

The Post-2015 Development Framework and the Realization of Women's Rights and Social Justice

Dr. Diane Elson, Professor, University of Essex; Research Affiliate, Center for Women's Global Leadership, Rutgers University; and Member, MDG Task Force on Gender Equality and Women's Empowerment

Dr. Radhika Balakrishnan, Executive Director, Center for Women's Global Leadership and Professor, Women's and Gender Studies, Rutgers University

Introduction

This note offers some reflections on the post-2015 development framework, based on our views of the strengths and weaknesses of the Millennium Development Goals (MDGs) development framework; some key changes since 2000; and some ideas on how to address the challenges of the post-2015 period. The MDGs, which were derived from the more comprehensive Millennium Declaration, established a timeframe ending in 2015 for the achievement of the goals and targets laid out. As the deadline quickly approaches, processes are underway to rethink the post-2015 agenda. This rethinking needs to be done in the context of the Millennium Declaration, while extending the framework outlined in the Declaration in relevant ways to recognize that the world has changed significantly economically and geopolitically since the 1990s.

Strengths and weaknesses of the MDG framework

The strength of the MDG framework was its focus on time bound goals and targets for important outcomes, though there were significant weaknesses in many of the indicators used to chart progress towards achievement for the outcomes. This focus had the potential to help people to hold their governments, and international agencies, to account for the realization of many of the desirable outcomes agreed upon at the United Nations (UN) conferences of the 1990s. It could be linked to the scrutiny of government budgets through gender-responsive, human-rights focused and participatory budgeting.

However, the weakness of the MDG framework was that these goals, targets and indicators:

- Only applied to developing countries;
- Became linked to aid conditionality, and linked to enabling donor governments to monitor recipient governments, rather than enabling citizens to monitor their governments;
- Ignored economic inequality within and between countries;
- Ignored job creation and decent work, though this was later modified;
- Implied that the route to meeting the targets was through 'interventions' financed at least in part by aid;



- Were not embedded in coherent development strategies, and by default became vehicles for the continuation of neo-liberal development policies;
 - Largely ignored domestic resource mobilization, monetary policy, international trade, and international finance;
 - Ignored the role, both positive and negative of the private sector;
 - Formulated the goal of promoting gender equality and women's empowerment without a focus on realizing women's rights, providing no safeguards against 'equalizing down' and giving no substance to the ambiguous term 'empowerment';
 - Reduced this goal to parity in educational enrollment in primary and secondary schooling, supplemented by indicators of women's share of seats in national parliaments, and share of non-agricultural paid employment;
 - Paid no specific attention to the unpaid economy, even though this is critical for both the care of human beings and the care of the environment;
 - Detached development from the international normative framework and accountability mechanisms provided by human rights (although the Millennium Declaration had made this link).
- The large fast growing developing countries have themselves become donors;
 - Economic inequality within and between countries has increased rapidly;
 - There has been a global financial crisis, from which recovery has been faltering, even in the fastest growing economies such as China;
 - There has not been a thorough reform of the international banking system: the financial sector has been bailed out and low and middle income people throughout the world are paying the price;
 - Unemployment, especially youth employment, has increased substantially;
 - Precarious employment, that lacks economic and social rights, has grown;
 - Human rights have in some ways been strengthened; for instance through the introduction of electoral democracy in a number of countries where it had been absent; and the engagement of civil society organizations with human rights; and
 - Human rights, and especially women's rights, have been weakened by the growth of claims that they are purely individual rights that are at odds with 'traditional cultural values' that put more value on collectivities.

Key Changes Since 2000

The international and national context has changed significantly:

- Many more developing countries are now 'middle income countries';
- The balance of global economic power has shifted decisively to Asia;

Reframing the post-2015 development agenda

The post-2015 development framework cannot be a continuation of the MDG framework, just tweaked through a few improvements to the formulation of the goals, targets and indicators.



The global financial crisis, whose true extent became apparent in 2008, demonstrated that the state of the macroeconomy can have a direct and immediate impact on the realization of social and economic rights and advancements towards achieving substantive development outcomes. However, the MDGs make no reference to macroeconomic policies. Macroeconomic policies are treated as backstage interventions, setting the stage for achieving the development goals, but the MDGs offered little concrete policy guidance. Yet the standard approaches to macroeconomic policies over the past three decades have often undermined, rather than supported, the realization of rights and desired development outcomes.

The period since the global financial crisis has been marked by retrogression in the realization of social and economic rights for many people in many countries. The failure of key governments to implement adequate regulation of financial markets and institutions during the three decades leading up to the crisis is a failure to meet the human rights obligation of the state to protect rights from the actions of third parties that might threaten those rights. The policies of fiscal austerity that have been implemented in some countries in the wake of the crisis are further compounding the adverse impact of the financial crisis on enjoyment of economic and social rights. The crisis demonstrates that the action, or lack of action, by one country can dramatically affect the realization of rights elsewhere.

More broadly, whether monetary, fiscal, and exchange rate policies are aligned with the most pressing concerns of social justice, human rights and development remains a critical issue. The lack of attention to the design of macroeconomic policies that support realization of human

rights must be addressed in the post-2015 framework.

The new agenda must break away from the sterile donor/recipient framework and it must offer a new understanding of development and partnerships and a clear understanding of the enabling macroeconomic environment required to achieve the new objectives.

Of course, there have been attempts to offer new understandings of development, but they all have weaknesses. A reformulation of development as ‘human development’ has, sadly, lost its cutting edge as it has been increasingly interpreted as merely investment in human capital. A focus on ‘inclusive growth’ has obscured the fact that for many people, especially women, the problem is not exclusion, but inclusion on very unequal terms. ‘Sustainable development’ has morphed into ‘green economy’ without taking on board the need for much more fundamental changes in what is produced, by whom and for whom. Consumerism as a practice and ideology that shapes peoples’ aspirations has not been challenged. The importance of redistributing resources from the global rich (who have the largest carbon footprint) to the global poor (who have a much lower carbon footprint) has not been made central to the ‘sustainability’ agenda.

A new understanding of development needs to be framed in terms of the achievement of social justice, and development partnerships as the cooperation of governments, international agencies, businesses, and civil society organizations to achieve social justice.

Social justice can be articulated in terms of human rights norms. Human rights are not rights of individuals considered in isolation from other human beings. They



are the rights of individuals considered as part of humanity, interconnected in many ways with other human beings, members of society.

Human rights necessarily have a collective as well as an individual dimension. The realization of human rights for each and every individual requires collective action and collective provision; collective action to articulate and claim rights; collective provision through the public sector to ensure that each individual can enjoy their rights (even the well-off need a well functioning justice system). There is a necessary and creative process of tension and collaboration between the individual and the collective in claiming and realizing human rights. We think there is too often a one-sided and false polarization between individuals and collectives. In the post MDG framework, we need to focus more on how collective entities can be harnessed to realize rather than obstruct realization of human rights.

It is important to remind *all* development actors (both state and non-state) that they have human rights obligations, for economic and social as well as for other rights. A post MDG development framework must emphasize that the realization of human rights is not an optional extra, but as something to which every Finance Minister, every Planning Commission, every Minister for Trade, Industry and Agriculture, every Central Bank, must pay attention.

The human rights framework provides a system of peer to peer monitoring of *all* countries through the periodic reporting mechanism, and this should be linked to the monitoring of progress in the post-2015 period.

A human rights perspective provides a much richer understanding of what needs to be done. For instance, the realization

of the right to food requires not just the ending of malnutrition, which is considered in terms of inadequate calorie consumption (as suggested by MDG indicators: prevalence of underweight children under 5 years of age, and proportion of population below minimum level of dietary energy consumption). It also requires the realization of affordable healthy diets (which requires attention to overweight as well as underweight children, and consumption of vitamins as well as calories). Investigations of the right to food have directed attention to the whole system of production, distribution and consumption of food, the distribution of power and risk within this system; and the economic drivers of unhealthy diets. They have shown the inadequacy of attempts at ‘quick fixes’ through distribution of aid-financed ‘nutritional supplements’, produced by big food corporations. It has become clear that policy to realize the right to food requires an understanding of agricultural policies, women’s access to land, the impact of trade agreements and the role of agri-business in defining access to food.

Although businesses should be included in the post-2015 agenda, there must not be an uncritical embrace of the private sector as the key driver of development. Much of the private sector, left to itself, is likely to increase inequality, precarious work, tax avoidance and evasion, systemic financial risk, environmental degradation and failure to realize human rights. Its primary goal, after all, is to make profits. Business has to be well-regulated, including through civil society scrutiny and international cooperation. And any tendency to characterize such regulation as ‘red tape’ that necessarily obstructs growth must be resisted. More attention should be focused on non-profit parts of the private sector such as cooperatives and mutuals. The human rights obligation to protect



against third party violations means that states must ensure adequate regulation of business.

The governance problems of the global economy must be addressed, in particular the regulation of financial businesses, and the governance of the International Monetary Fund (IMF) and World Bank. In the immediate aftermath of the global financial crisis in 2008, there was a partially successful attempt through the G20 for a coordinated policy response, that prevented a global downturn becoming a global depression. However this coordinated response was not maintained and no substantial reforms in the regulation of financial businesses were carried out. Unless these governance issues are resolved, the post-2015 development framework will be continually at risk. Extraterritorial obligations need to be considered and put front and center of a new global economic architecture.

Gender issues in the post-2015 development framework

Within a human rights oriented post-2015 development framework, gender issues should be addressed in terms of the realization women's rights (as spelt out in all the human rights treaties, economic, social and cultural, as well as civil and political); and gender equality should be addressed in relation to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The MDGs did not have as a goal 'the realization of women's rights', instead Goal 3 was 'promote gender equality and women's empowerment' and the indicators were:

- Ratio of girls to boys in primary, secondary and tertiary education;
- Share of women in wage employment in the non-

agricultural sector; and

- Proportion of seats held by women in national parliament.

This was weak in the following ways:

- Gender equality could be understood in terms of numerical parity, as in education, or labour market participation;
- Gender equality could be understood in purely formal terms, as absence of laws explicitly discriminating against women;
- Gender equality could be understood as pertaining only to the 'public sphere' - the school, the economy, the state- and not to the 'private sphere' - the household and the community. Among other things, this could lead to neglect of policy to eliminate gender-based violence against women;
- Gender equality could be understood as requiring identical treatment, with no scope for 'temporary special measures' to address a history of disadvantage;
- Women's empowerment could be understood in terms of earning an income, irrespective of the conditions under which the income was earned, and irrespective of whether women were able to control the use of their income;
- Women's empowerment could be understood in terms of an increase in women's share of positions in parliament, irrespective of how circumscribed the power of the parliament was and whether women parliamentarians actually promoted women's rights; and
- There was no encouragement to examine the intersection between gender and other forms of disadvantage such as race, class, ethnicity and sexuality.



The MDG Task Force on Goal 3 raised many of these issues, however without a focus on women's rights in the MDGs was unable to offset these weaknesses.

If the post-2015 framework continues to have goals, targets and indicators, it is essential the gender goal is reformulated. If the same formulation is continued, there is every likelihood that 'gender equality' will simply be subsumed into a more general goal of 'reduce inequality', with a focus on economic inequality between households, with the danger women get submerged in the households in which they live and are not recognized as autonomous beings.

If there is to be another set of internationally agreed goals, the gender goal should be 'realize women's rights, including economic, social and cultural, as well as civil and political rights.'

In spelling out what this means, reference should be made to the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Racial Discrimination (CERD), CEDAW and International Labour Organization (ILO) Conventions as they provide principles for setting benchmarks for assessing the extent to which people are deprived of their rights, and benchmarks for assessing the extent to which policy has been conducted in ways to realize rights. On the basis of these principles, we have developed ways of assessing the extent to which governments comply with obligations and the extent to which policies result in realization of human rights, using methods and data that can be used by civil society groups, as well as international agencies and governments (see Resources).

In understanding the extent to which women enjoy rights on an equal basis with men, reference should be made to CEDAW and the General Recommendations of the CEDAW Committee. It is clear that there must be substantive, not merely formal, equality in enjoyment of all the rights specified in other treaties; and that differential treatment can be justified if it is in redress of past disadvantage. It is worth stressing that CEDAW refers to economic and social as well as other rights. CEDAW also provides principles by which public policies can be judged (see Resources for an example relating to fiscal policy).

Other than the human rights conventions and covenants set out above, the commitments made in the Vienna Declaration and Programme of Action, the International Conference on Population and Development (ICPD) Programme for Action, the Copenhagen Declaration and Beijing Platform for Action need to be reaffirmed and built upon. This would mean addressing violence against women, and reproductive and sexual health and rights, as well as women's economic and social rights.

Indicators

Framing post-2015 development in terms of social justice, human rights and women's rights, provides a much richer interpretative context for the choice and use of quantitative indicators. Such indicators can never fully capture the rich complexity of development goals, but they can provide useful accountability tools provided they are not treated as detached, stand-alone targets, but rather as indicators of conduct of policy processes and extents of deprivation/realization of rights. Challenges in realizing women's rights persist all over the world, but they are different in different places, and different women may have different priorities about



what is most urgent. We think that *all* countries should be subject to monitoring in the post-2015 development framework, but there needs to be discussion about how far one set of global indicators makes sense, especially given the variable availability of relevant statistical data. One possibility is for indicators to be determined on a regional and subregional basis, so that countries are benchmarked against similar countries with indicators that are relevant to their circumstances.

Resources

Auditing Economic Policy in the Light of Obligations on Economic and Social Rights (Balakrishnan and Elson) <http://cwgl.rutgers.edu/resources/publications/economic-a-social-rights/386-auditing-economic-policy-in-the-light-of-obligations-on-economic-and-social-rights>

Economic Policy and Human Rights: Holding Governments to Account (eds. Balakrishnan and Elson) <http://zedbooks.co.uk/paperback/economic-policy-and-human-rights>

Maximum Available Resources & Human Rights (Balakrishnan, Elson, Heintz, and Lusiani) <http://www.cwgl.rutgers.edu/globalcenter/publications/marreport.pdf>

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Center for Women's Global Leadership
School of Arts and Sciences
Rutgers, The State University of New Jersey
160 Ryders Lane
New Brunswick, NJ 08901-8555 USA
Tel: 1-848-932-8782
Fax: 1-732-932-1180
Email: cwgl@rci.rutgers.edu
Web: <http://www.cwgl.rutgers.edu>