



RESPONSE TO THE ZERO DRAFT OF THE POST -2015 UN SUMMIT OUTCOME DOCUMENT BY IWRAW ASIA PACIFIC

IWRAW Asia Pacific welcomes this opportunity to contribute to the Outcome Document to be adopted in relation to the Post-2015 Development Agenda at the UN Summit in September 2015.

We congratulate Member States for their commitment towards developing a comprehensive and far-reaching set of universal goals and targets with the aim of transformation for a better world. The zero draft attempts to consider and address a range of existing challenges to sustainable development and growth in the current world order. We appreciate the reaffirmation of commitment towards adherence of rights and obligations under international law and the promotion of dignity for all human beings. In specific we appreciate the vision of ensuring a world in which every woman and girl enjoys gender equality and all barriers to their empowerment in our society have been removed.

Recalling the observations of High Level Panel of Eminent Persons on the Post 2015 Development Agenda¹, while it is imperative for the Post 2015 Agenda to build on the gains of the Millennium Development Goals, it is equally pertinent to note that the MDGs had failed to achieve its intended outcome for a variety of reasons that need to be addressed in the formulation of a new agenda. The High Level Panel of Eminent Persons had observed that the MDGs “... *did not focus enough on reaching the very poorest and most excluded people.*” Addressing the lack of sufficient data to monitor implementation of the MDGs the High Level Panel of Eminent Persons had noted that “*The indicators that track them should be disaggregated to ensure no one is left behind and targets should only be considered ‘achieved’ if they are met for all relevant income and social groups.*” It was therefore evident that the prime requirement for a forward looking strategy would be in developing an equally strong framework of implementation and monitoring beyond the goals themselves.

¹“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 , 30th May 2013

This submission therefore attempts to review the proposed new agenda and the framework of goals and targets in the zero draft in light of the various on-going deliberations on methods of implementation, financing development and monitoring mechanisms.

We believe that the transformative intentions of the goals and targets would remain rhetorical without a concrete, cohesive and integrated human rights approach in the framing and implementation of national and regional action plans or in monitoring achievements by the Member States. We equally believe that a holistic framework of goals, targets and indicators to help monitor implementation would require a vision for an agenda consistent with rights-based approach and grounded in the realities of people and their lived experiences.

In this regard we regret to note that the zero draft fails to uphold the rights-based framework in addressing inequalities and the resulting vulnerabilities in the current world order. The New Agenda despite pledging not to leave anyone behind in paragraph 17 acknowledges an extremely restricted list of grounds for discrimination, which by effect eliminates other existing grounds of discrimination such as occupation, sexual orientation and gender identity and expression, health, age, or even social status which in most countries refers to the identity of a person based on his/ her social relations such as marriage. Such a restrictive list of grounds also denies any opportunities for acknowledgement of emerging grounds of discrimination which may result from changing patterns of social, economic or environmental transformations within Member States in the span of next 15 years. The vision to ensure that fundamental rights and freedoms are enjoyed by all lacks acknowledgement of the complex, inter-sectional and multiple forms of discrimination faced by certain sections of population or the cumulative impact it has on restricting access and enjoyment of human rights. This limited vision in effect fails to match the ambition that “no one should be left behind” and “no target should be met, unless met for all groups”¹ in the new post-2015 development agenda.

Further, while in a marked progress from the MDGs the preambular section of the zero draft in paragraph 18 pledges that the New Agenda will prioritise the realization of rights for women and girls through the SDGs, it has however failed to reference the minimum standards for such rights which have been ratified by nearly all member states in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It is important for Member States to adhere to the basic principles that they have committed to uphold protect and promote under international human rights laws. With the pledge of adhering to rights and obligations under international law, the SDGs should have been a mechanism to operationalize the realization of rights through a substantive equality approach as enshrined in CEDAW. The consequent application of the vision and principle of substantive equality should have aided in elaborating approaches for each goal, the interpretation and implementation of targets and monitoring through identification of relevant indicators at the national and regional levels. On

the contrary paragraph 18 in specifically stating that women and girls should enjoy equal access to education and equal opportunities in employment with men and boys absolves Member States from their responsibilities of evaluating the impact of opportunities created and addressing the core obstacles to de facto enjoyment of such opportunities by women and girls. By the mere framing of the paragraph the New Agenda contradicts the obligation of all States parties to CEDAW to ensure substantive equality through de jure and de facto equality.

The impact of lacunae in the consistent application of a human rights based approach, human rights principles and all-encompassing vision for addressing inequalities can already be witnessed in the First Proposed Priority Indicator List which has emerged out of the first meeting of the Inter-agency and Expert Group on Sustainable Development Goal Indicators (IAEG – SDGs) held from 1 – 2 June 2015.

A few examples of departure from the pledge of protecting human rights for all are provided below:

1. Lack of coherence between Goals and its intended targets with indicators for monitoring implementation:

Goal 1 on ending poverty in all its forms everywhere includes Target 1.5 that aspires to: *By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.* We welcome this target as a means of addressing present and sustained conditions of women and girls amongst other marginalized/ vulnerable sections of populations, and reducing their exposure and vulnerability to climate-related events and natural disasters. This is in accordance with the World Health Organisation's statement that *"available data suggest that there is a pattern of gender differentiation at all levels of the disaster process: exposure to risk, risk perception, preparedness, response, physical impact, psychological impact, recovery and reconstruction."* WHO has additionally noted that *"due to social norms and their interaction with biological factors, women and children-particularly girls-may face increased risk to adverse health effects and violence. They may be unable to access assistance safely and/or to make their needs known. Additionally, women are insufficiently included in community consultation and decision-making processes, resulting in their needs not being met."*² In keeping with this observation a factsheet on Women Health and Development by PAHO states *"A narrow view of the consequences of disaster leads to a focus on the purely physical, the social realities are ignored and, again, gender concerns are marginalized."*³

²http://apps.who.int/gender/other_health/disasters/en/

³<http://www1.paho.org/English/DPM/GPP/GH/genderdisasters.PDF?ua=1>

The proposed indicator of “*Number of people affected by hazardous events by age and sex (including deaths, missing people, injured, relocated or evacuated due to disasters per 100,000)*” framed through the IAEG – SDGs entirely restricts the implementation of Target 1.5 to measuring consequences of disasters contrary to building resilience of vulnerable communities as envisaged.

An appropriate and rights-based indicator for built resilience may at a minimum have measured population trained in disaster preparedness and response or early warning systems tailored to reach out to vulnerable sections of the population through data disaggregated by sex, age, economic situation etc.

2. Reduced accountability for grave forms of human rights violations against women

Goal 5 purports to **achieve gender equality and empower all women and girls** and therefore includes Target 5.2 to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. The said goal and target is in keeping with the learnings from the MDGs that had failed to address violence against women as a specific form of gender-based violence.

The proposed indicator of this target measures *proportion of ever-partnered women and girls (aged 15-49) subjected to physical and/or sexual violence by a current or former intimate partner, in the last 12 months*.

While acknowledging the findings of the UN Secretary General’s In-depth Study on all Forms of Violence Against Women⁴ that indicates intimate violence to be the most common form of violence, we wish to highlight that an indicator that limits the measurement of implementation of a target to only one aspect as a global minimum in effect perpetuates the same segregation and minimalist approach in implementation of a goal as the MDGs. The UN Secretary General’s Study has noted that female genital mutilation, female infanticide, sexual harassment etc. are other equally pervasive forms of violence with lasting impact on women’s lives and ability to enjoy rights. With 189 Member States having ratified CEDAW, which through its General Recommendation 19 lays out an entire framework of state obligation in relation to violence against women, a minimalist indicator would not only reduce the standards of applicability of CEDAW, it would in reality serve to neglect a large population of women who experience violence beyond the definitions of “ever-partnered women and girls”. Most importantly, the said indicator neglects to address child marriage which is still a largely prevalent form of violence against women that would not essentially fit into the age category of 15 – 49 yrs.

⁴<http://sqdatabase.unwomen.org>

Appropriate rights-based indicators for the Goal would have measured the numbers of cases reported versus the number of unreported cases or measures put in place by Member States to address violence against women applying the principle of due diligence.

3. Lack of acknowledgement of women's lived realities in eliminating discrimination

Goal 10 promises to **reduce inequality within and among countries** and therefore proposes through Target 10.3 to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies, and practices and promoting appropriate legislations, policies and action in this regard.

In keeping with the limited approach to non-discrimination and women's human rights sighted in Paragraph 17 and 18 of the zero draft, the proposed indicator requires *information on percentage of population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law*. Such an indicator fails to acknowledge the realities of women, especially in under-developed or developing countries. Global discussions on access to justice in the past decade, both through independent UN Agencies as well as treaty bodies such as CEDAW have indicated that lack of knowledge of rights both under national and international laws, complex judicial systems, lack of effective and affordable legal aid have often prevented women from registering complaints or sustaining actions against perpetrators. In addition as indicated through the 59th Session of the Commission on the Status of Women, majority of the countries do not have effective laws or systems to address discrimination against women.

An appropriate indicator in keeping with the realities of women's lives in majority of the countries across the world, should measure the number of substantive laws and policies that address discrimination against women, the number of laws and policies that continue to discriminate against women, procedural laws and policies that restrict women's access to justice and/ or participation of women in formulating or amending laws and policies within countries.

Finally, in relation to the implementation of the SDGs stated under the section on Follow up and Review, we submit that the Goals and Targets highlighted will be irrelevant without a clear and efficient structure of monitoring, reviewing and accountability of member states actions to the global community of nations, and to its peoples. The zero draft should consider more robust options for public accountability architecture under its follow up and review mechanism. The voluntary nature of the review and the slow nature of progress reporting by member states, as evidenced by the MDGs, should be ameliorated and supported by incentive-isation

and capacity and resource support. Reviews at national level should be conducted in transparent, inclusive processes where the meaningful participation of CSOs should be guaranteed, and the review should be conducted by independent review bodies.

Other gender equality monitoring mechanisms such as the CEDAW review should be considered as a platform for reporting and follow up as well as technical advice on gender results and outcomes of the SDG. The CEDAW Committee itself advocates this position in stating *“Explicitly tying development objectives to universally agreed human rights obligations supports a shift in paradigm – from a discourse of charity and expediency to one of rights and legal obligations. With this approach comes the need for duty bearers to be held accountable for achievements. Whatever accountability mechanism is adopted, the CEDAW Committee (along with the other human rights treaty bodies) should have a critical role in ensuring accountability for gender equality through its periodic review of State party reports, its inquiry procedure and its consideration of individual communications. It would, therefore, be useful for example, if the new accountability framework could ensure the systematic exchange of information between the treaty bodies and any new accountability mechanism designed to monitor the new goals, targets and indicators.”*⁵

We hereby request the Member States to take into consideration the existing standards and principles of human rights and the importance of consistent application of a human rights-based approach in the finalization of vision and commitments towards a New Post 2015 Agenda in the Outcome Document.

⁵Statement of the CEDAW Chair to the eighth session of the General Assembly Open Working Group on Sustainable Development Goals ,

http://www.ohchr.org/Documents/HRBodies/CEDAW/StatementsChair/Statement_CEDAWchair_OWG_SDGs_05.02.14.pdf&ei=3o2DVfXaK8qNuATY2qi4DQ&usg=AFQjCNEtAfGJ-0cF3E-JDV6uaRGWQnYqDg&bvm=bv.96042044,d.c2E