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**Challenges and achievements in the implementation of the
Millennium Development Goals for women and girls**

**Focus: Challenges and achievements
in the implementation of the MDGs for women and girls**

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Did and did not: Sexual and reproductive health and rights*

by

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*The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

1. Introduction

I welcome you all to this presentation on Challenges and Achievements in the Implementation of the Millennium Development Goals (MDGs) for women and girls. I have called my presentation “Did and Did Not.” I am focusing on things we did and achieved together as United Nations community of states and things we deliberately or unintentionally did not fulfill not only as United Nations but at as separate regions and states. However my presentation is concentrating on human rights and legal framework in realizing women and girls’ rights. It is my view and my appeal to you member states present here that we cannot achieve and implement MDGs without the enjoyment, realization, promotion, protection, fulfillment and upholding of human rights especially women’s and girls’ rights.

The presentation is meant to give an assessment of women’s and girls’ rights with particular focus on sexual and reproductive health rights. I am expected to give examples of what countries have been able to do and not do from human rights perspective in the context of MDGs. However, because of time limitations and the nature of the presentation, I have concentrated on giving examples from Malawi. Why Malawi? Not because it is a country where the presenter comes from but rather it is a country of opportunities in terms of human rights and MDGs. It is also a country of achievements and challenges. The presentation may not address all issues concerning women and girls but offers an opportunity for a meaningful discussion and further engagement.

2. Why human rights and Millennium Development Goals

MDGs discussion on women and girls has to focus on the policy and legal framework developed and implemented to achieve those goals. The discussion has to analyze progress that has been made so far and the challenges that United Nations (UN) member states still continue to face. The analysis has to reflect the commitment of states by assessing agreed goals, indicators and terms and conditions from various gatherings such as the International Conference on Population and Development Conference and The Beijing Conference. The conversations have to include further assessment of discussions at regional and sub-regional levels.

MDGs offered a path and direction to take. Human rights are a means of reaching that destination and I believe it is a choice whether to take right or wrong direction. Human rights set up standards that states must fulfill. Indeed in some instances MDGs offer a litmus test of fulfilling human rights.

3. Millennium Development Goals focusing on women and girls

The formulation of MDGs meant these goals could be achieved by 2015. However there are specific goals that focus on women’s and girls’ rights. An achievement of those goals means a change in the status of women and substantive enjoyment of human rights. The goals include gender equality and women’s empowerment, maternal health, combating diseases and eradicating extreme poverty and hunger. All of us agree that these are the issues that adversely affect women and girls and need to be addressed.

4. Human rights for women and girls and MDGs

The concept of human rights is that rights are universal, inalienable, indivisible, interdependent and interrelated. The human rights principles that are supposed to be followed in achieving MDGs are the same ones announced, agreed upon, enacted, signed and ratified through the Universal Declaration on Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR), the International Convention on Economic, Social and Cultural Rights (ICESCR) and the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) among others. Again the rules to be followed are those enunciated well in the International Conference on Population and Development and its program of action, the Beijing Conference and the attached Platform of Action and various follow up conferences and consensus documents including the Commission on the Status of Women. Of course this is at United Nations level.

The regional bodies in America, Europe, Asia and Africa have also entrenched human rights principles. In Africa the guiding tools in human rights can be found in the African Charter on Human and People Rights, the African Protocol on Women's Rights and the Maputo Plan of Action. We have also positively gone further to work at sub-regional level. In Southern Africa where Malawi belongs, we have a community of States known as the Southern African Development Community (SADC). While SADC was founded on economic cooperation, the treaty establishing SADC clearly shows that it is also founded on human rights.¹

SADC has been able to develop and pass various human rights instruments such as SADC Protocol on Health, SADC Protocol on Gender and Development and the SADC Declaration on HIV and AIDS. These instruments can easily be linked to MDGs.

While there is all this progressive framework, the implementation of MDGs in most countries has not been based on human rights. For example in implementing the goal on maternal health questions have to be asked if at all we use and apply article 12 of ICESCR, article 12 of CEDAW and the General Comments on the Right to Health. Questions have to be asked whether health services concerning women and girls are available, accessible and of acceptable quality. Questions have to be asked whether member states meet minimal standards in health.

In line with achieving MDGs on health, we realize there is need to incorporate issues and language agreed in the ICPD, the Beijing conference and Plan of Action. One clear example is the issue of sexual and reproductive health rights. It trite law that human rights framework and MDGs compel states to address family planning, sexually transmitted infections, the right to choose whether to have a child or not and access to safe abortion.

Further, achieving the rest of the MDGs from human rights perspective entails pursuance of culture of human rights at local level. This includes not only realization of women's rights but also respecting bodily integrity of women and girls, autonomy, women's ability to demand those rights, empowering women to be in decision making positions, eradicating gender based violence and development of laws and policies that will result in achievement of MDGS.

¹ Article 4 of the SADC Treaty.

In the context of HIV and AIDS, we have to stop the issue of mandatory testing of women and girls on the basis that they are women and girls. The approach is to use acceptable human rights standards that promote right to privacy, right to make a choice, right to non-discrimination, right not to be subjected to torture, inhumane and degrading treatment and right to health.

In pursuance of real goals to achieve MDGs, programs in line with human rights have to be developed to make sure women work in secure environment, inequality comes to an end, there is fair income and payment of wages, acquisition of assets, capacity to enter and exit contracts and presence of conducive environment where gender equality becomes meaningful to women and girls. Above all we need to remove barriers that are there from historical, cultural, traditional and religious practices if we really want results.

All I am saying ladies and gentlemen that it is time to use human rights as a litmus test in achieving MDGs. For example in Maputo Plan of Action, African states agreed to promote family planning as a crucial factor in attaining the MDGs, support the sexual and reproductive health needs of young women, address unsafe abortion, achieve quality and affordable health services to promote safe motherhood, child survival and adopting strategies that would ensure reproductive health commodity security. As we speak one cannot comfortably state here that Maputo Plan of Action has been followed to the letter.

5. Key human rights principles

There are key human rights principles that have to be followed in pursuance of MDGs

- a. Right to Health - meeting minimum standards
- b. Right Not to be discriminated - the right of all persons, free of coercion, discrimination and violence
- c. Right to information - right to make a choice
- d. Right to Dignity - where dignity of women and girls is respected.
- e. Right to Privacy - where there is no interference of choice
- f. Freedom - exercise decision making power with regards to sexuality and reproduction

6. Malawi

The Constitution of Malawi is founded on human rights principles starting from the Preamble. The Constitution has the Bill of Rights from section 15 to section 46. The interpretation of the Constitution is on the basis of looking at the public international law, foreign case law and human rights framework.²

Malawi has a female President, passed Prevention of Domestic Violence Act, The Gender Equality Act, Child Care, Justice and Protection Act (where there enhanced penalties on sexual abuse of children girl child). Malawi is currently reviewing its laws on abortion with an aim of coming up with modern law on abortion.³ This was after doing three research studies on unsafe abortion focusing on Magnitude of Unsafe Abortion and its contribution to maternal mortality, Strategic Assessment and Cost Study which established how much money government spends in

² Section 11 of the Constitution.

³ Malawi State Party Report on the Africa Charter on Human and People Rights p.99

providing post abortion care. Malawi is also reviewing laws on child marriage and human trafficking.⁴ Malawi has developed legislation on HIV and AIDS, developed new policies on HIV and AIDS, gender and youth. There has been an increase of women in decision making positions in civil service and judiciary. Prominent positions in government such as the Chief Justice, Chief Secretary to the Government, Chairperson of Malawi Human Rights Commission, Head of Malawi Law Commission, Ombudsman, Solicitor General and Secretary for Justice are all held by women. There has been steady increase of women at policy level in key government positions including principal secretaries.

This window of opportunity has to be utilized to realize women's rights and implement MDGs. I wouldn't sit here and claim that everything is on course in Malawi but there is political will among the leadership and citizens to move to another level on issues of women and girls. Maternal mortality remains high at 670 per 100,000 but there is a will to reverse this. Positively Malawi Government has also good relationship with local and international Civil Society Organizations where there is no interference even in advocating for repeal of laws on a subject penalized in the law.

7. Measures to be taken to address gaps in human rights and MDGs

- a. Political will
- b. Budgetary Support and Tracking
- c. CSO involvement
- d. Free Press
- e. Legal Framework - Gender Laws, Progressive laws on Safe abortion, HIV and AIDS, Child Marriage
- f. Polices e.g. Gender, HIV and AIDS, Safe Motherhood, Family Planning
- g. Fighting Corruption and Accelerate Accountability
- h. Inclusiveness - Male, Female and Youth involvement in development of programs

8. What is it that we have achieved as states

All the states agreed on the adoption of UDHR and signed and ratified ICCPR, ICESCR, CEDAW and other human rights instruments. Many states have incorporated human rights at domestic level. Many Member States at UN level are working hard to comply with UN Human Rights mechanisms including submitting state party reports and Universal Periodic Review (UPR) that include statistics on health in general, maternal health, HIV and AIDS, poverty levels, hunger, education and steps taken to address various challenges. There is commitment to meet in different forums such as CSW. There is willingness to participate further in post-2015 agenda and the Beijing+20.

9. Challenges

There is lack of uniformity and clear existence of disparities at UN and Regional Levels on achievement of MDGs. At the same time there are fundamental differences in enforcement of human rights at regional and domestic levels. There are underlying factors among states that

⁴ The bill on human trafficking is almost ready to be taken to parliament.

need to be addressed such as accountability, poverty, corruption and access to basic education and information. There is also slow progress in reforming laws that directly affect women such as access to safe abortion, gender equality, marriage age, electoral laws and child protection. In some instances there is need of affirmative action.

10. Way forward and recommendations

Development of human rights tools in the context of women and girls remains a desirable framework for achieving MDGs. There is need to focus on key human rights principles, sexual and reproductive health, team work with CSOs and achieve indicators in MDGs. This can only be done if the meaningful dialogue at UN and regional level is taken back home in a policy, law and in an open and democratic society where dialogue will result in better health and life for women and girls.

Thank you.