights and MDGs *does* matter. The human rights framework provides an important tool for achieving the MDGs by helping to ensure the Goals are pursued in an equitable, just and sustainable manner. It also adds an unassailable normative framework that grounds development work within a universal set of values. Linking MDGs and human rights, helps us stay true to the spirit and vision of the Millennium Declaration, which places human rights at the heart of efforts to achieve human development.

However, making the link explicit is not clear or simple. More guidance is needed to help development practitioners better make the link between human rights and MDGs in their work. Specifically, the e-discussion showed that the community of practice is eager for guidance on the following questions:

- 1 If human rights and the MDGs have comparable objectives, what are the main distinctions between them?
- 2 How exactly do human rights strengthen MDG programmes?
- 3 Do human rights help or hinder the challenge of prioritising development objectives?
- 4 What is the usefulness of linking human rights with MDG processes if asymmetrical power relations and resource shortages prevent them from being enforced?

This primer is intended to respond to these questions. While it cannot effectively address all the complexities of the debate, it can provide clarity on the main issues so as to guide practitioners seeking to strengthen the linkage between the MDGs and human rights in their work. This primer should be understood as a basic introduction to the subject. More comprehensive and detailed guidance can be found in complementary resources.²



2 Initiatives that compliment the Primer:
 » 1. The HuRILINK Web Site on MDGs and HR: www.hurilink.org (developed by HURITALK, Oslo Governance Centre, UNDP).
 » 2. OHCHR Publication "Righting the MDGs" (Forthcoming)
 » 3. Summary of HURITALK/MDG e-discussion of HR and MDGs: http://www.undg.org/archive_docs/8073-e-Discussion_MDGs_and_HR_-_Final_Summary.doc
 » 4. Report of the Working Group Meeting "Human Rights and the MDGs- Theoretical and Practical Implication" at the UNDP Oslo Governance Center, September 2006: <http://www.undp.org/oslocentre/events/events.html>

Acknowledgements

This Primer is a follow-up to the 2006 e-Discussion “Linking Human Rights and the MDGs”, hosted on two UN networks, HURITALK and MDGNet. The virtual discussion examined complementarities and differences between human rights and MDG-related processes. Participants’ rich and spirited contributions highlighted the need for guidance on adding a stronger human rights perspective to processes supporting the achievement of the MDGs. It was decided that a short, accessible guide on the topic would help UN practitioners meet that need.

The development of the Primer was led by the HURITALK and MDGNet facilitators, Emilie Filmer-Wilson and Andrea Cuzyova (UNDP), and benefited from the technical advice of Robert Archer from the International Council on Human Rights Policy. The authors acknowledge with appreciation the substantive comments and input from Mandeep Bains, Craig Fagan, Julia Kercher, Siphosami Malunga, Noha El-Mikawi, Mohammad Pournik (UNDP), Malcolm Langford (Norwegian Centre for Human Rights) Mac Darrow and Kitty Arambulo (Office of the High Commissioner for Human Rights), Joachim Theis (UNICEF), Theodore Murphy, Benaifer Bhadha and Christopher Wilson (Independent Consultants). The Primer has also benefited from the deliberations of a Working Group Meeting: “Human Rights and the MDGs- Theoretical and Practical Implication” held at the Oslo Governance Centre, UNDP in September 2006. The Working Group meeting brought together a wide range of practitioners from UN and non-UN agencies and institutions.

The Primer is a publication of HURITALK, hosted by the UNDP Oslo Governance Centre, (www.undp.org/oslocentre.htm), a unit of UNDP’s Democratic Governance Group

¹ Participants to the Working Group meeting included: Nina Berg, Edwin Berry, Julian Bertranou, Andrea Cuzyova, Emilie Filmer-Wilson, Bjørn Førde, Christian Hainzl, Jamshed Kazi, Angela Lusigi, Noel Matthews, Noha El-Mikawi, Yesim Oruc, Mohammad Pournik, Stefan Priesner, Sudarshan, Patrick van Weerelt (UNDP), Kitty Arambulo (OHCHR), Robert Archer (International Council on Human Rights Policy), Turid Arnegaard, Kate Halvorsen, Tora Kasin (NORAD), Claire Annette Hubert (Norwegian Ministry for Foreign Affairs) Sonia Lima (UNV), Gbemisola Akinboyo (UNICEF), Hervé Magro (French Ministry for Foreign Affairs), Lars-Adam Rehof (World Bank) , and Christopher Wilson (Consultant).

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1

Human Rights and MDGs

*Defining the Terms »
 Human Rights and MDGs: Complementary Frameworks »*

Before addressing the question of strengthening the linkages between human rights and the MDGs in policy and practice, it is important to clarify the terms and understand how the two frameworks relate to and differ from each other.

➔ Defining the Terms

Human Rights

Human rights are the rights possessed by all persons, by virtue of their common humanity, to live a life of freedom and dignity.³ Human rights are universal – they are the same for everyone, everywhere. They are inalienable – they can neither be taken away, nor given up. And they are indivisible – there is no hierarchy among rights, and no right can be suppressed in order to promote another right.

International human rights law has evolved with the goal of safeguarding the integrity and dignity of the human person by establishing legal obligations on states to protect the rights of all people under their jurisdiction. It is based on the 1948 Universal Declaration on Human Rights, which contains thirty articles delineating all human rights that ought to be protected by governments and the international system. Since the Declaration is not legally binding, the international community has established a series of international treaties that have expanded both the scope and depth of the rights to be protected by states. Each UN member state has ratified at least one of the eight core United Nations human rights treaties, and 80% of the states have ratified four or more.⁴

States' obligations regarding the rights enshrined in these treaties fall into three categories: the obligation to respect, the obligation to protect and the obligation to fulfil.

³ UNDP (2000). Human Development Report 2000: Human Rights and Human Development

⁴ OHCHR (2006). Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation. For an overview of the eight core United Nations human rights treaties, visit <http://www.ohchr.org/english/law/index.htm>.

⁵ OHCHR (2006).

The Three Categories of State Obligations⁵

Box 1

- 1 To respect human rights means simply not to interfere with their enjoyment. For instance, states should refrain from carrying out forced evictions and not arbitrarily restrict the right to vote or the freedom of association.
- 2 To protect human rights means to take steps to ensure that third parties do not interfere with their enjoyment. For example, states must protect the accessibility of education by ensuring that parents and employers do not stop girls from going to school.
- 3 To fulfil human rights means to take steps progressively to realize the right in question. This obligation is sometimes subdivided into obligations to facilitate and to provide for realization. The former refers to the obligation of the state to engage proactively in activities that would strengthen people's ability to meet their own needs – for instance, creating conditions in which the market can supply the healthcare services that they demand. The obligation to “provide” goes one step further, involving direct provision of services if the right concerned cannot be realized otherwise, for example to compensate for market failure or to help groups that are unable to provide for themselves.

The MDGs

Development challenges cut across a vast array of interlinked issues – ranging from gender equality, through health and education, to the environment. The United Nations conferences and summits held in the 1990s helped generate an unprecedented global consensus on a shared vision of development.⁶ These were summarized in 1996 by the OECD's proposal of the International Development Goals (IDGs). These lay the basis for the Millennium Development Goals.

MDGs are a set of quantifiable, time-bound goals that articulate the social, economic and environmental advances that are required to achieve sustainable gains in human development. Goals 1 to 7 are committed to raising the poor out of poverty and hunger, getting every child into school, empowering women, reducing child mortality, improving maternal health, combating HIV/AIDS, malaria, and other diseases, and ensuring environmental sustainability. Goal 8 explicitly recognizes that eradicating poverty worldwide can only be achieved through international cooperation.

Many countries have begun to integrate the MDGs into national development frameworks, through creating MDG-based national or sectoral development strategies, and using the MDGs to guide monitoring efforts. In supporting countries in their efforts to meet the MDGs, the activities of the funds and programmes of the United Nations agencies generally fall into the following four areas:⁷

- **Monitoring** – tracking progress toward the MDGs
- **Analysis** – assessment of the policy dimensions of achieving the MDGs
- **Campaigning/mobilization** – helping to build awareness and galvanize public support for action
- **Operational activities** – goal-driven assistance to address directly key constraints on the progress towards the MDGs.

➔ Human Rights and MDGs: Complementary Frameworks

Human rights and the MDGs have much in common. They share guiding principles such as participation, empowerment, national ownership; they serve as tools for reporting processes that can hold governments accountable; and, most fundamentally, they share the ultimate objective of promoting human well-being and honouring the inherent dignity of all people.

Human rights and MDGs are also two interdependent and mutually reinforcing frameworks. The MDGs can help galvanize efforts toward the achievement of certain human rights – particularly the often-neglected social and economic rights. For their part, human rights can benefit work in support of the MDGs in a number of ways. These will be discussed in Part 3.

⁶ A description of these conferences and summits and their impact is available at: <http://www.un.org/esa/devagenda/>

⁷ http://www.undp.org/mdg/core_strategy.pdf

⁸ Source: Office of the High Commissioner of Human Rights

MDGs and Key Human Rights ⁸		Table 1
Millennium Development Goals	Key Related Human Rights Standards	
Goal 1 <i>Eradicate extreme poverty and hunger</i>	Universal Declaration of Human Rights, article 25(1); ICESCR article 11	
Goal 2 <i>Achieve universal primary education</i>	Universal Declaration of Human Rights article 25(1); ICESCR articles 13 and 14; CRC article 28(1)(a); CEDAW article 10; CERD article 5(e)(v)	
Goal 3 <i>Promote gender equality and empower women</i>	Universal Declaration of Human Rights article 2; CEDAW; ICESCR article 3; CRC article 2	
Goal 4 <i>Reduce child mortality</i>	Universal Declaration of Human Rights article 25; CRC articles 6, 24(2)(a); ICESCR article 12(2)(a)	
Goal 5 <i>Improve maternal health</i>	Universal Declaration of Human Rights article 25; CEDAW articles 10(h), 11(f), 12, 14(b); ICESCR article 12; CRC article 24(2)(d); CERD article 5(e)(iv)	
Goal 6 <i>Combat HIV/AIDS, malaria and other diseases</i>	Universal Declaration of Human Rights article 25; ICESCR article 12, CRC article 24; CEDAW article 12; CERD article 5(e)(iv)	
Goal 7 <i>Ensure environmental sustainability</i>	Universal Declaration of Human Rights article 25(1); ICESCR articles 11(1) and 12; CEDAW article 14(2)(h); CRC article 24; CERD article 5(e)(iii)	
Goal 8 <i>Develop a global partnership for development</i>	Charter articles 1(3), 55 and 56; Universal Declaration of Human Rights articles 22 and 28; ICESCR articles 2(1), 11(1), 15(4), 22 and 23; CRC articles 4, 24(4) and 28(3)	
ICESCR (International Covenant on Economic, Social and Cultural Rights)		
ICCPR (International Covenant on Civil and Political Rights)		
CERD (International Convention on the Elimination of All Forms of Racial Discrimination)		
CEDAW (International Convention on the Elimination of All Forms of Discrimination Against Women)		
CRC (Convention on the Rights of the Child)		

Yet, whilst human rights and the MDGs may share commonalities and be mutually reinforcing, they cannot be conflated – these frameworks are not one-and-the-same. Key differences include the following:

- Human rights are **wider in scope** – they deal with the human condition in the broadest sense. By contrast, the MDGs are more limited in scope, focusing on key areas for achieving human development.
- Human rights **target all countries** – although both promote an inclusive agenda, the countries that the MDGs most speak to are developing countries, whilst human rights deal with all people in all countries – developed and developing.⁹
- Human rights are **legally binding and formal** – they are enshrined in the Universal Declaration of Human Rights and subsequent, binding, international conventions. By contrast, the MDGs are a recommended set of development objectives with non-mandatory targets and indicators; while adopted by a large number of countries, they have no legal status.
- Human rights have **no deadline** for when they must be realized. By contrast, the MDGs have an agreed timeline in which they are to be achieved – 2015.
- The MDGs are more **conducive to measurement** – the MDGs feature well-established indicators used to monitor progress. Measuring enjoyment of human rights is much more complex, and less commonly attempted.

⁹ Middle Income Countries (MIC) have accepted MDGs as a relevant development framework and many donor countries are using the goals as a means for aligning their lending practices.

Linking MDGs and Human Rights in Local Contexts

» An example from UNDP Argentina

Human rights were used by UNDP Argentina as the channel through which to encourage greater public engagement in the MDG process at local level. UNDP Argentina hosted two diagnostics workshops involving civil society organizations and local authorities in the municipality of Morón to identify citizens' priorities for the local poverty reduction strategy. While human rights were widely understood by participants, MDGs were perceived as strange or foreign concepts. The first workshop thus began with sensitization exercises. Participants first worked in mixed groups to prioritize the MDGs for their municipality, and then after debating the findings of different groups in plenum, the groups linked the MDGs to human rights. In the second workshop, participants proposed policy areas that would help the population achieve the MDGs. These proposals were then compared with the municipality's list of ongoing public programmes and policies for each MDG. In this way, the participants learned which of these priorities were already being addressed, and which were not, and the government received preliminary input from civil society as to what policy areas they would like to see addressed in the local development strategy. The government was also able to learn that its programmes were not well known – civil society participants had not heard of 29% of them.

For more information, see the HuRiLink webportal on human rights and the MDGs at www.hurilink.org



The following table summarizes these key differences:

Differences Between Human Rights and MDGs		Table 2
Human Rights	MDGs	
Reflect universal values for all people	<i>Focused on certain countries/groups</i>	
Wide spread coverage (including poverty)	<i>Focused on poverty</i>	
Not quantified	<i>Quantified</i>	
Mandatory	<i>Voluntary</i>	
Minimum standards	<i>Achievable targets</i>	
Not time-bound	<i>Time-bound</i>	
Legally binding	<i>Not Legally binding</i>	



2

The Contribution of a Human Rights Based Approach to the MDGs

*A Human Rights Lens of Analysis »
Minimum Standards of Service Delivery »
Emphasising the Accountability of All Relevant Actors »*

In working towards integrating human rights into development programming, development organisations have adopted what is known as a ‘human rights based approach to development’ (HRBA).

The main contributions of adopting a HRBA to the MDG agenda lie in the following four areas:¹⁰

• **A Lens of Analysis:**

Improving ways of ‘how to look’ at the policy dimension of achieving the MDGs.

• **A Framework for Guiding and Influencing State Action:**

Providing principles and parameters for ‘how to address’ MDG progress.

• **Setting Minimum Standards of Service Delivery:**

Providing standards for ‘how to judge’ the quality of MDG services.

• **Emphasizing the Accountability of all Relevant Actors:**

Framing MDG progress in the context of an internationally agreed legal and normative framework.

A Human Rights Based Approach to Development Programming Box 2

While development organisations have varied in their approaches there is consensus among UN agencies on the main components of a HRBA. These were agreed to at an Inter UN Agency workshop in Stamford, USA, 2003. For the full details of Common Understanding on the HRBA, see below.

UN Common Understanding on HRBA

- 1 *All programmes of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of human rights and other international human rights instruments.*
- 2 *Human rights standards contained in, and principles derived from, the Universal Declaration of Human rights and other international Human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.*
- 3 *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.*

As set out in the Common Understanding, a HRBA takes the international human rights treaties as the overarching targets for development. While the MDGs are tangible and necessary goals for development planning, they are only one step in achieving the broader development objectives.

In relation to development programming, HRBA entails promoting **human rights principles**, such as the principles of **equality and non-discrimination, participation, accountability, the rule of law and the indivisibility of rights** in all strategies and policies to achieve the MDGs.

➔ A Human Rights Lens of Analysis

Using a human rights lens to address development challenges, including those under the MDG framework, changes the way “we look” at the problem. Human rights focus on the relationship between the state and the individual – between the duties of the state and the corresponding entitlements of the individual. Consequently, when looking at development challenges, human rights seek to identify the groups of people whose rights or entitlements have been violated, neglected or ignored, and identify who has a responsibility to act. Once these actors are identified, the human rights framework requires that we seek to understand the reasons why certain groups and people are unable to enjoy their rights – such as discriminatory laws and social practices.

Many instances of human rights abuses are related to discriminatory practices and attitudes that prevent some people or groups from fully exercising their rights. Discrimination can take many forms. It may be explicitly codified in law and/or official policy, such as a law establishing school segregation for people of different ethnicities. Or it may be implicit, found in practice and behaviour – such as where a remote group cannot access water services because state-provided drinking wells are too distant.

¹⁰ It is important to note that adopting a HRBA to the MDGs does not mean replacing development practice with a new model. It means adopting an integrated and cross-disciplinary approach, which combines the strengths of human rights with established sound development practice.

Under international human rights law, discrimination on the basis of race, colour, descent, or national or ethnic origin, among other personal characteristics, is prohibited without exception.¹¹ This is because human rights are universal – the same for everyone, everywhere. Where such violations exist, they must be detected and corrected.

This focus on non-discrimination is particularly important in relation to the MDGs since the MDGs are based on “average” attainments. While averages allow for a macro-level view of overall progress, they can be misleading. If overall national income is growing, for example, it may be possible to achieve MDG 1 on poverty even if poverty in rural and marginalised areas has increased or stayed the same. As argued by the Minority Rights Group International (MRG), the “focus on aggregate results, rapid development and achieving the greatest good for the greatest number could mean that the particular needs of the most excluded groups – of which minorities form a major part – will be ignored in the interests of meeting the targets on paper.”¹²

Applying a Human Rights Lens in Practice

A thorough human rights analysis can help practitioners design appropriate and informed policy responses. The analysis must involve certain components. It should identify whose rights or entitlements have been violated, neglected or ignored in development processes. It should also trace out the unique conditions of exclusion and discrimination that lie behind the inability of certain groups and individuals to access economic and social processes. Finally, it needs to identify who has the responsibility to act to remedy the situation. These steps are further elaborated on in the UN Common Learning Package on a HRBA,¹³ which sets out the four main steps required for human rights based analysis.

A practical example of using a human rights analysis comes from the work of UNDP Bosnia and Herzegovina in their ‘Human Rights-Based Municipal Development Programme’ (RMBA).¹⁴ In assisting municipalities to identify priorities and local development opportunities based on social inclusion, RMBA has been using a two step analysis.

Using a human rights analysis to identify and address discrimination:

Step 1 Who is marginalized and vulnerable? The first step in establishing whether discrimination has taken place is to identify who are the vulnerable and marginalized groups in relation to each MDG. This can be done through disaggregating indicators to fully reveal the extent of inequalities and/or by applying a Vulnerable Groups Analysis that questions whether groups such as women and minorities enjoy equal legal and practical equality in terms of access to education and healthcare services, participation in public affairs, freedom of expression, access to justice, etc.

Step 2 Are they marginalized and vulnerable because they have suffered discrimination? Who is responsible? The second step is to identify whether groups or individuals are disempowered or excluded because of discrimination. This can be done through a causal analysis that looks for the socio-political mechanisms through which groups or individuals are excluded or marginalized and seeks to establish who is responsible. If causality can be established, the next step is to identify the capacity (capacity in terms of skills, resources, channels of communication, etc.) of both sets of actors to ensure rights are upheld. This involves an analysis of the individuals or groups that are unable to claim their rights (right-holders), on the one hand, and the state authorities that have an obligation to help realize these rights (duty-bearers), on the other.

Disaggregated Data and Non-Discrimination

Efforts to monitor progress in relation to human rights or MDG targets depend crucially on statistics-based evidence. Moreover, the data collected needs to be disaggregated, making it possible to judge whether as many girls as boys attend primary school, or whether maternal mortality falls in all regions of a country, or among all groups, including minorities. Not all states collect reliable statistics, and few do so with the objective of identifying discrimination. Accordingly, in order to track whether MDGs are being achieved equitably, there is a need for increased investment and capacity building in monitoring systems. In many cases, this is a necessary first step towards applying a human rights lens to MDG programming.

¹¹ These are the criteria for non-discrimination as set out in Article 1.1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1969)

¹² MRG (2005) The Millennium Development Goals: Helping or Harming Minorities?

¹³ The UN Common Learning Package on Human Rights Based Approach consists of a resource guide, workshop modules/facilitation guide and learning tools including PowerPoint presentations (available in English, French and Spanish), case studies and group exercises: <http://www.undg.org/index.cfm?P=531>

¹⁴ UNDP Rights Based Municipal Development Programme: <http://rmap.undp.ba/?PID=3&RID=1>



Disaggregated Data » An example from UNDP Malaysia

While Malaysia has made significant progress on reaching the MDGs, regional disparities and inequalities persist among remote rural and ethnic groups. In response, UNDP Malaysia formed alliances with like-minded stakeholders and key national institutions to disaggregate the 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 lead to an increased emphasis on indigenous group rights, equity and the reduction of disparities in the national development plan.

For more information, see the HuRiLink webportal on human rights and the MDGs at www.hurilink.org.

➔ A Framework for Guiding State Action

The MDGs do not prescribe a detailed methodology for how they should be achieved. There are no parameters guiding actions of governments to reach the Goals, and disagreement over these issues – between donor and programme countries, for example – is common.

Human rights transcend this challenge. As a legal and objective framework, human rights can influence the behaviour of states. They offer legitimate criteria with which to judge the quality and outcomes of the MDG process. As an internationally shared framework, human rights also provide a common standard on what can and cannot be done in pursuit of the MDGs.

In terms of the methodology by which MDG targets are pursued, human rights offer a useful guiding framework. The right to information, the right to assembly, the right to participate in political processes and the right to expression for example, provide a framework that help societies and individuals better engage in MDG processes. Abiding by these rights, also known as 'process rights' can help ensure that states achieve MDG targets equitably. Some authorities will argue that more efficient results can be obtained if they do *not* engage in a wide or deep process of social consultation – the "equity versus efficiency" debate. It is true that displaced families can be re-housed without consultations about their needs or wishes, and that schools and clinics may be built and provide sound services without the involvement

of communities that use them. However, anecdotal examples and practical experience suggest that policies are more legitimate and more likely to be well designed when genuine consultation takes place. Moreover, abiding by these process rights builds the ownership of citizens over the programmes, policies and strategies that have been designed to benefit them, and in this way makes them more sustainable.

Process Rights: Helping Guide the MDG Processes

Box 3

Participation

This right affirms that people are entitled to be consulted and have a say in the decisions that affect them. It does not mean that people are entitled to determine the decision; it does mean that consultation and participation must be meaningful. Effective exercise of the principle of participation is a vital component of policies designed to overcome social exclusion, or to create policies that are perceived to be legitimate.

The notions of "participation" and "consultation" have deep roots in development. They are currently key points of reference for development agencies from the World Bank and UNDP to national NGOs. However, official consultations and efforts to promote participation are often challenged by those consulted, indicating the absence of a shared understanding of good practice. Human rights principles can provide useful insights and tests in this area and answer the questions: Who is participating, and whose voice is incorporated into the decisions?

Information

People have a right to essential information on matters that concern them. This right underpins demands for transparent decision-making and public disclosure of information on many levels. It is also a vital element of accountability, since officials cannot be held accountable for acts and decisions that remain undisclosed. Without access to information, individuals are disempowered – rendered incapable of influencing decisions that affect them.

Association and Expression

The right to meet together to exchange information and express opinions is similarly essential. It supports the effective exercise of the right to be consulted, informed, and express opinions. People have the right to express their opinion on matters that concern them. This right gives content to the principle of participation and to political rights more generally by affirming the right to dissent. A person who cannot voice her point of view, because she is prevented from speaking or deprived of the tools she needs to form an opinion, is disempowered by definition.

These rights are interdependent and mutually supportive. None of these rights can be properly exercised in isolation.

While many of these principles conform to “good programming practice”, such as including the most marginalized in equitable service delivery, and deepening participation, anchoring these practices in the human rights framework strengthens and extends these practices. Recognizing these as rights makes them *non-negotiable, consistent and legitimate*.¹⁵

➔ Minimum Standards of Service Delivery

Human rights help focus on the quality as well as the quantity of services provided to citizens. Human rights specify minimum standards required before a right can be described as met. These standards can be useful criteria for assessing the quality of MDG services. For example, the Economic and Social Council, responsible for reviewing state compliance with the UN Convention on Economic, Social and Cultural Rights, has developed a test colloquially known as “the 4 AAAAs” (see box below) to determine when specific rights are fulfilled. Such human rights jurisprudence can help practitioners and policy makers plan and evaluate MDG initiatives according to human rights standards.

APPLYING THE 4 AAAAs TO DEVELOPMENT PROGRAMMING: an example from UNDP’s Rights-based Municipal Development Programme (RMAP) in Bosnia and Herzegovina

RMAP has adapted the following 4 AAAAs from the Social and Economic Council to evaluate whether programming in the education sector meets the standards of the right to education.

ACCESSIBLE Services are expected to be accessible to users, in terms of distance and availability: Is the school too far away from certain groups of children to attend it?

AFFORDABLE Services should not be so expensive that users cannot afford them. Certain services, including primary education, should be available at no cost. Is the local bus too expensive for some children to afford? Are tuition, books and uniform fees too expensive for some households?

¹⁵ L-H. Piron, T. O’Neil T (2005). “Integrating Human Rights into Development, A synthesis of donor approaches and experiences.” Overseas Development Institute, Paper prepared for the OECD DAC Network on Governance (GOVNET), OECD.

ADAPTED Services should take account the local social and political environment, and be adapted to local needs. Is teaching delivered in a language that children from minority groups speak and understand?

ACCEPTABLE Service should be in a form that users find acceptable, for example culturally. Is the school curriculum sensitive to local values and experiences? Are the materials and examples being used relevant for all students?

Using Human Rights Standards to Impact the Quality Of MDG Services
» An example from UNDP Lao PDR

In Lao PDR, the Ministry of Foreign Affairs’ International Law Project initiated a Roundtable on the Right to Education. The purpose of the meeting was to debate current education issues in the country and relate them to the application of a human rights based approach. Specific attention was brought to low primary education completion rates in rural areas as well as lower rates amongst girls compared with those of boys in urban areas. An understanding surfaced that a human rights based approach could be used as a tool to increase the participation of vulnerable groups, such as the girl child and people from remote areas, in the development process. Without the provision of primary education to remote areas and girls, Lao PDR could not achieve the MDG on primary education.

For more information, see the HuRiLink webportal on human rights and the MDGs at www.hurilink.org.

➔ Emphasising the Accountability of All Relevant Actors

Human rights can be enforced through law, both at international and national level. At an international level, citizens can hold governments to account for the human rights set out in the international human rights conventions that they have ratified. At a national level, governments may have incorporated these standards into their constitution, laws and policies.

Since human rights are legally binding obligations, translating a Goal into a right empowers people to demand accountability of the state. It is at the national level that these rights hold the greatest weight; for where the provisions of international and regional conventions have been incorporated into domestic law and constitutions, citizens can resort to domestic mechanisms including courts to coerce state compliance when this is not available or forthcoming. While many states now have constitutional provisions incorporating

civil and political rights into the national laws, only a limited number of countries have incorporated economic, social and cultural rights into their national legislation. Yet this group is growing, as evidenced by the increasing volume of litigation seeking to enforce state compliance with socio-economic rights such as the right to education, housing, health care, and others. While Public Interest Litigation over rights violations in the context of the MDGs is decidedly more novel, the legally binding nature of human rights provides room for innovation in MDG accountability.

Public Interest Litigation for Human Rights and MDG Accountability
» **An example from UNDP Turkey**

UNDP Turkey is cooperating with Turkey's National Bar Association to explore possibilities for holding municipalities accountable to their MDG commitments by litigating human and constitutional rights in the country's administrative courts. It is envisioned that such cases could be brought to court when failure to make progress on the MDGs is associated with widespread or systematic violations of corresponding rights. By drawing explicit legal links between MDGs and human rights in the lawsuits, UNDP Turkey hopes to promote this linkage in both theory and practice.

For more information, see the HuRiLink webportal on human rights and the MDGs at www.hurilink.org.

Legal recourse, however, is not the only avenue for accountability, other human rights accountability mechanisms, such as National Human Rights Institutions and Human Rights treaty bodies, have the potential to be much more engaged in monitoring progress towards the MDGs and ensuring the strategies to do so are consistent with human rights.

Before these avenues are sought, it may be necessary to assess, develop or strengthen the capacities and awareness of citizens and civil society groups to effectively resort to these mechanisms. Unless citizens and civil society groups have knowledge of their rights and of the human rights mechanisms at their disposal, it is likely that they will not seek to claim and use them.



3

Challenges

*Prioritising Development Objectives »
Enforcement and Accountability of Rights »*

In looking at the importance of human rights in the context of development and MDG achievement, it is important to be aware of their limits. Human rights are not a panacea. They do not provide the answer to every problem related to the MDGs and their achievement. There are complex development issues and challenges for which human rights will not provide a clear solution.

Key Challenges regarding the contribution of human rights to the MDGs include:

- Prioritising development objectives
- Enforcement and accountability of rights

➔ Prioritising Development Objectives

Prioritizing development objectives is a key challenge for government planners and development managers. Given limited resources and capacity, which needs are to be addressed first? Critics argue that the human rights framework does not help to prioritize since it holds that each right – and each individual's right – is equally important. Moreover, although human rights can help screen for “bad” policy options, such as a policy to displace people to build a dam, human rights cannot prioritise between two “good” choices, such as funding primary education or primary health care.

To this criticism human rights proponents argue that while there is no hierarchy among rights, certain rights can be given priority in certain circumstances – for example if a right has been historically neglected or may function as a catalyst. In efforts to halve the poverty rate, for example, countries might consider giving priority to the right to education, which is a catalyst for the fulfilment of many other rights, such as the right to food, the right to health and the right to work.¹⁷ Secondly, the human rights framework does in fact assist prioritization by providing basic principles and standards that may not be violated in the name of efficiency. Thirdly, tough choices may not be “solved” by human rights, but they may be informed by human rights authorities. For example, recommendations from international treaty bodies¹⁸ and National Human Rights Institutions can help governments to be strategic in their prioritization.

Thus whilst it is true that human rights do not provide a set formula for making decisions on what development issues should be prioritised, it does provide

guidance in making such decisions. At the end of the day, such decisions fall to national governments, within the capacity constraints they face. Using a human rights framework will, however, ensure that choices are made through participatory processes, an informed citizenship, and without compromising on fundamental human rights principles and norms.

➔ Enforcement and Accountability of Rights

Enforcing states to abide by their human rights commitments is a challenge. At an international level, the Treaty Bodies responsible for overseeing the international human rights treaties that states have ratified can only recommend actions by state parties but not force states to act. At a national level, going to court to hold the state accountable for a violation of human rights can be complicated, expensive and in some cases out of reach for poor and marginalised groups. Moreover, even if successful in taking a state to court, the state may resist the enforcement of the verdict. Critics argue that the weakness of human rights enforcement mechanisms limits the merit and value of human rights for helping achieve development goals, such as the MDGs.

While it is true that the justiciability (enforcement) of human rights is weak, particularly with respect to economic, social and cultural rights, it is important to note that legal remedy is only one of a number of strategies for holding states accountable to their international commitments.¹⁹ There are other formal mechanisms, such as parliaments, National Human Rights Institutions and Ombudspersons, and less formal mechanism, such as participatory budgeting, a critical media, a mobilised and an engaged civil society, which can help strengthen accountability. These mechanisms and strategies help ensure that states are responsive to their people. They are built on and re-inforced by human rights: the right to participate, to expression, to be informed and to assembly. It is through these rights that people are empowered to demand their rights. And it is through them that people can be better engaged in monitoring progress towards the MDGs and hold states to account. Human rights thus offer both legal and moral support to efforts toward achieving the MDGs.

¹⁶ The section on ‘Challenges’ draws on results of discussions during the Working Meeting ‘Linking Human Rights and MDGs’, UNDP Oslo Governance Center, September 18-19, 2006.

¹⁷ A. Sen (2006). Human Rights and Development, Development as a Human Right, Legal Political, and Economic Dimensions, Edited by Bard A Andreassend and S Marks, Harvard School of Public Health.

¹⁸ Treaty Bodies-

¹⁹ A. Sen, Human Rights and Development, Development as a Human Right, Legal Political, and Economic Dimensions, Edited by Bard A Andreassend and S Marks, Harvard School of Public health, 2006

Human Rights as Empowerment

» An example from Benin

Human rights awareness raising campaigns conducted in a municipality in Benin have led to what a UNDP practitioner described as an awakening of conscience ('un eveille de conscience'), marked by dramatically increased participation of the population, especially women in local development and policy processes. In its '2006 Participatory Poverty Reduction Strategy Paper (PRSP)' project, UNDP partnered with the NGO Social Watch to reach out to the population and ask them their views on each MDG. On the basis of this information, Social Watch lobbied the government to incorporate these views into the national 2006 PRSP. In encouraging stronger public engagement in the PRSP process, Social Watch and UNDP conducted a number of civic education campaigns to build awareness among the people of the municipality of their rights and how to claim them; due to high levels of illiteracy, many people had no knowledge of these issues. A result of this campaign was that for the first time women started to engage in the local development policy processes. Out of their own initiative they went on to train other women in human rights concepts. This development was positive for the authorities, who reported that a more informed and responsive citizenry helped them with their work. They thus encouraged UNDP to employ further awareness-raising activities to strengthen community involvement.



4

Final Remarks

The MDGs have reached a halfway mark. Over the next seven years much attention, resources and effort will be directed towards the MDG agenda by local, national and international actors. This presents an opportunity for the human rights and development communities to make a concerted effort to work together to maximize the impact of the MDG agenda.

This Primer has outlined reasons why making this effort is important. In doing so, it hopes to inspire and encourage practitioners to forge a better link between human rights and MDGs in their own work. More detailed practical guidance for practitioners can be found on the website which is complementary to this Primer- the WebPortal on human rights and the MDGs: www.hurilink.org. The WebPortal presents the experiences of development practitioners who are striving to link human rights and the MDGs in their work and lists useful tools and resources that can support practitioners in these efforts. As the experiences presented on the website illustrate, there are a number of varied and creative approaches and strategies that can be used to ensure the path to the MDGs is human rights based.

The feedback from practitioners has highlighted that limited technical capacities, especially in the area of human rights, are a key challenge in making the link between human rights and MDGs in development work. This Primer and the exchange of knowledge and expertise contained in the WebPortal provide some important initial steps towards bridging this gap.



For More Information

For practitioners seeking more information on how to link human rights and the MDGs, the following tool has been developed in parallel and as a complement to this Primer:

- HuRiLink WebPortal: <http://hurilink.org>



The HuRiLink website was developed in parallel to this Primer. It is a collection of practitioner experiences, intended to guide and inspire efforts to link human rights and the MDGs in development practice.

The website presents what UN practitioners are currently doing to link human rights and the MDGs in practice. It is organized into sections that present narrative examples, common strategies, challenges and lessons learned, as well as tools and resources that have been developed or recommended by practitioners.

Both the Primer and the Website were developed as a follow up to the:

- UN E-Discussion: How to Effectively Link MDGs and Human Rights in Development? The e-discussion was hosted by the UN Networks-Huritalk and MDG-net from April to June 2006:
http://www.undg.org/archive_docs/8073-e-Discussion_MDGs_and_HR_-_Final_Summary.doc
- Report of the Working Group Meeting "Human Rights and the MDGs-Theoretical and Practical Implications". The Primer has also benefited from the deliberations of the Working Group Meeting: "Human Rights and the MDGs-Theoretical and Practical Implications", held at the Oslo Governance Centre, UNDP in September 2006:
http://www.undg.org/archive_docs/8991-Linking_Human_Rights_and_the_Millennium_Development_Goals_theoretical_and_Practical_Implications.doc

Forthcoming:

- Office of the High Commissioner for Human Rights (OHCHR), Righting the MDGs. This publication has been developed in parallel by OHCHR; the publication suggests an analytical framework for applying a human rights approach to each MDG, as the basis for future development of specific tools.



**United Nations Development Programme
Oslo Governance Centre**

Borggata 2B, Postboks 2881 Tøyen, 0608 Oslo, Norway
Phone +47 23 06 08 20, Fax +47 23 06 08 21, oslogovcentre@undp.org
www.undp.org/oslocentre