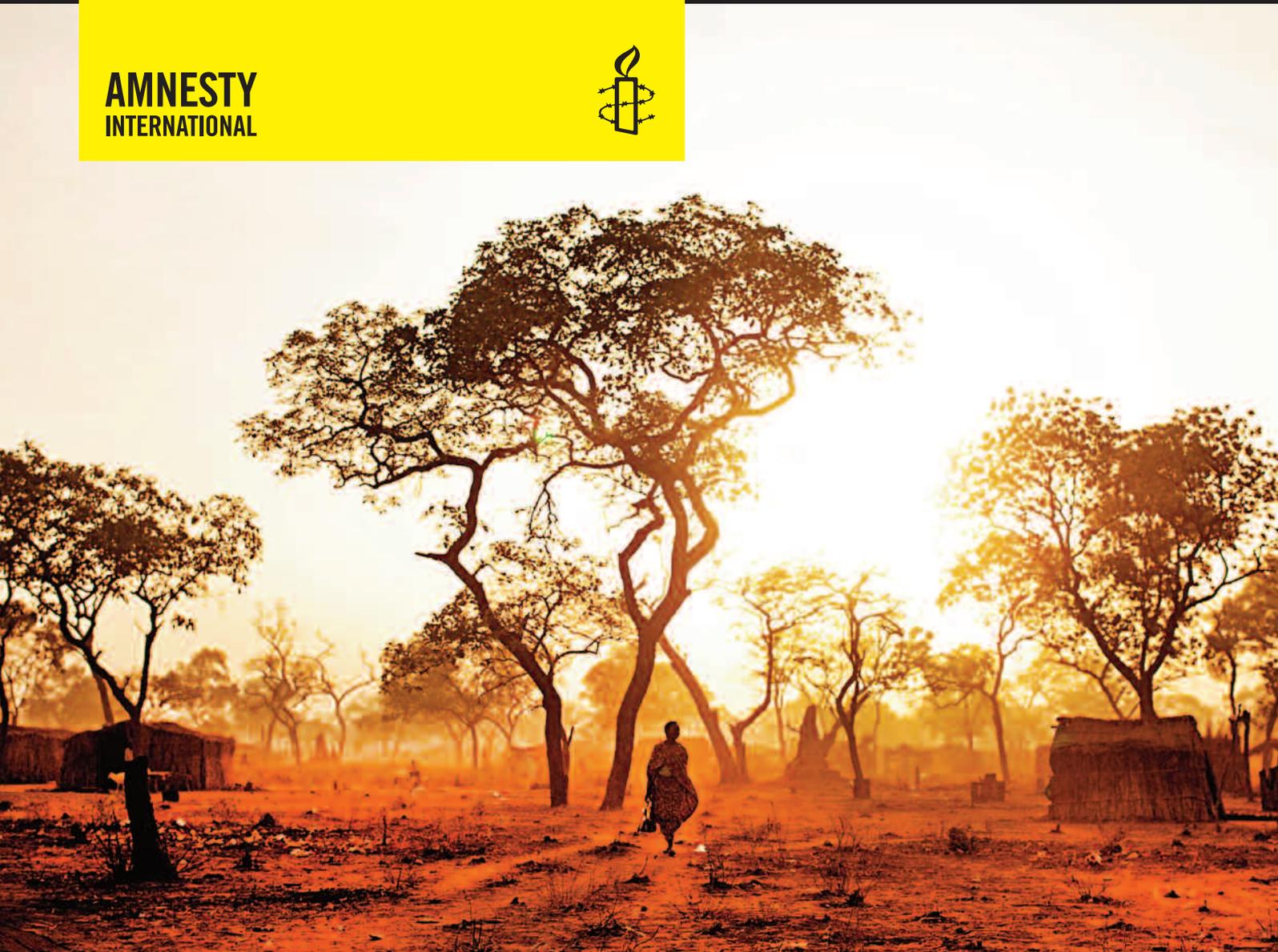


POLICY BRIEFING POST-2015 FRAMEWORK

DELIVERING A JUST FUTURE FOR ALL

WHY HUMAN RIGHTS MATTER TO
SUSTAINABLE DEVELOPMENT

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

AMNESTY
INTERNATIONAL



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Cover photo: A refugee from the Nuba Mountains wanders through the Yida refugee camp at dawn, South Sudan, April 2012. People in the camp try to accomplish tasks early in the day before the heat sets in.

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EXECUTIVE SUMMARY

There is widespread international agreement that human rights are **central to effective economic and social development for all, ensuring that nobody and no country is left behind.**

In the Rio+20 Outcome document “The Future We Want”, states reaffirmed “the importance of freedom, peace and security, [and] respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality and women’s empowerment and the overall commitment to just and democratic societies for development.” This builds on previous affirmations by states of the importance of human rights for development. In the Declaration on the Right to Development, states affirmed the entitlement of “every human person and all peoples to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be realized.”¹ In the 2010 Millennium Development Goals (MDG) summit outcome the UN General Assembly affirmed that “our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential for achieving the Millennium Development Goals.”²

In national and global consultations, people around the world have consistently demanded that the post-2015 framework be built on human rights and the universal values of equality, justice and security.³

Success in sustainable economic and social development is inextricably linked to human rights and the two must go hand in hand. It is imperative that human rights standards and principles are embedded in the Post 2015 framework to ensure that we meet the current challenges of addressing global inequality and sustainable development and do not repeat the shortcomings of the MDGs.⁴ In recent years a considerable body of work has demonstrated that rights-based targets and indicators can be developed and are measurable. In addition, there is a growing body of evidence to demonstrate how human rights can bring added value and a positive impact to states’ ability to deliver better socio-economic outcomes.

Amnesty International’s three key calls and targets for the post-2015 framework are:

1. All goals, targets and indicators in the post-2015 framework must be consistent with human rights standards and must not fall below states’ legally binding human rights obligations.
2. Accountability must be embedded by the inclusion of robust human rights targets and indicators on access to justice, the right to information and ensuring that implementing laws and policies, at both the national and international levels, is consistent with human rights standards.
 - Target 1: All persons have access to affordable and effective mechanisms able to ensure the realisation of civil, cultural, economic, political and social rights related to the post 2015 development goals.

- Target 2: Ensure everyone is guaranteed access to information relevant to the post 2015 development goals.
 - Target 3: Ensure that laws and policies for the implementation of post 2015 development goals are consistent with human rights standards.
3. There must be a stand-alone transformative goal on gender equality and the human rights and empowerment of women and girls, which should include robust human rights targets and indicators, along with the mainstreaming of gender across all other goals and targets.
- Target 1: Prevent and respond to all forms of gender-based violence, especially against women and girls.
 - Target 2: Guarantee sexual and reproductive health and rights for all.
 - Target 3: Significantly increase the representation of women in public life.

SECTION 1: WHY MUST THE POST-2015 FRAMEWORK BE CONSISTENT WITH AND FOUNDED ON HUMAN RIGHTS STANDARDS?

AMNESTY INTERNATIONAL'S THREE KEY CALLS FOR THE POST-2015 FRAMEWORK:

1. All goals, targets and indicators in the post-2015 framework must be consistent with human rights standards and must not fall below states' legally binding human rights obligations.
2. Accountability must be embedded by the inclusion of robust human rights targets and indicators on access to justice, the right to information and by ensuring the implementation of laws and policies, at both the national and international levels, that are consistent with human rights standards.
3. There must be a stand-alone transformative goal on gender equality and the human rights and empowerment of women and girls, which should include robust human rights targets and indicators, along with the mainstreaming of gender across all other goals and targets.

There is widespread international agreement that human rights are **central to effective and sustainable economic and social development for all, ensuring that nobody and no country is left behind.**

The equal and universal status of all human rights – civil, cultural, economic, political and social – and their mutually reinforcing and interdependent nature was reaffirmed at the Vienna World Conference on Human Rights in 1993 and at the Millennium Summit in 2000. In the Rio+20 Outcome document: “The Future We Want,” states reaffirmed “the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality and women’s empowerment and the overall commitment to just and democratic societies for development.” At the 2010 Millennium Development Goals (MDG) summit, the UN General Assembly affirmed that “our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential for achieving the Millennium Development Goals.”⁵ And recently, at the 2013 Special Event on the MDGs, states agreed that the post-2015 framework should promote human rights for all.⁶ In national and global consultations, people around the world have demanded that the post-2015 framework be built on human rights and universal values

of equality, justice and security.⁷ **Success in economic and social development is inextricably linked to human rights and the two must go hand in hand.** The pursuit of human rights cannot be delayed until after economic development is achieved. On the contrary: implementing human rights – such as with regard to rights to health, education, adequate housing, an adequate standard of living and to access to justice – contributes to people's empowerment and thereby to sustainable development.

It is imperative that human rights standards and principles are embedded in the post-2015 framework to ensure we do not repeat the shortcomings of the MDGs, and that we meet the current challenges to addressing global inequality and sustainable development.⁸ Moreover, it cannot be maintained that progress on meeting human rights objectives is not capable of assessment – in recent years a considerable body of work has demonstrated that rights targets and indicators can be developed and are measurable⁹. In addition, there is growing body of evidence to demonstrate how human rights can bring added value and a positive impact to states' ability to deliver better socio-economic outcomes.

CONCRETE EVIDENCE OF HUMAN RIGHTS IMPACT

Recent evidence illustrates the positive impact that human rights can have on the lives of women and children with respect to improved health care outcomes. The World Health Organisation (WHO) report: 'Evidence of impact of human rights-based approach in countries: Nepal, Brazil, Malawi and Italy' demonstrates that a human rights-based approach contributes to health improvements for women and children. It shows that the constitutional and international right to health can be translated into improved health services and health status through laws, policies and programmes that are explicitly shaped by health rights principles, such as accessibility, quality, participation and accountability. Applying human rights to women's and children's health policies and other interventions not only helps governments comply with their binding national and international obligations but also contributes to improving the delivery of health care and treatment of women and children.

The report also suggested that policies and programmes for women's and children's health that are shaped by human rights are more likely to flourish if the broader policy context is also explicitly supportive of human rights.¹⁰

FULFILLING A GLOBAL PARTNERSHIP

It has been recognized that delivery of MDG 8 (a global partnership for development) was particularly weak, as it failed to offer any significant basis to hold richer countries and donor organizations to account for contributing to poverty reduction in low income countries.¹¹ **International co-operation, including technical and financial assistance, has a critical role to play in supporting countries to tackle poverty and achieve sustainable development, and states are legally bound by their human rights obligations and commitments beyond their own borders.**¹² The role of international co-operation and assistance in achieving universal respect for human rights is provided for in several treaties and agreements, including the UN Charter, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the 2011 Busan Partnership for Effective Development Co-Operation and the 2008 Accra Agenda for Action. Under the ICESCR, which binds 161 countries, each state has undertaken "to take steps individually and through international assistance and co-operation, especially economic and technical. To the maximum of its available resources, with a view to achieving progressively

the full realization of the rights recognized in the present Covenant by all appropriate means”.¹³ The Accra Agenda for Action affirmed that donors as well as developing countries must ensure that development policies and programmes are consistent with their agreed international commitments on gender equality and human rights.¹⁴ The Busan Declaration established the first agreed framework for development co-operation that embraces donors, South-South co-operators, the BRICS, civil society organizations and private funders.¹⁵

States are required under international law to ensure that they respect, directly or indirectly, the human rights of people in other countries.¹⁶ A significant example of how the UN General Assembly has drawn on these obligations is in respect of the right to food. It has stressed that “all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries”¹⁷ and it has affirmed the statement by the UN Committee on Economic, Social and Cultural Rights that the right to adequate food requires “the adoption of appropriate environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of human rights for all”.¹⁸ Important to note that states also have the duty to implement positive obligations beyond their borders (see below).

Human rights law implicitly provides for common but differentiated responsibilities (CBDR) amongst states. Responsibilities are differentiated in that states in a position to do so are required to provide international assistance where required for the realization of human rights.¹⁹ Nevertheless, lack of sufficient international assistance does not excuse any state from complying with its human rights obligations, and in the case of economic, social and cultural rights, from realizing these rights to the maximum of available resources, including by prioritizing achieving minimum essential levels of each of these rights for everybody without discrimination and ensuring sufficient protection for the most disadvantaged and marginalized groups.²⁰ Therefore, whilst the principle of CBDR was developed in the context of “protect[ing] and restore[ing] the health and integrity of the Earth's ecosystem,”²¹ a case can be made drawing on human rights law for extending its application to social and economic development, provided that no state is excused from its human rights obligations.

The close relationship between development and human rights is exemplified by the complementarity between the General Assembly Declaration on the Right to Development and the ICESCR.²² The right to development establishes an entitlement for “every human person and all peoples to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be realized.”²³ The ICESCR and other human rights treaties provide a legally binding basis for most of the prescriptions in the Declaration on the Right to Development, which includes requirements that states act individually and collectively to: eliminate obstacles to development; create international conditions favourable to the realization of the right to development; formulate development policies oriented to the fulfilment of this right; and promote, encourage and strengthen universal respect for and observance of all human rights.²⁴

These above commitments should be reflected in the post-2015 framework. There should be adequate safeguards, monitoring and accountability mechanisms to ensure that development assistance complies with human rights standards. It is essential to ensure policy coherence between human rights law and policies which might infringe on the enjoyment of human rights

in other countries. The post-2015 framework should focus international co-operation on the realization of human rights, particularly for the most disadvantaged and marginalized groups.

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.²⁵ States' obligations under international human rights law were not adequately reflected and in some cases the goals may have inadvertently caused rights violations and retrogression. For example, MDG target 7D to achieve “a significant improvement in the lives of at least 100 million slum dwellers” measured through the indicator of proportion of urban population living in slums risked subjecting slum dwellers to forced evictions, as a result of slum clearance compounded by the omission of the right to adequate housing, which includes protection from forced evictions.²⁶ If human rights are not integrated, the post-2015 framework could increase inequalities as states strive to show cumulative gains. The neglect of human rights could lead to an inability to hold states to account for how the goals are being achieved both in terms of process and outcomes. Human rights provide a universal, consistent normative framework for assessing meaningful implementation, including key components such as accessibility, availability and acceptability including cultural acceptability, quality and affordability.²⁷

THE TUNISIA TEST: MEASURING PROGRESS BEYOND JUST ECONOMIC GROWTH

The uprising in Tunisia provides one clear example of a weakness within the original MDG framework: despite rapid MDG progress, there was a complete failure to predict widespread popular discontent due to rising inequality and a failure to respect human rights in the country.

As the Office of the United Nations High Commissioner for Human Rights recently noted, “some of the most celebrated ‘Millennium Development Goal success stories’ since 2000 are now sites of mass protest decrying widespread deprivation, repression and inequalities masked by the narrow models of economic approaches that have characterized development approaches in the pre-2015 period. Their message is clear: economic growth on its own is not an adequate measure of development. Rather, equality matters, the environment matters and human rights matter. The real test, to a growing global population demanding a life of dignity, is the degree to which they are able to enjoy freedom from fear and want, without discrimination.”²⁸

Amnesty International supports the proposal that a “Tunisia test”²⁹ be applied to the new post-2015 framework, meaning that goals and indicators should not foster the appearance of development success in societies where the reality is large-scale deficits in personal security, justice and rights.³⁰ In these circumstances, including access to justice and remedy in the post-2015 framework is a vital necessity.³¹

SECTION 2: WHY MUST HUMAN RIGHTS ACCOUNTABILITY BE EMBEDDED IN THE POST 2015 FRAMEWORK, HOW CAN THIS BE DELIVERED AND WHAT ARE THE BENEFITS OF DOING THIS?

WHY MUST HUMAN RIGHTS ACCOUNTABILITY BE EMBEDDED IN THE POST-2015 FRAMEWORK?

States have affirmed the importance of promoting human rights, good governance, the rule of law, transparency and accountability through development goals.³² To a degree this has been reflected in the May 2014 Focus Areas report of the Open Working Group on Sustainable Development Goals (OWG on SDGs) under the headings: Means of implementation/global partnership for sustainable development; and Peaceful and inclusive societies, rule of law and capable institutions.³³ In light of recent protests around the world at the rising levels of inequality and corruption it is clear that free expression, association, assembly, civic participation and social accountability are important for sustainable development.

There is a recognition that the means of implementation of the post-2015 framework, whether through trade, technology transfer, financing and debt sustainability or capacity building (Focus Area 15 of the May 2014 Focus Areas report), must be based on a shared accountability framework promoting effective global partnerships. If such a framework is based on a clear commitment to the human rights obligations outlined above, in order to ensure that those operating beyond national borders and non-state actors such as corporations respect human rights, then it is likely to be far more effective in ensuring effective implementation of the post-2015 framework.

WHAT DOES AMNESTY INTERNATIONAL MEAN BY ACCOUNTABILITY?

1. States' commitments throughout the post-2015 framework should be in line with their human rights obligations;
2. Effective monitoring and evaluation mechanisms should be put in place to measure the implementation of states' human rights commitments made under the post-2015 framework; and
3. There should be provisions for legal enforcement mechanisms, access to justice and remedies for individuals in the event that their rights related to the post-2015 framework are violated.

HOW CAN STATES EMBED HUMAN RIGHTS ACCOUNTABILITY IN THE POST 2015 FRAMEWORK?

Under Focus Areas dealing with the means of implementation/global partnership for sustainable development and with peaceful and inclusive societies, rule of law and capable institutions (Focus Areas 15 and 16 of the Focus Areas report of May 2014)³⁴, Amnesty International recommends that member states include the targets and proposed correlating indicators (for each target) set out below. The list is not intended to be exhaustive but is based on the following criteria: potential impact on rights enjoyment and sustainable development outcomes; specific, measurable, achievable, realistic and time bound (SMART) indicators; and potential data sources. All of these proposed targets and indicators are measurable and draw on either existing data sources or those which can be readily collected (see Annex for details).

Target 1: All persons have access to affordable and effective mechanisms able to ensure the realisation of civil, cultural, economic, political and social rights related to the post 2015 development goals.

Target 2: Ensure everyone guaranteed access to information relevant to the post 2015 development goals.

Target 3: Ensure that laws and policies for the implementation of post 2015 development goals are consistent with human rights standards.

TARGET 1: ALL PERSONS HAVE ACCESS TO AFFORDABLE AND EFFECTIVE MECHANISMS ABLE TO PROVIDE JUSTICE FOR THE CIVIL, CULTURAL, ECONOMIC, POLITICAL AND SOCIAL RIGHTS RELATED TO THE POST 2015 DEVELOPMENT GOALS

Why is this target necessary?: One of the most important means of achieving accountability is by establishing or strengthening independent, impartial, accessible and affordable

mechanisms that are able to provide effective remedies for all those who suffer civil, political, economic, social and cultural rights violations related to the post 2015 development goals. In the Rio+20 Outcome document “The Future We Want”, states reaffirmed that access to judicial and administrative proceedings are essential to the promotion of sustainable development.³⁵

When human rights violations occur, international law requires that victims receive effective remedies, which should include reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition for any violations committed against them; which includes an obligation by the state to conduct a thorough, prompt, independent and impartial investigation and where appropriate, to prosecute and punish perpetrators. The right to an effective remedy has been guaranteed or recognized in all of the core international and key regional human rights treaties.³⁶ Currently, access to independent and responsive justice systems is included in Focus Area 16(b) of the Focus Areas report of May 2014;³⁷ however, Amnesty International recommends that Focus Area 16 be further strengthened to include the right to remedy, which encompasses equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.³⁸ Under international law, access to justice must be affordable and immediate; states should not use the post-2015 framework to deny legal redress for victims of human rights violations when they continue to be under an immediate obligation to deliver justice. Reparations should be used to address underlying systemic problems, such as structural discrimination and marginalization.³⁹ In order for a remedy to be effective, a victim must have practical and meaningful access to a procedure that is capable of ending and repairing the effects of the violation.⁴⁰ Importantly, **securing justice and redress is not only a way of addressing the past, but also an essential tool to prevent violations in the future**, both for the individuals directly affected and in order to protect the rights of society as a whole.⁴¹ Thus, remedies should also be used to address underlying systemic problems, such as structural discrimination and marginalization.⁴²

For indicators 1.1-1.6, data should be disaggregated on the basis of gender and any other social and economic status that may be a basis for discrimination in each country, for example age, ethnicity or residence in an informal settlement.

Note: proposed indicators are illustrative and not intended to be exhaustive

- **Proposed indicator (Annex 1.1): Proportion of people whose human rights related to the post-2015 goals are protected under the national law and have access to an available effective remedy.**

This indicator aims to assess the availability of independent judicial or administrative mechanisms that have the power to provide a remedy in an instance of non-compliance with human rights standards that are relevant to the development goals.

The indicator aims to capture both substantive protection of human rights under the constitution or national legislation, as well as the ability in practice to obtain a remedy from an adjudicative body. Thus, if a particular group’s human rights are not protected in national law,⁴³ that group will not be reflected in progress towards the target. For example, if the law does not protect women’s equal rights to men in the context of the post-2015 goals, the estimated population of women would not be counted amongst those for whom the target has

been achieved.⁴⁴

Compliance with this target is not limited to where rights are specifically included in the constitution. It could also be met if the substance of a right is reflected in national legislation, for example, if national legislation regulating the health sector sets out an entitlement to subsidized access for those who could not otherwise afford such services, and anyone denied these rights could obtain a remedy from an administrative or judicial mechanism.

We propose that an indicator measuring the proportion of people whose human rights related to the post-2015 goals are protected under the national law is included. This could then assess whether judicial or administrative mechanisms have the power to provide remedy in an instance of non-compliance with human rights standards that are relevant to the development goals. It would measure whether the human rights standards in question (for example: to take steps to progressively realize the right to maternal health services) are enforceable under national law. This may occur in a number of ways, including where: the justice system routinely draws upon international treaties when applying national law and is prepared to hand down appropriate remedies; the relevant human rights are enacted in a constitution; or national legislation exists to give effect to the right in question.

In order to ensure access to remedies for all violations, gaps in the law relating to the enforceability of economic, social and cultural rights should be addressed. Although not reflected in the proposed target, states should ratify and enact in domestic law international instruments that contribute to monitoring consistency between development and human rights (for example the complaints mechanisms under the Optional Protocols to the ICESCR and to the Convention on the Elimination of all Forms of Discrimination against Women).

Proposed indicator (Annex 1.2): Proportion of people who have physical access to a relevant national mechanism.

Reflecting the fact that many people (especially those who are marginalized and living in poverty) cannot physically access the justice system and/or are unaware of how to do so, this indicator encompasses and measures the following elements:

- People living in both rural and urban areas who are within a day's journey of that institution on public transport or people whom the institution can communicate with by telephone or letter, carrying out visits when required.
- People who are likely to be aware of that institution's functions, measured by: periodic public surveys representative of different socio-economic groups; reference in a single year at least once to the work of that mechanism in the most widely followed newspaper, radio station or television station used by that linguistic group in the country. This could include a news or feature item or a public advertisement by that body explaining its services.
- Availability of remedy to people from all groups, without barriers on the basis of any prohibited discriminatory ground, for example, gender or citizenship status.

Proposed indicator (Annex 1.3): Proportion of people for whom a national mechanism is affordable.

Affordability is a key human rights principle. Unless access to justice is affordable it will be ineffective. The Commission on Legal Empowerment of the Poor has emphasized that access to justice rests in great part on reasonable access to legal services. They proposed that one way of achieving this is by designing efficient and targeted legal aid systems.⁴⁵

This indicator encompasses and measures the following elements:

- Proportion of people whose circumstances would qualify them for legal aid should they need it to protect their rights relevant to the goals (this applies in regard to issues that are not dealt with by small claims courts).
- Proportion of people likely to be able to afford legal representation (for example those in the upper two quintiles of income distribution) and how this is reflected in the cases being brought.
- The numbers of people in the lower two quintiles of income distribution who are dissuaded by cost from bringing cases.
- Proportion of people whose rights could be addressed by an independent mechanism that either carries out its own investigations or represents the interests of affected persons/the public interest before other institutions.

Proposed indicator (Annex 1.4): Proportion of people who have a recognized form of legal identity, for example birth certificate.

Lack of legal identity is a major barrier to access to justice. 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. Whilst birth registration is provided for in the Universal Declaration of Human Rights and the Convention on the Rights of the Child,⁴⁶ it is estimated that more than seven in 10 children in the world's least-developed countries do not have birth certificates or other registration documents.⁴⁷ The Commission on Legal Empowerment of the Poor⁴⁸ found that as well as limiting access to justice, this prevents children accessing education and health care, leaves them more vulnerable to child labour and human trafficking and may prevent their families from participating outside of their communities and taking advantage of anti-poverty programmes.⁴⁹ For these reasons we propose an indicator to measure the proportion of people who have legal identity, disaggregated by status and income distribution.

TARGET 2: ENSURE EVERYONE GUARANTEED ACCESS TO INFORMATION RELEVANT TO THE POST 2015 DEVELOPMENT GOALS

Why this target is necessary: This target aims to ensure that governments guarantee the right to access information held by public authorities. Giving effect to this right would strengthen people's ability to participate in decision-making that affects their lives. Access to information

improves transparency and openness, which in turn encourages accountability, good governance and participation. States must ensure that people living in poverty are able to participate meaningfully in post-2015 planning, implementation and monitoring. The right to information would also contribute to ensuring that resources are well managed, opportunities for corruption are reduced and people can monitor government fiscal policies including the budgetary process, as the High-Level Panel recognized in its call for a data revolution and its proposed target to “guarantee the public’s right to information and access to government data.”⁵⁰ As well as being guaranteed in many national constitutions and statutes, the right to information has been recognized in international law.⁵¹ Access to information has long been recognized as central to development, as demonstrated by its inclusion in Principle 10 of the 1992 Rio Declaration. More recently, in the Rio+20 Outcome document “The Future We Want,” states reaffirmed that broad public participation and access to information are essential to the promotion of sustainable development.⁵²

This target also aims to ensure access to corporate information and to strengthen transparency and accountability within this sector. Information is power, and the already stark imbalances that exist between multinational corporations and people living in poverty are exacerbated by the control that companies exercise over information. Companies should not be able to hide behind the cloak of corporate confidentiality and withhold information about their activities that harm the wider public interest, including activities that impact on human rights and the environment. Ensuring people have access to information is key to enabling people to claim and defend their rights. Information helps to level the playing field, and it must be accessible to people by right. Mandatory disclosure requirements on companies – and on the parent company in respect of global operations – will aid this. It is also a vital element of the state’s duty to protect human rights.⁵³ Mandatory disclosure of information would also act as a powerful tool to prevent other corporate abuses and corruption.

Proposed indicator (Annex 1.5): Proportion of people with a legal entitlement to information held by public bodies provided within 30 days without arbitrary barriers

Governments should provide a legal right to access information, exercisable by all individuals and organizations. This is doable: nearly 100 countries have already enacted laws providing a right of access to information.⁵⁴ The right to information should specify that the information be provided in a timely manner, namely 30 days, without arbitrary or discriminatory barriers. Justified exceptions should be limited and strictly applied. It should also be provided without user fees or with minimal user fees, to ensure access is affordable. The target should also measure whether requests for information are accepted, including requests from different sectors of the population, particularly those who face discrimination, and, where requests are refused, the reasons for refusal. As a minimum, countries should “adopt and implement a framework right to information law which sets out minimum standards on the right of everyone to demand information, the duty of bodies to collect, store and provide information in useable formats and without restrictions and provides for a set of specific limited exemptions, appeals mechanisms, oversight, and sanctions.”⁵⁵ The information (resource permitting) should also be in a language that the individual understands.

Proposed indicator (Annex 1.6): Proportion of people who apply to access information, and whose requests are accepted

It is important to measure requests for information and in particular the proportion of requests that are accepted or refused. A low level of requests may be indicative of a lack of publicity regarding the entitlement to access information, or a perception that requests may lead to routine refusal or even retaliation, for example, against human rights defenders. The UN Human Rights Committee has stated that authorities should provide reasons for any refusal to provide access to information and arrangements should be put in place for appeals following refusals, as well as in cases of failure to respond to requests.⁵⁶

Proposed indicator (Annex 1.7): Existence of laws requiring companies to disclose information, policies and processes relating to the human rights impacts of their operations, including those caused by their subsidiaries, as they relate to the post-2015 framework.

Although parent companies already publish some data on the social and environmental impacts of their global operations, this voluntary reporting is selective and aggregated information is not useful to affected individuals. Such reports rarely include information on harmful impacts.

The law must require parent or controlling companies to ensure the generation and publication of data in relation to their subsidiaries. This is particularly important in the context of multinational industries known to carry serious human rights risks, such as extractives, chemical processing and medical testing. The information should include data relating to the company's impact on the environment, public health and other matters of public interest. It should, for example, include the findings of accident investigations, information on waste disposal systems and pollution monitoring. It should also include – as far as possible – access to source data and not just the outcome of analysis, in order to enable independent scrutiny. Companies that work with toxic or hazardous substances should be placed under more stringent disclosure rules.⁵⁷

Laws and mechanisms established to ensure access to this information should include robust accessibility clauses, including by providing interested parties, in particular those affected, with legal standing to request it, and refusals should be subject to review. Legitimate defences and grounds for refusal should exist to protect competing interests, but exceptions should be kept to a minimum. Decisions not to disclose information should be strictly justified on limited grounds, such as the legitimate need to protect confidential information.

Requiring disclosure of specific information is both legally and practically possible, and models already exist. In 2011 the UN Special Representative on business and human rights, John Ruggie, provided a number of examples of states that require mandatory disclosure of companies' social or environmental impacts, following a study of the links between corporate law and human rights.⁵⁸

TARGET 3: ENSURE THAT LAWS AND POLICIES FOR THE IMPLEMENTATION OF POST 2015 DEVELOPMENT GOALS ARE CONSISTENT WITH HUMAN RIGHTS STANDARDS

Why this target is necessary: Human rights standards should be drawn upon in the implementation of the post-2015 framework as well as in its formulation. 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”.⁵⁹ And, in the context of aid effectiveness, 136 states accepted the Accra Agenda for Action, which stated that “developing countries and donors will ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability”.⁶⁰ This target would ensure that national efforts to achieve the new development goals live up to the human rights standards to which states have already bound themselves, and do not breach those standards. It would strengthen oversight of governments’ development policies, including in respect of budgets, and encourage openness and participation. It could serve to improve policy coherence by ensuring that development policies, including development assistance policies, do not conflict with a government’s human rights obligations. States must not ignore the extraterritorial effects of their policies. The adoption of adequate safeguards, monitoring and accountability mechanisms should ensure that international assistance complies with human rights standards.

Proposed indicator (Annex 1.8): Proportion of national laws and policies relevant to post-2015 goals that have been reviewed nationally for consistency with international human rights standards, through a transparent and participatory process, including a transformative gender assessment⁶¹, and where necessary revised.

This indicator would establish a process for states to consider the full range of human rights standards to which they have bound themselves as they implement the development goals. This applies to all states, including developing countries and also donor countries in their development assistance policies. It would require a national review of laws and policies relevant to post-2015 goals for consistency with international human rights standards,⁶² through a robust, impartial, independent, transparent and participatory process, including a transformative gender assessment. National reviews might be performed by parliament or by a national human rights institution. This would encourage national-level actors involved in development to vet their country’s policies and laws, and thereby engage with professionals within their government with expertise in human rights, as well as with civil society. Such a process would facilitate integration between commitments to social progress, as reflected in human rights standards, with economic development and environmental protection. Public participation should strengthen the process by ensuring that the human rights of all relevant groups are taken into account. Whether states are complying could be assessed on the basis of reporting by states and the views of international human rights treaty bodies in the course of the periodic reporting process, the latter being invited to indicate situations in which relevant laws and policies have not been revised where necessary. This also includes reporting to the Human Rights Council as part of the Universal Periodic Review (UPR) process.

Proposed indicator (Annex 1.9): Proportion of each intergovernmental organization's policies relevant to post-2015 goals that have been reviewed for consistency with international human rights standards, through a transparent and participatory process, including a transformative gender assessment, and where necessary revised.

Relevant intergovernmental organizations should also undertake the same review exercise including international financial institutions (IFIs), UN specialized agencies with a development mandate and sustainable development institutions. It is important that intergovernmental organizations have in place monitoring and accountability mechanisms to assess the implications of their policies and programmes on human rights. Such assessments should be conducted through a robust, impartial, independent, transparent and participatory process, including a transformative gender assessment.

Research by Amnesty International and others has demonstrated that IFIs' activities can have a negative impact on human rights, for example: forced evictions, dispossession of Indigenous Peoples and reduced access to water and food. Concerns relate not only to the use of funding provided by IFIs but also policy advice and conditions accompanying their support which may lead to human rights abuses. International organizations, including IFIs, should put in place strong human rights due diligence and human rights impact assessment processes to guarantee that the risks to human rights in all activities they support are correctly identified, prevented or addressed. They should revise their policies to be in line with and explicitly refer to human rights standards, strengthen existing IFI accountability mechanisms and act effectively on the recommendations of these mechanisms. This should be reflected in Focus Area dealing with the means of implementation/global partnership for sustainable development of the Open Working Group document.

WHAT ARE THE CURRENT MECHANISMS AND PROCESSES AVAILABLE FOR MEMBER STATES TO IMPLEMENT ACCOUNTABILITY?

In delivering accountability within the post-2015 framework, states will not be starting from a blank canvas; a range of specialist **human rights reporting mechanisms already exist**. States could systematically integrate reporting on national implementation of the post-2015 goals in reports to the UPR of the Human Rights Council and to international and regional human rights treaty monitoring bodies. Additionally or alternatively, any post 2015 monitoring body that is established could use evidence from the UPR and treaty bodies in their assessments. While different options are available and should be explored, it is important that there is as much alignment as possible between existing human rights reporting and that under the post-2015 goals to ensure effective co-ordination and avoidance of duplication or potential overloading of human rights bodies.

Parliamentary bodies, such as dedicated thematic committees, also have a crucial role in ensuring implementation, monitoring and compliance with human rights commitments. These responsibilities include reviewing and assessing national laws and policies relevant to the post-2015 framework for consistency with international human rights standards through a transparent and participatory process, including a transformative gender assessment, and where necessary revising them.

International and regional complaints mechanisms, similarly to national courts and tribunals, can also play an important role in highlighting gaps in national monitoring and areas where national systems do not comply with human rights standards, for example the Optional Protocol on the ICESCR, which recently came into force and which all state parties to the ICESCR should be encouraged to ratify. Amnesty International advocates more effective co-operation between existing national and international human rights accountability mechanisms and the post-2015 monitoring regime, which will improve government answerability and enable effective remedies to people whose rights are violated by the non-fulfilment of development commitments.⁶³ As the Committee on Economic, Social and Cultural Rights has highlighted, “integrating substantive human rights criteria into assessments of progress towards development goals means placing accountability for policy and budgetary efforts, along with development outcomes, at the centre of monitoring and review processes”.⁶⁴

Additional powerful actors such as **international organizations** (including international financial institutions) have the responsibility to respect human rights and exercise human rights due diligence to put in place policies and systems to ensure that they take all necessary steps to avoid causing, contributing to or exacerbating human rights violations and provide a remedy where necessary. In addition, according to the International Law Commission, states may not cause international organizations of which they are members to commit acts that those states themselves are prohibited from carrying out.⁶⁵ Therefore, states must ensure that international organizations systematically act in conformity with the human rights obligations that they themselves are bound to.⁶⁶ Similarly, **corporations and other private actors** that operate in a globalized context and across jurisdictions must also be held accountable, by at a minimum adhering to the UN Guiding Principles on Business and Human Rights. The Guiding Principles consist of: the state duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation, and adjudication; the corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved; and the need for greater access by victims to effective remedies, both judicial and non-judicial.

GLOBAL MONITORING MECHANISMS

It is possible that the post-2015 framework will include a dedicated mechanism for monitoring and reviewing state progress towards the agreed goals. 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. It is also possible that there could be a separate monitoring mechanism for each goal, reflecting the wide variety of existing dedicated human rights mechanisms that ensure people’s different rights are protected. However, whatever the proposed mechanism, it should be robust and should measure states’ implementation of their human rights commitments.

WHAT ARE THE BENEFITS OF EMBEDDING ACCOUNTABILITY IN THE POST-2015 FRAMEWORK?

As recognized, to a degree, in the Focus Areas dealing with means of implementation/global partnership for sustainable development and with peaceful and inclusive societies, rule of law and capable institutions (Focus Areas 15 and 16 of the Focus Areas report of May 2014),⁶⁷ accountability is closely linked with ensuring good governance, the rule of law and transparency, as well as with participation, reducing corruption and civil and political rights such as freedom of expression, association and assembly.⁶⁸ As well as being a primary objective in itself, effective accountability is vital for sustainable development and the two are mutually reinforcing.

- **Effective accountability mechanisms strengthen the delivery of state members' human rights obligations:** Some studies shows that economic and social development initiatives that embed accountability, due diligence and human rights obligations reduce inequalities, thereby diminishing the gap between rich and poor, between men and women, and for minority and marginalized groups. Accountability promotes good governance and better development outcomes based on effective monitoring and remedial action following the use of accountability mechanisms. This should be a constructive and continuous process that contributes to better delivery by states.
- **The new framework should be an instrument of accountability,** as the MDGs had the potential to be, although they did not fully deliver on this crucial component.⁶⁹ The current MDG accountability framework, which includes voluntary monitoring and reporting at the national level, and UN reports on regional and global progress, is largely divorced from national and international human rights accountability mechanisms. As such, states have been able to report on their progress towards the MDGs with no reference to their human rights obligations, and without taking into account the outcomes of the scrutiny of their human rights performance as carried out by international and regional treaty monitoring bodies. Similarly, the UPR process has the potential to do more to explicitly assess human rights progress with implications for the MDGs. **Without effective accountability for human rights, progress will continue to be uneven and will not include or benefit the most disadvantaged and marginalized people.**
- **Accountability ensures that resources are mobilized and that they are efficiently applied** in order to deliver on human rights commitments that will strengthen sustainable development goals. It provides that states and their institutions consistently apply best practice and due diligence to ensure that human rights commitments are being enforced and take action on decisions that have failed, or have had retrogressive outcomes. Thereby states make real impact on implementing the human rights obligations they have signed up to.
- While monitoring is an essential enabler of accountability, the **right to a remedy**

is a fundamental enabler when human rights have been violated. As well as providing redress for individual victims, the right to a remedy can contribute to guaranteeing non-repetition of any failings. Accountability that encompasses the right to an effective remedy can result in enhanced and sustainable development outcomes. When state laws, policies and programmes fail to meet commitments, or have retrogressive outcomes, accountability mechanisms can ensure that avenues are available to correct the wrong or the harm that has occurred. Individuals or groups must be able to access affordable justice mechanisms to seek an effective remedy or redress in order to have their human rights enforced.

- Accountability mechanisms **strengthen the dialogue** between states and individuals and the communities they serve. Accountability addresses and **removes the barriers** that certain individuals or communities experience in having their rights implemented.
- 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 allow the latter to monitor their record against an objective set of rights-based indicators. In this respect, human rights should not be viewed as problematic but as **a key tool in enhancing developmental progress** based on a clear, consistent set of measurable indicators **grounded in existing legal obligations**.

SECTION 3: WHY IS EQUALITY, AND GENDER EQUALITY IN PARTICULAR, ESSENTIAL IN THE POST-2015 FRAMEWORK? AND HOW CAN IT BE DELIVERED?

In the Rio+20 Outcome document “The Future We Want,” member states recognized the obligation to address inequalities, emphasizing “the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth, disability or other status”.⁷⁰

Member states noted “we reaffirm the need to achieve economic stability, sustained economic growth, the promotion of social equity and the protection of the environment, while enhancing gender equality, women’s empowerment and equal opportunities for all, and the protection, survival and development of children to their full potential, including through education”.⁷¹

The new post-2015 framework must address intersecting inequalities to ensure no country and no person is left behind, particularly the groups most at risk of marginalization. It is crucial that gender equality and the human rights of women and girls are strengthened in all focus areas and targets of the Open Working Group on Sustainable Development Goals Focus Areas May 2014 report,⁷² and are not just reflected in eight out of the current proposed 16 focus areas.

The Universal Declaration of Human Rights affirms that “all human beings are born free and equal in dignity and rights.” However, Amnesty International’s analysis based on widespread and concrete evidence highlights that people living in poverty, ethnic minorities, Indigenous and tribal groups and women and girls are at greater risk of human rights violations.⁷³ **Economic development initiatives that fail to fully respect and take into account human rights obligations deepen marginalization and exacerbate discrimination, which directly feeds into and deepens inequalities and injustice.**

The post 2015 development framework must include the obligation of states to ensure that ethnic, religious and linguistic minorities and Indigenous peoples, including caste-based groups, benefit on an equal basis from development. Initiatives that do not take into account the specific needs and cultural characteristics of these communities may fail to lift them out of poverty or provide other benefits, and thus contribute to widening inequalities.⁷⁴ There is also evidence that inequalities between ethnic, religious or linguistic groups in access to

resources, political decision-making or recognition of cultural specificities increases the risk of violent conflict.⁷⁵ For these reasons, representatives of these communities should be enabled to participate effectively in the design, implementation and monitoring of such initiatives, in line with international human rights standards.⁷⁶ This should include the collection and analysis of data disaggregated by all relevant social and demographic characteristics, including gender, to assess any differential impact of development initiatives on such communities.

Gender inequality, in particular, is entrenched in the very structure of society and plays into the distribution of power at every level. **Gender discrimination intersecting with and compounding discrimination on other grounds such as age, race, caste, ethnicity, as well as 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 more widely without also addressing gender inequality, gender discrimination and gender-based violence. 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 Millennium Declaration recognized the importance of human rights, gender equality and empowerment of women for combating poverty, hunger and disease and stimulating sustainable development. The MDGs, as the UN General Assembly has acknowledged, provided a common vision and contributed to significant advances in meeting several of the MDG targets.⁷⁷ However, they fell short of achieving gender-sensitive targets and indicators based on human rights principles. As a result, as states have also accepted, the achievements have been characterized by unevenness and gaps, meaning that millions of people – paradoxically those whom the MDGs should have been prioritizing – have been left behind.⁷⁸ Certain groups have been excluded from progress, in particular groups facing historic discrimination, such as women and girls, indigenous people and minorities. The focus on cumulative totals and averages allowed states to demonstrate progress even though they had failed to focus on and uplift the most disadvantaged groups.

STATES' EXISTING COMMITMENTS TO GUARANTEE EQUALITY AND NON-DISCRIMINATION

International human rights law requires all states to take action to guarantee equality and non-discrimination.⁷⁹ For example, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires governments to address discrimination against women and guarantee equality in all areas.⁸⁰ Legally binding human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Elimination of all forms of Racial Discrimination; the Convention on the Elimination of all forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities between them comprehensively prohibit discrimination on all grounds, including age, race, caste, ethnicity, disability, sexual orientation, gender identity and marital status.⁸¹ The UN Department of Economic and Social Affairs in its 2013 report found that focusing only on the symptoms of poverty or exclusion (such as access to education), rather than on their structural causes, has often led to narrow, discretionary measures aimed at addressing short-term needs. It concluded that without attention to the underlying economic,

social and spatial causes of poverty and inequality, the post-2015 framework may not help to level the playing field.⁸²

THE DANGERS OF IGNORING RISING INEQUALITIES

There is a danger that MDGs efforts may have actually further entrenched poverty among these groups rather than reducing it.⁸³ The UN General Assembly has expressed concern regarding the adverse effects of inequalities for human development.⁸⁴ Over the past two decades, income inequality has increased; both between countries and within countries. More than 75 per cent of the population in developing countries now live in societies where income is more unequally distributed than it was in the 1990s.⁸⁵

Further, poverty measures based on income often tend to assume that household resources are distributed equitably among household members. However, these measures do not indicate anything about the gender dimensions of poverty, including the unequal sharing of household resources, inequalities in time use or women and girls being disproportionately affected by poverty owing to discriminatory social norms.⁸⁶ The post-2015 framework must also take action on the increase in inequality in developed countries, which is closely related to discrimination and marginalization. For example, Amnesty International research shows that today, on almost all human development indicators, Roma people fall far below the national average, with eight out of 10 Roma people in Europe living in households at risk of poverty which results in severe material deprivation and ill health.⁸⁷ Meanwhile, UNDP's report "Humanity Divided: Confronting Inequality in Developing Countries" argues that inequalities have increased in developing countries over the past 20 years.⁸⁸ Income inequality increased by 11 per cent in developing countries between 1990 and 2010. The report notes similar trends in respect of gender and health. For example, across all regions, girls remain more likely than boys to die before the age of five, and improvements in male child mortality rates have been greater than those for girls.⁸⁹

HOW CAN STATES ENSURE GENDER EQUALITY AND THE HUMAN RIGHTS AND EMPOWERMENT OF WOMEN AND GIRLS?

Amnesty International recommends that member states include the proposed targets and related indicators, specifically within the OWG on SDGs report.⁹⁰ These targets and indicators can be included in the following Focus Areas as set out in the May 2014 report: Health and population dynamics (Focus Area 3); education and life-long learning (Focus Area 4); gender equality and women's empowerment (Focus Area 5); means of implementation/global partnerships for sustainable development (Focus Area 15); and peaceful and inclusive societies, rule of law and capable institutions (Focus Area 16).

The list is not intended to be exhaustive but is based on the following criteria: potential impact on rights enjoyment and sustainable development outcomes, SMART indicators and potential data sources. Sources of data for the indicators are set out in the Annex.

Target 1: Prevent and respond to all forms of gender-based violence, especially against women and girls.

Target 2: Guarantee sexual and reproductive health and rights for all.

Target 3: Significantly increase the representation of women in public life.

Amnesty International supports the consistent and widely supported strong international call for the post-2015 framework to include a stand-alone transformative goal on gender equality. The recent 58th session of the Commission on the Status of Women recommended “gender equality, the empowerment of women and human rights of women and girls to be reflected as a stand-alone goal and to be integrated through targets and indicators into all goals of any new development framework”.⁹¹ During the eighth session of the Open Working Group on the Sustainable Development Goals, Argentina presented a statement on behalf of 50 countries,⁹² which stated “we urge that the human rights and empowerment of women and girls and gender equality, the rights and empowerment of adolescents and youth, and the respect, protection and fulfilment of sexual and reproductive health and rights for all be positioned as critical pillars of the Sustainable Development Goals and the Post-2015 Development Agenda”.⁹³

TARGET 1: PREVENT AND RESPOND TO ALL FORMS OF GENDER-BASED VIOLENCE ESPECIALLY AGAINST WOMEN AND GIRLS

According to the United Nations, seven out of 10 women worldwide report having experienced physical and/or sexual violence at some point in their life.⁹⁴

Why this target is necessary: Gender equality and the human rights and empowerment of women and girls can only be achieved if violence against women is effectively addressed.⁹⁵ Violence against women and girls has been recognized as a form of discrimination and a human rights violation.⁹⁶ The Programme of Action of the International Conference on Population and Development (ICPD) recognizes that gender-based violence and efforts to control women’s sexuality affect both women’s health and their status in society.⁹⁷

Under international human rights law, states have an obligation to prevent, investigate, prosecute and protect women and girls from acts of violence both in non-conflict and conflict situations. Central to achieving this is ensuring that acts of violence are not met with impunity and that women and girls who are subjected to violence can access justice and remedies for the harm they have suffered.⁹⁸ States have an obligation to prevent violence by addressing underlying root causes. Such preventative steps can include: taking measures to modify social and cultural patterns with a view to eliminating prejudices and practices that are based on the inferiority or superiority of the sexes or stereotyped gender roles; private and eliminate violence against women and girls in both the public and private spheres; adopt adequate, comprehensive legislation and other measures, including sanction where appropriate, to prevent, punish all forms of violence against women and girls.

Where police and the criminal justice system respond effectively and bring to justice those responsible, it sends the signal that violence against women and girls is not tolerated in society

and has a preventative effect. A holistic response is required; one that develops prevention and response strategies that uphold the rights of women and girls and empowers them to claim their rights.

In countries experiencing or emerging from conflict, the empowerment and participation of women is of particular importance. In recognition of the particular and disproportionate impact conflict has on women, the UN Security Council has adopted key resolutions, which set out the international policy framework of its women, peace and security agenda. UN Security Council resolution 1325, adopted on 31 October 2000,⁹⁹ was an important recognition of women as active agents in peace and security, rather than typecasting them as victims of conflict. Within this and subsequent resolutions,¹⁰⁰ the Security Council set out important commitments to address the impact of armed conflict on women, covering a wide range of activities related to improving the status of women in conflict and post-conflict settings, and encouraging the integration of a gender perspective into all aspects of conflict prevention, peacebuilding and post-conflict reconstruction, including by UN agencies engaged in such efforts. The Security Council's latest resolution, resolution 2122 (2013), reaffirmed that "sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, and rule of law and justice activities" and "recognized that the economic empowerment of women greatly contributes to the stabilization of societies emerging from armed conflict".¹⁰¹

Proposed indicators to assess the level and forms of violence against women and girls (Note: these proposed indicators are illustrative and are not intended to be exhaustive):

- (Annex 2.1) Proportion of women and girls aged 15-49 subjected to physical or sexual violence in the last 12 months by an intimate partner.
- (Annex 2.2) Proportion of women and girls aged 15-49 subjected to physical or sexual violence in the last 12 months by persons other than an intimate partner.
- (Annex 2.3) Prevalence of Female Genital Mutilation (FGM) in relevant countries only. Percentage of women who have experienced FGM.
- (Annex 2.4) Existence of laws prohibiting all forms of violence against women, including domestic violence.

TARGET 2: GUARANTEE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS FOR ALL

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

Sexual and reproductive health and rights include, but are not limited to, the 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, including sexual and reproductive health. The post-2015 framework must reaffirm and strengthen the commitments set out in the 1994 International Conference on Population and Development Programme of

Action (ICPD PoA) and 1995 Beijing Platform for Action adopted at the Fourth World Conference on Women, and follow up processes. The ICPD Programme of Action has been agreed by 179 members states committed to providing universal access to family planning and sexual and reproductive health services and to guaranteeing reproductive rights, as well as delivering on gender equality, empowering women and ensuring equal access to education for girls. It emphasized that individual human rights and dignity, including the equal rights of women and girls and guaranteeing sexual and reproductive health and rights, are a necessary precondition for sustainable development. The 47th session of the Commission on Population and Development called on Governments “to recognize the important linkages between the priorities of the ICPD Programme of Action and sustainable development and to build on progress made and experiences gained from its implementation over the last twenty years in the elaboration of the post-2015 development agenda”.¹⁰²

Sexual and reproductive rights arise out of established human rights protections, as recognized by international and regional human rights instruments and national laws and constitutions.

Why this target is necessary: 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, in particular 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 autonomy 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 the sexual and reproductive health related information and services they need. Women and girls’ sexuality and reproduction are often controlled by state and non-state actors such as families, communities, religious institutions, donors, financial institutions and health care providers. The denial of SRHR perpetuates the detrimental circle of gender discrimination and inequality.

Proposed indicators will assess access to sexual and reproductive health services, education and information (Note: these proposed indicators are illustrative and are not intended to be exhaustive):

- (Annex 2.6) Contraceptive prevalence rate for women and girls aged 15–49, disaggregated by age.
- (Annex 2.7) Unmet need for contraception for women and girls, disaggregated by age.
- (Annex 2.8) Antenatal care coverage, at least one visit.
- (Annex 2.9) Proportion of births attended by skilled health professional.
- (Annex 2.10) Maternal mortality ratio.
- (Annex 2.11) Adolescent fertility rate (the number of births per 1,000 women and girls aged 15-19).
- (Annex 2.12) Percentage of young people who receive comprehensive sexuality education in line with UNESCO International Technical Guidance on Sexuality Education.

- (Annex 2.13) Percentage of teachers trained in teaching sexuality education.
- (Annex 2.14) Percentage of students who receive sexuality education in school.

TARGET 3: SIGNIFICANTLY INCREASE THE REPRESENTATION OF WOMEN IN PUBLIC LIFE

Why this target is necessary: 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.

The UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) has noted that, in general, 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.¹⁰³ 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 with regard to their right to vote in elections and referendums, and to be elected to all levels and branches of government. Such barriers include illiteracy, language, poverty, third party consent, and impediments to women's freedom of movement. These barriers must be dismantled, in order to enable women to exercise their rights to freedom of expression, association and assembly and ensure their effective participation.

Article 7(b) of 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.¹⁰⁴ 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. 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. This is particularly key to strengthening accountability for violations based on gender discrimination. The focus should not be limited to the judiciary, but also to other institutions relevant to the protection of rights, for example, regulatory bodies for public services, quasi-judicial administrative tribunals and national human rights institutions.

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 2013.¹⁰⁵ The resolution called on States to take appropriate, robust and practical steps to protect women human rights defenders.

Proposed indicators will assess: representation of women in parliament, state institutions, public, political and non-governmental organizations. (Note: these proposed indicators are illustrative and are not intended to be exhaustive):

- (Annex 2.15) Presence of gender quotas for parliament.
- (Annex 2.16) Women's representation in public office and services, including their share of: (a) government ministerial positions, (b) proportion of seats held by women in national parliament, (c) share of female police officers including share at senior level, (d) share of female judges, and (e) share of female civil servants at national and local government level.
- (Annex 2.17) Women's share of managerial positions in both state and non-state institutions.

AMNESTY INTERNATIONAL: PROPOSED GOAL, TARGETS AND INDICATORS

(Note: Proposed indicators and sources for their measurability are illustrative and not intended to be exhaustive)

TARGETS TO STRENGTHEN ACCOUNTABILITY		
Target 1 (a): ALL PERSONS HAVE ACCESS TO AN AFFORDABLE AND EFFECTIVE MECHANISMS ABLE TO ENSURE THE REALISATION OF CIVIL, CULTURAL, ECONOMIC, POLITICAL AND SOCIAL RIGHTS RELATED TO THE POST 2015 DEVELOPMENT GOALS		
<p>Indicator aims to assess: the availability of independent judicial or administrative mechanisms that have the power to provide remedy in an instance of non-compliance with human rights standards that are relevant to the development goals.</p> <p>1.1 Proportion of people whose human rights related to the post 2015 goals are protected under the national law and have access to an available effective remedy.</p> <p><i>Sources of data for the extent to which rights of each demographic group are protected in law: Assessments of the United Nations human rights treaty bodies through the periodic reporting process. This could be complemented by qualitative analysis by the Office of UN High Commissioner for Human Rights (OHCHR), in addition to regional human rights monitoring bodies where they exist, National Human Rights Institutions reports, court reports and NGO reports.</i></p> <p><i>Sources for the number of people in each relevant demographic group: National census data and/or other international sources, including, where available, data from household surveys.</i></p>	<p>Indicator aims to assess: the proportion of people who have access to a relevant national mechanism which is affordable.</p> <p>1.2 Proportion of people who have physical access to a relevant national mechanism.</p> <p>1.3 Proportion of people for whom a national mechanism is affordable.</p> <p>1.4 Proportion of people who have a recognized form of legal identity, for example birth certificate.</p> <p><i>Sources of data: 1.2 and 1.3, relevant national mechanisms could be requested to provide information, using a common global standard for measurement, to specify the percentage of the population that has access to them. New global monitoring would need to be carried out.</i></p> <p><i>Sources of data: 1.4, data from household surveys: Multiple Indicator Cluster Surveys (MICS) and Demographic and Health Surveys (DHS) and civil registration systems, to be collated by UNICEF.</i></p>	
<p>For Indicators 1.1-1.6, data should be disaggregated on the basis of gender and any other social and economic status that may be a basis for discrimination in each country, for example ethnicity or residence in an informal settlement.</p>		
Target 1 (b): RIGHT TO INFORMATION – ENSURE EVERYONE GUARANTEED ACCESS TO INFORMATION RELEVANT TO THE POST 2015 DEVELOPMENT GOALS		
<p>Indicators include:</p> <p>1.5 Proportion of people with a legal entitlement to information held by public bodies provided within 30 days without arbitrary barriers.</p> <p><i>Sources of data: Reports by government and Right to Information (RTI) monitoring bodies where they exist. This could be complemented by qualitative analysis by OHCHR.</i></p>	<p>1.6 Proportion of people who apply to access information, and whose requests are accepted.</p> <p><i>Sources of data: Reports by government and RTI monitoring bodies where they exist. External assessment by a UN agency could ensure consistency and cross-national comparability. New global monitoring would need to be carried out.</i></p>	<p>1.7 Existence of laws requiring companies to disclose information, policies and processes relating to the human rights impacts of their operations, including those caused by their subsidiaries, as they relate to the post 2015 framework.</p> <p><i>Sources of data: Government and corporate reporting. External assessment by a UN agency could ensure consistency and cross-national comparability. New global monitoring would need to be carried out.</i></p>

Target 1 (c): ENSURE LAWS AND POLICIES FOR THE IMPLEMENTATION OF POST 2015 DEVELOPMENT GOALS ARE CONSISTENT WITH HUMAN RIGHTS STANDARDS		
<p>Indicators include:</p> <p>1.8 Proportion of national laws and policies relevant to post 2015 goals that have been reviewed nationally for consistency with international human rights standards, through a transparent and participatory process, including a transformative gender assessment, and revised where necessary.</p> <p><i>Sources of data: Government and parliamentary reporting, using a common global standard for quality of review. New global monitoring would need to be carried out.</i></p>	<p>Indicators include:</p> <p>1.9 Proportion of intergovernmental organization policies relevant to post 2015 goals that have been reviewed for consistency with international human rights standards, through a transparent and participatory process, including a transformative gender assessment, and where necessary revised</p> <p><i>Sources of data: Intergovernmental organization reporting, using a common global standard for quality of review.</i></p>	
STAND-ALONE TRANSFORMATIVE GOAL AND TARGETS ON GENDER EQUALITY AND WOMEN'S AND GIRLS' HUMAN RIGHTS & EMPOWERMENT		
Target 2 (a): PREVENT AND RESPOND TO ALL FORMS OF GENDER-BASED VIOLENCE ESPECIALLY AGAINST WOMEN AND GIRLS		
<p>Indicator will assess: the level and forms of violence against women and girls.</p> <p>2.1 Proportion of women and girls aged 15-49 subjected to physical or sexual violence in the last 12 months by an intimate partner (<i>Source of data: UNICEF</i>).</p> <p>2.2 Proportion of women and girls aged 15-49 subjected to physical or sexual violence in the last 12 months by persons other than an intimate partner (<i>Source of data: UNICEF</i>).</p>	<p>2.3 Prevalence of Female Genital Mutilation (FGM) in relevant countries only (<i>Source of data: UNICEF</i>). Percentage of women who have experienced FGM (<i>Source of data: Gender, Institutions and Development database</i>).</p>	<p>2.4 Existence of laws prohibiting all forms of violence against women, including domestic violence (<i>Source of data: UN Global Gender Statistics Programme</i>).</p>
Target 2 (b): GUARANTEE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS FOR ALL		
<p>Indicators will assess: non-discriminatory access to sexual reproductive health services and information.</p> <p>2.5 Contraceptive prevalence rate for women aged 15–49 disaggregated by age (<i>Source of data: United Nations Statistics Division</i>).</p> <p>2.6 Unmet need for contraception for women and girls, disaggregated by age (<i>New, source of data: WHO, household surveys</i>).</p> <p>2.7 Antenatal care coverage, at least one visit (<i>Source of data: UNICEF</i>).</p> <p>2.8 Proportion of births attended by skilled health professional (<i>Source of data: UNICEF</i>).</p> <p>2.9 Maternal mortality ratio (<i>Source of data: WHO</i>).</p>	<p>Indicators will assess: access of adolescents and young people to sexual reproductive health services and information, including comprehensive sexuality education.</p> <p>2.10 Adolescent birth rate (<i>Source of data: United Nations Population Division / Adolescent fertility rate (<i>Source of data: United Nations Statistics Division</i>).</i></p> <p>2.11 Percentage of young people who receive comprehensive sexuality education in line with UNESCO International Technical Guidance on Sexuality Education (<i>Source of data: United Nations Statistics Division</i>).</p> <p>2.12 Percentage of teachers trained in teaching sexuality education (<i>Source of data: United Nations Statistics Division</i>).</p> <p>2.13 Percentage of students who receive sexuality education in school (<i>Source of data: United Nations Statistics Division</i>).</p>	

Target 2 (c): SIGNIFICANTLY INCREASE THE REPRESENTATION OF WOMEN IN PUBLIC LIFE

Indicators will assess: representation of women in parliament, state institutions, public, political and non-governmental organizations.

- 2.14 Presence of gender quotas for parliament (*Source of data: [UN Global Gender Statistics Programme](#)*).
- 2.15 Women's representation in public office and services, including their share of: (a) government ministerial positions (*Source of data: [Inter-Parliamentary Union](#)*), (b) proportion of seats held by women in national parliament (*Source of data: [Inter-Parliamentary Union](#)*), (c) share of female police officers including at senior level (*Source of data: [United Nations Office of Drugs and Crime](#)*), (d) share of female judges (*Source of data: [United Nations Office of Drugs and Crime](#)* and (e) share of female civil servants at national and local government level (*Source of data: National government data*).
- 2.16 Women's share of managerial positions in both state and non-state actors (*Source of data: [International Labour Organisation](#)*).

¹⁰ F Bustreo, P Hunt *et al*, *Women's and Children's health: evidence of impact of human rights*, World Health Organization, 2013.

¹¹ M Darrow, 'The Millennium Development Goals: milestones or millstones? Human rights priorities for the Post-2015 Development Agenda', in *Yale Human Rights and Development Law Journal*, Vol. XV, March 2012, p.14. See also MDG Gap Task Force Report 2013, *The global partnership for development: The challenge we face*, United Nations, 2013.

¹² Articles 55 and 56 of the Charter of the United Nations; Articles 22 and 28 of the Universal Declaration of Human Rights; Articles 2(1) and 23 of the International Covenant of Economic Social and Cultural Rights. A wide range of other treaties covering specific groups or issues also include obligations of international co-operation, including Article 9(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Articles 4, 24(4) and 28(3) of the Convention on the Rights of the Child; Article 32 of the Convention on the Rights of Persons with Disabilities. For an interpretation of international treaties in this area on the issue of extraterritorial obligations, see *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*, 28 September 2011, available at:

www.etoconsortium.org/nc/en/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23, accessed 13 May 2014, and commentary at

www.icj.org/wp-content/uploads/2012/12/HRQMaastricht-Maastricht-Principles-on-ETO.pdf, accessed 13 May 2014. The International Court of Justice and UN human rights treaty bodies consistently state that human rights treaties apply to a state's conduct that has effects beyond its borders. One example was the decision of the International Court of Justice in *Application of the International Convention on the Elimination of all Forms of Racial Discrimination (Georgia v. Russian Federation)*, Provisional Measures, Order of 15 October 2008, [2008] ICJ Reports 353, paras. 109 and 149.

¹³ See note xi above, Article 2(1) of the International Covenant on Civil and Political Rights.

¹⁴ OECD, *Accra Agenda for Action*, 2008, available at: www.oecd.org/dac/effectiveness/34428351.pdf, accessed 13 May 2014, para. 13.

¹⁵ OECD, *Busan partnership for effective development co-operation*, Fourth high level forum on aid effectiveness, Busan, Republic of Korea, 29 November-1 December 2011, available at: www.oecd.org/dac/effectiveness/49650173.pdf, accessed 19 May 2014.

¹⁶ These obligations are elaborated in the authoritative interpretation of the International Covenant of Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights by the committees of independent experts elected by states to monitor their implementation. See General Comments of the Committee on Economic, Social and Cultural Rights, for example, *General Comment No. 12: The right to adequate food*, U.N. Doc E/C.12/1999/5, 1999, para. 36. See also the consistent practice of the UN Human Rights Committee, applying the International Covenant on Civil and Political Rights, for example in its 'Concluding Observations: Yugoslavia' (1992) UN Doc CCPR/C/79/Add.16, paras. 5 and 8. See also the judgments of the ICJ in *Georgia v. Russian Federation*.

¹⁷ UN General Assembly resolution, 63/187 on the right to food, 18 December 2013, para 19

¹⁸ For example, in UN General Assembly resolution 67/174, 20 December 2012, paras. 24

and 36; General Assembly resolution 66/158, 19 December 2011, paras. 21 and 33.

¹⁹ Principle 7 of the *Rio Declaration on Environment and Development*, 1992, refers to the principle of common but differentiated responsibilities and the greater responsibility borne by developed countries “in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command”. Human rights law refers to the second of the two bases for differentiated responsibility listed in the Rio Declaration, namely the ability of wealthier states to provide financial and technical assistance to others. See Article 2(1) of the International Covenant on Economic, Social and Cultural Rights.

²⁰ The Committee on Economic, Social and Cultural Rights has emphasized that “even where the available resources are demonstrably inadequate, the obligation remains for a state party to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances”. See Committee on Economic, Social and Cultural Rights, *General Comment No. 3: The Nature of States Parties’ Obligations*, UN Doc. E/1991/23, paras. 10-11. For discussion regarding non-discrimination and marginalized groups see Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2)*, U.N. Doc. E/C.12/GC/20.

²¹ Principle 7 of the Rio Declaration on Environment and Development.

²² Committee on Economic, Social and Cultural Rights, *Statement on the importance and relevance of the right to development*, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development, UN Doc. E/C.12/2011/2, para. 1.

²³ Article 1 of the Declaration on the Right to Development; General Assembly resolution 41/128, 4 December 1986.

²⁴ Articles 2-4 and 6 of the Declaration on the Right to Development; Committee on Economic, Social and Cultural Rights, *Poverty and the International Covenant on Economic, Social and Cultural Rights*, 2001, UN. Doc. E/C.12/2001/10, para. 12; Committee on Economic, Social and Cultural Rights, *Statement on the right to development*, para. 5.

²⁵ UN Millennium Declaration, UN Doc A/55/2, 8 September 2000, para. 25.

²⁶ Office of the United Nations High Commissioner for Human Rights, *Human rights and the Millennium Development Goals in practice: A review of country strategies and reporting*, UN Doc. HR/PUB/10/1, United Nations, 2010, pp.3 and 9.

²⁷ Committee on Economic, Social and Cultural Rights, *Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights*, General Comment No. 14 (2000) The right to the highest attainable standard of health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)

²⁸ Office of the United Nations High Commissioner for Human Rights, Thematic think piece: *Towards freedom from fear and want: Human rights in the post-2015 agenda*, May 2012. As noted in P. de Greiff, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, (P. de Greiff report) U.N. Doc A/68/345, 23 August 2013, para. 13.

²⁹ P. de Greiff report, para. 14.

³⁰ P. de Greiff report, para. 14.

³¹ P. de Greiff report, para. 71.

³² UN General Assembly, Outcome Document of the Special Event to follow up efforts made towards achieving the Millennium Development Goals, UN Doc A/RES/68/6, 9 October 2013, para. 13.

³³ Open Working Group on Sustainable Development Goals, *Working document for 5 – 9 May session of Open Working Group*, available at: <http://sustainabledevelopment.un.org/content/documents/3686Workingdoc.pdf>, accessed 19 May 2014.

³⁴ Open Working Group on Sustainable Development Goals, *Working document for 5 – 9 May session of Open Working Group*, available at: <http://sustainabledevelopment.un.org/content/documents/3686Workingdoc.pdf>, accessed 19 May 2014.

³⁵ Para. 43.

³⁶ Article 8 of the Universal Declaration of Human Rights; Article 2(3) of the International Covenant on Civil and Political Rights; Article 2 of the International Covenant on Economic, Social and Cultural Rights; Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women; Article 14 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Article 25 of the American Convention on Human Rights, Article 7(1)(a) of the African Charter on Human and Peoples' Rights; Article 47 of the Charter of Fundamental Rights of the European Union; Articles 12 and 23 of the Arab Charter on Human Rights; UN General Assembly, *Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law*, UN Doc. A/RES/60/147, 21 March 2006. Though some treaties do not include specific provisions on state parties' obligations to provide a remedy, treaty monitoring bodies have clarified that states parties are required to provide effective remedy for victims as part of their obligation to take all appropriate measures to implement the rights recognized in the treaty. The right to an effective remedy is also a rule of customary international law, see UN Doc. A/RES/60/147.

³⁷ Open Working Group on Sustainable Development Goals, *Working document for 5 – 9 May session of Open Working Group*, available at: <http://sustainabledevelopment.un.org/content/documents/3686Workingdoc.pdf>, accessed 19 May 2014.

³⁸ UN General Assembly, *UN basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law*, UN Doc. A/RES/60/147, 21 March 2006, Principle 11.

³⁹ Amnesty International, *Injustice incorporated: Corporate abuses and the human right to remedy (Injustice incorporated)*, (Index: POL 30/001/2014), 2014, p.16.

⁴⁰ *Injustice incorporated*, p.17.

⁴¹ *Injustice incorporated*, p.11.

⁴² *Injustice incorporated*, p.16.

⁴³ See Articles 2 and 26 of the International Covenant on Civil and Political Rights; Article 2 of the International Covenant on Economic, Social and Cultural Rights. .

⁴⁴ Similarly, if laws on decent work only protect the rights of people in formal employment, people in the informal sector will not be counted toward this target. The same applies if national standards to give effect to the rights to water, sanitation and housing standards do not apply to people without secure tenure. Census data will often be available to identify population groups, but in some cases, estimates will be required (for example where national systems do not collect data on ethnicity).

⁴⁵ Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone: Report of the Commission on Legal Empowerment of the Poor*, 2008, p.62.

⁴⁶ Article 15 of the Universal Declaration of Human Rights; Article 7 of the Convention on the Rights of the Child.

⁴⁷ UNICEF, *The 'Rights' Start to Life: A Statistical Analysis of Birth Registration*, 2005, available at: http://www.unicef.org/publications/index_25248.html, accessed 19 March 2014.

⁴⁸ The Commission on Legal Empowerment of the Poor is the first global initiative to focus on the link between exclusion, poverty and the law. Launched by a group of developing and developed countries including Canada, Denmark, Egypt, Finland, Guatemala, Norway, Sweden, South Africa, Tanzania and the UK, it has been hosted by the UN Development Programme (UNDP) in New York. Co-chaired by former US Secretary of State, Madeleine Albright, and the Peruvian economist, Hernando de Soto, it brought together eminent policymakers and practitioners from around the world.

⁴⁹ Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone: Report of the Commission on Legal Empowerment of the Poor*, 2008, p.32.

⁵⁰ United Nations, 'A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development: The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda', 2013, pp. 21, 23 and 31 (target 10.b)

⁵¹ Human Rights Committee, General Comment No. 34, para. 18.

⁵² Para. 43.

⁵³ For further information see Amnesty International, *Injustice incorporated: Corporate abuses and the human right to remedy*, (Index: POL 30/001/2014), 2014.

⁵⁴ Open Society Justice Initiative and Right2Info.org, 'List of Countries with Access to Information (ATI) Provisions in their National/Federal Laws or Actionable Decrees, and Dates of Adoption & Significant Amendments List of Countries with Access to Information (ATI) Provisions in their National/Federal Laws or Actionable Decrees, and Dates of Adoption & Significant Amendments', 25 September 2013, see www.justiceinitiative.org and www.right2info.org. However, some states have wide exception clauses, for example "in the national interest".

⁵⁵ Article 19, *Position Paper: Ensuring Accountability in the Post 2015 Agenda through transparency, free expression and enabling civil society participation*, 7 February 2014, available at: www.article19.org/resources.php/resource/37448/en/ensuring-accountability-in-the-post-2015-agenda-through-transparency,-free-expression-and-enabling-civil-society-participation, accessed 13 May 2014.

⁵⁶ Human Rights Committee, *General Comment No. 34, on International Covenant on Civil and Political Rights, Article 19 on Freedoms of Opinions and Expressions*, 102nd session 11-29 July 2011, Geneva, para. 19.

⁵⁷ They should be compelled by law to disclose all information about the contents and toxicity of substances released into the environment that cause or have the potential to cause death or injury, and to ensure that such information is expressed in a way that is comprehensible to those affected.

⁵⁸ J. Ruggie *Human rights and corporate law: Trends and observations from a cross-national study conducted by the Special Representative: Addendum to Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises*, 23 May 2011, UN Doc. A/HRC/17/31/Add.2, paras. 129-137.

⁵⁹ UN General Assembly, Outcome Document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, *Keeping the promise: United to achieve the Millennium Development Goals*, UN Doc A/RES/65/1, 19 October 2010, para. 53.

⁶⁰ OECD, *Accra Agenda for Action*, 2008, available at: <http://www.oecd.org/dac/effectiveness/34428351.pdf>, accessed 13 May 2014, para.13.

⁶¹ World Health Organization, *Gender mainstreaming for health managers: a practical approach: WHO Gender Analysis Tool*, available at: www.who.int/gender/mainstreaming/GMH_Participant_GenderAssessmentTool.pdf, accessed 19 May 2014.

⁶² States would carry out such reviews only in regard to the human rights treaties they have accepted.

⁶³ See also Centre for Economic and Social Rights, *A matter of justice: Securing human rights in the post-2015 sustainable development agenda (A Matter of justice)*, p.11.

⁶⁴ *A Matter of justice*, para. 6, p.15.

⁶⁵ International Law Commission, *Draft Articles on Responsibility of International Organizations (Circumvention of international obligations of a State member of an international organization)*, UN Doc. A/CN.4/L.778, 30 May 2011, art. 61 (1).

⁶⁶ For example, Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The right to water*, 2002, UN Doc E/C.12/2002/11, para. 36, *General Comment No. 19: The right to social security*, 2008, UN Doc. E/C.12/GC/19, para. 30.

⁶⁷ Open Working Group on Sustainable Development Goals, *Working document for 5 – 9 May session of Open Working Group*, available at: <http://sustainabledevelopment.un.org/content/documents/3686Workingdoc.pdf>, accessed 19 May 2014.

⁶⁸ As recognized to some extent by the High Level Panel in their recommended target, 'Ensure Good Governance and Effective Institutions', The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, *A new global partnership: eradicate poverty and transform economies through sustainable development*, United Nations, 2013.

⁶⁹ OHCHR, *Who will be accountable? Human rights and the Post-2015 Development Agenda*,

United Nations, 2013, p.viii.

⁷⁰ Outcome document of the United Nations Conference on Sustainable Development, *The future we want*, UN Doc. A/RES/66/288, UN General Assembly, para. 9.

⁷¹ Outcome document of the United Nations Conference on Sustainable Development, *The future we want*, UN Doc. A/RES/66/288, UN General Assembly, para. 11.

⁷² Open Working Group on Sustainable Development Goals, *Working document for 5 – 9 May session of Open Working Group*, available at: <http://sustainabledevelopment.un.org/content/documents/3686Workingdoc.pdf>, accessed 19 May 2014.

⁷³ Amnesty International, *From promises to delivery: Putting human rights at the heart of the Millennium Development Goals*, (Index IOR 41/012/2010), 2010.

⁷⁴ Report of the UN Independent Expert on minority issues, *Implementation of General Assembly Resolution 60/251 of 15 March 2006 entitled “Human Rights Council*, General Assembly, UN Doc. A/HRC/4/9,2 February 2007.

⁷⁵ F. Stewart, G. K. Brown and A. Langer, ‘Major findings and conclusions on the relationship between horizontal inequalities and conflict’, in *Horizontal Inequalities and Conflict: Understanding Group Violence in Multi-ethnic Societies*, F. Stewart, ed., New York, Palgrave Macmillan, 2010.

⁷⁶ See for example Article 2(3) of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: “Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.”

⁷⁷ UN General Assembly, Outcome Document of the Special Event to follow up efforts made towards achieving the Millennium Development Goals, UN Doc A/RES/68/6, 9 October 2013, para. 3.

⁷⁸ UN General Assembly, Outcome Document of the Special Event to follow up efforts made towards achieving the Millennium Development Goals, UN Doc A/RES/68/6, 9 October 2013, paras. 4 -5.

⁷⁹ See for example Article 2(1) of the International Covenant on Civil and Political Rights; Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women.

⁸⁰ Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women.

⁸¹ Committee on Economic, Social and Cultural Rights, *Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights*, General Comment No. 14 (2000) The right to the highest attainable standard of health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)

⁸² UN Department of Economic and Social Affairs, *Inequality matters, report on the world social situation*, 2013, p.111.

⁸³ See Amnesty International, *From promises to delivery: Putting human rights at the heart of the Millennium Development Goals*, (Index IOR 41/012/2010), 2010.

⁸⁴ UN Assembly, *The role of the United Nations in promoting a new global human order*, UN Doc. A/RES/67/230, 21 December 2012.

⁸⁵ UN Development Programme, *Humanity divided: Confronting Inequality in developing countries*, November 2013, p.3.

⁸⁶ Report of the Secretary-General, *Challenges and achievements in the implementation of the Millennium Development Goals for women and girls*, UN Doc. E/CN.6/2014/3, 2013, para. 8.

⁸⁷ Amnesty International, *Human rights here, Roma rights now: A wake-up call to the European Union*, (Index: EUR 01/002/2013), 2013, p.2.

⁸⁸ See UN Development Programme, *Humanity divided: Confronting Inequality in developing countries*, November 2013.

⁸⁹ UN Development Programme, *Humanity divided: Confronting Inequality in developing countries*, November 2013, p.9.

⁹⁰ Open Working Group on Sustainable Development Goals, Working document for 5 – 9 May session of Open Working Group, available at: <http://sustainabledevelopment.un.org/content/documents/3686Workingdoc.pdf>, accessed 19 May 2014.

⁹¹ Commission on the Status of Women, *Agreed Conclusions: Challenges and achievements in the implementation of the Millennium Development Goals for women and girls*, UN Doc. E/CN.6/2014/L.7, 58th session, 25 March 2014.

⁹² Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Luxembourg, New Zealand, Mexico, Montenegro, Mozambique, Netherlands, Norway, Panama, Papua New Guinea, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, Uruguay.

⁹³ Joint Statement to the Open Working Group on the Sustainable Development Goals, February 3-7 2014, available at: <http://sustainabledevelopment.un.org/content/documents/6405argentina.pdf>, accessed 13 May 2014.

⁹⁴ See UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women: Report of the Secretary-General*, UN Doc. A/67/220, 1 August 2012.

⁹⁵ According to the Declaration on the Elimination of Violence against Women (UN General Assembly resolution 48/104) violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and regardless of whether those acts are perpetrated by the state or private persons.

⁹⁶ Committee on the Elimination of Discrimination Against Women, *General Recommendation 19: Violence against women*, 11th session, 1992.

⁹⁷ UN Population Division, *Programme of Action: Report of the International Conference on*

Population and Development, UN Doc. A/CONF.171/13/Rev.1, 5 – 13 September 1994, paras. 7.34 -7.35.

⁹⁸ *Report of the Fourth World Conference on Women*, Beijing, 4-15 September 1995, UN Doc. A/CONF.177/20/Rev.1, para. 124

⁹⁹ UN Security Council, resolution 1325, UN Doc. S/RES/1325 (2000), 31 October 2000.

¹⁰⁰ The UN Security Council has adopted key resolutions, which set out the international policy framework of its women, peace and security agenda. These include: UN Security Council resolution 1325, adopted on 31 October 2000 was an important recognition of women as active agents in peace and security, rather than typecasting them as victims of conflict; UN Security Council resolution 1820 (2008) on sexual violence in conflict. Resolution 1888 (2009) aimed to strengthen leadership, judicial response and services. The resolution established the mandate of the Special Representative on sexual violence in conflict. Resolution 1889 (2009) addressed women's participation in peacebuilding processes. The resolution calls for the development of indicators to measure the implementation of Security Council Resolution 1325 both within the UN system, and by Member States. These indicators are available in *Women and peace and security: Report of the Secretary-General*, UN Doc. S/2010/173, 6 April 2010, Resolution 1960 (2010) on accountability systems for addressing conflict-related sexual violence and Resolution 2122 (2013) aims to strengthen women's participation in all phases of conflict prevention, resolution and recovery.

¹⁰¹ UN Security Council resolution 2122 (2013), UN Doc. S/RES/2122 (2013), 18 October 2013.

¹⁰² Commission on Population and Development, *Assessment of the Status of Implementation of the Programme of Action of the International Conference on Population and Development*, Forty-seventh session, 12 April 2014.

¹⁰³ Committee on the Elimination of Discrimination Against Women, *General Recommendation 23: Political and Public Life*, 16th Session, 1997, para. 24.

¹⁰⁴ Committee on the Elimination of Discrimination Against Women, *General Recommendation 23: Political and Public Life*, 16th Session, 1997, para. 25.

¹⁰⁵ UN General Assembly, *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders*, UN Doc. A/RES/68/181, 18 December 2013.



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DELIVERING A JUST FUTURE FOR ALL

WHY HUMAN RIGHTS MATTER TO SUSTAINABLE DEVELOPMENT

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.

The MDGs expire in 2015 and are due to be replaced by a new framework. It is imperative that states demonstrate strong political will and leadership to ensure that the shortcomings of the MDGs are not repeated. There is widespread international agreement that human rights are central to effective and sustainable economic and social development for all, ensuring that nobody and no country is left behind.

There is a growing body of evidence to demonstrate how human rights can bring added value and a positive impact to states' ability to deliver better socio-economic outcomes for all people, specifically those most marginalized and living in poverty.

This policy brief demonstrates that human rights are key to sustainable development, allowing states to deliver a just future for all. It proposes a realistic and measurable set of targets and indicators in order to ensure that human rights are embedded in the post-2015 framework.

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