

Submission in follow-up to HRC resolution 19/34 “The Right to development”

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1. Introduction

The right to development, in its declaration, is based on the following principles: unity of origin and a shared destiny of the human family; equality between every person and between every community based on human dignity; the universal destination of the goods of the earth; the notion of development in its entirety; and the centrality of the human person and solidarity.

The co-signing NGOs support the approach of the Task Force to promote a comprehensive human-centred development that implies the indivisibility and interdependence of all human rights as well as the relevance, not only of development outcomes, but also of the development realization process and of its sustainability.

The attempt to summarise the Right to Development with the core norm described in the above-mentioned document defining the right to Development as “the right of peoples and individuals to the constant improvement of their well being and to a national and international enabling environment conducive to just, equitable, participatory and human centred development respectful of all human rights”, and the table provided, listing the attributes, criteria, sub-criteria and indicators, do not entirely reflect the peculiarity, the richness, and the vision of the right to development.

Furthermore, the concept of an enabling environment at national and global levels should be spelt out in greater detail and the national and international responsibilities should be better balanced.

It is fundamental that all States recognize the complementarity of the national and the international levels of the Right to Development. It is impossible to think that a state, on its own, especially if belonging to the least developed countries, can completely fulfil this right for its citizens. In fact, when other countries are not able to achieve this fundamental goal or when the international environment is hostile to its fulfilment, the international community should be called to act as required by the Millennium Development Goal 8, which aims at developing a “**global partnership for development.**” It is a duty of cooperation based on articles 55 and 56 of the United Nations Charter.

Even if it remains a primary responsibility of a State to guarantee, within its own possibilities, the realization of the Right to Development to its citizens, and to remove obstacles to development due to the violation of human rights, the international community must support the development process, especially in the poorest countries and remove the structural economic, financial and political obstacles that exist at the international level.

There is no single model of development. It is up to all peoples and States, given their cultural and historical specificities, to choose the economic, political and social systems in which they want to live, work, and realize their full creative potential.

International solidarity and cooperation represent a shared responsibility of States to create the conditions that are necessary to make that right a reality.

In this context the principles of solidarity and subsidiarity are particularly relevant. Solidarity and subsidiarity can be viewed as complementary. While the former relates to the mobilization of financial and human resources for development and to fairness and sustainability in international relations, the latter helps to identify the most appropriate level of decision-making and intervention. The principle of subsidiarity, therefore, can be seen as a cross-cutting criterion for the creation of an enabling environment to facilitate fulfilment of the right to development and as the dividing line between national and international responsibilities.

The criteria and operational sub-criteria proposed in the above-cited document are lacking appropriate human rights language and focus more on the agenda of the Millennium Development Goals (MDGs): “food security” is mentioned rather than “the right to food”, “health” rather than “right to health” etc.

The co-signing NGOs believe that the concept of development proposed by the Task Force has been limited to its social and economic dimensions. However, the declaration of the Right to Development, in article 1, presents a broader definition of development – one that includes cultural and political development as well as the realisation of all human rights and fundamental freedoms. The same comprehensive concept of development was agreed upon at the 1995 Copenhagen Declaration on Social Development, one that, in fact, include political, economic, cultural, ethical and spiritual dimensions. Development of individuals and peoples encompasses all aspects of human life, including such spiritual and religious dimensions. These qualitative dimensions should be reflected among the human-centred criteria of this right that are being elaborated by the Task Force.

Furthermore, education is a key component for the implementation of the right to development, in all its aspects. Special attention should be given to it. In fact, the improvement of education worldwide exerts a positive impact on key factors for development and well-being. Education is an engine for social development since it promotes, inter alia, social mobility, citizenship building, social identity, and strengthening of social cohesion. At the same time, education expands the availability of work and the ability of individuals to secure an income to support themselves and their families, and promotes economic development that positively impacts on poverty reduction, productivity, sustainable agriculture, as well as integration and full participation of individuals in the global economy.

Since the criteria and sub-criteria should reflect the entirety of the Declaration on the Right to Development, the preamble of the declaration and its spirit also should be reflected in the criteria and sub-criteria. In this regard, the principle of international solidarity and the right to self-determination of peoples presently are lacking in the table which groups together the criteria and operational sub-criteria, while the preamble of the Declaration itself clearly includes these principles.

The experience in the field of the co-signing NGOs, shows that the implementation of the right to development is successful if centred on the human person and on human communities, as the Declaration on the Right to Development states, and these should be the active participants and beneficiaries of this right.

The network of educational and health-care institutions and humanitarian assistance agencies, for instance, including those sponsored by faith-based organizations and benefiting mainly the poorest people of the world, proves to be a motor of change and empowerment principally because it focuses directly on the human person and is guided by an understanding of sustainable development that keeps a balanced relationship between the needs of individual persons and the communities they belong to and between people and the environment.

Thus, the co-signatories believe that an inclusive approach will take into account both "sound economic policies that foster growth with equity" and the priority that should be accorded to the human person as well as to human dignity and aspirations.

For the implementation of the Right to Development the first obstacle that urgently needs to be removed is the actual polarisation and politicisation of the debate that has emerged so clearly in the dynamics of the 12th session of the intergovernmental working group.

Today, the world is experiencing a historical period characterized not only by multiple crises but also by increased participation of peoples and entire nations that claim the recognition of human rights, freedom and democracy. It is a period of opportunities that should be seized for the very survival of humanity.

The time has come for Member States of different coalitions to go from rhetoric to action bearing in mind that the life, well-being and respect for the human rights of billions of people around the world, depend on the implementation of the right to development and the establishment of an international social order (see article 28 of the UDHR) founded on justice, development and peace.

2. Suggestions

Therefore, Associazione Comunità Papa Giovanni XXIII (APG23), Caritas Internationalis (International Confederation of Catholic Charities), Dominicans for Justice and Peace (Order of Preachers), International Institute of Mary Our Help of the Salesians of Don Bosco (IIMA), International Volunteerism Organization for Women, Education and Development (VIDES), International Organization for the Right to Education and Freedom of Education (OIDEL) and New Humanity. looking at the table given in document A/HRC/15/WG.2/TF/2/Add.2, at page 8, suggest the following changes on attributes, criteria and sub-criteria (without elaboration on the indicators):

ATTRIBUTES

1. **to add an attribute 4** entitled “**Enabling national and international environment**” where different levels of responsibilities and actors are well balanced and spelt out.

Our suggested table appearing below should be read as follows (LEGENDA):

1. Language and numbering added (Bold)
2. Language and/or numbering changed (Red)
3. Language deleted (Green)

Attribute 1: Comprehensive and human-centred development policy

CRITERIA	SUB-CRITERIA	INDICATORS
1(a) to ensure respect, protection of the human dignity of individuals and peoples and their civil political rights	1 (a) (i) right to life 1 (a) (ii) r. to freedom of expression, religion, non discrimination etc. 1 (a) (iii) civil and political rights	
1 (b) To achieve the realization	1 (b) (i) right to health	

<p>of economic, social, and cultural rights.</p>	<p>1 (b) (ii) Social Determinants of Health 1 (b) (iii) right to Education 1 (b) (iv) right to housing, right to water and sanitation 1 (b) (v) right to work and social security 1 (b) (vi) right to food</p>	
<p>1 (c) To maintain stable national and global economic and financial systems</p>	<p>1 (c) (i) Reducing risks of domestic financial crises 1 (c) (ii) Providing against volatility of national commodity prices 1 (c) (iii) Reducing risks of external macro imbalances 1 (c) (iv) Reducing and mitigating impacts of international financial and economic crises 1 (c) (v) Regulating financial markets 1 (c) (vi) Protect against volatility of international commodity prices</p>	
<p>1 (d) To adopt national and international policy strategies supportive of the right to development</p>	<p>1 (d) (i) Right to development priorities reflected in national development plans and programmes 1 (d) (ii) Right to development priorities reflected in policies and programmes of IMF, World Bank, WTO and other international and regional institutions</p>	
<p>1 (e) To establish a transparent, stable and predictable economic regulatory and oversight system to promote a competitive environment</p>	<p>1 (e) (i) System of property rights and contract enforcement 1 (e) (ii) Human Rights-based economic regulatory and oversight system 1 (e) (ii) Policies and regulations promoting private investment</p>	
<p>1 (f) To create an equitable, rule-based, predictable and non-discriminatory international trading system</p>	<p>1 (f) (i) Bilateral, regional and multilateral trade rules conducive to the right to development 1 (f) (ii) Market access (share of global trade) 1 (f) (iii) Movement of persons</p>	
<p>1 (g) To promote and ensure access to adequate financial resources</p>	<p>1 (g) (i) Domestic resource mobilization 1 (g) (ii) Magnitude and terms of</p>	

	<p>bilateral official capital flows</p> <p>1 (g) (iii) Magnitude and terms of multilateral official capital flows</p> <p>1 (g) (iv) Debt sustainability and total debt cancellation for LCDs</p>	
<p>1 (h) To promote and implement, ensuring access to, the benefits of science and technology</p>	<p>1 (h) (i) Pro-poor technology development strategy</p> <p>1 (h) (ii) Transfer of technology, such as agricultural, manufacturing, green energy, health, information technology, etc.</p>	
<p>1 (i) To promote and ensure environmental sustainability and sustainable use of natural resources</p>	<p>1 (i) (i) Access to natural resources</p> <p>1 (i) (ii) Prevent environmental degradation and resource depletion</p> <p>1 (i) (iii) Sustainable energy policies and practices</p>	
<p>1 (l) To contribute to an environment of peace and security</p>	<p>1 (l) (i) Right to Peace education</p> <p>1 (l) (ii) Reduce conflict risks</p> <p>1 (l) (iii) Protecting the civil population and the most vulnerable during conflict</p> <p>1 (l) (iv) Post-conflict peace-building and development</p> <p>1 (l) (v) Refugees and asylum- seekers</p> <p>1 (l) (vi) Personal security not in times and zones of armed conflict</p> <p>1 (l) (vii) Promoting the creation of national peace institutions</p> <p>1 (l) (viii) Implementation of article 43 of the UN Chart</p> <p>1 (l) (ix) Reducing military expenditure in favour of social and development policies</p>	
<p>1 (m) To adopt and periodically review national development strategies and plans of action on the basis of a participatory and transparent process</p>	<p>1 (m) (i) Collection and public access to key socio-economic data disaggregated by population groups</p> <p>1 (m) (ii) Plan of action with monitoring and evaluation systems</p> <p>1 (m) (iii) Political and financial support for participatory process</p>	

ATTRIBUTE 2: Participatory human rights processes

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<p>2 (a) to ensure effective education of individuals and peoples on their human rights as a precondition to participation</p>	<p>2 (a) (I) drawing educational programs and curricula 2 (a) (ii) implementation of educational programs on Human Rights 2 (a) (iii) monitoring and evaluation of these programs</p>	
<p>2 (b) To establish a legal framework supportive of sustainable human-centred development</p>	<p>2 (b) (i) Ratification of relevant international conventions 2 (b) (ii) Responsiveness to international monitoring and review procedures 2 (b) (iii) National legal protection of human rights</p>	
<p>2 (c) To draw on relevant international human rights instruments in elaborating development strategies</p>	<p>2 (c) (i) Human rights-based approach in national development strategies 2 (c) (ii) Human rights-based approach in policy of bilateral and multilateral institutions/agencies</p>	
<p>2 (d) To ensure non-discrimination, access to information, participation and effective remedies</p>	<p>2 (d) (i) Establishment of a framework providing remedies for violations 2 (d) (ii) Establishment of a framework to facilitate participation 2 (d) (iii) Procedures facilitating participation in social and economic decision-making 2 (d) (iv) Establishment of a legal framework supportive of non-discrimination 2 (d) (v) Establishment of assessment and evaluation system supportive of non-discrimination 2 (d) (vi) Indicators reflecting likelihood of differential treatment of marginalized groups 2 (d) (vii) Mechanisms for transparency and accountability</p>	
<p>2 (e) To promote good governance at the international level and effective participation of all countries in international decision-making</p>	<p>2 (e) (i) Mechanisms for incorporating aid recipients' voice in aid programming and evaluation 2 (e) (ii) Genuine participation of all concerned in international consultation and decision-making</p>	

2 (f) To promote good governance and respect for rule of law at the national level	2 (f) (i) Government effectiveness 2 (f) (ii) Control of corruption 2 (f) (iii) Rule of law	
2 (g) to construct permanent structures and pathways for consultation with individuals, civil society, community organizations, grass-roots organizations and the academic community.	2 (g) (I) establishment of permanent consultative instruments 2 (g) (ii) persons living in extreme poverty ¹ involved in the design, implementation, monitoring and evaluation of social protection and other policies that have an impact on vulnerable groups.	
2 (g) to ensure equality between men and women in participatory processes	2 (g) women equally represented in participatory and decision making bodies	
ATTRIBUTE 3: Social Justice in development		
3 (a) To provide for fair access to and sharing of the benefits of development	3 (a) (i) Equality of opportunity in education, health, housing, employment and incomes 3 (a) (ii) Equality of access to resources and public goods 3 (a) (iii) Reducing marginalization of least developed and vulnerable countries 3 (a) (iv) Ease of immigration for education, work and revenue transfers	
3 (b) To provide for fair sharing of the burdens of development	3 (b) (i) Equitably sharing environmental burdens of development 3 (b) (ii) Just compensation for negative impacts of development investments and policies 3 (b) (iii) Establishing safety nets to provide for the needs of vulnerable populations in times of natural, financial or other crisis	
3 (c) To eradicate social injustices through economic and social reforms	3 (c) (i) Policies aimed at decent work which provide for work that is productive and delivers a fair income, security in the workplace and social protection for families 3 (c) (ii) sound economic policies	

	<p>that foster growth with equity 3 (c) (iii) Elimination of sexual exploitation and human trafficking 3 (c) (iv) Elimination of child labour 3 (c) (v) Eliminate slum housing conditions 3 (c) (vi) Land reform</p>	
<p>3 (d) To ensure that globalisation becomes a positive force for all the world's people</p>	<p>3 (d) (I) Inclusiveness and equity in benefits of globalisation 3 (d) (ii) protection and remedies against negative effects of globalisation</p>	
<p>ATTRIBUTE 4: An Enabling International and National Environment</p>		
CRITERIA	SUB-CRITERIA	INDICATORS
<p>4 (a) to promote the right of Self-determination of Peoples</p>	<p>4 (a) (i) Sovereignty over all natural wealth and resources</p>	
<p>4 (b) to establish a new international economic order</p>	<p>4 (b) (i) removal of asymmetries in trade 4 (b) (ii) removal of asymmetries of decision making process in international institutions (WTO, WB, IFM etc.) 4 (c) everyone entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration on Human Right can be fully realized. 4 (d) ethical, more democratic financial architecture</p>	
<p>4 (c) to strengthen effective International Cooperation</p>	<p>4 (c) (i) Appropriate means and facilities to foster comprehensive development 4 (d) implementing collective and extraterritorial obligations 4 (e) 0.7% of GNP to Official Development Assistance delivered 4 (f) Strengthening of South-South and trilateral cooperation as a complement to North-South cooperation;</p>	
<p>4 (d) to use the principle of subsidiarity in establishing responsibilities</p>	<p>4 (d) most appropriate level of decision-making and intervention</p>	

<p>4 (e) to recognise International Solidarity as a right and as a global preventive approach in order to ensure peace and effective development for all</p>	<p>4 (e) (I) solidarity that is preventive and that address both natural and man-made disasters ² 4 (e) (ii) draft declaration of the right of individuals and peoples to International Solidarity</p>	
<p>4 (f) creation of a system of strategic partnership between a developed and a developing country which have different but complementary needs and can work together for mutual benefit and outcomes in economic, political, social and humanitarian development</p>	<p>4(e) (I) establishment of “twinships” between a developed and developing country to promote effective partnership ³ 4 (e) (ii) effective use of the monitoring system offered by the indicators for MDG8</p>	
<p>4 (h) To provide the Right to Development with a legal binding framework</p>	<p>4 (h) to mainstreaming Right to development in international fora and documents</p>	
<p>4 (g) to recognise the Right to Peace of individuals and peoples ⁴</p>	<p>4 (g) (I) States to provide for international stability, security and peace through development 4 (g) (ii) to eliminate threats of war 4 (g) (iii) to strive towards disarmament</p>	

² A/HRC/15/32; A/HRC/RES/15/13;

³ A/HRC/15/32

⁴ A/HRC/17/39;