



AMNESTY INTERNATIONAL'S Q and A on the Post 2015 Development Framework

1. Why does it matter whether the Post 2015 development framework is consistent with human rights?

Key lessons from the Millennium Development Goals (MDGs) highlight the dangers of neglecting human rights. The MDGs did not fully reflect the ambition of the Millennium Declaration, which promised to strive for the protection and promotion of civil, cultural, economic, social and political rights for all. As a result, millions of people have been left behind due to rising inequalities within and between states.

Human rights should not be viewed as something separate from or an obstacle to development, but rather as providing significant added value - an essential tool in enhancing developmental progress based in existing legal obligations that states have agreed to. Therefore, to ensure that the Post 2015 development framework (post-2015 framework) makes real change in the lives of all individuals, in particular the most marginalised groups, human rights must be embedded within it. This means that goals, targets and indicators must be consistent with human rights standards.

If human rights standards are not included in the post-2015 framework, then this could leave people, especially those already living in poverty, at risk (either directly or indirectly), of human rights violations and exclude them from benefiting equally from development. For example the MDGs aimed to improve the lives of 100 million people living in slums, but said nothing about the other 900 million people slum dwellers or their security of tenure and. The result is no increased protection against forced evictions which continue to take place across the world.

2. Why is human rights accountability so important?

Accountability ensures that states are answerable to their people and deliver on their legally bound human rights obligations; which they have signed up to. Accountability means that states mobilise and provide the resources and budgets necessary, to get the job done. Accountability ensures that funds and resources are spent and used efficiently.

At present states can report on their progress towards achieving the MDGs, but states are not obliged to show that they are (a) actually achieving these goals and (b) in a way that delivers on their existing human rights obligations.

Without effective accountability for human rights, progress will continue to be uneven and inequalities will continue to grow. People will continue to get left behind. For example, government programmes to extend access to electricity may be designed in a way that leaves out people living in slums. Development will often not include or benefit the most marginalized people (who are often excluded in decision making processes).

Evidence shows that economic and social development initiatives that embed accountability and human rights obligations reduce inequalities, including between rich and poor, between men and women, and for minority and marginalised groups.

Individuals or groups must be able to access affordable and effective justice mechanisms to address violations of their human rights, including their economic, social and cultural rights. People also have a right to an effective remedy when their rights have been violated to correct the wrong that has been suffered by them and to ensure that others do not suffer a similar fate in the future – remedial action can enhance sustainable development outcomes

Effective accountability built into the Post-2015 framework will not only allow individuals and communities to hold states to account for their progress, but also assist states to monitor their performance against human rights indicators. This can be an important tool in which states can ensure that throughout the development process all arms of government, at local and national level, are working in tandem towards achieving the obligations to which their government and legislature have committed by becoming party to international human rights treaties.

3. What does Amnesty International (AI) mean by “accountability” in the Post-2015 framework?

AI believes that “human rights accountability” must be a key component of the Post-2015 framework. “Human rights accountability” includes the following three aspects:

- 1) States’ commitments throughout the post-2015 framework should be in line with their human rights obligations;;
- 2) Effective monitoring and evaluation mechanisms must be applied, to measure the implementation of states’ human rights commitments integrated in the Post-2015 framework; and
- 3) Individuals must have the ability to access justice and remedies if and when their rights related to the Post-2015 framework are at risk or violated.

In order to achieve this, the Post-2015 framework must have robust targets and indicators that address access to justice, the right to information and ensure that laws and policies are consistent with human rights standards.

4. Why is AI focussing on access to justice? What do we mean by it? And why is it important?

Access to justice requires: first, substantive protection of human rights - laws and policies guarantee the protection of each person's human rights, as set under international human rights treaties. And second, establishing procedures by which a person can practically claim these rights before an accountability mechanism. Such a mechanism could be a court, a human rights commission or a regulatory body (e.g. an independent body for health to which those denied adequate health care can complain) or a combination of any or all of these although it is important that ultimately a person can obtain a binding legal remedy if needed to ensure proper accountability.

Substantive protection of rights is important because if for instance a particular group’s rights are not protected in national law, their rights will often not be protected by national accountability mechanisms, even if they can access them. A target on access to justice that fails to capture substantive protection of rights will fail to provide accurate evidence on to what extent people are actually able to obtain justice when their rights are denied.

An effective access to justice system is also a key step to achieve accountability. This can be done either by establishing or strengthening independent, impartial and accessible and affordable and

effective mechanisms. These mechanisms must be able to provide effective remedy for people who have had their human rights violated.

In order to be effective, access to justice must be affordable, which means ensuring that those who cannot afford legal representation can access legal aid. Ensuring access to justice must include providing a legal right to identity, as people without identification documents normally cannot access justice, since they will not be recognized as persons before the law and will not be able to submit all documents required by relevant procedures.

5. Why is AI focussing on Right to Information and why it is important?

Everyone should have guaranteed access to information held by public authorities and companies that is relevant to the Post 2015 development goals. This should be meaningful information provided in languages and formats (radio, print, tv etc) that is accessible for people so that they can understand. Access to information strengthens people's ability to: participate in decision-making that affects their daily lives, improves transparency which in turn encourages accountable governance and participation especially for those who have been historically marginalised (e.g. people living in poverty) in government decision-making processes. Right to information also allows people to assess how governments are managing resources and using budgets.

The right to information has long been recognized as central for development. In addition to being recognized in international law nearly 100 countries have enacted laws providing a right of access to information.

6. Why is AI calling for governments to provide disaggregated data?

International human rights monitoring mechanisms have encouraged the disaggregation of data on the basis of prohibited grounds of discrimination such as gender, ethnicity, age and disability

The collection and dissemination of data subject to appropriate personal information safeguards is essential to reveal the most deprived and marginalised populations e.g. which groups can/cannot access services and whether there national laws and policies are required to further protect their rights.

Disaggregated data also allows governments to measure inequality and discrimination, so that they can take concrete steps to address it.¹

7. Why is it important that the Post-2015 framework ensures that laws and policies are consistent with human rights standards?

States have recognized that “respect for and promotion and protection of human rights is an integral part of effective work towards achieving the Millennium Development Goals.”²

States are not starting with a blank sheet. They have signed up to legally binding human rights standards – the vast majority of states have ratified most of the core human rights treaties covering civil, political, economic, social and cultural rights and in some cases such as the Convention on the Rights of the Child they have near universal ratification. These commitments must be embedded into the Post-2015 framework and delivered on. This applies to all states, and to their conduct that has an impact beyond their borders too, including their development assistance

policies.

This would then ensure that national efforts by governments to achieve the Post 2015 goals live up to human rights standards (to which a state has already bound itself). It would strengthen the impact of governments' development policies, including in respect of budgets, and encourage openness and participation. It would also serve to improve policy coherence by ensuring development policies, including development assistance policies, do not conflict with a government's human rights obligations.

8. Does AI have a view on the monitoring process of the Post-2015 framework that should be put in place to monitor its implementation?

It is possible that the Post-2015 framework will include a dedicated mechanism for monitoring and possibly reviewing State progress towards the agreed goals. AI does not have a view on what specific form such a monitoring process should take apart from that it should be impartial, objective, rigorous and effective. In the event that such a mechanism is considered by states, its mandate must require it to consider whether the progress toward the goals and targets has been carried out in a manner consistent with human rights standards and principles, taking into account relevant observations of international human rights treaty bodies (these are committees of independent experts elected by states to monitor their implementation of human rights treaties). It is possible that there could be separate monitoring mechanisms for each goal. There are a variety of potential mechanisms that would ensure people's rights are protected, including the use of existing human rights mechanisms, which could be supplemented by new mechanisms. Whatever the proposed mechanism, it should be robust and should measure states' implementation of their human rights commitments.

9. Why is it vital that the Post-2015 framework promotes equality and non-discrimination?

States have accepted that the achievements under the MDGs have been characterised by unevenness and gaps, meaning that some people have been left behind.³ Certain groups have been excluded from progress, in particular groups facing historic discrimination, such as women and girls, Indigenous people and minorities. Often most marginalised are groups that face intersecting discrimination on more than one ground, for example Indigenous or minority women, or women and girls from rural or remote areas. The focus on cumulative totals and averages allowed states to demonstrate progress while failing to focus on the most disadvantaged groups. There is a danger that MDGs efforts could further entrench poverty among these groups. The General Assembly has expressed concern regarding the adverse effects of inequalities for human development.⁴ Over the past two decades income inequality has increased; both between countries and within countries. More than 75 percent of the population in developing countries are living in societies where income is more unequally distributed than it was in the 1990s.⁵

Eliminating discrimination in laws, policies and practices would be a vital step in promoting equality. Discrimination is a key underlying cause of inequality and can be a hurdle in alleviating poverty. The goals and targets in the Post-2015 framework should be grounded in the fundamental guarantee of equality and non-discrimination. The Post-2015 framework should embody the responsibility of states, when acting together or alone, to take proactive measures to identify and address entrenched discrimination both direct and indirect. It should also embody the responsibility of states, international institutions and corporations to avoid and remedy discrimination for which they are directly or indirectly responsible.

10. How can the Post-2015 framework promote equality and non-discrimination?

This may require legislative or administrative reform to repeal discriminatory provisions or address discriminatory practices by the government or private actors, a change in resource allocation, temporary special measures, or educational measures. A critical component may be effective anti-discrimination laws that give effective remedies to those affected by discrimination. The post-2015 framework should support development strategies, which are designed to reach, and benefit the most marginalized and excluded populations. This includes addressing the urgent social needs of such populations as well as assessing difficulties that such groups experience in enjoying their fundamental human rights, and taking the necessary steps to address these difficulties.

The post-2015 framework should recognize the risk of discrimination, both direct and indirect, in development policies and actively prevent these risks. This requires projects and plans to consider at-risk groups from the beginning, and ensure avenues for meaningful participation in decision-making and free prior and informed consent.

Eliminating systemic discrimination and realizing sustainable development without discrimination may require greater devotion of resources to historically marginalised groups. The post-2015 framework should prioritize investment in those groups. This can go some way toward achieving this by including indicators that measure the achievement of targets by wealth quintiles, with a specific target of addressing the social and economic needs of the poorest two quintiles.

Monitoring progress on the post-2015 framework should also use benchmarks and indicators based on data that separately tracks progress by gender and by other relevant categories, such as age, ethnicity, race, disability, migrant, minority or Indigenous status, that reflect the most prevalent forms of discrimination in particular contexts.

11. Why is gender equality particularly important and why is AI calling for a standalone goal on it?

AI is calling for a standalone goal to promote gender equality, women and girls' human rights and empowerment as well as ensuring that gender equality and women and girls rights are integrated into all goals and targets of the post-2015 framework. A transformative stand-alone goal on gender is necessary in order to change the societal power dynamics and address structural barriers to equality and justice.

The World Health Organization defines 'gender' as referring to "the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women".⁶ Because of this, gender can vary greatly in different social and cultural contexts. In the West, gender is generally seen as a binary based on sex, but with increased awareness of transgender or gender non-conforming people, the binary is slowly being recognized as insufficient to describe the range of gender identities that exist. Some cultures already recognise multiple genders such as the Two-Spirit people who are an example of a third gender in many Native American societies, as well as Hijra who are now legally recognized as a third gender in India, Bangladesh and Pakistan.

This means that gender discrimination affects not only women and girls as a historically disadvantaged group, compared to men and boys, but also everybody who does not fit the socially prescribed gender roles such as LGBTI (lesbian, gay, bisexual, transgender, and intersex), gender non-conforming individuals or those who are unmarried, young or old. Thus gender inequality is

entrenched into the very structure of society and plays into the distribution of power at every level. Gender discrimination intersecting with discrimination on other grounds, and gender-based violence continue to exacerbate the marginalization of certain groups and limit their ability to exercise their human rights and fully participate in development. It is not feasible to tackle inequalities without addressing gender inequality, gender discrimination and gender-based violence.

12. Why has AI chosen to focus on violence against women and girls?

Violence against women and girls: Gender-based discrimination and violence, including violence against women and girls, are among the key factors that continue to exacerbate the marginalization of certain groups and undermine their ability to enjoy their human rights. According to the United Nations, 7 out of 10 women worldwide report having experienced physical and/or sexual violence at some point in their lifetime.⁷ Gender equality and the human rights and empowerment of women and girls can only be achieved if violence against women is effectively addressed. Violence against women and girls has been recognized as a form of discrimination and a human rights violation.

13. What can States do to address violence against women and girls?

Under international human rights law, states have an obligation to prevent, investigate, prosecute and protect women and girls from acts of violence against women and girls.

Central to achieving this is ensuring that women and girls who are subjected to violence can access justice and remedies for the harm they have suffered.⁸ Amongst other measures it is vital that states: prevent violence, including through education, training and awareness-raising to tackle gender stereotypes, discriminatory social attitudes and harmful traditional practices as well as adoption of legislation and policies to remove discrimination in law and practice; abolish all laws and policies that have the effect or purpose of impairing or nullifying women and girls' equality before the law on the grounds of their gender, sexual orientation, gender identity, race, age, language, ethnicity, Indigenous identity, culture, religion, or disability; and provide affordable and effective access to justice and remedy for women and girls who experience violence, including by ensuring that law enforcement officials deal sensitively with survivors of violence and enable effective access to justice, ensuring accountability for perpetrators, and providing health care and other forms of reparations to the victims.

14. Why has AI chosen to focus on improving the access to sexual and reproductive health and rights?

Access to sexual and reproductive health and rights: Sexual and reproductive health and rights (SRHR) constitute key human rights obligations and are crucial for both sustainable development and gender equality. SRHR are central to the empowerment of individuals, particularly of women and girls, to be in control of their own lives and enjoy their other human rights such as the right to education and work. Many women and girls are denied the power and resources to make their own decisions and as a result they are prevented from developing their full potential and from contributing to the development of their societies. Women and girls, in particular those living in poverty, face multiple barriers in accessing sexual and reproductive health related information and services. Moreover, women and girls' sexuality and reproduction are often controlled by State and Non-State actors including families, communities, religious institutions, donors, financial institutions and health care providers. As a result of the denial of SRHR, gender inequalities are perpetuated in a detrimental circle of gender discrimination and inequality. Women and girls' sexual and reproductive rights include, but are not limited to, their right to bodily integrity, to

consensual sexual relations, to freely decide to be sexually active or not, to decide whether and when to have children and the spacing between children, and to the highest standard of physical and mental health. The equal rights of women and girls and universal access to SRHR are a necessary precondition for sustainable development.

15. Why has AI chosen to focus on strengthening the representation of women in public life?

Representation of women in public life: The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) requires State parties to ensure that women have the right to participate fully and be represented in public policy formulation in all sectors and at all levels.⁹ Governments have an obligation to put in place practical mechanisms to realize the right of women and girls to active, informed participation in decision-making that affects them.

Effective transformative change for women and girls comes when they are empowered to participate and have actual influence in shaping the laws, policies, practices and decisions that affect their lives. Women's participation in policy-making helps ensure that a gender perspective is fully integrated and as a result public systems, for the example the health system, are more responsive to the needs of women. It is important to include a measure for representation of women within the justice sector to strengthen accountability for violations based on gender discrimination.

The participation of women in government at the policy level continues to be low. Although significant progress has been made in some countries, in many others women's participation has actually declined.¹⁰ Women in all parts of the world continue to face significant barriers in exercising their rights to participation in public life and at all levels of decision-making, including their right to vote in elections and referendums, and to be elected to government. Such barriers include illiteracy, language, poverty, third party consent, and impediments to women's freedom of movement. These barriers must be dismantled, to enable women to exercise their rights to freedom of expression, association and assembly in order to ensure their effective participation.

Lack of protection for women human rights defenders and the failure to prevent and punish attacks and harassment against them make it harder for women to participate actively. Women human rights defenders are often targeted for gender-specific forms of harassment, discrimination and violence, designed to dissuade them and other women from demanding their rights and participating in public life, especially when they challenge gender stereotyping and discrimination. The UN General Assembly passed its first resolution on Women Human Rights Defenders in November 2013.¹¹

16. How are the Post-2015 development agenda process and the Sustainable Development Goals process related and what is the time frame for the processes?

The outcome document of the 2010 MDG Summit requested the Secretary-General to initiate thinking on the global development agenda beyond 2015. The outcome document of the 2012 Rio+20 Conference on Sustainable Development initiated an inclusive process to develop a set of sustainable development goals. There is broad agreement that the two processes should be closely linked and should ultimately converge in one global development agenda beyond 2015 with sustainable development at its core.

The General Assembly is mandated by the Rio+20 Outcome document to prepare a proposal on Sustainable Development Goals for consideration by the General Assembly at its September 2014 session.

The General Assembly will then hold a High Level Stock-taking Event on the post-2015 framework, after which an inter-governmental negotiation process will be established to finalise the post-2015 framework, which will conclude in September 2015.

¹ The Office of the High Commissioner for Human Rights '*Human Rights Indicators: A Guide to Measurement and Implementation*' (2012), p68 page 68

² 2010 MDG High Level Summit Outcome Document, para 53

³ Outcome document of the special event to follow up efforts made towards achieving the Millennium Development Goals, A/RES/68/6, paragraphs 4 -5

⁴ A/RES/67/230, The role of the United Nations in promoting a new global human order

⁵ United Nations Development Programme, *Humanity Divided: Confronting Inequality in Developing Countries* (2014), page 3

⁶ See <http://www.who.int/gender/whatisgender/en/>

⁷ See 2012 UN Secretary-General's report to the GA on the intensification of efforts to eliminate all forms of violence against women, available here: www.un.org/ga/search/view_doc.asp?symbol=A/67/220.

⁸ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, UN Doc. A/CONF.177/20/Rev.1, Platform for Action, paragraph 124

⁹ Article 7(b), CEDAW Committee, General Recommendation 23, para. 25

¹⁰ CEDAW Committee, General Recommendation 23: Political and Public Life, 16th Session 1997, para. 24

¹¹ Protecting women human rights defenders, UN Doc A/C.3/68/L.64