

Final Summary

E-discussion: How to Effectively Link MDGs and Human Rights in Development?

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I. Overview of e-Discussion

The aim of the e-Discussion was for the human rights and development communities to address in tandem and at a practical level the question of how the MDG process can be made more human rights-aware and how the human rights framework can enhance the effectiveness of the MDGs.

The e-Discussion was divided into three parts. The first was focused on *theoretical* questions, such as synergies between MDGs and HR and their application in development work. The second addressed *operational* challenges and approaches to linking MDGs and HR. And the third part discussed *practical* actions to take the agenda forward. Please, review the [e-Discussion questions](#) and [e-Discussion webpage](#) with more information on links between MDGs and HR.

The experience from different countries, as well as analytical comments from various perspectives confirmed a number of points:

- a) There are important benefits of and challenges to linking HR and MDGs in development work.
- b) Tension between the two concepts needs to be recognized.
- c) More guidance and actions are needed to make the linkages between HR and MDGs operational and more systematic.
- d) There is much to learn from the innovative examples of mainstreaming HR into MDG related processes at the country level.
- e) Analysing what reasons lie behind the absence of systematic links between the MDGs and HR (on individual, country, organizational levels) is important to identify the most appropriate actions and efforts.

While over 65 contributions were received from UN agencies, civil society organizations, academia and bilateral partners, the majority of input came from the human rights advocates/practitioners. The voice of economic and social development practitioners remained under-represented.

If we are to successfully move forward in strengthening operational linkages between MDGs and HR in development and use it to the advantage of our programme countries, both groups need to

engage in a genuine debate on added value, obstacles and tensions. Realistic ways of applying a unified approach to development work need to be found.

II. Background Information on Linkages between MDGs and Human Rights

Before addressing the question of essential linkages, members stressed the importance of understanding the *historical origins* of the relationship between the Millennium Development Goals (MDGs), the Millennium Declaration (MD) and Human Rights (HR):

- i) The MDGs are the continuation of the International Development Goals as established by the OECD DAC in the early 1990s. The MDGs are *practical* objectives not originally drafted with HR in mind.
- ii) The MD is a *political* document adopted in 2000 by 189 member states of the UN General Assembly.
- iii) HR principles derive from a process of UN standard setting that began with the UDHR in 1948 and that for a long time was kept separate from the development context.
- iv) The MD reflects UN thinking, and includes many HR elements. The MDGs on the other hand reflect development thinking before HR were mainstreamed and do not explicitly refer to HR.
- v) MDGs and HR, therefore, *cannot be conflated*. They are not one and the same. Instead of seeking to conceptually unify HR and development traditions, there is a need to examine ways both concepts can become mutually contributory.^[1]

As noted by Sakiko Fukuda-Parr: ‘...***the real link between MDGs and HR lies in the Millennium Declaration***’. Other contributors also noted the MDGs must be contextualized and implemented within the framework of the MD. The MD champions the principles of HR and democracy. As these principles and values are not explicitly enshrined in the MDGs, understanding the MDGs within the broader context of the MD is crucial to strengthen practical linkages between HR and the MDGs. It will ensure that these principles are the route to achieving the MDGs. (Urban Jonsson). I.e. UNDP Mozambique refers to the MD when asked why political governance issues do not feature in the MDGs. UNDP points out the MDGs cannot be met if issues of massive corruption, absence of rule of law and weak corporate governance prevail in countries. (Ngila Mwase)

III. The Added Value of Linking MDGs and Human Rights

“The links between MDGs and HR are obvious, necessary and beneficial” (Mac Darrow).

In discussing the ‘value added’ of HR and the MDGs, some contributors underlined the fact that there are both *intrinsic* and *instrumental* reasons for linking them. The intrinsic value of introducing HR into the MDG processes is that it reconceptualises the policy and programming practices. Fulfilling MDG obligations is more than just a moral duty deriving from the fact that people have needs. It is also a legal duty. People have rights to equal access to political, economic and social processes and services. These entitlements give rise to legal obligations on

^[1] There are risks of more or less equating MDGs and the HR framework. MDGs are aggregate, almost utilitarian targets that can be achieved with or without regard for human rights, which are as we all know minimum standards for the (mostly) individual level. For example, poverty reduction can happen at the expense of political rights, or poverty reduction for the mainstream can go hand in hand with poverty increase of certain vulnerable groups. In both cases the outcome would *prima facie* contribute to MDG 1, while being problematic from a human rights perspective. (Stefan Priesner)

the part of others. Consequently, mainstreaming HR into development programming adds value to both the *process* and *outcomes* of MDG implementation.

Other contributors noted that linking MDGs and HR in development work suggests reconciling the absoluteness of HR standards. Not all 'poverty reduction' issues can be resolved through a HR approach. As aggregate targets, the MDGs imply policy choices and even trade-offs (more on 'trade-offs can be reviewed in the section 'Trade Offs' if this summary).

Throughout the e-Discussion, it was noted that for purposes of strengthening relations between HR and MDGs, there is need to ***focus on the KEY PRACTICAL AREAS where HR (or human rights-based) approach) add value to MDG implementation and developmental analysis and planning.***

a) HR Based Approach to Development Cooperation (HRBA): What it is and ways it adds value to development programming and implementation of MDGs.

The process of mainstreaming HR into the development process is known as a ***HR based approach to development (HRBA).***

The key elements of a HRBA are neatly summed up in the *UN Common Understanding on a HRBA* (UNCU; see Box 2) As set out in the UNCU, the HRBA takes the international HR treaties as targets. The targets, as pointed out by the representatives of Rwanda UNCT, should not be based on available budget or feasibility. While MDGs are the first tangible and necessary goals in development plans, they are not a sufficient step in a HRBA to development.

The e-Discussion underlined that HRBA does not reinvent development. Instead, HRBA adds to and *builds on good development practice*. Therefore, HRBA should be cognisant of other development strategies, and be understood as an integrated and trans-disciplinary approach. (Christian Hainzl)

Box 1: UN Common Understanding (UNCU) on HRBA

1. All programmes of development co-operation, policies and technical assistance should further the realization of HR as laid down in the Universal Declaration of HR and other international HR instruments.
2. HR standards contained in, and principles derived from, the Universal Declaration of HR and other international HR 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 stated in Box 1, the central element of a HRBA, is strengthening the capacity of authorities (duty bearers) to deliver essential services, whilst assisting communities and individuals (right holders) to empower themselves and demand greater accountability. This leads to '*planning from above and below*'.

In order to ensure such practice, development programming needs to strengthen capacities of both – duty bearers as well as right holder (as opposed to focusing more on strengthening the capacities of duty bearers or only assisting right holders to demand what they are entitled to). Supporting shifts in power relations in society requires a change in programmatic approaches. I.e. access to justice programmes and support for citizen participation in democratic governance are steps in the right direction. (Joachim Theis)

Box 2: The Three Step Method to Build Capacities of Right Holders and Duty Bearers

The UN Common Understanding, clearly states: "Development cooperation contributes to the development of capacities of 'duty-bearers' to meet their obligations and/or of 'right-holders' to claim their rights."

This implies (1) an analysis to identify the causes of the non-realization of a specific human right and the different 'actors' who are likely to enter into the roles of claim(right)-holders and duty-bearers., (2) identification of key claim-duty relationships, including claim(right)-holders and duty-bearers, (3) identification of capacity gaps of claim(right)-holders to claim their rights and of duty-bearers to meet their duties, (4) identification of actions that will contribute to reduce or close the capacity gaps of claim(right)-holders and duty-bearers and (5) aggregation of actions into projects and programmes. I see no possibility to reduce these steps further. In any case it is crucial that the analysis follows a bottom-up process. Individuals have HR. That is why they have valid claims on others. And that is why these 'others' have duties or obligations etc.
(Urban Jonsson)

Members stressed that right holders and duty bearers are roles into which individuals or groups enter into based on the fulfilment of human rights. These roles are not fixed: i.e. the teacher has the duty to provide good quality teaching (duty bearer), but s/he also has a right to an acceptable salary (right holder).

Box 3: UNDP Gambia's experience in building capacity at both levels to reach the MDGs:

UNDP Gambia is making the link between MDGs and HRs by simultaneously reinforcing the capacity of local governments to deliver basic social services and the capacity of civil society to provide oversight of local governments' public spending. To build the required capacities at both these levels, interventions have focussed on ensuring the participation of women and youth in decision making processes, supporting civil society organisations and promoting/advocating for HR, as well as building the institutional capacity of local government structures. The objective of these activities is to create a conducive environment for the transparent, accountable and efficient use of public resources.
(Neil Boyer)

Lastly, HRBA entails promoting **HR principles** in strategies to achieve the MDGs, such as the principles of **equality and non-discrimination, participation, accountability, the rule of law and the indivisibility of rights.**

Non-discrimination and equality: "Ensuring the right to non-discrimination is key for most marginalized groups to meet the MDGs. Unless specifically addressed, discrimination will prevent achievement of the MDGs for many groups". (Caroline Lennox, Minority Rights Group International). Promoting the principles of non-discrimination and equality throughout MDG processes ensure that national MDG agendas reflect the concerns of women, racial minorities and other marginalized groups. This is achieved by making them part of the process and prioritizing policies that improve their livelihoods and redress inequality. Promoting these principles results in the selection of development strategies that enable the poorest and most excluded to participate in existing social structures and national policy process rather than relying only on micro-level development projects. "Ensuring the right to non-discrimination is key for most marginalized groups to meet the MDGs. Unless specifically addressed, discrimination will prevent achievement of the MDGs for many groups". (Caroline Lennox).

Box 4: Experiences and strategies for promoting equality and non-discrimination in the MDG processes

Promoting the HR principles of equality and non-discrimination led UNDP Malaysia to disaggregate MDG indicators into sex, age and ethnicity. Through using a HR lens to analyse these disaggregated indicators, the magnitude of disparities between groups was identified; in particular the plight of indigenous communities. Identifying these issues led to a more participatory development plan, the setting of ambitions equity targets and an emphasis on measures to reduce disparities.

As the contribution from Minority Rights Group International highlighted, unless specifically addressed, discrimination will prevent the realisation of MDGs for many groups. Effective practical means by which Governments and policy makers can address discrimination is by establishing legislation to both prevent and

monitor discrimination and its effects; disaggregating data (by race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status); conducting impact assessments of MDG policies and programmes; and strengthening non-discrimination laws.

Equality: UNIFEM's experience in linking the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) with the MDGs demonstrates the benefit that a HR framework can bring to the MDGs and provides practical lessons on how to better link the two.

Box 5: UNIFEM's initiatives to link CEDAW with the MDGs - publication "Pathway to Gender Equality"

Reacting to the need to build up the gender elements of the MDGs, UNIFEM has carried out various initiatives to link CEDAW with the MDGs. Its publication "*Pathway to Gender Equality*" provides practical guidance to make this link: it identifies how women's HR standards from CEDAW can be mainstreamed throughout the MDGs; how CEDAW obligations relate to each MDG; and what are some basic tips for operationalizing the linkages. Developing women's HRBA indicators is an excellent way to make this link. Gender sensitive indicators can be used as a basis for tracking progress on gender equality and women's HR across all of the MDGs as well as national development processes, including the PRSP. (UNIFEM)

Participation: A HR perspective *extends and deepens traditional concepts of participation*. Under international HR law, participation in public affairs is a fundamental human right. Every person has a right to be actively engaged in the development process affecting their lives. HR also define the quality of participation and create a shared understanding to the term. Under international HR law, participation must be 'active, free and meaningful': participants must be able to shape and determine the decision making process, as well as to significantly contribute to the realisation and monitoring of the development programme/process itself.

Moreover, HR standards, such as freedom of association, trade union freedoms, freedom of expression, right to information and right to remedies can strengthen participatory elements within development.

Accountability: "HR are the birthright of all human beings as a matter of entitlement, with corresponding obligations and redress when rights are violated". (Mac Darrow)

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

The MDGs, on the other hand, do not have legal status (yet most of the MDGs enjoy status of norms under customary law (see Box 6 as developed by UNCT Rwanda)). There is a need to differentiate between global and national (as well as local/sub-national/etc.) goals. If global MDGs (targets and indicators) are tailored to the national context and integrated into country development frameworks, legal recourse for accountability becomes possible. 'Localization' of MDGs assists in reflecting (in an ideal case) the needs of the marginalized groups that can, in turn, claim these as their rights.

In addition, Sakiko Fukuda-Parr also argues in her recent paper: "*MDG 8: indicators for monitoring implementation*" that Goal 8 could be used to make a case for development friendly global policies - trade, technology, aid- as a HR obligation, not just a matter of charitable humanitarianism.

Box 6: The MDGs and International HR Standards [2][1] (UNDP Rwanda)

All eight MDGs, which UN Member States have agreed to work to achieve by 2015, can be linked to treaty provisions and general comments (GCs) of the treaty bodies

Goal 1: Eradicate extreme poverty and hunger: ICESCR (art. 11 & GC 12); CRC (arts. 24(2) & 27(3))

Goal 2: Achieve universal primary education: ICESCR (arts. 13, 14 & GC 11); CRC (art. 28(a) & GC 1); CERD (arts. 5 & 7)

Goal 3: Promote gender equality and empower women: CEDAW; ICESCR (art. 3 & 4(a)(i)); ICCPR (arts. 3, 6(5) & 23(2)); CRC (art. 22); CERD (GC 25)

Goal 4: Reduce child mortality: CRC (arts. 6 & 24(2)(a)); ICESCR (art. 12(2)(a), GC 14)

Goal 5: Improve maternal health: CEDAW (arts. 10(h), 11(f), 12(1), 14(b) & GC 24); CERD (art. 5 e iv); ICESCR (GC 14); ICCPR (arts. 3, 6(5) & 23(2)); CRC (art. 24(d))

Goal 6: Combat HIV/AIDS, malaria and other diseases: Guidelines on HIV/AIDS and HR; ICESCR (GC 14); CRC (arts. 24© & GC 3)

Goal 7: Ensure environmental sustainability: ICESCR (GC 4, 7, 14 & 15); CRC (art. 24© & GC 3)

Goal 8: Develop a global partnership for development: UN Charter (art. 1(3)); ICESCR (art. 2); CRC (art. 4)

Situating MDGs in the HR framework alerts and enable civil society to use HR accountability mechanisms to hold their government to MDGs commitments: for example, National HR Institutions and HR treaty bodies could be much more engaged in monitoring progress towards the MDGs and ensuring the strategies to do so are consistent with HR.

In providing legal recourse to poor and marginalized groups when their economic, social and cultural rights are violated, HR can be “the teeth of the MDGs”. (Marcus Baltze). In taking a legal recourse approach, however, litigation has to be used with care and prepared well. COHRE’s experience in this area shows it is most effective when accompanied by social mobilization by affected groups and NGOs, to ensure full implementation of the judgements made. HR can serve as a tool for implementation of MDGs, if national civil society capacity is built first (knowledge of HR mechanisms and strategy, knowledge of HRBA etc.) to monitor and lobby for the implementation of HR by States and donors. (Ashfaq Khalfan, COHRE)

Contributors were careful to clarify that legal mechanisms are not the only avenue for accountability. Governments can be held to account in very practical ways too: popular participation, advocacy, and periodic reporting processes

Some contributors noted that unless the MDGs allow people to voice their claims, and ensure that duty-bearers are held accountable, “... the MDGs might achieve little more than signposting the magnitude and perhaps inevitability of human development failures”. (Mac Darrow)

Box 7: Accountability in the MDG process: UNDP Benin’s experience

The main tenet of UNDP Benin’s project to help monitor progress towards achieving the MDGs and the PRSP, is a series of participatory diagnostics at the grass root level. Through a participatory assessment of people’s perception of the distribution of the national wealth and the implementation of public policies in various sectors, people will be able to rate the quality of public services and their access by marginalized and vulnerable groups. The finding from these assessments will identify the underlying issues resulting in inadequate levels of service and the roles and responsibilities of both duty bearers and right holders. The recommendations from the assessment will provide the basis from which to develop the national development plan.

The above points on integrating HR principles into MDG processes, and strategies for doing so, highlights one of the key benefits of linking MDGs and HR: ***the process of achieving the MDGs is as important as achieving the goals themselves.***

b) HRBA, Root Causes of Poverty and Power Relations

Using a HR lens to assess the country context helps identify those individuals and groups most marginalised and discriminated against, as well as the inequitable power structures that lead to discrimination and lack of access to basic services. So too, using the HR 'tripartite obligations scheme' (respect, protect, fulfil) can help assess where responsibilities lie for development problems. This ensures that the governance, power structures and issues of discrimination that are impeding a country's development, are identified and addressed. Contributors emphasised that unless these obstacles are identified and addressed from the outset, the MDGs and their corresponding targets will not be met; particularly in the case for women and vulnerable groups.

The HRBA not only identifies and analyses these power relations, it also provides for an objective normative framework to mitigate power excess and elite capture that is obligatory rather than optional. (Patrick van Weerelt).

c) MDG Implementation and HR Minimum Standards

Mainstreaming HR into development programming adds value to both the *process* and *outcomes* of MDG implementation. HR provide the minimum standards for how the MDGs should be achieved; forcibly displacing a remote minority group in order to ensure they have access to health and education, for example may not be consistent with HR standards. HR principles also strengthen steps to reach the targets; in promoting the right to information and non-discrimination and making information on HIV/AIDS available in minority languages could strengthen public education campaigns on the subject. HR standards also enrich the outcome: education is not just about the number of children in schools, but as the Convention on the Rights of the Child stipulates, certain standards also need to be met, such as achieving equality in schooling, before the right to education can be said to be realised. For an elaboration of this argument, see Box 8: the MDGs and the HR to Housing.

Box 8: The MDGs and the HR to Housing

The MDG concerning housing sets a global target to '(i)mprove the lives of 100 million slum dwellers by 2015'. It is sometimes said that this MDG can be equated with the right to adequate housing. But a closer inspection of housing rights jurisprudence and practice indicates that this MDG does not necessarily reflect the core issues in the right to housing. In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights lists security of tenure as the first key element of the right and the Committee later devoted a single general comment to the theme (No. 7 on forced evictions). In practice, we find that slum dwellers and other marginalised groups will usually list security of tenure as their number one housing priority together with water and sanitation. The effects of forced eviction are devastating, undermining the realisation of most other rights. Some researchers have found that the psychological effects of forced evictions on children are comparable to those caused by exposure to armed conflict.

In this context, it is then surprising to see a MDG that doesn't strategically focus on the core concerns of the poor. First, it only relates to an extraordinarily small proportion of the world's homeless and inadequately housed (100 million of over billion persons), Admittedly, the first indicator used by UN-Habitat in measuring the MDG is security of tenure, but it is only an indicator. It is often lost in the discourse and only relates to a small group of people.
(Malcome Lanford, COHRE).

Addressing the question of where HR adds value to MDG processes, it was argued that before such a question can be answered we need to know: "value added in comparison to what?" The next question is even more difficult to answer. "What value are we talking about?" That which is valued by human development scholars may be quite different from what HR scholars value. Maybe one way out would be to ask two questions: (1) What is the *value added*,

and (2) What is the *value changed (in addressing poverty from a HR perspective)*". (Urban Jonsson).

IV. The main challenges in linking MDGs and HR in development work

The e- Discussion brought up many interesting points on challenges experienced when linking MDGs and HR in development work. Despite efforts to respond to challenges, more difficult questions and issues surfaced. These need to be further discussed and resolved. Key challenges and dilemmas are reflected in the questions posed by the e-Discussion moderators :

- 1) How to make HR mainstreaming more systematic?**
- 2) How can development and HR practitioners work to one another's strengths, rather than weaknesses?**
- 3) How do we include more un-persuaded voices into HR and MDGs general debate, without losing focus?**
- 4) When does poor capacity become bad faith?(see Box 10).**
- 5) How to make sure HR provide cutting power at national or international level?**
- 6) What is the majority view within UNCTs and how does this impact practitioners' efforts to bring MDG policies and HR practice closer together? When they try to promote HR, and link them to MDGs, what questions do their colleagues or interlocutors ask? Or is doubt and reserve mainly expressed "behind walls" (Lenni Montiel)?**
- 7) How have UNCT's and agencies taken the UNCU to heart, and how is it framing their work related to the MDGs?**

Box 10: HR and the Paris Declaration (PD)

"When I mentioned that the issue of bad faith and bad government will take on new life following the PD and HR methodologies, I was thinking that in the past donor governments responded to "bad government" by imposing sanctions. As the trustees of the money they granted, donors asserted their authority to penalise recipients who misused money they received. Earlier still, they asserted their rights to ask recipients to manage their programmes according to the models preferred by the donor. Critics continue to say that aid is accompanied by a big stick, and that aid is an instrument of donor policy and undermines principles of national sovereignty etc.

The Paris Principles are an attempt to respect national sovereignty. They plainly assert that national governments will develop policy and that donor governments will give aid to programmes that national governments have first identified. Pointedly, the PD say nothing about the content of those policies... and nothing in particular, about whether the policies that donors support should reflect HR principles.

At the same time, donors declare they are committed to HR principles and that they expect other states with which they collaborate to respect HR as well.

It is not clear now what will happen. Do donors assume that recipient states will put HR high on their list of priorities? Will they grant aid only to countries that do – and will they withdraw offers of aid to countries that don't? What would this say about national sovereignty?

The problem is that donors cannot surrender the power to influence that their resources give them. Equally, countries that receive money cannot make themselves equal, simply by asserting the claim to national sovereignty. In the end, they will negotiate their relationship – and the issues of bad faith on the part of donors as well as recipients will reappear, as it must politically; but because the PD say that donors will not impose their will, and because donors (and recipients) have committed themselves to certain HR principles, the old argument will take new forms and generate slightly new dilemmas."

(Robert Archer)

Trade offs:

As aggregate targets MDGs accept and even encourage trade-offs. HR, however, are indivisible, and cannot be traded off against each other – or if one accepts that they can – only where there is an overriding rationale. Therefore, “... the key challenge is in doing the justice to core HRs principles on the one hand, while avoiding to get deadlocked by the analytical complexity of ‘all humans rights for all’ on the other hand.”^[3] (Stefan Priesner) These opinions raised the question of where the borderline lies and what the non-negotiable core is?

The debate around trade offs brought out a common misconception among practitioners that as ‘HR are indivisible, interdependent and for all, this means that they must be realised together.’ Members were quick to point out the error in this thinking: There is no ‘absoluteness’ in economic, social and cultural rights. Under the HR principle of ‘progressive realisation’, sequencing is possible. And where sequencing is an issue, HR principles provide a useful framework in which to make the trade offs. (See Box 9). Whilst members admitted that HRBA does not accept trade-offs as easily as other development approaches in theory, trade-offs will always have to be made in practice.

UNDP Rwanda: The process of making trade- offs – meeting three HR conditions:

1. Participatory approach. The participation of a balanced representation of poor and marginalized groups ensures sustainable solutions.

2. Minimum standards. Whatever the national development priorities, it is the responsibility of the state’s institutions to organize mechanisms that guarantee the respect for minimum standards of all targets set in step 1.

3. Non-violation: procedural (political and civil) rights cannot be traded-off against rights requiring progressive realisation as they are a precondition for the possibility of making trade-offs between social and economic rights.

In dealing with the issue of priorities, conflicts among rights and trade-offs, members emphasised the needs for pragmatism and for compromise, especially in complex HR contexts such as post-conflict situation. Moreover, there is a need for modesty, acknowledging that HR are not a panacea. A HRBA cannot resolve all issues of conflict and trade-offs. Nor can everything about poverty reduction be resolved through a HRBA. However, a HRBA does provide a useful framework for addressing these issues.

Lastly, in dealing with the issue of ‘indivisibility’ of rights, members highlighted the difficulty to achieve just economic and social outcomes in the absence of political and civil freedoms. To this, Robert Archer challenged members on whether they felt that the opposite is true: “Is it your experience that, where people cannot obtain their social and economic entitlements, they are usually unable to exercise their political and civil freedoms effectively? Put another way, can good governance be achieved when people are very poor, ill or uneducated?” Robert Archer observed that the connections are more rarely explored this way although they are becoming increasingly relevant as development professionals put more emphasis on effective political and financial governance and on participatory democracy.

HR Language:

[3] Just an example for an illustration: Disaggregation of data to enable better targeting of those that in danger of being left out (the vulnerable) has often been stressed as a key tool to operationalize a HR approach. But how far does this disaggregation go? Ideally, it should go until the individual level, since HR aim to safeguard the rights of all persons. As we know, however, this contradicts feasibility and cost efficiency considerations of any MDG aimed development programme. (Stefan Priesner)

“Politicians like to talk about ‘poverty alleviation’, but prefer not to do so if the topic is HR”.(Lenni Montiel) Practitioners are often weary of using HR language, due to concerns that government partners find this language complicated, abstract and confrontational. Introducing HR as a practical tool that can have value added in the policy-making process, can be a useful strategy for sensitizing government partners to HR and a HRBA. The experience of UNDP China illustrates that in a country where the words ‘HR’ are extremely sensitive, a HRBA can help to ‘desensitize HR’ in everyday development work. In promoting HR principles, such as those of equity and participation, in their work and interactions, UNDP was able to influence China’s Human Development Report for 2005. The key issue of the Report is promoting equity in development whereby the Report highlighted and addressed important disparities in the country and advocates for change and greater participation. (Hou Xinan)

Participation: ‘active, free and meaningful’

“Low level participation (informing and consulting) is usually ensured but high level participation (collaboration and empowerment) is difficult to achieve as it is a relatively new concept”. (Robert Stryk) Creating the space for participation and building the capacity of right holders to participate at a “high level” is a huge and time consuming task. To reach this type of collaborative participation, there will be a need for different formats of interaction between different groups, different language, and different skills and information.

Members recommended gradually increasing the level of participation in strategy development, giving governments the time to gradually adjust to the increasing level of participation. (Robert Styck, Azerbaijan) Showing results is also an important way to move towards active, free and meaningful participation. (Rozanne Chorlton)

‘Competing’ Framework:

“UN staff have to juggle an ever increasing set of frameworks. Plans and programmes have to be rights-based, results-based, gender-aware, etc”. (Joachim Theis) There is a need for greater integration of analytical tools and planning frameworks where possible. The number of overlapping and competing frameworks that practitioners use when developing programmes is cause to invest in a single approach that brings together HR, gender analysis, conflict sensitivity, and environmental sustainability for the achievement of development outcomes.

V. Suggestion to better link HR and MDGs in development work

Monitoring and Reporting Mechanisms

Monitoring and reporting mechanisms that include both outcomes (the MDGs) and process (the degree to which it adheres to HR principles were strongly advocated.

i) Alternative reporting

Members suggested having more alternative or complimentary reporting on the MDGs. This, for example, is encouraged in the periodic progress reporting on the implementation of the UN Convention on the Rights of the Child. (Signatory countries report on the Convention every 5 years and civil society is encouraged to provide an alternative report).

ii) Include the HR principles and standards found in the Millennium Declaration in the official reporting process

An example of including these principles can be found in many official reports that go beyond what is required for disaggregating data to reveal inequality, not just in terms of income but also basic service access and health and education status.

iii) Indicators

Members strongly recommended developing indicators that reflected HR principles and standards in both MDG processes and outcomes. With no global targets or indicators for the Declaration's objectives for peace, HR and democracy, it is difficult to consider them balanced and HR consistent.

Data: It was also argued that statistical processes and data gathering should be aligned with legally-binding international frameworks that prevent discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other statistic (Patrick van Weerelt).

iv) Costing templates

For these issues to be included as goals, contributors pointed out the need to develop a set of costing templates in the areas of governance and HR.. Yet it was also noted that developing costing templates for broadly defined civil and political goals is a major challenge. Any standardised costing template for HRs and Governance would need more specific and quantifiable targets first.

Training and Advocacy:

Sensitize UN development practitioners on HR and provide more training on how to practically apply a HRBA:

HR need to be demystified so that they are seen as being more than conventions and treaties and not as politically sensitive as many people fear. At the same time MDGs and MD need to be seen as embedding HR principles. Both communities – development and human rights practitioners – have to engage in a dialogue to understand how both frameworks can be mutually reinforcing.

Better guidance on HRBA and implementing the approach is also needed. In particular, how to conduct good HR analysis and how to focus interventions on strengthening right holders and duty bearers, as well as the importance of HR in UN's development work. Contributors complained that UN/ UNDP core development framework documents such as the CCA/UNDAF guidelines give clear directions about using a HRBA, but do not specify how this approach should be implemented in policies and programmes

Members also pointed out an existing disconnect between poverty reduction and HR specialists. Poverty reduction experts can be resistant to working on cross-cutting issues, especially on subjects they see as political in nature, such HR and governance because they might lack the capacity and mandate to do so. For the same reasons HR and governance specialists can be unwilling to get engaged in poverty reduction work carried out by this sector. This resistance to work across different development sectors impedes the linkages between HR and the MDGs in development work. Without a better understanding among practitioners of the important links that exist between HR and poverty, operationalizing this link will not occur.

This 'bias' and misunderstanding is reflected within government bodies. Many government officials do not see MDGs as being a governance issue and, therefore, part of their agenda. Instead, MDGs are often seen as relevant only to those agencies that deal with social issues.

UN System Actions:

- v) Support from the senior staff of UN development agencies, particularly UNDP on mainstreaming HRs.
- vi) Practice Note on MDGs and HR.
- vii) Integrated programming tools and framework: Developing a programmatic framework of analysis that brings together the HR based approach, gender analysis, conflict sensitivity, and environmental sustainability.

- viii) Strengthen work with international and national HR mechanisms and specialists. The understanding and use of HR standards, instruments and mechanisms is not well developed among UNCT. This requires major investments in strengthening staff capacity and in the systematic integration of HR standards in programme frameworks.

Box 11: UNICEF's work with CRC and CEDAW:

The CRC and CEDAW are the two most frequently used HR treaties by UN agencies and NGOs. UNICEF and Save the Children, for example, have supported CRC training and awareness raising, CRC monitoring and reporting, using the Concluding Observations from the CRC Committee for identifying programme priorities, supporting efforts of the CRC Committee to develop General Comments (e.g. on children's participation), and assessing the implementation of the CRC. UNICEF has developed the CRC Implementation Handbook, a 700 page compendium elaborating each of the CRC's articles. Over the years, the CRC has been operationalised in UNICEF programme frameworks, to the extent that it is no longer necessary to constantly refer to children's HR. The same applies to agencies working on gender issues and on the rights of girls and women. No distinction is made between rights-based and non-rights based gender work. There is only one approach and this approach is based on the spirit and the letter of CEDAW.

(Joachim Theis)

There is also a need for more HR specialists in UN country teams to promote a better understanding of HR instruments and mechanisms. Related to this, there is a need for greater efforts by UN country teams to support the establishment and strengthening of independent national HR institutions as part of the UN Country Programme.

- ix) Clear definition of UNDP's role in applying a HRBA and linking HR into development work. There is also a need to highlight clear issues where HRBA is applicable (Leisa Persh, UNDP).
- x) Adopt a HRBA throughout national development plans
Contributors also suggested that as national development plans are now both PRSP-based and MDG-based, a useful strategy to better link HR and the MDGs would be to adopt a HRBA throughout the programming process of national development plans: i.e. in the preparation, implementation and monitoring/evaluation process.
- xi) Join forces with the PRSPs: "Promoting complementarities and points of convergence between PRSPs and the MDGs, would create more opportunities and room to link effective and powerful national poverty reduction strategies with HR issues. Using the preparation, implementation and monitoring process of national development plans (which are both MDG and PRSP based) as vehicles for HRBA would be an important channel". (Bill Todd)

Appendix:

Practical Tools and Methods for making the links between MDGs and HR, brought up during the e-discussion

1. ***UNDP Malaysia and disaggregated indicators:*** UNDP Malaysia promoted the basic human right principles of equality and non-discrimination. It led naturally to the disaggregation of the MDG indicators according to sex, age, location and ethnicity. Analysis of these indicators, using the HR lens, revealed sharp spatial and ethnic differentials in social, health and economic outcomes.
2. ***Philippines- developing a matrix for linking MDGs and HR:*** With the objective of pursuing the values enshrined in the MD, the Commission on HR of the Philippines (CHRP), used the various

international HR instruments as a framework for producing and validating a matrix entitled "[Linking the Millennium Development Goals \(MDGs\) with HR](#)". In the document, the matrix identifies the rights involved for each MDG, as well as, the relevant international standards. The guide was produced through consultation dialogues with Government and civil society partners. It serves as a guide to government in identifying legislative, administrative and programme measures for the realization of the MDGs. At the same time, the matrix also guides people with their understanding of their rights.

3. **UNDP Gambia- Integrating the MDGs with support for decentralized governance and HR:** Within the 2007-2011 UNDAF currently being finalized, UNDP envisages strengthening the links between the MDGs and HR through reinforcing the institutional capacities of local government structures to deliver basic social services related to the MDGs.
4. **UNDP Benin: "Putting in place a follow up mechanisms for the MDGs and the PRSP with a social HRBA".** The UNDP in Benin has set up a partnership with the Ministry in charge of Planning, with the objective of realizing a series of participatory diagnostics at the grassroots level. These diagnostics will be conducted in the form of a participatory assessment of the people's perception of the distribution of the national wealth and the implementation of public policies in various sectors. This assessment will allow the people to rate the quality of public services, its access by the most vulnerable groups of people. The findings of these assessments will be analyzed as to identify the major issues underlying and to spell out the rights and duties of each citizen, and each category of population. The recommendations of these assessments will be taken into account in the main axes of intervention through the relevant development programmatic document.
5. **UNDP Nepal: Incorporating the national development process into the National HR action Plan (2002-2003):** In Nepal the NHRAP process was from the outset aimed at incorporating the NHRAP with the government's own Development Plan/the Poverty Reduction Strategy Plan (PRSP). The MDGs were used in the formulation process as part of the envisioned goals for Nepal's NHRAP. Equally to Nepal's commitments and obligations derived from its ratified international HR Conventions, the MDGs were brought into the consultative consultations at all levels: In establishing the baseline, the visionary process, and again when defining the actions, their priority and time-bounding. As a result, the actions identified through the NHRAP process were both in accordance with- and inclusive of – the MDGs. The NHRAP-formulation process in Nepal was based on nation-wide consultations.
6. **UNIFEM-Harmonizing HR and MDG Indicators:** UNIFEM has been developing women's HR based indicators to operationalize the link between CEDAW and the MDGs. Gender sensitive indicators, where CEDAW indicators are harmonized with MDG indicators, have been used in countries such as Kyrgyzstan to monitor commitments to CEDAW and MDG Indicators. In Kyrgyzstan the harmonized set of indicators became the platform for mainstreaming gender into national plans and socio-economic programs.
7. **Participatory mechanisms at early stage of programme:** Following a non-discriminatory analysis at the early stage of the RMAP process, where the most marginalized and vulnerable groups were identified, efforts were made to incorporate these groups systematically, directly and indirectly (via focus groups), in the whole assessment and planning process and in the selection of priority projects for implementation.
8. **UN-HABITAT- Using International HR mechanisms:** In its work to address housing rights, UN-HABITAT supports UN mechanisms on housing rights (working with special rapporteurs, treaty bodies, and other specialized organizations). It also helps monitor and evaluate the progress of realisation of housing rights; (formulating a set of housing rights indicators to assist states reporting to the Committee for the Convention on Economic, Social and Cultural Rights and to help the periodic evaluation of progress).

9. **Integrate the MDGs with support for decentralized governance and HR.** UNDP Malaysia has been using this approach, within which its activities have focused on issues of financial management, greater participation of women and youth in decision making processes, support to civil society organizations (particularly the media) and promotion/advocacy of HR. Together these efforts create an environment conducive to transparent, accountable, efficient and effective use of public resources. The objective of these interventions is to reduce poverty through strengthening the capacity of state institutions to effectively deliver essential services, while assisting communities and individuals to empower themselves and demand greater accountability and thus ensure progress towards the attainment of the MDGs
10. **Mongolia – creating an additional MDG on HR:** Mongolia has established an additional MDG: MDG 9 focuses on HR and Democracy. Whilst it is clear that HR are essential for MDG 1-8 and vice versa, as they are still only implicitly, it was felt that rather than assuming that HR and democratic governance is important to achieving MDGs, it was more desirable to make this link explicit by signing up to an additional goal that can help achieve the other MDGs. The main challenges of implementing MDG 9 is that it is an expression of aspiration rather than a time-bound and concrete target that Mongolia is committed to achieving by 2015.

Goal IX.	Strengthen HR and Foster Democratic Governance
	Target 20
	Fully respect and uphold the Universal HR Declaration and to ensure the freedom of media and the right of the public to have access to information
	Target 21
	Mainstream democratic principles and practices into life
	Target 22
	Develop a zero-tolerance environment towards corruption in all areas of society

11. **UNDP Bosnia and Herzegovina- Rights-Based Checklist as an Analytical Tool:** The RMAP project in Bosnia and Herzegovina has developed a 'rights-based checklist' which acts as a mapping tool for assessing the sectors of education, health, and social protection according to the standards established in the CESC. It builds on existing development practice. The 'rights-based checklist' guides staff and local partners on how to look at a given sector and what data to collect as basis for the assessment.
12. **UNDP Uganda- Establishing a Parliamentary Committee on MDGs and HR:** UNDP Uganda has initiated a process of negotiation and lobbying with the Parliamentary Commission for the establishment of a Committee on MDGs and HR in the coming Parliament. This will enable Parliament to play an active role in monitoring and evaluating the performance of the economy with particular attention to attainment of poverty reduction goals, as well as progress towards the attainment of the MDGs from a HRBA perspective.
13. **UNDP Egypt- Promoting the MDGs with HR and Volunteerism project:** UNDP Egypt's UNV programme has prepared this project, which is entitled: Sailing the Nile for the Millennium Development Goals. The project aims at guiding and inspiring local communities to start their own

projects to realize the MDGs from a Human Right perspective and to volunteer in UN-led MDG projects.

Resources Recommended:

Linking HR to specific MDGs:

- **Each MDG:** OHCHR site "mirroring" each MDG with their select human right: <http://www.unhchr.ch/development/mdg.html>
- **MDG 1: Right to food:** Sally-Anne Way, 'The Need for a Rights Based Approach in the Interim Report of Task Force 2 on Hunger,' pp.13-17 of the ESCR-NET comments on MP Task Force 8, http://www.escr-net.org/GeneralDocs/MDG_Comment_Hunger.doc;
- **MDG 4: Child Mortality:** John Tobin, 'Beyond the Supermarket Shelf: Using a Rights Based Approach to Address Childrens' Health Needs (2005), <http://research.law.unimelb.edu.au/assets/workshops/john%20tobin.pdf>; and
- **MDG 5: Maternal health:** DFID, 'Developing a Human Rights Based Approach to Addressing Maternal Mortality' (2005), <http://research.law.unimelb.edu.au/assets/workshops/john%20tobin.pdf>.
- **MDG 6: HIV AIDS:**
 - Office of the UN High Commissioner for Human Rights/Joint United Nations Programme on HIV/AIDS (UNAIDS): International Guidelines on Human Rights and HIV/AIDS: http://data.unaids.org/publications/irc-pub02/jc520-humanrights_en.pdf
 - Revised Guideline 6: Access to Prevention, Treatment, Care and Support: http://data.unaids.org/Publications/IRC-pub02/JC905-Guideline6_en.pdf
 - Harvard School of Public Health and the International Council of AIDS Service Organisations (ICASO): HIV/AIDS and Human Rights in a Nutshell: http://www.icaso.org/HIVAIDS_and_HRinNutshell-Webversion-v2.pdf
 - Canadian HIV/AIDS Legal Network: Programming HIV/AIDS: a human rights approach – A tool for international development and community-based organizations responding to HIV/AIDS: http://www.aidslaw.ca/Maincontent/issues/discrimination/rights_approach/DPatterson_ProgTool.pdf
 - UNAIDS/UNDP/World Bank: Mainstreaming HIV and AIDS in Sectors and Programmes: An Implementation Guide for National Responses <http://www.undp.org/hiv/docs/alldocs/MainstreamingB.pdf>
 - International Planned Parenthood Foundation: HIV and AIDS mainstreaming checklists and tools: Mainstreaming HIV and AIDS into our sexual and reproductive health & rights policies, plans, practices and programmes: http://www.aidsconsortium.org.uk/MainstreamingWG/Mainstream%20Downloads/IPPF_MainstreamToolkit.pdf
 - Soon be launched "Courting Rights: Case Studies in Litigating the Human Rights of People Living with HIV". UNAIDS/ CANADIAN HIV/AIDS litigation network. Will be available on UNAIDS website.
- **MDG 8 : Sakiko Fukuda Parr: Millennium Development Goal 8 :** indicators for monitoring implementation: Paper prepared for OHCHR that uses goal 8 to make the case for making development policies a human rights obligation: <http://www.ohchr.org/english/issues/development/docs/crp2.doc>

Others:

- **COHRE 'Litigating Economic, Social and Cultural Rights: Achievements, Challenges and Strategies' 2003,** <http://www.cohre.org/library/Litigating%20ESCR%20Report.pdf>

- **FAQ on a human rights approach to development:**
http://www.ohchr.org/english/about/publications/docs/FAQ_en.pdf
- ○ **UNHABITAT:** <http://www.unhabitat.org/programmes/housingrights/>
- **UNIFEM: 'Pathway to Gender Equality'**
(2005):<http://www.undp.org/execbrd/pdf/MDG.REVISE.SPREAD.112604%20.pdf>.
- **UNDP Oslo Governance Centre/HURIST Guide on Indicators for Human Rights Based Approaches to Development-A Users' Guide**
<http://www.undp.org/oslocentre/docs06/HRBA%20indicators%20guide.pdf>
- **The UNDP practice note on poverty reduction and human rights**
(2003) <http://www.undp.org/policy/docs/povertyreduction-humanrights0603.pdf>
- **UNDP Philippines: Linking Human Rights with Millennium Declaration and the Millennium Development Goals.** :<http://www.undp.org.ph/downloads/>
- **Minority Rights Group International: "The Millennium Development Goals: Helping or Harming Minorities?"**: <http://www.ohchr.org/english/issues/minorities/docs/2005-wp.4-eng.doc> A complementary report, "**PRSPs, Minorities and Indigenous Peoples: An Issues Paper**" : <http://www.minorityrights.org/admin/Download/pdf/MRG-PRSP.pdf>.
- **The UN Permanent Forum on Indigenous Issues** has issued extensive recommendations on indigenous peoples and the MDGs during its Fourth and Fifth sessions: <http://www.un.org/esa/socdev/unpfii/en/sessions.html>.
- **Bill Todd and Adam Burke:** Progress reporting in South East and East Asia: <http://www.savethechildren.org.uk/scuk/jsp/resources/details.jsp?id=3703&group=resources§ion=publication&subsection=details&pagelang=en>
- **Papers presented at the UNESCO "Media, Development and Poverty Eradication Conference"** in Colombo, Sri Lanka during the 1 - 2 of May, on the occasion of the World Press Freedom Day 2006 (May 3rd) under the topic - "Media, Development and Poverty Eradication". See details at http://portal.unesco.org/ci/en/ev.phpURL_ID=21468&URL_DO=DO_TOPIC&URL_SECTION=201.html
- Background paper: **The role of the free press in promoting democratization, good governance, and human development.** by Pippa Norris, Kennedy School of Government - Harvard University. From May 2006 Mrs. Norris is the Director of the Democratic Governance Group at BDP- UNDP.http://portal.unesco.org/ci/en/ev.php-URL_ID=21899&URL_DO=DO_TOPIC&URL_SECTION=201.html
- Background paper: **Media, Governance, and Development. An Empirical Perspective that Challenges Convention.** by Daniel Kaufmann, Director Global Programs and Governance, World Bank Institute.
http://portal.unesco.org/ci/en/ev.php-URL_ID=21965&URL_DO=DO_TOPIC&URL_SECTION=201.html
- Background paper: **Development, Poverty and Freedom of Expression.** by Dr. Agnès Callamard, Executive Director, ARTICLE 19.http://portal.unesco.org/ci/en/ev.php-URL_ID=21925&URL_DO=DO_TOPIC&URL_SECTION=201.html

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