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**REVITALISING THE RIGHTS DISCOURSE:
A CRITICAL APPRAISAL OF THE APPLICATION OF THE
MILLENNIUM DEVELOPMENT GOALS IN SOUTH EAST
EUROPE**

BY:

AARIF SARIGAT ABRAHAM

PETRA SCHWAIGER

IRHAD STRIKA

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TABLE OF CONTENTS

INTRODUCTION	3
Chapter 1: Poverty - MDG 1.....	6
Application and progress	6
Critique	9
Connection to Human Rights.....	11
Chapter 2: Education - MDG 2.....	13
Application and progress	13
Critique	13
Connection to Human Rights.....	16
Chapter 3: Gender - MDG 3	19
Application and Progress	19
Critique	19
Connection to Human Rights.....	21
Chapter 4: Health - MDGs 4, 5 and 6	23
Application and Progress	24
Critique	25
Connection to Human Rights.....	26
Chapter 5: Environmental Sustainability - MDG 7	27
Application and progress	27
Critique	28
Connection to Human Rights.....	30
CONCLUSION	32
BIBLIOGRAPHY	34

INTRODUCTION

The Millennium Development Goals (MDGs) have been controversial since their inception. Some have called them inconvenient distractions¹ taking the attention away from very substantive work being undertaken under the aegis of the international human rights framework. Others have praised them for bringing much needed attention and resources to the most critical development problems and allowing measurement of goals and objectives.²

South East Europe³ (SEE) in many ways represents a microcosm of those competing narratives. Many goals, such as the eradication of extreme poverty, would clearly be inapplicable in the form they have been elaborated and they would, no doubt, pass their targets with flying colours if judged in purely quantitative terms. The response both by the UN and the partner countries is to provide a more nuanced and contextualised understanding of the goals so that they move beyond the lowest common denominator targets; as some critics⁴ have dubbed the goals.

Despite this contextualisation and nuance, however, there remain critical problems with the goals and their implementation in SEE. We should remember that it was only in 2000 that 191 member states of the UN adopted the Millennium Declaration giving rise to the Millennium Development Goals. Countries, such as those within the SEE, transitioning from socialist to market economies have experienced severe budgetary constraints and difficulties in providing social protection for vulnerable groups in society. These problems were exacerbated in the wake of the market-oriented reforms promoted by international financial institutions such as the International Monetary Fund and the World Bank as part of the

¹ Antrobus calls them the “most distracting gimmicks” given what she sees as their ‘abstraction from the social, political and economic context in which they are to be implemented—the ‘political economy’ of the MDGs’. See further, Antrobus, Peggy. “MDGs—The Most Distracting Gimmick.” UNDP Caribbean Regional MDGs Conference held in Barbados, 7-9 July 2003. The article first appeared in DAWN Informs, September 2003 (dawn.org.fj/global/mdgs.html).

² Implementation of the United Nations Millennium Declaration: Report of the Secretary General, U.N. GAOR, 59th Sess., Agenda Item 56, fl 39, U.N. Doc. A/59/282 (2004).

³ The remit of our critique is limited to South East European countries, we leave the countries undefined as our focus is on the main trends operating in the region rather than attempting a country by country analysis.

⁴ Herfkens, Eveline. “Enhancing the Millennium Development Goals: Reducing Inequalities and Improving Coherence through Social Protection Floors”. *Social Protection Floor Advisory Group, ILO*, 2011. 10.

conditionalities for aid.⁵ This report focuses on how the pattern of development assumed under these circumstances has hindered the achievement of the MDGs.

Another critical aspect which remains somewhat neglected in the MDG discourse and which the report analyses is how the progress made in SEE countries can be judged from the standpoint of their obligations under international human rights instruments. Many of the SEE countries in the late 1980s had relatively high levels of industrial development and human development but the transition to market economies caused grave hardship especially in terms output, inequality and state provision of social services. Most countries, a decade into the transition, had still not caught up to their 1990 levels of output⁶ (as **Appendix A** demonstrates) let alone address the subsequent increase in inequality. In 1989, average inequality in the region was much below the OECD average. At the start of the millennium, inequality in several East European countries had risen to around the OECD average, and in most it was above the top of the OECD range. There is, critically, no systematic evidence of a decreasing trend in inequality over the past few years.⁷ **Appendix B** demonstrates that for almost all countries in the SEE, for which data is available, inequality is greater today than it was in the late 1980s.

Furthermore, there were severe problems of development brought about by the violent conflict from 1991 to 1995 that involved Serbia, Montenegro, Croatia, Bosnia-Herzegovina (BiH), and later the war between Kosovo and Serbia (1998-1999). The break up of Yugoslavia pitted the newly-declared independent states against one another leading to severe destruction of property and industrial capacity in the ensuing wars across the region. The wars also had a devastating impact on the population; dividing people by ethnicity, leading to mass population displacement and cases of horrific atrocities, most notably, in Bosnia and Herzegovina.

⁵ By 'market-oriented' I mean a broad spectrum of ideas, practices and policies to the conduct of government and non-governmental institutions that are associated with 'a preference for small governments and a reliance on market mechanisms to determine economic outcomes.' I adapt the definition provided by Aligica and Evans (2009) and Beeson and Firth (1998). See further, Aligica, Paul Dragos and Evans, Anthony John. *The Neoliberal Revolution in Eastern Europe Economic: Ideas in the Transition from Communism New Thinking in Political Economy*. Cheltenham: Edward Elgar Publishing, Inc., 2009.

⁶ Rodrik, Dani. Goodbye Washington Consensus, Hello Washington Confusion? A Review of the World Bank's Economic Growth in the 1990s: Learning from a Decade of Reform. *Journal of Economic Literature* Vol. XLIV (December 2006), pp. 973-987. 975.

⁷ Statistics available at Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A Pan European Perspective*. New York and Geneva: United Nations, 2006. 36.

As part of the Global Classroom we highlight and outline the main contours of the debate in the context of the SEE with a view to bringing attention to areas for further research. We note how many of the MDGs are related and indicate areas where there is intersectionality between different goals.

This report is organised as follows. We split the report into five thematic chapters and discuss within each chapter the relevant MDGs of concern to SEE. Each thematic chapter introduces the relevant MDG, outlines its relevance to the region and progress made in terms of implementation. The sub-chapters critique the goals and in particular the ‘silences’ in how the targets are to be achieved. We highlight why the goals have not been fully realised. Finally, we discuss the impact of the international human rights framework on the MDG and whether there has been, if any, gender or human rights mainstreaming with regards to the goal.

The Chapters comprise Education, Poverty, Gender, Health, and Environmental Sustainability. Chapter 1 considers how poverty in the context of SEE requires a more nuanced interpretation of MDG 1. It focuses on inequality by considering the prevalence of unemployment in the region and disparities between the genders. Chapter 2 considers the development of education in the context of the MDG goals and how the legacy of socialism in particular in SEE has had a lasting impact. It identifies key problems of implementing MDG 2 and how divorcing the goal from the right to education has diluted its relevance. Chapter 3 covers MDG 3 and concerns the promotion of gender equality and empowerment of women. It outlines that even though countries in the region have worked diligently on adopting the necessary legal measures for equality amongst genders, the main obstacle is the implementation of those measures. Chapter 4 focuses on the access to health as a result of discrimination and considers MDGs 4, 5 and 6. Chapter 5 considers environmental sustainability and reaffirms the inability of the countries in the region to protect their natural resources due to lack of proper infrastructure. The chapter identifies anomalies in the data and explains why there is a big disparity between countries. It also considers the disparity in environmental protection between urban and rural areas within individual countries. The Conclusion identifies the main findings, touches upon the limitations of our study and suggests avenues for further research.

Chapter 1: Poverty - MDG 1

MDG 1 is dedicated to eradicate extreme poverty and hunger in the Balkans. Extreme poverty is described as people living with less than \$ 1.25 a day.⁸ Poverty intersects with many other aspects addressed in the MDGs, for example, with employment⁹, health,¹⁰ and gender¹¹, demonstrating the importance of MDG 1. Another major factor which intersects with poverty is the prevalence of inequality.

Due to the dramatic changes in society in the last decades, the historical background to poverty in the region has to be considered by an acknowledgment that there is a lack of data for the period prior to 1995. In SEE, the collapse of the centralized economy during communism led to a sharp decrease in economic activity, with a consequent increase in levels of poverty. As stated in the beginning of this report, the recent conflict in the mid 1990s is a major influencing factor in society and a reason for the increase in poverty.¹² Bosnia and Herzegovina (BiH) was affected by both of these factors. Therefore, the following analysis focuses on BiH as a representative example in SEE.

The UN progress report on BiH¹³ published in 2010 underlines the importance given to the achievement of all of the MDGs. The primary reason for this is to overcome the consequences of the war and the subsequent efforts aimed at sustainable development. To meet the MDGs has become a vital part of the development strategy in the country.¹⁴

Application and progress

There are a number of ways to define poverty and we need to elaborate on the way it is considered by the MDGs. By ‘poverty’ we include both relative and absolute

⁸ According to target 1.A. of MDG 1: <http://www.un.org/millenniumgoals/poverty.shtml>.

⁹ Achieving a high-employment equilibrium is one of the most effective ways to support development and combat poverty. United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-european perspective*. New York and Geneva: UN, 2006, 27.

¹⁰ A population having access to health has also a higher expected length of a working life. United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-European perspective*. New York and Geneva: UN, 2006, 30.

¹¹ In some countries, especially in SEE unemployment is higher than men’s unemployment. See also: United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-european perspective*. New York and Geneva: UN, 2006, 28.

¹² United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-European perspective*. New York and Geneva: UN, 2006.

¹³ Ministry of Finance and Treasury BiH and UNDP: Progress towards the Realization of the Millennium Development Goals in Bosnia and Herzegovina 2010, Sarajevo 2010.

¹⁴ Ministry of Finance and Treasury BiH and UNDP: Progress towards the Realization of the Millennium Development Goals in Bosnia and Herzegovina 2010, Sarajevo 2010, 7.

measures. Those living in households with income significantly below the average in their country are considered relatively poor as they are excluded from the advantages one would expect them to receive as a medium income household.¹⁵ By absolute poverty we refer to those individuals who are unable to afford the minimum basket of goods one would consider necessary to survive. Internationally, the absolute poverty threshold is considered at 2.15 dollars income per day.¹⁶ At the time of the *Millennium Declaration* the global target to halve those on living on poverty considered poverty to mean living on one dollar a day. The World Bank has, however, revised this figure and rightly so to include essential costs in a cold climate like heating clothing and food. The Economic Commission for Europe goes further and notes that the absolute poverty threshold should be calculated nationally so that national circumstances for survival are properly taken in consideration.¹⁷ In the case of BiH these national circumstances include heating requirements adequate for climate conditions, gas prices, etc. As inequality intersects with poverty the next step is to explain our definition of that term.

Increase in ‘inequality’, by which we mean income inequality exclusively, would entail an increase in the number of those people in relative poverty. The Millennium Declaration lists equality as one of the main aims to strive for.¹⁸

According to the UN progress report on Bosnia and Herzegovina, in 2000/2001 the percentage of population living below the absolute poverty line was stated to be 19.1%. The latest available data in 2007 gauges it to be 14%, which indicates an improvement. Therefore, the MDG goal to reach 9% by 2015 is, according to the progress report, likely to be reached.¹⁹ Accompanying the improvement of the percentage of people living below the poverty line, BiH had experienced economic growth in the period from 2000 to 2008. A fact which needs to

¹⁵ Simai, Mihaly. Poverty and Inequality in Eastern Europe and the CIS Transition Economies. 13.

¹⁶ According to the two dollars threshold, there were about 50 million people living in poor families in the former socialist countries at the end of the 1990s, mostly in the CIS countries. See Simai. Poverty and Inequality in Eastern Europe. 14.

¹⁷ Economic Commission for Europe. The Millennium Development Goals. The Way Ahead. A Pan European Perspective. New York and Geneva: United Nations, 2006. Note: Accurate data on poverty are not available before 1995-1996 when some of the countries started to conduct relevant household budget surveys. From 2000 there are few countries that can provide poverty data on an annual basis, and some of them have collected data less than twice in the last decade. See 14.

¹⁸ Alston, Philip. Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium Development Goals Human Rights Quarterly, Vol. 27, No. 3 (Aug., 2005), pp. 755-829, The Johns Hopkins University Press, URL:<http://www.jstor.org/stable/20069811>. (Accessed: 20/04/2013), 800.

¹⁹ Ministry of Finance and Treasury BiH and UNDP: Progress towards the Realization of the Millennium Development Goals in Bosnia and Herzegovina 2010, Sarajevo 2010, 8.

be taken into consideration is ethnic division in BiH. According to James Boyce there is a difference in the poverty rate between the two entities in BiH. In the entity of Republika Srpska, the poverty rate is higher than in the entity of the Federation of BiH. The ethnic division or the unequal distribution of international aid could be seen responsible for the gap.²⁰ These vague arguments compel us to take a closer look into the social politics of BiH. In the national strategy of BiH there are inequalities in the provision of social security. An example is that “the poorest population quintile is receiving only 17% out of the total monetary assistance from the social welfare sources, which is even less than their share within the overall population (20%) and falls far short of their real needs.”²¹ This implies that there is a lack of a coordinated and fair national strategy on the reduction of poverty. It can be concluded that there is an unequal distribution of resources which discriminates between these citizens who live on the lowest level of the income line. This example points out that despite economic growth and an improvement of the percentage of people living below the poverty line, inequality is rising. Inequality not only impacts on poverty but has a significant influence on the labour market. We must, therefore, consider unemployment and strategies implemented on the labour market as a field where the reduction of inequality should be a central theme.

Unemployment

There is a clear intersection between poverty and unemployment. According to the indicators in the progress report on BiH, the unemployment rate in BiH reached 24% in 2010. Together with an expected fall of remittances from foreign countries, households are in danger of falling under the poverty line.²² The main features of the labour market in BiH are a high inactivity rate as well as a high unemployment rate, in addition to a high level of employment in the informal sector²³. One of the striking features of the labour market in BiH is the very high

²⁰ James K. Boyce. *Aid conditionality as a tool for Peacebuilding: Opportunities and Constraints*, 490 – 512. Here, Boyce states, that after the war, aid donors gave 98% to the Federation of BiH, see Boyce, James K., ‘Aid Conditionality as a Tool for Peacebuilding: Opportunities and Constraints’, *Development and Change*, Vol. 35(5), 2002, pp 1025-1048.

²¹ Ministry of Finance and Treasury BiH and UNDP: *Progress towards the Realization of the Millennium Development Goals in Bosnia and Herzegovina 2010*, Sarajevo 2010, 10.

²² Ministry of Finance and Treasury BiH and UNDP. *Progress towards the realization of the Millennium Development Goals in Bosnia and Herzegovina*. Sarajevo: UNDP, 2010, 11.

²³ According to ILO reports, the informal economy is estimated at around 30-50 per cent of the country’s

number of people of working age who are not participating in the labour market and high levels of long-term unemployment. Labour force participation is significantly lower in BiH than other countries of the region. Furthermore it has been stagnating for years, showing very few signs of possible increase.²⁴ A particularly worrying fact is that about half of the unemployed are persons seeking a job for the first time, persons who finished secondary school or vocational programmes.²⁵

Critique

As an answer to unemployment, the International Labour Office (ILO) in BiH has drafted a strategy in order to promote decent work standards in terms of development policy.²⁶ These strategies include the strengthening of government parties, increasing employment opportunities and strengthening social protection systems.²⁷ This can be seen as a partial answer to market-oriented policies established in SEE countries, in order to cushion their negative influence on the implementation of MDGs. In terms of strengthening social protection systems, trade unions come into play. According to the ILO annual survey of 2012 on violations of trade union law, the situation is alarming. In the legislative framework, registration of trade unions is restricted, mirroring an existing law framework in BiH, which does not promote the establishment of trade unions. One example is that the authorities of BiH have the right to reject the registration of trade unions. The right to strike is seriously undermined as there is the ‘ensuring of production maintenance’, required by law.²⁸

Whilst relative economic growth has increased over the last 20 years there has been a growing disparity in the distribution of income which has impacted negatively on the worse off. Looking into the future, the UN Commission on Economy in Europe gives the following perspective: “In the longer term, the likelihood that these

GDP. ILO: Decent Work Country Programme Document for Bosnia and Herzegovina, 2012 – 2015: http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---srobudapest/documents/policy/wcms_204899.pdf (accessed on 22.4.2013)

²⁴ Ministry of Finance and Treasury BiH and UNDP. *Progress towards the realization of the Millennium Development Goals in Bosnia and Herzegovina*. Sarajevo: UNDP, 2010, 14.

²⁵ United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-european perspective*. New York and Geneva: UN, 2006, 15.

²⁶ ILO: Decent Work Country Programme Document for Bosnia and Herzegovina, 2012 – 2015: http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---srobudapest/documents/policy/wcms_204899.pdf (accessed on 22.4.2013), ii.

²⁷ ILO: Decent Work Country Programme Document for Bosnia and Herzegovina, 2012 – 2015: http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---srobudapest/documents/policy/wcms_204899.pdf (accessed on 22.4.2013), 10.

²⁸ ITUC: Annual report on violation of trade union laws, <http://survey.ituc-csi.org/Bosnia-and-Herzegovina.html#> (accessed on 12.5.2013).

countries will meet MDG 1 will depend crucially on their ability to strengthen the pro-poor content of economic growth. In fact, due to an initially unequal distribution of assets (and hence opportunities), growth in average per-capita income does not necessarily lead to comparable growth in the income of the poor. That is, without well targeted pro-poor policies, fast economic growth does not automatically reduce relative (or even absolute) poverty.”²⁹

Against the background of the critique on MDG 1 progress, there are several recommendations on how to fight unemployment and poverty. Individuals make their income through employment, which then reduces the vulnerability to poverty. Taking employment as a key factor to reduce poverty, proactive policies aiming at establishing a dynamic labour market can be seen as a decisive component of the strategy to achieve MDG 1.³⁰ The argument of investing into a dynamic labour market has to be accompanied by alternative measures, such as social protection measures. For example, social protection policies should improve access to health care services for more vulnerable individuals in the economy, thus preventing (or mitigating) the underutilisation of human capital that is due to prolonged illness or inability to work.³¹ One of the recommendations in the UN progress report therefore focuses on improving the access to health services and social services. Through these strategies target of MDG 1 is more likely to be reached.³² Another important factor which should accompany investments in a dynamic labour market is the strengthening of labour unions.

In terms of the analysis, it needs to be stated that due to the lack of census data on the population of BiH (and other countries in the region) there is an incomplete picture. Because of the lack of demographic census data, social tendencies or poverty rates are difficult to measure. Adding to that, there are several other particularities in BiH which need to be taken into consideration. “In the post-war period, BiH was going through a triple transition: from war to peace; from international financial aid to sustainable development and from a planned economy and political monopoly towards a market economy and democracy.”³³

²⁹ Ibid, 3.

³⁰ Ibid, 27.

³¹ Ibid, 3.

³² Ibid, 30.

³³ Ministry of Finance and Treasury BiH and UNDP: Progress towards the Realization of the Millennium Development Goals in Bosnia and Herzegovina 2010, Sarajevo 2010, 6.

The fulfilment of the MDGs brings up the question of which bodies are mainly financing the necessary measures. In BiH, the situation has to be seen in the light of the recent conflict. After Dayton international aid donors discussed Bosnia's post-war reconstruction. Aid was only given with the conditions that former Yugoslav states would implement peace agreements, respect for human rights, the right of refugees and displaced persons to return to their homes and the surrender of indicted war criminals.³⁴ There is a gap between poverty levels in the two entities, Republika Srpska and Federation of BiH. Though many factors have to be taken into account, this poverty gap arose when conditionality for aid was implemented in order to direct these post-war reconstruction mechanisms.³⁵ The use of conditionality as a tool for peace building, which can be seen as a positive development, had an impact on the poverty gap between two entities.³⁶

Summarising, we argue that the particular history of BiH is a crucial factor that needs to be taken into consideration when drawing conclusions for future development.

Connection to Human Rights

MDG 1 intersects at least in principle with many international documents and treaties. Article 23 of the Universal Declaration of Human Rights (UDHR), is dedicated to the right to work. The connection with poverty is made in paragraph 3, where it states, that "Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." Besides the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR)³⁷ and the International Covenant on Civil and Political Rights (ICCPR)³⁸ constitute major international treaty based human rights documents. Also, in terms of gender equality, the Convention on the Elimination of All Forms of Discrimination

³⁴ Boyce, James K., 'Aid Conditionality as a Tool for Peacebuilding: Opportunities and Constraints', *Development and Change*, Vol. 35(5), 2002, pp 1025-1048.

³⁵ Here, Boyce states, that after the war, aid donors gave 98% to the Federation of BiH, see Boyce, James K., 'Aid Conditionality as a Tool for Peacebuilding: Opportunities and Constraints', *Development and Change*, Vol. 35(5), 2002, pp 1025-1048.

³⁶ James K. Boyce. Aid conditionality as a tool for Peacebuilding: Opportunities and Constraints, 490 – 512.

³⁷ International Covenants on Economic, Social and Cultural Rights. UNESCO: http://www.unesco.org/education/information/nfsunesco/pdf/SOCIAL_E.PDF (accessed on 17.4.2013).

³⁸ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> (accessed 18.4.2013).

Against Women³⁹ (CEDAW) has to be taken into account. The relevance of CEDAW to the MDGs is discussed further in chapter 3 on gender equality and empowerment of women.

³⁹ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 1979, United Nations, available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw.html> (accessed 18.4.2013).

Chapter 2: Education – MDG 2

Application and progress

MDG 2 requires every child to enrol in primary school and to complete a quality full cycle of primary education. The goal should not be seen in isolation as it has a significant multiplier effect in that it can provide people with access to wider social, economic, political and cultural benefits. Prima facie, in SEE, the picture is quite positive: universal access to primary and secondary education and youth literacy has been achieved in most countries of the region. To measure a country's progress towards MDG 2 three key indicators are used: Net enrolment rates (for primary school), Survival rate to last grade and the youth literacy rate. The Net Enrolment Rate (NER) is around 90 per cent or above in most countries of the region. In most countries of the region, almost all children who enrol in primary school complete the first cycle as demonstrated at [Appendix C](#).⁴⁰

Critique

Marginalisation and exclusion

A major factor preventing the achievement of MDG 2 in the SEE is marginalisation of particular social and economic classes. There is an acute problem of exclusion of particular populations and groups to quality education in the region which distinguishes it, unfavourably, to other regions. Data available for 12 countries show that between 1999 and 2008 the NER increased in only one SEE country, Croatia. Relatively small declines in the remaining 10 countries illustrate the great difficulty governments face in reaching the last 10 per cent of children currently excluded from the school system.⁴¹ In some countries, such as Montenegro and Serbia there is still an educational disadvantage in being born a girl. The gender aspect is discussed in more detail later.

Geographical isolation, extreme poverty, social exclusion, disability, and conflict are the prime reasons for marginalisation. In Macedonia, for instance, the

⁴⁰ In 2007, at least 93 per cent of young learners completed the last grade of primary school in all countries for which data were available. In many countries, this rate is close to 100 per cent. See further, *The MDGs in Europe and Central Asia: Achievements, Challenges and the Way Forward*. United Nations Economic Commission for Europe. August 2010. 48.

⁴¹ Data obtained from *The MDGs in Europe and Central Asia: Achievements, Challenges and the Way Forward*. United Nations Economic Commission for Europe. August 2010. 47.

average length of education is just 7.3 years.⁴² There is also one group of people, the Roma, that face persistent and pervasive institutional discrimination throughout the region. UN studies show that many young Roma drop out of primary school. An estimated 15 to 20 per cent of Roma children in Bulgaria and 30 per cent in Romania do not continue beyond fourth grade. No more than 20 to 25 per cent of Roma children attend secondary school, while the vast majority of those that do are enrolled in vocational education.⁴³

Access to education

The irony is that in the region many countries enjoyed free access to secondary and primary school education (often to high standards) under socialism but now quality and access is becoming an important issue; especially because of the diminishing role of the public sector.⁴⁴ Although there are large gaps in the data we can gauge that while the public share of education expenditure averaged around 5 per cent of GDP in countries like Bulgaria and Romania at the beginning of the 1990s, it declined to around 4.0 to 4.2 per cent of a much smaller GDP by 2000.⁴⁵ See further, **Appendix D** and discussion below.

It should be acknowledged that *access to* education is distinct from the *quality of* education and particular emphasis should be put on quality over the quantitative goal. There is a very large disparity in quality throughout the region and quality appears to be declining. The Programme for International Student Assessment (PISA) assesses students with about eight years of education and classifies students with reading literacy below level 2. Students who do not reach level 2 struggle to perform everyday reading tasks, and evidence from earlier PISA surveys show that such students are unlikely to do well in the labour market.⁴⁶ The percentage of students with reading literacy below level 2 ranged from 36 per cent to 79 per cent in Montenegro, Romania, Bulgaria, Albania and Serbia.⁴⁷

⁴² UNESCO Institute of Statistics (UIS).

⁴³ Ibid. 48.

⁴⁴ *The Millennium Development Goals. The Way Ahead. A Pan-European Perspective*. United Nations Economic Commission for Europe. 2006. 15.

⁴⁵ Ibid,

⁴⁶ OECD(2010), PISA 2009 at a Glance, OECD Publishing. (<http://dx.doi.org/10.1787/9789264095298-en>)

⁴⁷ EFA Global Monitoring Report 2010. *Reaching the marginalized*. Paris. UNESCO. See also, OECD (2010), PISA 2009 at a Glance, OECD Publishing. (<http://dx.doi.org/10.1787/9789264095298-en>)

Investment in education is an immediate cost for individuals - as well for as governments – though the investment will yield a future payment (in particular a higher earning potential and greater productivity).⁴⁸ The immediate costs are direct costs (e.g. of tuition fees), and indirect costs (the opportunity cost represented by the income foregone whilst children go to school). The latter, particularly for families on lower incomes, provides significant disincentives to school as children grow up (there is for them an immediate diminishing marginal return to education). The provision of public education and social safety nets is what facilitates higher development of human capital and long term economic returns from education. Whilst the legacy of socialism has allowed educational enrolment to remain high, quality is decreasing ‘due to school closures, cuts in curricula, the introduction of users fees and higher prices of textbooks as well as loss of schools’ social functions such as provision of free preventive health services, meals or recreation.’⁴⁹

Despite the MDG focus on primary education students increasingly require good secondary and tertiary education especially in modern, technologically dependent societies. For most countries there has been a considerable increase in the tertiary enrolment rates since at least 1999⁵⁰ but this is not a complete picture especially for countries transitioning from socialist economies. As we will note below there has not been a comprehensive increase in enrolment rates for secondary education and in fact there have been notable declines (see **Appendix E**). Countries which were pressed to conform to market norms since 1991 like Bulgaria and Romania (augmented by EU accession fiscal conditionality) saw well-developed⁵¹, and comprehensive secondary and tertiary education systems funded largely by the state dismantled. Market liberalisation and the transition recessions meant that state financed education deteriorated quickly and a large number of research institutes ceased to exist, as tens of thousand of scientists, researchers and engineers emigrated⁵².

So how does the application of MDG 2 relate to the rights discourse, if at all?

⁴⁸ Although how much exactly will be the return on education is highly debated; it would appear to vary by time and place, structural and institutional factors. See further, Heyns, Barbara. Emerging Inequalities in Central and Eastern Europe. *Annual Review of Sociology*, Vol. 31 (2005): 163-197. 166.

⁴⁹ *Ibid.*, 39.

⁵⁰ See figures at The UNECE Report on Achieving the Millennium Development Goals in Europe and Central Asia. United Nations, 2011. 38.

⁵¹ (Far more in many cases than developed economies).

⁵² Mihaly, Simai. Poverty and Inequality in Eastern Europe and the CIS Transition Economies, *DESA Working Paper No. 17*, New York (2006), 8.

Connection to Human Rights

Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵³, specifies that the right to education includes the right to free, compulsory primary education for all (Art 13.2(a)), an obligation to develop secondary education accessible to all in particular by the progressive introduction of free secondary education (Art 13.2(b)), as well as an obligation to develop equitable access to higher education in particular by the progressive introduction of free higher education (Art 13.2(c)). The UN Convention on the Rights of the Child (CRC) also provides that primary education must be free and that secondary education must be available to every child (Art 28). In addition it specifies the qualitative aspect of educational attainment in that “education must develop every child’s personality, talents and abilities to the full” (Art 29). All SEE countries have signed and ratified the ICESCR and CRC but any specific plan to implement any of rights is conspicuously absent in the MDG themselves including the MDG discourse although passing homage is paid to them.⁵⁴ Some individual country reports do mention human rights and attempt to frame the MDG obligations in the human rights framework like the report for BiH but generally they do not.⁵⁵ Critically, however, no attempt is made to operationalise the meeting of the MDG goals very specifically to international law obligations under the ICESCR and CRC.

The reason for distancing MDGs from rights is the reluctance by governments to couch their obligations in rights terms as that entails the risk that they may be breaching rights; country reports are written by the countries themselves and UN bodies are keen not to offend the countries they work with. Nevertheless, countries are required to take steps⁵⁶ to realise Art 13 (b) and (c) yet as discussed above some

⁵³ International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27.

⁵⁴ “The Millennium Development Goals not only “mirror the fundamental motivation for human rights,” but they also “reflect a human rights agenda: rights to food, education, health care and decent living standards.” United Nations Development Programme, Human Development Report 2003, at 27, 29 (2003), available at hdr.undp.org/reports/global/2003/ [hereinafter HDR 2003]. See further, Alston, Philip. *Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium. Development Goals.* *Human Rights Quarterly*, Vol. 27, No. 3 (Aug., 2005), pp. 755-829. 6.

⁵⁵ For instance, see, Bosnia and Herzegovina Human Development Report 9 (UNDP, 2003), available at www.undp.org/mdg/eng/lesek_a_final.pdf , Alston, Philip. *Ships Passing in the Night*. 40.

⁵⁶ Such steps must be “deliberate, concrete and targeted” towards the full realization of the right to education in the words of the UN Committee: The right to education (Art.13) : . 12/08/1999. E/C.12/1999/10. (General Comments). Committee on Economic, Social and Cultural Rights. Twenty-first session. 15 November-3 December 1999. para 43.

countries have regressed⁵⁷ (often deliberately or forced due to resource constraints) in implementation of this article; contrary, we may add, to Art. 2 (progressive realisation). For instance, **Appendix E** demonstrates that a number of countries have seen enrolment rates for secondary education actually declined since 2000 including Albania, Bulgaria, Slovenia.

The lack of operationalisation of the ICESCR and CRC into the MDG discourse is, no doubt, a very significant impediment for the realisation of MDG goals. If they are in reality a bare minimum set of goals which countries can themselves can say they have met absent any discussion or even acknowledgment of human rights obligations⁵⁸ then we must reconsider the effectiveness of the MDG goals in SEE. If one looks at the UN recommendations made in respect of the fulfilment of MDG 2 they include: “Using external assistance and debt relief for investment in health and education as a priority.”⁵⁹ The irony, however, is that aid from the IMF, for instance, is conditional on cutting budgets and increasing privatisation both of which tend to undermine the right to education as set out in the ICESCR and CRC; education budgets have declined as noted above and private firms (unrestrained by the state) play a greater role in secondary and pre-school education that can restrict access to education.⁶⁰ Similarly, there are often very clear cases of

⁵⁷ “There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education, as well as other rights enunciated in the Covenant. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources”. The right to education (Art.13) : . 12/08/1999. E/C.12/1999/10. (General Comments). Committee on Economic, Social and Cultural Rights. Twenty-first session. 15 November-3 December 1999. para 45.

⁵⁸ As Alston rights says, “If these reports fail to address, or even acknowledge, existing human rights problems they will often be excluding the very issues that are crucial to understanding the principal obstacles that are inhibiting the realization of the MDGs. If it is not possible to mention sensitive issues such as deeply entrenched discrimination against women, the effective exclusion of certain racial, religious, linguistic or other minority groups from the development process, or the systematic harassment of anyone expressing dissenting or alternative viewpoints, the report not only will be unrealistic in nature but will also be unable to address the critical steps that need to be taken if the MDGs are to be met.”

⁵⁹ It also includes: “Addressing quality issues in education through education system reforms (MDG 2, target 3). This requires allocating public funds to upgrade curricula (to prevent skill mismatches), modernizing the education of teachers and increasing their salaries to foster motivation, providing students and teachers with appropriate material and equipment, and ensuring that enough hours of instruction are covered.” The Millennium Development Goals. The Way Ahead. A Pan-European Perspective. United Nations Economic Commission for Europe. 2006. 40.

⁶⁰ Some of the effects of such policies are discussed by Nicholas Barr in Barr, Nicholas. (ed.) *Labor markets and social policy in Central and Eastern Europe: the accession and beyond*. Washington: The World Bank, 2005: “These actions led to a number of adverse consequences for education programs, including the closure of many preschools and a decline in preschool enrollment early in the transition. The increased reliance on financing from local governments and households with different capacities

discrimination against certain groups of people - like the Roma or the ethnic discrimination in BiH due to the problem of ‘two schools under one roof’ - which clearly violates the non-discrimination article in the ICESCR.⁶¹ Goals which attempt to address regional problems without consideration of clear and enforceable rights have the potential to be inconsistent and counter-productive.

contributed to the emergence of large differences in education quality. This may have contributed to the declines in coverage that were observed for primary and secondary education in Bulgaria and for secondary education in Romania. Reliance on extrabudgetary sources of financing often created perverse incentives, such as the incentive for teachers not to cover the complete curriculum in class to create a demand for paid, extramural tutorial instruction; and the incentive for production activities in vocational schools and service provision in general secondary schools—such as offering computer classes to the community—to displace educational activities. Although it is difficult to document, corruption in the form of solicitation of informal payments for better examination scores and for admission to university programs also became (and remains) a serious concern in some of the accession countries.”

⁶¹ Article 2(2), ICESCR.

Chapter 3: Gender - MDG 3

Application and Progress

Targets under MDG 3 attempt to eliminate the gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015. The following indicators are used to measure the rate of success: ratio of girls to boys in primary, secondary and tertiary education; ratio of literate women to men, aged 15-24 years; share of women in waged employment in the non-agricultural sector; and proportion of seats held by women in national parliament.⁶² World Bank Database provides information on almost universal enrolment of boys and girls in all levels of education, and specifically, as evident from the **Appendix F**, level of tertiary enrolment for women has been much higher than for men. Women are well represented in education; whereas in the labour sector we can observe generally decreasing numbers with regards to labour participation of women (see **Appendix G**).

Critique

Female participation in the labour market

Although female unemployment exceeds that of males, the numbers usually remain rather small, generally around 3%.⁶³ Remains of social ideology based on labour participation of both genders, and the continued success of women in attaining education have partially contributed to these results. However, **Appendix H** indicates that the female unemployment for the region, specifically for Bosnia and Herzegovina and Kosovo is becoming an extremely concerning problem in recent years. We can safely say that the success in education has not translated itself into equal opportunities for both genders in the field of labour market. Wage gaps that exist in both sectors, public and private, indicate that women often make less than 75% of the average male wage, with indications that the wage gap might even increase.⁶⁴

⁶² *Millennium Development Goals and IPPF*. International Planned Parenthood Federation. <http://www.ippf.org/our-work/what-we-do/advocacy/targets-and-indicators-8-millennium-development-goals> (accessed 22 April 2013).

⁶³ Heyns, Barbara. Emerging Inequalities in Central and Eastern Europe. *Annual Review of Sociology*, Vol. 31 (2005), pp. 163-197. 181.

⁶⁴ Heyns, Barbara. Emerging Inequalities in Central and Eastern Europe. *Annual Review of Sociology*, Vol. 31 (2005), pp. 163-197. 182-183.

It is important to ensure that education systems, which have particular potential for improving gender equity, reflect the economic relevance for future job-holders. Programs need to be put in place to encourage all students, boys and girls, to pursue careers on the basis of their abilities and interests, even if that means moving into a non-traditional occupation.⁶⁵ Despite the existing legislation guaranteeing equal rights for men and women, tradition can be an obstacle – as for instance, tradition generally favours men in regards to the land and other property.⁶⁶ Besides the fact that women get no compensation for their continuous work in the informal sector and the household, those women that in fact have work, usually bear multiple burdens of their job and their households.⁶⁷

UNECE Report (2012) indicates that the three main areas of focus with regards to gender equality and women's economic empowerment are: improve awareness of the situation of women and men in the economies in the region and on the need for a gender-sensitive policy environment; build capacity on closing the gender entrepreneurship gap; encourage gender-sensitive economic policy making.⁶⁸ The commission insists on fostering greater equality between women and men not only as a goal in and of itself, but as a key factor to sustain economic growth, social development, and environmental sustainability.⁶⁹ For this to occur, it will require a synchronized effort across board, meaning that policy changes must catalyze significant and effective mechanisms of implementation. Providing entrepreneurship opportunities for women might prove to be an important tool in creating new ways of generating income and creating sustainable patterns for women's increased economic independence.⁷⁰

Quality of Education

⁶⁵ Open Minds, Opportunities for Gender Equity in Education. Open Society Institute. 2003. 46.

⁶⁶ Women and MDGs in South Eastern Europe. *Society for International Development*. 2010. <http://www.sidint.net/node/5981> (accessed 21 April 2013).

⁶⁷ Markovic, Gordana. "Overview of poverty and social exclusion in the Western Balkans". *Stanovništvo* 44, no. 1 (2006): 7-46. 31.

⁶⁸ United Nations Economic Commission for Europe. "Promoting gender equality and women's economic empowerment on the road to sustainable development: good practices from the UNECE region". New York and Geneva: United Nations. 2012. 9.

⁶⁹ United Nations Economic Commission for Europe. "Promoting gender equality and women's economic empowerment on the road to sustainable development: good practices from the UNECE region". New York and Geneva: United Nations. 2012. 10.

⁷⁰ United Nations Economic Commission for Europe. "Promoting gender equality and women's economic empowerment on the road to sustainable development: good practices from the UNECE region". New York and Geneva: United Nations. 2012.

As previously noted, it becomes increasingly evident that the quality of education is what really makes a difference, including access to quality secondary and high education. Even though the countries in the region have produced rather positive results in their ability to ensure access to education for both boys and girls, including a gender dimension into education becomes vital. Open Society Institute proposes the following: “Reformed curricula should include standards regarding the representation of gender and gender equity, teachers need gender awareness training if they are to play their part in promoting gender equity in education, and for gender-mainstreaming to become a reality there need to be changes in the way education policy is developed and implemented”.⁷¹ This will require inclusion of women or women’s organizations at decision-making levels and in school management.

Connection to Human Rights

All countries now recognize the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its provisions on decision-making and power-related issues, such as the right to vote, the composition of government, civil servants, funding granted to women’s organizations, and quotas. CEDAW (which includes an anti-discrimination clause (Article 1)⁷²) has been legally adopted in SEE countries. However, the implementation of CEDAW’s articles has been partially accomplished, and women still face discriminatory practices in the labour market and political decision-making,

Progress has been uneven when analyzing the indicator on the proportion of seats held by women in national parliament – **Appendix I** indicates that while some countries increased the share of women in national parliaments between 1990 and 2005 (e.g. The former Yugoslav Republic of Macedonia (up from 4 to 17 per cent)) others experienced a decline, (e.g. Albania (down from 29 to 6 per cent) and Romania (down from 34 to 11 per cent)).⁷³ Access of women to the political arena and the chance to participate in the decision-making process has increased since 2005, but simply in line of more female elected representatives. However, this has not translated into meaningful participation in political decision-making mainly because this process

⁷¹ Open Minds, Opportunities for Gender Equity in Education. Open Society Institute. 2003. 45-46.

⁷² Convention on the Elimination of All Forms of Discrimination against Women. Adopted by the United Nations General Assembly on 18 December 1979 entry into force as an international treaty on 3 September 1981 after the twentieth country had ratified it.

⁷³ *The Millennium Development Goals. The Way Ahead. A Pan-European Perspective.* United Nations Economic Commission for Europe. 2006.

is also conditional on the quality of governance, which remains poor in most SEE countries.⁷⁴ One of the major gaps and challenges in the region in relation to the national mechanisms is in the area of institutionalization of gender mainstreaming, and providing incentives for key actors to actually enforce the strategy into practice, and the decision - makers continue to consider ‘gender’ as irrelevant for their work.⁷⁵

Particular concern remains in the sphere of family life, specifically regarding issues of domestic violence. Overly characterized as a patriarchal society, women in the region fill traditional gender-based roles, thus the incidence of domestic violence, often a byproduct of other socio-economic difficulties is simply hidden under the rug.⁷⁶ CEDAW Article 5 “requires state parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.⁷⁷ Legally, countries have been able to ensure frameworks necessary for the implementation of CEDAW and this particular article, but the mismatch with the actual implementation persists.

⁷⁴ *The MDGs in Europe and Central Asia: Achievements, Challenges and the Way Forward*. United Nations Economic Commission for Europe. August 2010. 47.

⁷⁵ National Mechanisms and Gender Equality. United Nations Economic Commission for Europe. 2010. 50.

⁷⁶ Women and MDGs in South Eastern Europe. *Society for International Development*. 2010.

<http://www.sidint.net/node/5981> (accessed 21 April 2013).

⁷⁷ Convention on the Elimination of All Forms of Discrimination against Women.

Chapter 4: Health - MDGs 4, 5 and 6

The fact that MDG 4, 5 and 6 are related to health indicates the importance of health in the Millennium Development Goals.⁷⁸ Concerning health in SEE, we focus on HIV/AIDS, as we consider HIV/AIDS to be highly connected to many social issues such as poverty, rights violations, gender dynamics and legal and health infrastructures for supporting the well-being of people living with HIV and members of populations of most-at-risk.⁷⁹ This section of the report gives a brief introduction on MDG 4 and 5. The focus is primarily on MDG 6 because it serves as a good example of the intersection of the MDGs with human rights.

Reduce child mortality - MDG 4

Concerning child mortality rates the issue of data gathering has to be taken into consideration. According to the UN Economic Committee on Europe, data gathering in terms of child mortality shows discrepancies between official administrative statistics and survey based data.⁸⁰ Like other countries of the region, BiH shows a decline in the child mortality rate.⁸¹ According to the MDG 4 indicators evaluated in the progress report on BiH in 2010, the target to reduce child mortality rate by 2015 by two thirds is possible and likely to be reached.⁸²

Improve Maternal Health - MDG 5

⁷⁸ Which are to reduce child mortality, to improve maternal health and to combat HIV /AIDS, malaria and other diseases.

⁷⁹ UNDP. *Living with HIV and AIDS in Eastern Europe and the CIS, the Human Cost of Social Exclusion*, Bratislava, 2008, http://hdr.undp.org/en/reports/regionalreports/europethecis/EU_CIS_nhdr_aids_2008.pdf (accessed on 18.4.2013), 52.

⁸⁰ United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-european perspective*. New York and Geneva: UN, 2006, 8. For Romania, in the period of 1995 – 1999, the administrative records based rate is around one third lower than the rate according to surveys done.

⁸¹ United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-European perspective*. New York and Geneva: UN, 2006, 73, table 11.

⁸² Ministry of Finance and Treasury BiH and UNDP. *Progress towards the realization of the Millennium Development Goals in Bosnia and Herzegovina.*, 35 table 5.1. : Under 5 years mortality rate was 0.015 in 2008 and should reach 0.007 by 2015. Other factors, such as infant mortality rate (life birth) and vaccination rates for children against measles are included in the statistic and likely to be reached as well.

The decrease of maternal deaths and the increase of assisted child births have already been achieved according to the latest data on the MDG 5 in 2009.⁸³ Looking at the MDG 5 target on achieving universal approach on reproductive health in BiH, the data indicates a successful implementation. A population natural growth rate of 7% by 2015 in BiH is the only target in the framework of MDG 5 which is unlikely to be achieved.⁸⁴ Presumably, the period of transition and migration in BiH reflects on the population natural growth rate. The population growth has, in combination with a continuous increase in the mortality rate, almost reached a negative level⁸⁵ (see **Appendix X**). An adequate reaction to the changes in the population is needed. As a first step the issue of data gathering must be tackled.⁸⁶

HIV/AIDS – MDG 6

Application and Progress

There is a low prevalence of HIV/AIDS in SEE countries concentrating the spread of the disease mostly to at-risk groups. In the case of Bosnia and Herzegovina, which will be the country of focus in this section, the low prevalence rate has to be seen under the circumstances that data collection still remains difficult. The HIV surveillance system in the UNDP has been seriously weakened due to the recent conflict.⁸⁷ In addition to that, there are no exact numbers on the population due to a lack of census data.

The application and progress of MDG 6 in BIH is analyzed with the focus on discrimination and stigmatization. The United Nations Joint Programme on HIV/AIDS (UNAIDS) key aim in the Balkan countries is to decrease the number of newly infected persons with HIV and to create an environment that ensures quality of life and good health for all persons living with HIV.⁸⁸ Its other aims include a universal approach towards prevention, treatment, care and social support,

⁸³ Ibid, 39, table 6.1.

⁸⁴ With a population growth rate of 0% it is unlikely to achieve the 7% growth rate set as a goal by 2015. Ministry of Finance and Treasury BiH and UNDP. *Progress towards the realization of the Millennium Development Goals in Bosnia and Herzegovina*. Sarajevo: UNDP, 2010, 35 table 5.1.

⁸⁵ Ibid, 39.

⁸⁶ Ibid, 40.

⁸⁷ An estimated prevalence of <0.1% is estimated a low HIV prevalence country, UNAIDS: Country Narrative Report, Narrative Report, Reporting Period January 2010 – December 2011: http://www.unaids.org/en/dataanalysis/knownyourresponse/countryprogressreports/2012countries/ce_B_A_Narrative_Report.pdf.

⁸⁸ UNAIDS: Country Narrative Report, 7.

strengthening surveillance of HIV/AIDS, strengthening of inter-sectoral and multi-sectoral cooperation, strengthening and capacity building of all stakeholders to combat HIV/AIDS, strengthening the legal framework for the promotion, respect and protection of human rights and the decrease of stigmatization and discrimination.⁸⁹ These aims constitute a comprehensive approach to national responses to combat HIV/AIDS. The latter point of these aims focuses on stigmatization and discrimination, which correlates with the emphasis on equality as stated in the previous chapter.

Critique

After the brief analysis on the three MDGs concerning health, a link with equality is now explained. A striking factor is that all three of the MDGs concerning health are interconnected with women's sexual and reproductive rights. These health-care priorities include maternal and reproductive health, including access to contraceptives, the fight against major endemic diseases and the control of HIV/AIDS. Peggy Antrobus states, that together with MDG 3 on gender equality, a gender relation can be seen in these 3 MDGs concerning health. All three of them are connected to women's sexual and reproductive rights. But, as Antrobus notes, the issue is also the fact that sexual and reproductive rights themselves are excluded from the MDGs.⁹⁰ A contradiction can be identified which has to be kept in mind when considering gender equality in the discussion of MDGs concerning health.

Though indicators show progress in achieving most of aims of the MDGs by 2015, recommendations can be made. Generally, to address these priorities and to contribute to MDGs 4, 5 and 6, policies should aim to improve maternal health care and implement programs to combat HIV/AIDS, focusing on the key groups.⁹¹ Access to health and the right for non-discrimination are interconnected. People living with HIV/AIDS are less likely to access health facilities when confronted with stigma. Because of stigmatization, people living with HIV/AIDS are less likely to access support services and treatment.⁹² The argument can be also reversed: Respecting human rights makes HIV responses more effective. For example supporting key

⁸⁹ Ibid, 8.

⁹⁰ Antrobus, Peggy. MDGs the Most Distracting Gimmick. Available at: http://www.aidtransparency.org/at/images/obs_africain/omd/CONTEXTUALIZING%20MDGs.pdf (accessed on 21.4.2013).

⁹¹ Such as prisoners, injecting drug users, etc.

⁹² UNDP. Living with HIV and AIDS in Eastern Europe and the CIS, 39.

populations at higher risk gives them the ability to access services and to reach these groups with prevention methods.⁹³ Therefore, special focus should be put on fighting stigmatization and discrimination in these terms.⁹⁴

Connection to Human Rights

This section of the report focuses on the examination of human rights instruments and HIV/AIDS, which consists of the Universal Declaration of Human Rights (UDHR) and the two International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR).

In both Covenants, many connections to human rights can be drawn. For example, the ICESCR recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.⁹⁵ The right to life in the ICCPR warrants that every person living with HIV/AIDS should be entitled to the right to protect and prolong their life.⁹⁶

It can be concluded, that BiH is party to many international human rights treaties which specifically mention the right to health as a human right. An example of this is the strategy on the implementation of measures on HIV/AIDS which constitutes a legal framework for the protection of people living with HIV on the basis of human rights principles in BiH.⁹⁷ The objective to emphasise human rights principles in the implementation mechanisms is difficult to measure in a quantitative way. In the light of the MDGs concerning health, which focus on quantitative measurements, a clear discrepancy in objectives can be identified. Moreover, the quantitative approach of the MDGs ignores the focus on women’s sexual and reproductive rights as a human rights based approach, which we identify as the greatest weakness of the MDGs.

⁹³ Ibid, 39.

⁹⁴ United Nations Economic Commission for Europe. *The Millennium Development Goals. The Way Ahead. A pan-european perspective*. New York and Geneva: UN, 2006, 30.

⁹⁵ International Covenants on Economic, Social and Cultural Rights, UNESCO: URL: http://www.unesco.org/education/information/nfsunesco/pdf/SOCIAL_E.PDF (Accessed on 15.4.2013).

⁹⁶ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> (accessed 18.4.2013), Article 6.

⁹⁷ UNDP. *Living with HIV and AIDS in Eastern Europe and the CIS, the Human Cost of Social Exclusion*, Bratislava, 2008, URL: http://hdr.undp.org/en/reports/regionalreports/europethecis/EU_CIS_nhdr_aids_2008.pdf (accessed on 18.4.2013).

Chapter 5: Environmental Sustainability – MDG 7

Application and progress

MDG 7 focuses on efforts on promoting environmental sustainability, and as such encompasses three main areas of concern: to integrate the principles of sustainable development into country policies and programs, and reverse the loss of environmental resources; to halve, by 2015, the proportion of people without sustainable access to safe drinking water; and by 2020 to achieve significant improvement in the lives of at least 100 million slum dwellers.⁹⁸ Until the 1990s, the environmental and health effects of water pollution, unsafe sources of water supply, inadequate sanitation and poor hygiene in Eastern Europe, Caucasus and Central Asian (EECCA) countries were underestimated, mainly due to the non-availability of environmental data reports; it is now being demonstrated that water pollution and overexploitation of resources for drinking water and irrigation are causing serious environmental problems.⁹⁹ The United Nations Conference on Environment and Development, held in Rio in 1992, marked a new beginning during which it was identified that it is necessary to ensure policy coherence at the national and international level.

The implementation of MDG 7 in the region of SEE has, besides minor successes, produced lethargic action across the range of specific goals. Specifically, some very modest goals, such as of improving the lives of around 100 million of ‘slum dwellers’ out of 1.6 billion of them in the world, have also produced rather unsatisfactory results.¹⁰⁰ It is important to note that certain indicators in this area are not widely or easily available (such as those on energy use and solid fuel), while the international comparability of indicators derived from administrative sources (emissions, land use, and energy) cannot be assessed.¹⁰¹

Reports on capacities of countries of SEE indicate that the inability to collect extensive data on all or most of the indicators impacts their ability to actually fulfil

⁹⁸ Assessment of Capacity for Countries of Eastern and South-Eastern Europe, Caucasus and Central Asia to Produce MDG-Relevant Statistics. United Nations. 2008.

⁹⁹ The Millennium Development Goals. The Way Ahead. A Pan-European Perspective. United Nations Economic Commission for Europe. 2006.

¹⁰⁰ Langford, Malcolm. “A Poverty of Rights: Six Ways to Fix the MDGs”. *IDS Bulletin* 41, no. 1 (January 2010): 83-91. 86.

¹⁰¹ Assessment of Capacity for Countries of Eastern and South-Eastern Europe, Caucasus and Central Asia to Produce MDG-Relevant Statistics. United Nations. 2008.

any of the MDGs. About 13 countries have 4 or more of the standard indicators for at least one point in time, with seven countries being able to produce at least six of the eight indicators.¹⁰² The situation on environmental sustainability is best monitored in the SEE where on average five to six indicators are available for each country, while countries of other regions can produce on average three indicators.¹⁰³

Critique

Access to water source

SEE countries generally report Environmental Sustainability Indicators that are above global averages, but access to running water and indoor plumbing remains problematic for rural communities, particularly in isolated, mountainous districts.¹⁰⁴ Lack of access to safe drinking water and proper sanitation remain serious problems in many of the transition economies. This is primarily a problem in the poorest economies of SEE region, but is also a concern in rural areas of some of the new EU member states, such as Romania.¹⁰⁵ Large segments of the population in the areas affected by armed conflicts in the former Yugoslavia continue to live in substandard informal housing, without any secured property rights.¹⁰⁶

Looking back ten years, one can notice that the situation in the region has not improved dramatically. This depicts the inability of regional governments to effectively implement existing national laws and policies addressing water resource management. In 2003, World Bank report indicated that besides Bulgaria (99% access to piped water supply), all the other countries have significant populations without access to safe drinking water (with some appalling inequalities between urban and rural sectors), and lack of adequate sewerage systems.¹⁰⁷ Countries in the region, including Bulgaria, still share the remaining challenges: serious lack of monitoring of

¹⁰² Assessment of Capacity for Countries of Eastern and South-Eastern Europe, Caucasus and Central Asia to Produce MDG-Relevant Statistics. United Nations. 2008.

¹⁰³ Assessment of Capacity for Countries of Eastern and South-Eastern Europe, Caucasus and Central Asia to Produce MDG-Relevant Statistics. United Nations. 2008.

¹⁰⁴ MDG Fact Sheets Southeast Europe. UNDP. http://www.undp.bg/uploads/File/news/fastfact_regional_mdg_report_2006_en.pdf (accessed 23 April 2013).

¹⁰⁵ The World Bank DataBank. See: Improved water source for rural population in Romania. <http://databank.worldbank.org/data/home.aspx> (accessed 23 April 2013).

¹⁰⁶ UNHCR Regional Operations profile – South-Eastern Europe. UNHCR Representation in BiH. 2013. <http://www.unhcr.org/pages/49e48d766.html> (accessed 23 April 2013).

¹⁰⁷ The World Bank. *Water Resource Management in South Eastern Europe*. Washington, DC: The World Bank, 2003.

quality of water, lack of adequate technology and facilities and lack of participatory planning. Lack of strategic and comprehensive strategy has just recently been tackled through regional efforts on the importance of protecting many common river basins, lake and other fresh water sources,¹⁰⁸ and finding ways to improve the capacity of countries to develop comprehensive national water management systems.¹⁰⁹

Green-house gas emissions and deforestation

In spite of the significant decline in green-house gas emissions since 1990, MDG 7 targets remain a concern for the globe in general, with the situation in SEE not being any better. Moreover, the increases of emissions per capita in the developing countries and the limited progress in improving energy efficiency over the last decade suggest that a number of countries are not on a sustainable path.¹¹⁰ In terms of deforestation efforts in the region, results vary greatly from country to country. Certain countries (i.e. Macedonia) have committed themselves to ambitious deforestation efforts through tree-planting programs. Even though the amount of forested land in the region had increased by 3 percent from 1990 until 2010,¹¹¹ what is omitted from this statistical information is the fact that disparities between countries are often rather significant.

'Slum Dwellers'

What the MDG target designers further failed to grasp is that the most immediate issues for many 'slum dwellers' is security of tenure, access to services and participatory planning, as it becomes obvious that cursory reading of housing rights standards, jurisprudence and practice demonstrates that these elements should be addressed first.¹¹² In countries where resources are few and corruption is high, these basic conditions are crucial for the poor to be able to develop their own housing solutions.

¹⁰⁸ United Nations Economic Commission for Europe. "Projects in South-Eastern Europe". <http://www.unecce.org/env/water/seeurope.html> (accessed 13 May 2013).

¹⁰⁹ United Nations Development Account. "Improving water and health in central, South Eastern and Eastern Europe and the Caucasus". United Nations, 2011. <http://www.un.org/esa/devaccount/projects/2006/0607AI.html> (accessed 13 May 2013).

¹¹⁰ The UNECE Report on Achieving the MDGs in Europe and Central Asia. United Nations. 2011. 54.

¹¹¹ Millennium Development Progress Report. United Nations. 2010. 52.

¹¹² Langford, Malcolm. "A Poverty of Rights: Six Ways to Fix the MDGs". *IDS Bulletin* 41, no. 1 (January 2010): 83-91. 86.

Dealing with ‘slum dwellers’ always seemed like an attainable goal from the very start for countries in the region, especially since the Regional Housing Program was established for Croatia, Bosnia and Herzegovina, Serbia, and Montenegro. This project is intended to benefit over 70,000 people in the region and ensure them with sustainable housing.¹¹³ However, concerning that this effort is part of a strategy dealing with refugees and IDPs, it is questionable how much attention the ‘slum dwellers’ receive.

Connection to Human Rights

The economies in SEE have received large amounts of Official Development Assistance, often over \$100 per capita. The donor countries ought to provide money to SEE countries in order to ensure that developing countries have the financial resources they need for addressing the MDGs, and should maintain the level of ODA provided to countries with economies in transition, mainly for financing public social infrastructure (especially in the low-income countries of the region) and for promoting further productivity increases such as ‘aid for trade’.¹¹⁴ The Council of Europe Development Bank finances social projects primarily in the EU and south-east Europe approving 39 projects worth almost €1.9 billion in 2008.¹¹⁵ These projects are particularly relevant to MDG objectives and include such things as housing for low-income households, education, vocational training and job creation, construction of healthcare facilities, and environmental projects, all while ensuring individual rights and protection of vulnerable groups.

There are two pertinent rights that are necessary to be addressed in the case of SEE, specifically the right to water, and the right to an adequate standard of living, with further insights on the right to housing. Even though, the right to water is not specifically designated in the Covenant on Economic, Social and Cultural Rights, it has been an international human right since the Human Rights Council adopted a binding resolution recognizing that the human right to water and sanitation are a part

¹¹³ The Regional Housing Program. Council of Europe Development Bank. 2013. <http://www.coebank.org/Contenu.asp?arbo=164&theme=2&ChangeLangue=EN> (accessed 21 April 2013).

¹¹⁴ The MDGs in Europe and Central Asia: Achievements, Challenges and the Way Forward. United Nations. 2010.

¹¹⁵ The MDGs in Europe and Central Asia: Achievements, Challenges and the Way Forward. United Nations. 2010.

of the right to an adequate standard of living.¹¹⁶ What the countries in the region have failed at is to specifically address the needs of those most vulnerable, including those living with very little access to water, in remote areas and in collective centres. According to the UNCHR Report from 2013, more than 200,000, internally displaced persons in the region, including around 80,000 Roma are in need of a permanent housing solution.¹¹⁷ And even though MDGs do not specifically address either of these concerns in the region, mainly because these issues are covered by the UNHCR and the Regional Housing Program, established in 2012, they represent significant efforts in remedying some of the most overwhelming problems.

The right to housing is specifically stipulated both, in the Universal Declaration of Human Rights under Article 25, and in the Covenant on Economic, Social and Cultural rights under Article 11(1), as a part of the article on adequate standard of living. Though countries in the region have made significant progress in establishing necessary conditions and raising monetary means to implement these measures, there is a wide gap between those most vulnerable ones. The ‘slum dwellers’ in the region are often members of the most discriminated groups of people, and they face discrimination not only concerning the right to housing, but a whole wide array of rights and fundamental freedoms. It is also important to understand that the necessary efforts by national governments and international organizations must not lose sight of ensuring sustainable conditions that will not only allow for adequate housing, but other means of protection and enforcement of whole set of rights.

¹¹⁶ The Human Right to water and sanitation. United Nations General Assembly 2010. http://www.un.org/waterforlifedecade/human_right_to_water.shtml (accessed 23 April 2013).

¹¹⁷ UNHCR Regional Operations profile – South-Eastern Europe. UNHCR Representation in BiH. 2013. <http://www.unhcr.org/pages/49e48d766.html> (accessed 23 April 2013).

CONCLUSION

Our report provides an overview of development in SEE by outlining the progress and problems involved in the implementation of the MDGs. The SEE region has suffered traumatic experiences in the past 20 years with severe transition recessions and devastating armed conflicts. Despite those grave setbacks, in development terms, the region has made steady and strong progress in meeting the basic commitments of the MDGs. We have highlighted, however, key challenges in meeting the MDGs when they are contextualised and their scope expanded by a nuanced understanding of the goals.

Budgetary restrictions as economies have contracted, for instance, have had a large impact on state expenditure on health, social security and education. Yet, in spite of the economic problems, it is clear that the governments are able to do more to promote the MDGs. There continues, for instance, to be discrimination against certain groups of people like the Roma or people infected by HIV despite the rights they have to be treated with dignity and equality. The MDG goals, focusing on quantitative targets, sometimes lose sight of discriminatory practices that have endured for many years.

Promoting gender equality and the empowerment of women has not been a concern of the highest order for the countries in the region. Although states have adopted the necessary legislative measures, there is a disparity between the prescribed rights and implementation of those rights, such as the overwhelming wage gap. Lack of effective implementation of rights, such as the right to property, accompanied by the traditionally preferential treatment of men in the labour market has kept women from reaching their full potential.

The state of environmental protection and sustainability of development varies greatly across region. There is an acute lack of infrastructure that hinders the protection of natural resources and inhibits energy efficiency. These problems are reflected in the discrepancies that exist between urban and rural sectors, as well as in cases of inability to protect water sources from pollution. That being said, it is also relevant to look at specific problems within individual countries and promote a rights-based approach to address a wide range of interconnected issues. Regional cooperation has increasingly become a viable solution to matters of debt sustainability, access to markets, as well as access to new technologies and

information systems. At the same time, slow socio-economic development in the region has accentuated the existing problems.

One theme which has emerged when looking at all the MDGs is the discrepancy between commitments states have made under Treaties they have ratified (to respect, protect and fulfil fundamental rights) and the targets of the MDGs. More often than not the scope of the MDGs have fallen far short of the rights states are required to realise under their Treaty obligations and sometimes the MDGs have diluted the contents of those rights. We argue that the MDGs must be rooted in the international human rights framework and that any future re-elaboration of the MDGs must see a revitalisation of the rights discourse; that requires not only paying homage to international human rights but that states commit substantive resources to realising these rights.

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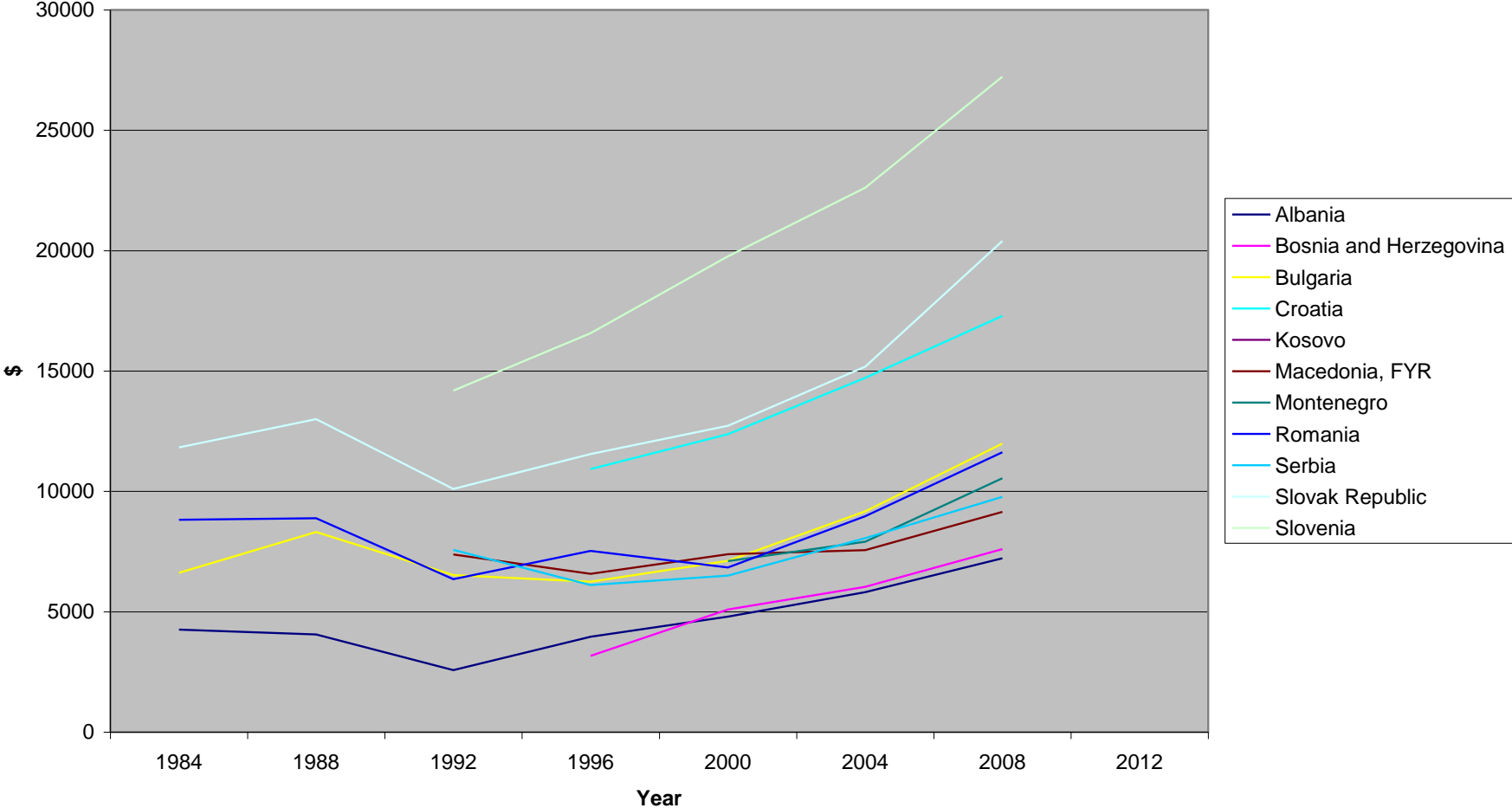
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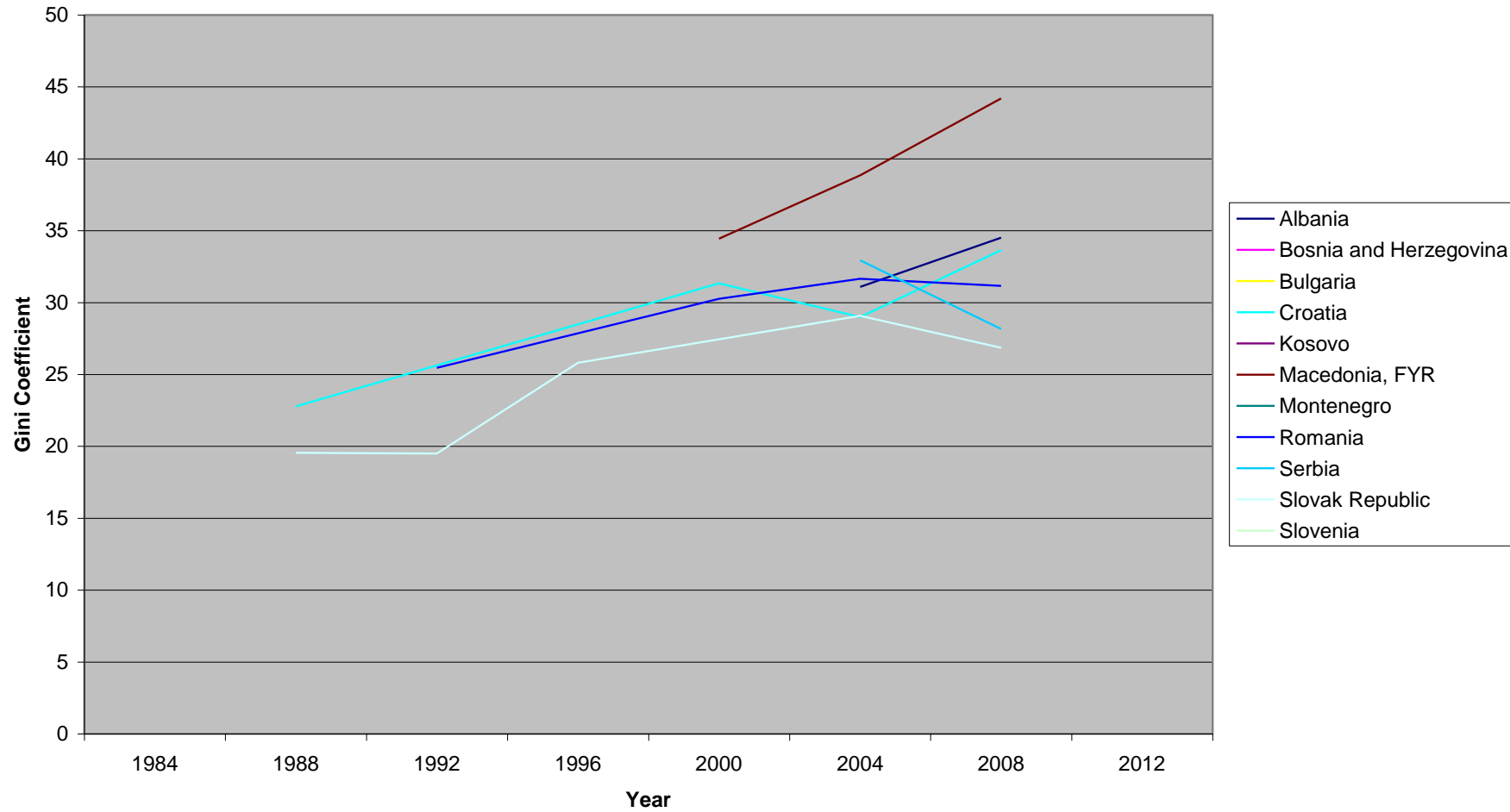
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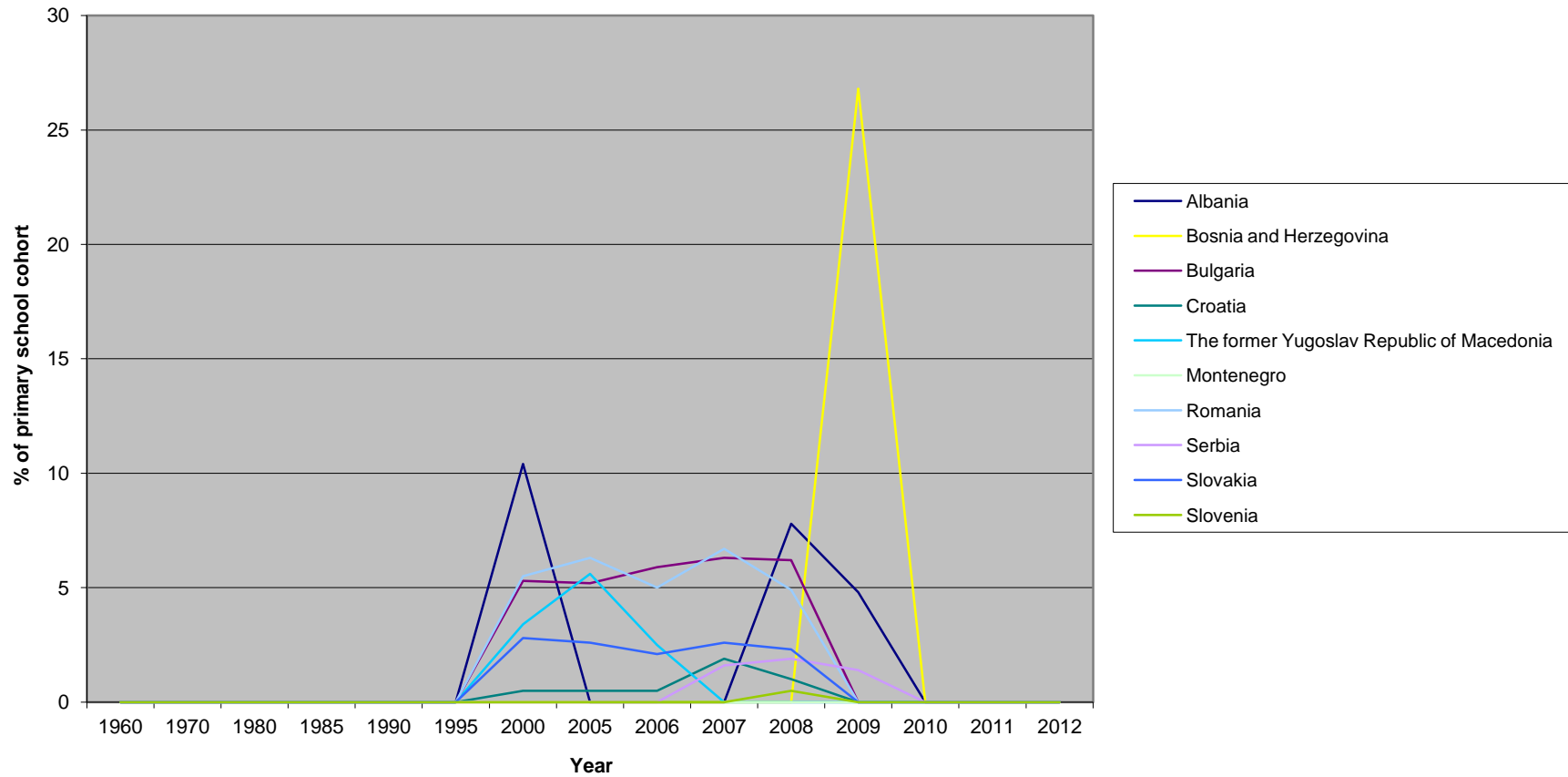
Appendix A - GDP per capita, PPP (constant 2005 international \$) (World Bank Data)



Appendix B - Gini Index (World DataBank: World Development Indicators)

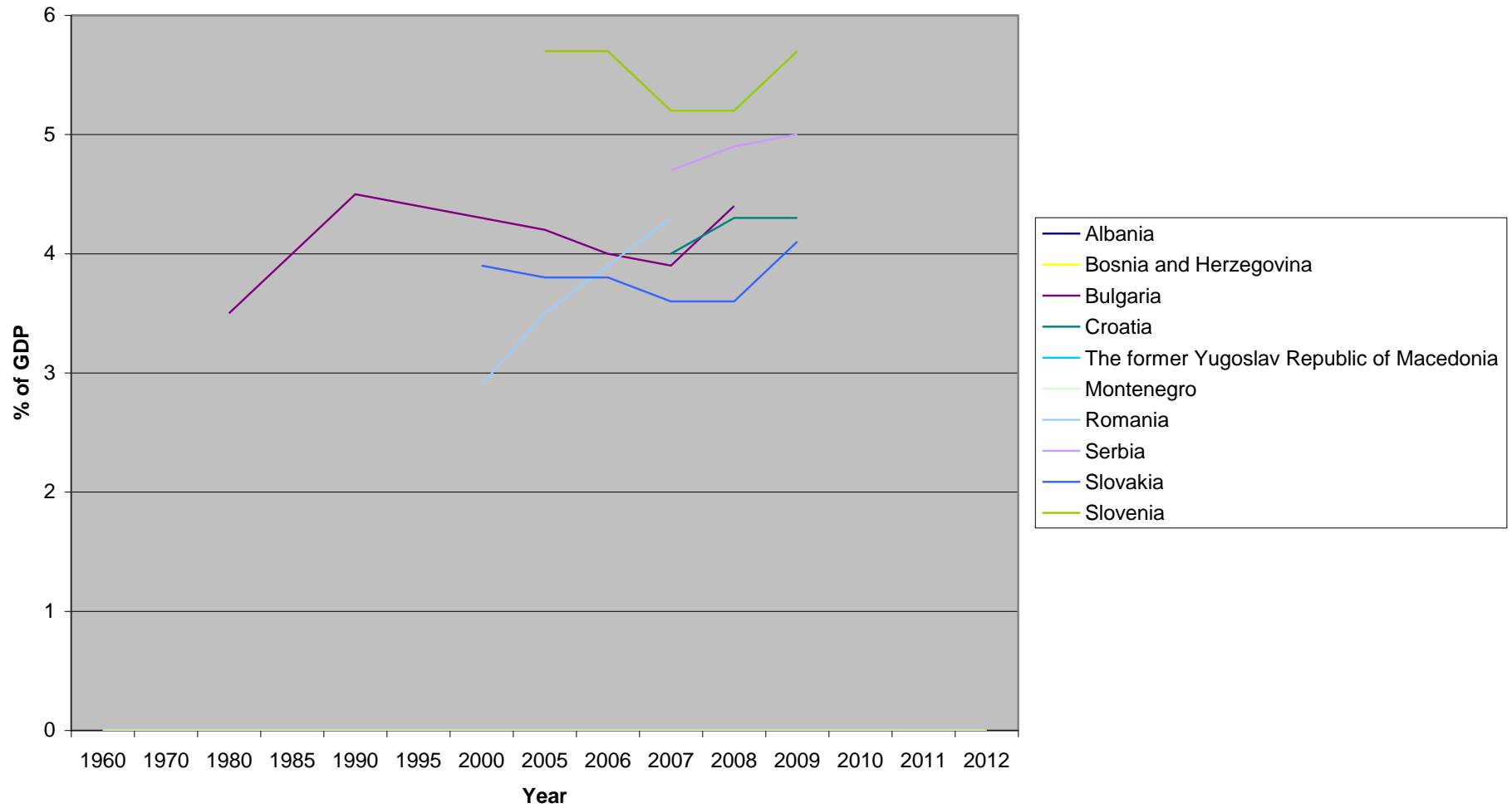


Appendix C - Primary school dropout rates (% of primary school cohort) (UNDP HDI)

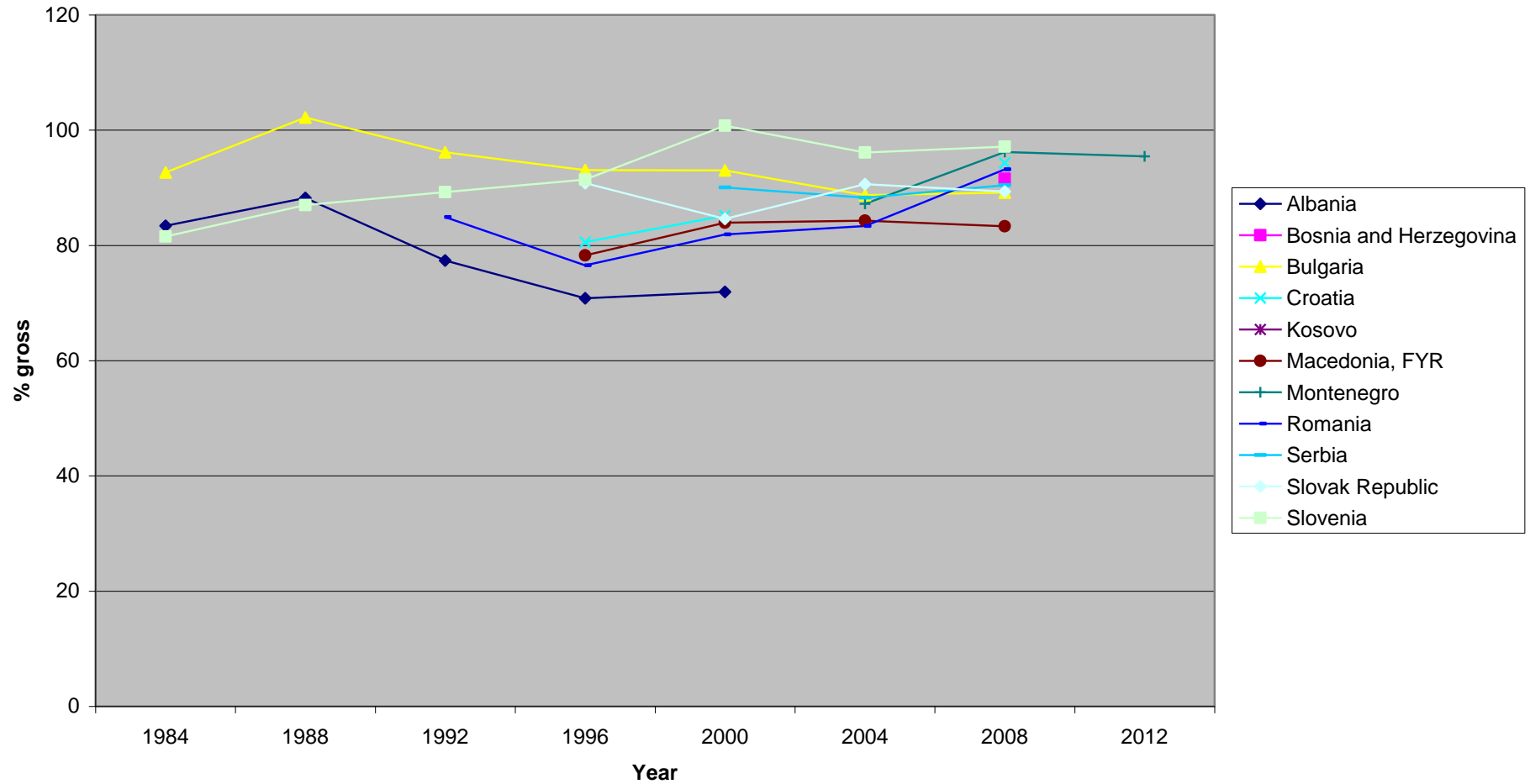


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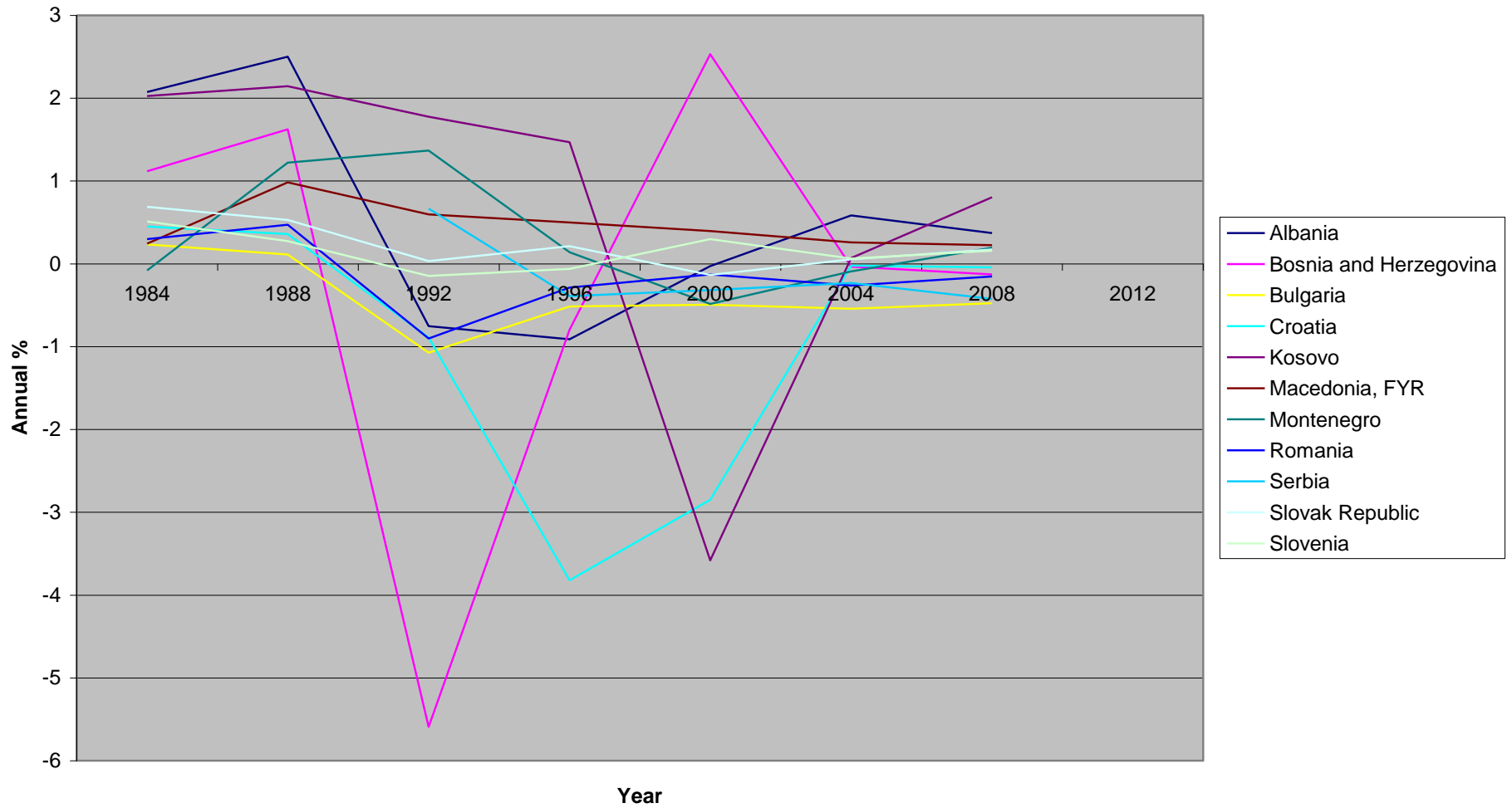
Appendix D - Public expenditure on education (% of GDP) (%) (UNDP HDI)



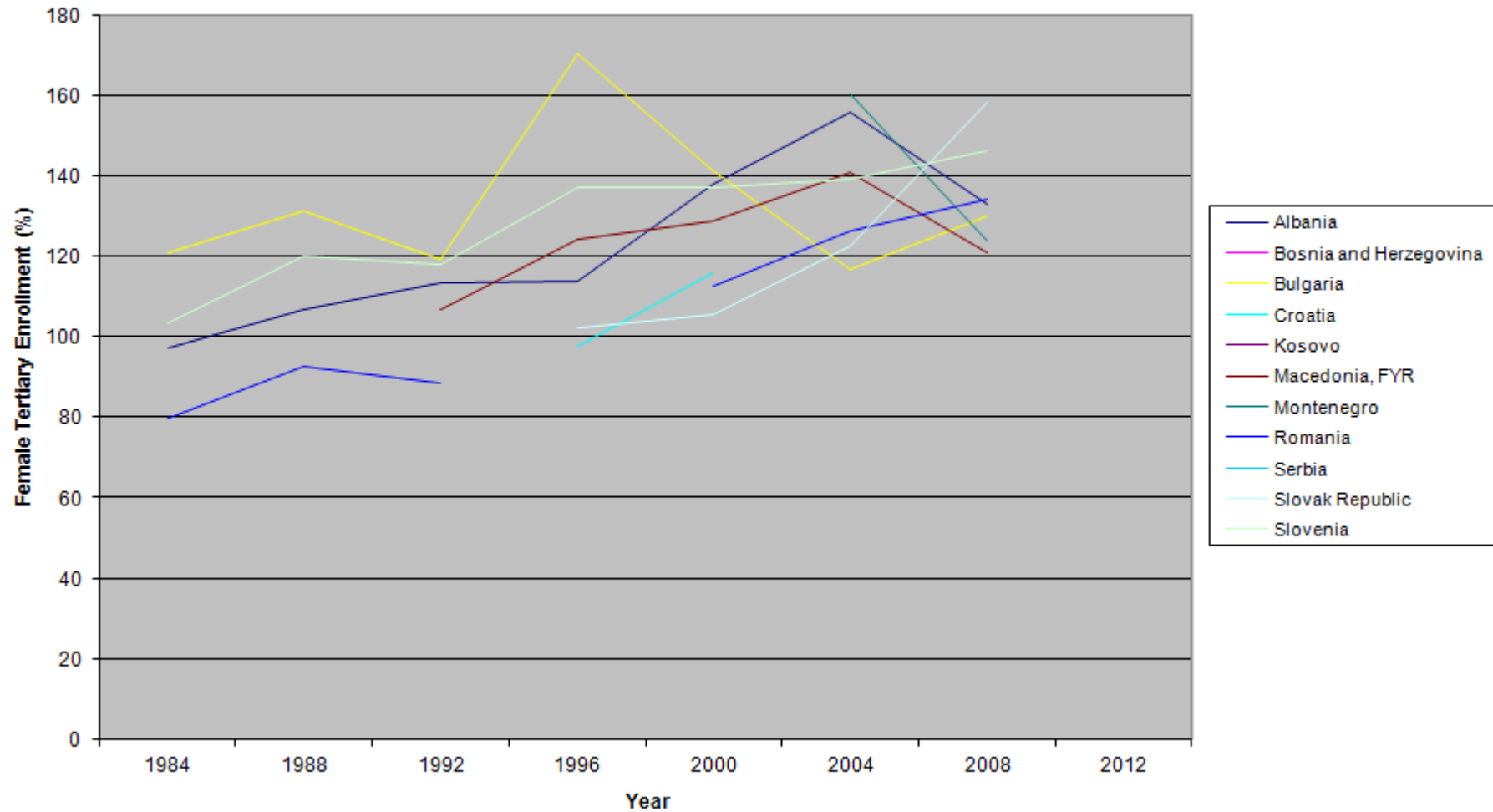
Appendix E - School enrollment, secondary (% gross) (World DataBank: World Development Indicators)



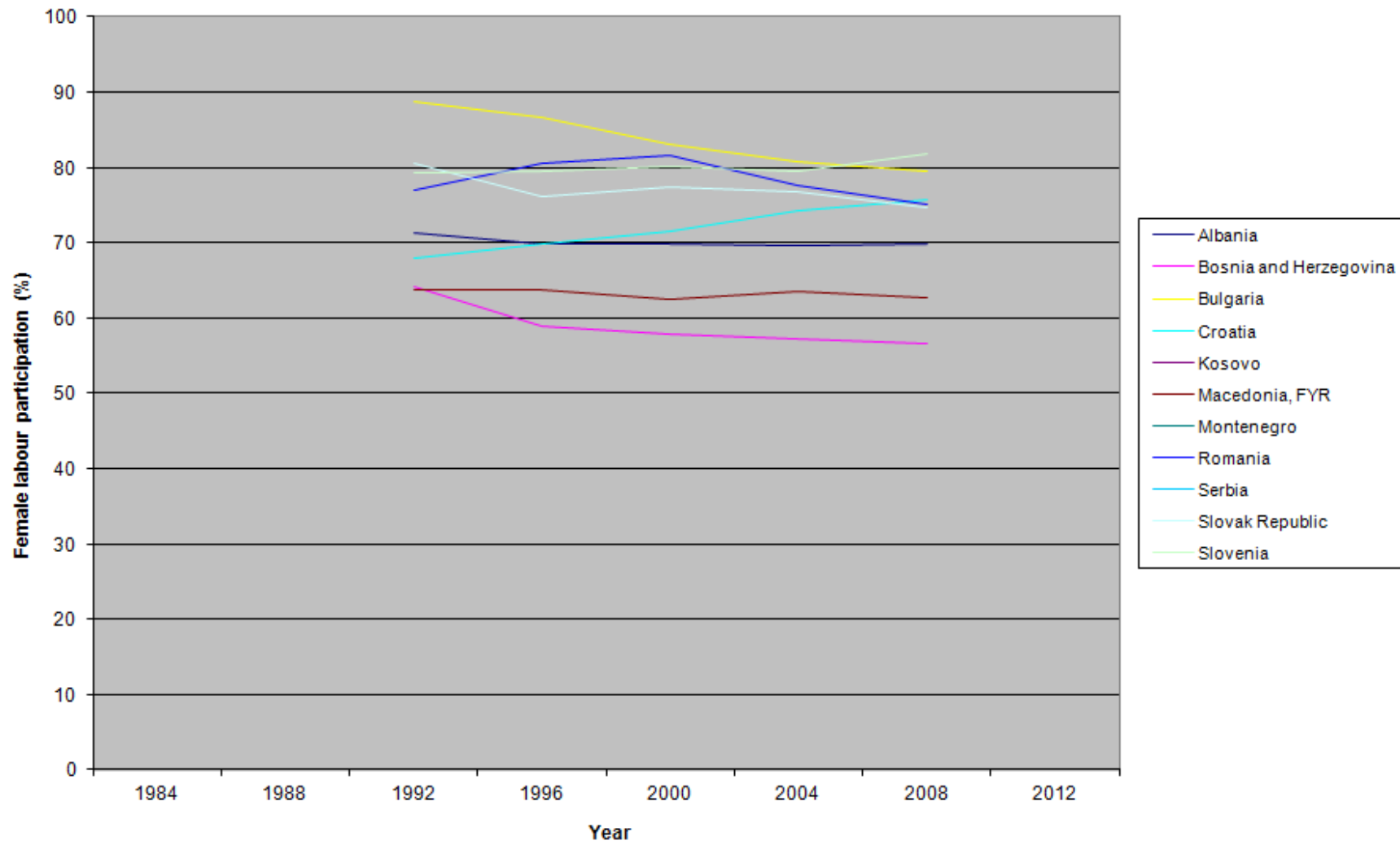
Appendix X - Population Growth (annual %) (World Bank Data)



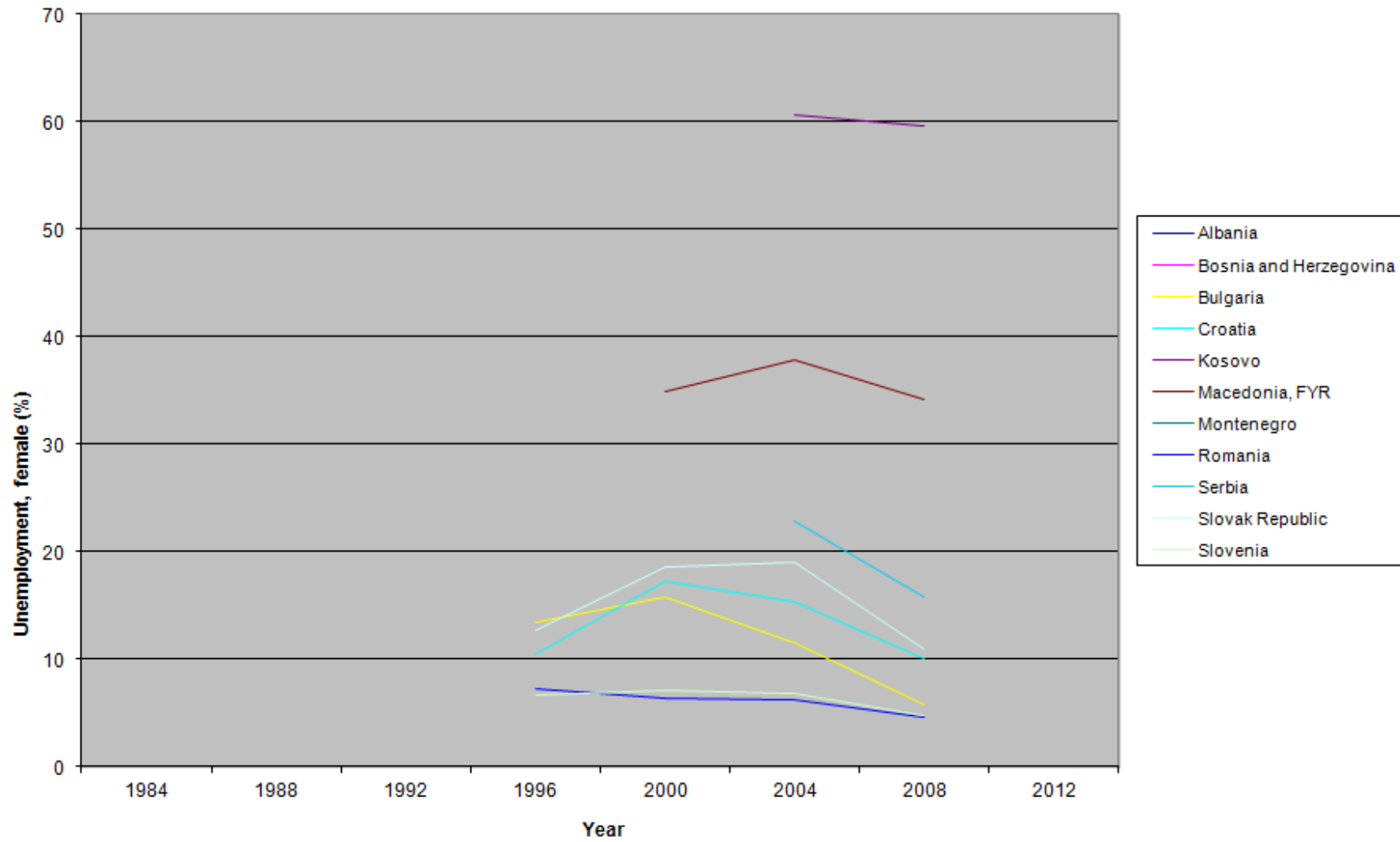
Appendix F - Ratio of female to male tertiary enrollment (%) (World Bank Data)



Appendix G - Ratio of female to male labor participation rate (%) (World Bank)



Appendix H - Unemployment, female (% of female labor force)



Appendix I - Gender equality by Reporting level, Indicator, Country and Year (UNECE MDG Database)

