

Submission in follow-up to HRC resolution 24/4 “The Right to Development”

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Introduction

The Open-ended Intergovernmental Working Group (OEIWG) on Right to Development (RtD) decided, during previous sessions, to maintain the matrix of the High Level Task Force in the revision of the criteria and operational sub-criteria for the implementation of the Right to Development. For this reason, in view of the forthcoming 15th session of the OEIWG, the Working Group of Geneva Forum Catholic Inspired NGOs (CINGO WG) has readjusted its previous two contributions to the framework of the HLTF, starting with the suggestions for the criteria and operational sub-criteria that will be under scrutiny according to the programme of work of the 15th OEIWG session.

Our organizations are present at grass-root level and work with people living in poverty, in both developing and developed countries, as they strive to achieve their integral human development. On a daily basis, we observe how crucial and urgent it is for all countries to fully implement the Right to Development in order to overcome structural international and national obstacles that are root causes of increasing inequities between and within countries and that perpetuate extreme poverty. It is with a sense of duty to accompany the voiceless of the world that we transmit to the Members States the urgent need to overcome the long political and polarized debate and make the right to development a reality for everyone.

During the 14th session of the Open Ended Intergovernmental Working Group, the High Commissioner for Human Rights, Madame Pillay, clearly pointed out that the comprehensive, human-centred development paradigm of the Declaration of the Right to Development, should be at the core of the post-2015 Development agenda.

We firmly believe that the Post-2015 Development agenda should avoid the restricted view of the previous MDG agenda and adopt, at every level, a human rights-based approach that includes a focus on the Right to Development. In this regard, we welcome the report of the High Level Panel of Eminent Persons since it explicitly mentions the Right to Development in the paragraph referring to a new global partnership.

We regret the slow pace of the Intergovernmental Working Group in discussing the criteria and operational sub-criteria for the implementation of the Right to Development. We believe that the discussion on the issue of indicators should be less politicised and polarised. Indicators are surely necessary to monitor the implementation of the Right to Development but they can be determined at a second stage, after the criteria and sub-criteria have been selected properly. Furthermore, experts may be more competent and neutral during the process of identifying appropriate indicators for the criteria and sub-criteria while States should indicate specific national sub-parameters aimed at better responding to the needs of each specific population/country.

In addition to what already has been articulated in our two previous contributions, we would like to re-emphasize the following:

- The implementation of the Right to Development (RTD) is a very important and necessary move to meet the present and future challenges faced by humanity today; these include, among others, climate change, financial and economic turmoil, globalisation, migration, the risk of losing the concept of human dignity, the huge number of people living in extreme poverty and the increase in inequalities within and between countries;
- The implementation of the Right to Development can bring a new human face to the phenomenon of globalisation by creating opportunities for all and by limiting its negative effects;
- The current global financial crisis amply demonstrates the negative, as well the positive, impact of economic interdependence. It also demonstrates the failure of governments to respect and protect the Right to Development for individual persons and for entire groups of people;
- Even if it remains the primary responsibility of a State to guarantee, within its own possibilities, the realization of the Right to Development among 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;
- At the global level, a commitment to effective international cooperation and solidarity among States is very much needed and, in fact, is indispensable. This includes, among others, fair aid, trade, investment, debt cancellation,

transfer of technology, intellectual property and access to medicines, financing for development, institutional reform, climate change responses as well as disarmament and reduction of military expenditure in favour of social and development policies;

- Criteria and operational sub-criteria should reflect all the articles of the Declaration on the Right to Development, including what is contained in the preamble. In this regard, international solidarity, the right to self-determination of peoples, the establishment of a new international economic order should have corresponding criteria and sub-criteria;
- The concept of development found in the Declaration of RtD and agreed upon at the 1995 Copenhagen Declaration on Social Development, is one that is political, economic, cultural, ethical and spiritual. Development of the person and peoples encompasses all aspects of human life, including the spiritual and religious dimensions. Development cannot be reduced just to economic growth and material wealth;
- The Right to Development is about the wellbeing of the person and of peoples in relation to protection, respect and fulfilment of not only the economic, social and cultural rights but also the civil and political rights;
- The Right to Development expresses, at the highest level, the values of the United Nations Charter by linking in itself the three pillars of peace and security, development, and human rights;
- The Declaration on Right to Development remains the principal reference document for the implementation of the RtD; all the other past and future resolutions and further documents are complementary but do not substitute for the Declaration;
- Criteria and sub-criteria should address the structural imbalances and remove the obstacles to the realisation of an enabling international and national environment for the implementation of RtD;
- 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 wellbeing. 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 the person to secure an income to support him/herself and his/her family, and promotes economic development that positively impacts on poverty reduction, productivity, sustainable agriculture, as well as integration and full participation of the person in the global economy;
- The recognition of the right to international solidarity will further contribute to the implementation of the Right to Development by affirming the legitimacy of extraterritorial obligations and international cooperation. In fact, this is the reason why States' obligations to respect, protect, and fulfil Human Rights are often seen as being related to persons under their jurisdiction (nationals or foreigners), in times of global interdependence it is necessary to recognize the existence of extra-territorial obligations. National governments are not always able to protect their citizens from the impact of decisions taken in other countries. For example, with regard to the realization of the Right to Food, in such a globalised, interconnected world, the actions taken by one Government may have a negative impact on the Right to Food for persons living in other countries. All countries, therefore, should ensure that their policies do not contribute to Human Rights violations in other countries;
- The principle of subsidiarity can be seen as a crosscutting 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;
- Governments must, as an immediate priority, eliminate the gap between their commitments and the delivery of ODA, in order to keep the promise of the Millennium Declaration. MDG8, Global partnership for Development, is in fact crucial to achieve all the other MDGs;
- Bearing in mind that, since 1986, year of the Declaration of the RtD, the world has changed dramatically, we agree with some experts in saying that there is need of a new political dynamic, and a new set of actors and agendas for the implementation of RtD and that issues of institutions and rules in a wide variety of areas is today more important than the transfer of capital through official channels;
- While supporting the idea of a legally binding document on the Right to Development, we believe that public policies at national and international level, as well as the involvement of other relevant stakeholders, are the principal means for the implementation of the Right to Development.

**CINGO Contribution to Criteria and Operational Sub-criteria for
the Implementation of Right to Development***

CRITERIA	OPERATIONAL SUB-CRITERIA	INDICATORS
<p>To ensure effective education of persons and peoples about, for and through Human Rights as precondition to participation.</p>	<p>Drawing programmes and curricula for Human Rights Education¹ and assuring their implementation;</p> <p>Public education campaigns that contribute to raise public awareness and diffuse information about international Human Rights and about the Right to Development in particular;</p> <p>Implementation of training policies, processes and tools designated to provide guidance to educators, civil servants and law enforcement officials;</p> <p>Monitoring and evaluation of these programmes and processes.</p>	
<p>Criterion 2(a): To establish at international, regional, national level a legal framework supportive of sustainable human-centred development.</p>	<p>Incorporation of the Right to Development as a legal norm in international and regional instruments and mechanisms, national constitutions, legislations or policies;</p> <p>2(a)(i) Ratification of relevant international conventions;</p> <p>Withdrawal of reservations to international conventions that compromise the implementation of Right to Development;</p> <p>2(a)(ii) Responsiveness to international monitoring and review procedures;</p> <p>Inclusion of information on the progressive realization of the Right to Development in country reports to the UPR mechanism and UN Treaty Bodies;</p> <p>Acceptance of UPR and UN Treaty Bodies recommendations on Right to Development;</p> <p>Establishment of regional legal frameworks that include Right to Development where not present;</p> <p>2(a)(iii) National legal protection of human rights.</p>	
<p>To recognise and sustain the decisive role of the family, which is the basic cell of society from demographic, ethical,</p>	<p>National policy to protect the institution of the family as defined in the Universal Declaration on Human Rights².</p>	

* Legenda: Normal Black: official Working Paper of the 15th OEIWG on RtD based on HLTF matrix; Bold Black: CINGO contribution.

¹ “Human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies”, Commission on Human Rights Resolution 2001/61 “United Nations Decade for Human Rights Education (1995 – 2004)” of April 25, 2001—U.N. Doc. E/CN.4/RES/2001/61.

² The Preamble of the Convention of the rights of the child states that “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”. It recognises also “that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”

<p>pedagogical, economic, and political standpoints.</p> <hr/> <p>Criterion 2(b) To draw on relevant international human rights instruments in elaborating development strategies.</p>	<p>Human rights-based approach in the post-2015 Agenda;</p> <p>Human rights-based approach in regional development strategies;</p> <p>2(b)(i) Human rights-based approach in national development strategies;</p> <p>2(b)(ii) Human rights-based approach in policy of bilateral and multilateral institutions/agencies;</p>	
<p>Criterion 2 (c): To ensure effective respect for all Human Rights through, <i>inter alia</i>, non-discrimination, access to information, participation and effective remedies.</p>	<hr/> <p>2(c)(i) Establishment of a framework providing remedies for violations;</p> <p>2(c)(ii) Establishment of a framework to facilitate participation;</p> <p>2(c)(iii) Procedures facilitating participation in social and economic decision-making;</p> <p>2(c)(iv) Establishment of a legal framework supportive of non-discrimination;</p> <p>2(c)(v) Establishment of assessment and evaluation system supportive of non-discrimination;</p> <p>2(c)(vi) Indicators reflecting likelihood of differential treatment of marginalized groups;</p> <p>2(c)(vii) Mechanisms for transparency and accountability;</p> <p>Participation of civil society in the monitoring process;</p> <p>Free access to effective justice.</p>	
<p>Criterion 2(d) To promote good governance at the international level and effective participation of all countries in international decision-making.</p>	<hr/> <p>2(d)(i) Mechanisms for incorporating aid recipients' voice in aid programming and evaluation;</p> <p>2(d)(ii) Genuine participation of all concerned in international consultation and decision-making.</p>	
<p>To promote the right of self-determination of peoples.</p>	<p>Free determination, participation, contribution and enjoyment by all peoples to their economic, social, cultural and political development;</p> <p>Sovereignty over all natural wealth and resources.</p>	
<p>Criterion 2(e) To promote good governance and respect for rule of law at the national level.</p>	<hr/> <p>2(e)(i) Government effectiveness;</p> <p>Transparency;</p> <p>2(e)(ii) Prevention and control of corruption;</p> <p>2(e)(iii) Rule of law.</p>	
<p>To construct permanent structures and pathways for consultation with persons, civil society, community organizations, grass roots organizations and the academic community.</p>	<hr/> <p>Establishment of permanent consultative instruments;</p> <p>Persons living in extreme poverty involved in the design, implementation, monitoring and evaluation of social protection and other policies that have an impact on vulnerable groups;</p> <p>Active role of all persons and peoples in the political sphere.</p> <hr/> <p>Women equally represented in participatory and decision making bodies.</p>	

<p>To ensure equality between men and women in participatory processes.</p> <p>*****</p> <p>International Solidarity as a global preventive approach in order to ensure peace and effective development for all.</p>	<p>*****</p> <p>Preventive solidarity³ that addresses both natural and man-made disasters;</p> <p>Support of the process to declare the Right of Individuals and People to International Solidarity.</p>	
<p>To use the principle of subsidiarity in establishing responsibilities.</p> <p>Criterion 3(a) To provide for equitable contribution to, fair access to, and sharing of the benefits of development.</p>	<p>Most appropriate level of decision-making and intervention.</p> <p>3(a)(i) Equality of opportunity in education, health, housing, employment and incomes;</p> <p>3(a)(ii) Equality of access to resources and public goods, including safe drinking water;</p> <p>Reducing the existing gaps of infrastructures between urban and rural areas;</p> <p>3(a)(iii) Ease of immigration for education, work and revenue transfers;</p> <p>3(a)(iv) Reducing marginalisation of least developed and vulnerable countries.</p>	
<p>To ensure that all peoples of the world benefit from the process of globalisation.</p> <p>Criterion 3(b) To provide for equitable and fair sharing of the responsibility burdens of for development;</p>	<p>Inclusiveness and equitable sharing of the benefits of globalisation;</p> <p>Protection and remedies against negative effects of globalisation.</p> <p>3(b)(i) Equitably sharing environmental burdens of development;</p> <p>3(b)(ii) Just compensation for negative impacts of development investments and policies;</p> <p>3(b)(iii) Establishing safety nets to provide for the needs of vulnerable populations in times of natural, financial or other crisis.</p>	
<p>To provide technical assistance and capacity building in Human Rights to States that request it.</p>	<p>Provision by OHCHR and other relevant stakeholders of expert and technical assistance to Governments with a view to creating and developing the necessary infrastructures to meet international Human Rights standards.</p>	
<p>To strengthen operational modalities for South- South cooperation in all areas, but not as a substitute for compliance by developed countries with their</p>	<p>Implementing collective and extraterritorial obligations;</p> <p>0.7% of GNP to Official Development Assistance delivered;</p> <p>Strengthening of South-South and trilateral cooperation as a complement to North- South cooperation;</p>	

³ Preventive Solidarity aims at addressing the root causes of poverty, in the vision that prevention is better than cure. Such solidarity implies, *inter-alia*, that States respect fully the international obligations pledged at the United Nations, implement the ratified conventions and treaties, are committed to disarmament, clean energy policies, strengthening health systems, achieving the Millennium Development Goals, etc. See also A/HRC/RES/18/5 par. 7 and A/HRC/RES/15/13 par. 7.

<p>commitments to support a strength North-South development cooperation.</p>	<p>Development of a new model of international cooperation based on solidarity cooperation⁴ without conditionality.</p>	
<p>Creation of a system of strategic partnership between developed and developing countries that have different but complementary needs and can work together for mutual benefit and outcomes in economic, political, social and humanitarian development.</p>	<p>Establishment of “twinning” programmes⁵ between developed and developing countries to promote effective partnerships;</p> <p>Implementation of monitoring systems based on quantitative as well as qualitative indicators.</p>	
<p>Criterion 3(c) To eradicate social injustices through economic, and social and cultural reforms;</p>	<p>Sound economic policies that foster growth with equity;</p> <p>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;</p> <p>Eradication of extreme poverty;</p> <p>3(c)(ii) Elimination of sexual exploitation and human trafficking;</p> <p>3(c)(iii) Elimination of child labour;</p> <p>3(c)(iv) Eliminate slum housing conditions;</p> <p>3(c)(v) Land reform.</p>	
<p>To establish an appropriate political, social and economic order for development based on international cooperation and international solidarity.</p>	<p>Entitlement to a social and international order in which the rights and freedoms set forth in the Universal Declaration on Human Rights can be fully realized;</p> <p>Ethical and more democratic financial architecture, and removal of inequities in decision-making processes among international institutions (WTO, WB, IMF etc.);</p> <p>Removal of inequities in trade;</p> <p>Creation of legislative frameworks to facilitate the role of social business for development;</p> <p>Financial, political, and legislative support to NGOs at international and local level;</p> <p>Improvement of personal commitments in development actions and appropriate lifestyles through Human Rights education and development;</p> <p>Elimination of tax havens;</p> <p>Exploration of innovative mechanisms to comprehensively address debt problems without imposing conditionality, and considering total debt cancellation at least for LDCs;</p> <p>Recognition of the positive role of migrants in the globalisation process;</p> <p>Establishment of development policies and</p>	

⁴ Solidarity cooperation is not profit-oriented. The cooperation is driven by solidarity and adheres to the principles on non-intervention, respect for sovereignty and self-determination. It is an exchange between equals, rather than an interaction between donor and recipient. Partner countries are not passive recipients but are actively involved right from the stage of negotiation, ensuring that cooperation methodology is appropriate to the context of the local reality. See A/HRC/23/45/Add.1.

⁵ The concept of “twinning” programme entails that a developed country accepts to accompany a developing country (and vice versa) in achieving its right to development in a relationship of mutual exchange of experiences, gains, human, financial and cultural resources.

	<p>processes aimed at reducing the root causes of climate change.</p> <hr/> <p>Promotion of Integral Human Development as precondition for peace;</p> <p>Support of the process to declare the Right of Individuals and People to Peace.</p>	
<p>Assurance of international stability, security and peace through the implementation of the Right to Development and Right to Peace.</p>	<p>Removal of threats to peace;</p> <p>Solution of conflicts through negotiations and any other peaceful means as per Article 33 of the Charter of the United Nations;</p>	
<p>Creation of an international environment that prevents the eruption of conflicts by addressing the root causes of long-standing disputes and conflicts;</p>	<p>Commitment to strive toward disarmament, including nuclear weapons.</p> <hr/> <p>Promotion of transitional justice aimed at peace reconciliation;</p> <p>Full development of international criminal law, especially by ratifying the Roma Statute.</p>	
<p>Addressing post-conflict situations.</p>		