

**United Nations
Division for the Advancement of Women (DAW)
Expert Group Meeting
Achievements, gaps and challenges
in linking the implementation
of the Beijing Platform for Action and
the Millennium Declaration and
Millennium Development Goals
Baku, Azerbaijan
7 to 11 February 2005**

**THE RELEVANCE OF THE LINKS BETWEEN HUMAN RIGHTS, THE
BEIJING PLATFORM FOR ACTION AND THE MILLENNIUM
DEVELOPMENT GOALS**

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* The views expressed in this paper, which has been reproduced as received, are those of the authors and do not necessarily represent those of the United Nations.

The Millennium Development Goals (MDGs) which originated in the Millennium Declaration are an attempt to capture measurable areas of development. They are acclaimed as an international consensus on global development goals. This paper makes the argument that while setting such goals is important, there also needs to be guidance on how the goals are to be achieved. The problem that the paper presenter sees with the MDGS is that they do not take into account normative human rights standards set forth in various treaties to which many governments are parties. In particular they do not take into account the dynamics of gender relations and the attendant inequality between women and men affecting development outcomes and goals. This does not necessarily have to mean that the MDGs in themselves are contrary to human rights principles. They will however be better achieved if the methodology for implementation brings in context and a human rights framework. In the case of enabling women to benefit on a basis of equality with men from the achievement of the MDGs, it is essential to integrate the human rights framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) ¹ along with the programmatic content of the Beijing Platform for Action (BPFA).

What this paper will not attempt

adoption of the Universal Declaration of Human Rights. There are many international human rights instruments and their jurisprudence whose norms and standards we can use for our purpose. By ratifying these instruments, member states of the United Nations have voluntarily undertaken certain specific obligations to respect protect and fulfil the human rights of their citizens.²

An international human rights treaty therefore creates obligations on States parties to the treaty that are legally binding. Hence human rights can be a powerful language as they clearly pinpoint state accountability under international law. They can be a potent tool for advocacy that effectively changes the dynamics of women's engagement with the state, from a position of needs (subject to the whims of the powers- that –be) to a position of strength premised on rights that women are entitled to and are guaranteed in the first place. Hence a rights approach demands that rights must be enjoyed and exercised. So there must be *de facto* realization of rights and there must be accountability; rights bearers and duty bearers must be identified and there will have to be mechanisms for claiming rights.

Second, a rights approach constitutes international standards against which state actions or inaction, violative of the human rights of woman can be challenged. They can also be used to demand specific actions from the state, including regulations or sanctions against non state actors. Third, the evolving concepts of human rights, vis-à-vis an emerging women's rights advocacy makes room for the infusion of women's perspectives into human rights discourse. This allows women in the process to clarify among themselves what their human rights should mean and should be. In this regard, adopting a rights approach connotes an organizing or mobilizing element to it. Fourth, the idea of women being holders of rights by itself can be very empowering to women.

The significance of CEDAW as a human rights instrument

Our understanding of rights must be based on a set of values and principles that provides a normative framework. Often the rights language is used but without a basis of normative standards. In the arT.7(a)-0.05 -1.1515 -1.0 it3normng of s of righthom75 0 TD-0s of 2e

intended. Under this Convention, a purely formal legal framework is not sufficient. Nor is it sufficient to guarantee women identical treatment with men. Women have to be specifically empowered with enabling conditions that they may have equal access to opportunity and to achieve equality of results.

It is critical to use this understanding of equality, also known as substantive equality as a normative framework to underpin all efforts to respect, promote, protect and fulfil women's rights. Otherwise, even sex disaggregated data that shows disparity between women and men can be interpreted as natural or solutions sought that discriminate against women further. In other words discrimination that exists may not be recognised as a problem or discrimination against certain groups may not be recognised as a problem. To avoid this we need to value all women as full human beings entitled to the highest attainable standard of well being and on a basis of equality and not see women as having lesser entitlements or view them as a means to another goal. But above all taking a human rights approach will allow us to name the disadvantage and discrimination faced by women as a human rights violation. Maternal death related to goal 5 of the MDGs will not merely be a health problem but a violation of the human right to life.

The need to address the context of gender relations

In taking into account the issues of discrimination against women, we need to address the

gender roles and norms established and promoted at all these levels? It is too simplistic to understand gender relations as ‘man dominates woman’. For example, in the area of health,⁴ it is essential to move away from a disease model in epidemiology that frames health problems as “de contextualised exposures to risk factors, including the isolated behaviours of individuals.”⁵

So it means more than just considering whethe

women; measures to abolish customs and practices that discriminate against women: the repeal of all discriminatory laws

- (ii) Indicators of relevant strategies, programmes and services as recommended in the BPFA

(The relevance of the above is to be assessed on the basis of whether they create opportunity and access to the opportunity by removing obstacles)

- Ø Are there indicators of weak state action such as gender bias contributing to lack of access, that needs to be eliminated
- Ø What is the status of the practical realization of rights? (Monitoring over a period of time: The results of state action)
 - *Indicators of de facto rights (results)*
- Ø Time framed goals and indicators of further action the state should undertake

(Source: IWRAP Asia Pacific Training Materials)

Conclusion

The MDGs help us to set goals and bench marks for the realization of women's rights and to get global consensus for this. This has the potential of generating the required political will. But this paper recommends that success of this endeavour requires a methodology that uses the normative human rights framework of equality and non discrimination of the CEDAW Convention. The paper also states that to eliminate discrimination against women and to put in place the proactive measures needed, the context of gender relations has to be taken into consideration and the Beijing Platform for Action provides the substance for this. The advantage of using a human rights framework is that not only are international and universal standards used for national level action but that such an approach will provide the basis for state accountability. Above all it will help mobilise constituencies of women and transform them from victims to holders and claimants of rights. This is what will ensure sustainability of the gains.