

Submission in follow-up to HRC resolution 21/32 “The Right to Development”

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1. Introduction

The co-signing NGOs take note of the Report of the thirteen session of the Working Group on the Right to Development presented by the Chairperson, Ms Tamara Kunanayakam at the 21st regular session of the Human Rights Council, as well as of the two documents A/HRC/WG.2/13/CRP.1 and CRP.2 containing detailed views and comments submitted by Governments, groups of governments, regional groups and other relevant stakeholders, including United Nations Agencies, Funds, Programmes and Institutions, as well as other relevant multilateral institutions and fora, prepared as follow-up actions to the conclusions and recommendations agreed to the twelfth session of the Working Group.

This group of NGOs already sent a joint reaction to the Criteria and Operational Sub-Criteria for the Implementation of the Right to Development on the occasion of the 13th session of the Intergovernmental Working Group, and now is it submitting an updated version of the aforementioned document, prepared subsequent to the discussion that took place during the 13th session of the Intergovernmental Working Group.

In addition to the points already made in the previously submitted document, this group of NGOs would like to make the following observations:

1. We live in a globalised era and an interdependent world. The recurring economic and financial crises, climate changes and food crises re-emphasize the relevance of the right to development and the need for its realization. Increased inequalities within and between countries worldwide show how Right to Development is relevant for both developed and developing countries. Furthermore, it shows that it is not possible to guarantee other human rights without the realization of the Right to Development. The need to progress in the consolidation of the principles of solidarity, collective and shared responsibility, with due respect for the sovereignty of peoples and effective international cooperation without conditionalities as well as the need to find a balance between the national and international responsibilities becomes more and more imperative;
2. We take note with appreciation of the contributions and outputs of 2012 Social Forum that focused on the theme “People-Centred Development and Globalization”. The forum was an opportunity to discuss how to realize a vision of the world in which the connections between States, peoples, businesses, and international organizations do not render persons and peoples vulnerable to crises but rather strengthen them by fostering a globally enabling environment for people-centred development as envisioned by the Declaration on the Right to Development;
3. The implementation of the Right to Development is urgent not only for speeding up the progressive realisation of Economic, Social and Cultural Rights but also for the full respect of Political and Civil Rights. In fact, Right to Development can be seen as an overarching right, the realization of which ensures the full enjoyment of all other Human Rights;
4. The co-signing NGOs firmly believe that Right to Development and International Solidarity are interlinked, mutually reinforcing and essential to the realization of the three pillars of the United Nations (Human Rights, Development and Peace and Security). They shift the paradigm of international cooperation and assistance from a vision of mere charity and moral obligation, to an affirmation of solidarity rights and social justice. This shift is seen as necessary for nations to become a human family and implement Article One of the Universal Declaration of Human Rights that states “*all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood*” as well as Article 28 which states “*everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized*”;

5. From the preamble and articles of the Declaration on the Right to Development, several principles are clearly evident as indicated in the table below:

PRINCIPLES	DRTD RELATED ARTICLES
Right to Development as Inalienable Human Right	Preamble, Article 1.1
Comprehensive Development	Preamble, Article 1.1
Participation	Preamble, Article 1.1, Article 8.2
People-and Person-Centred Development	Preamble, Article 1.1, Article 2.1, Article 2.2
Self-determination of Peoples	Preamble, Article 1.2
Sovereignty of Peoples over all natural wealth and resources	Preamble, Article 1.2
Responsibility of all human beings	Preamble, Article 2.2
Responsibility of States at National level	Preamble, Article 2.3, Article 3.1, Article 3.2, Article 3.3, Article 6.3
Responsibility of States at International level	Preamble, Article 3.1, Article 3.2, Article 3.3, Article 4.1, Article 4.2, Article 6.3
Progressive realisation (Accountability)	Preamble, Article 5, Article 9.1, Article 10
Fairness in distribution of wealth and benefits	Preamble, Article 3.3, Article 4.2, Article 6.1
International Cooperation	Preamble, Article 3.2, Article 6.1
Respect of Human Rights	Preamble, Article 1.1, Article 5, Article 9.2
Indivisibility of Human Rights	Preamble, Article 6.1
Social Justice (elimination of obstacles)	Preamble, Article 6.3
Peace, Security and Disarmament	Preamble, Article 7
Non-Discrimination	Preamble, Article 8
Equality of Opportunities	Preamble, Article 8

6. We agree with the observation made by Norway that criteria should be formulated as a process while operational sub-criteria as end-results and complex criteria and sub-criteria should be split to facilitate a better monitoring;
7. We consider the Declaration on the Right to Development and its indivisibility to be the fundamental basis for the work on criteria, operational sub-criteria and indicators. However, other documents, resolutions etc. should be taken into account providing that they constitute a further improvement to the basic text of the Declaration;
8. On the issue of indicators, we concur on the fact that the original mandate and terms of reference of the High Level Task Force did not contemplate the elaboration of indicators. Furthermore, it is crucial for the IWG to agree first upon criteria and operational sub-criteria and consequently to ask the advice of some experts in order to find out the best qualitative and quantitative indicators.

Criteria and operational sub-criteria should reflect all the above-mentioned principles since the Declaration is indivisible.

In this regard, this group of NGOs, while taking account of but considering incomplete the important work of the High Level Task Force that extrapolated only three attributes, decided to reorganise the criteria and operational sub-criteria adopting a comprehensive grid that enlists the principles and related articles of the Declaration. In table 2, where criteria and operational sub-criteria are suggested, some principles have been merged whenever criteria and corresponding operational sub-criteria were common.

2. Suggestions

The co-signatories suggest the following changes on criteria and sub-criteria (without elaboration on the indicators):

LEGENDA:

1. Co-signatories contribution (**bold** and not numbered);
2. HLTF original contribution (normal text as originally numbered).

DRTD PRINCIPLES	ARTICLES	CRITERIA	SUB-CRITERIA major areas in which progress can be measured	INDICATORS
Right to Development as inalienable Human Right	Preamble Article 1.1	<p>To incorporate and reflect the right to development as a legal norm in international instruments and mechanisms, national constitutions, legislation or policies;</p> <p>2(a) To establish a national, regional and international legal framework supportive of sustainable of human-centered development;</p> <p>3(a) To provide for equitable contributions to access to and sharing of the benefits of development.</p>	Participation, contribution, and enjoyment of comprehensive development.	
Comprehensive Development	Preamble Article 1.1	<p>To ensure respect for and protection of the human dignity of persons and peoples and their civil, political rights;</p> <hr/> <p>1(a) To promote the constant improvement in the socioeconomic well-being through the full realization of the rights to health, food, education, shelter, work, safe drinking water and sanitation, and other human rights, based on the principle of equitable contribution and access to and sharing of the benefits of development.</p>	<p>Right to life;</p> <p>Right to freedom of expression, religion, non-discrimination, etc.;</p> <p>Civil and Political rights.</p> <hr/> <p>1(a)(i) Right to Health;</p> <p>Social Determinants of Health;</p> <p>1(a)(ii) Right to Education;</p> <p>1(a)(iii) Right to Housing, Right to Water and Sanitation;</p> <p>1(a)(iv) Right to Work and Social Security;</p> <p>1(a)(v) Right to Food;</p> <p>Appropriate means and facilities to foster comprehensive development.</p>	
Participation	Preamble Article 1.1	To ensure effective education of persons and peoples on their human rights as a precondition to participation;	<p>Development of educational programs and curricula;</p> <p>Implementation of educational programs</p>	

	<p>Article 8.2</p>	<p>2(d) To promote good governance at the national and international level and effective participation of all countries in international decision-making;</p> <p>2(e) To promote good governance and respect for rule of law at the national level;</p> <p>To construct permanent structures and pathways for consultation with persons, civil society, community organizations, grass-roots organizations and the academic community;</p> <p>To ensure equality between men and women in participatory processes.</p>	<p>on Human Rights;</p> <p>Monitoring and evaluation of these programs.</p> <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>2(e)(i) Government effectiveness;</p> <p>2(e)(ii) Control of corruption;</p> <p>2(e)(iii) Rule of law.</p> <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>Women equally represented in participatory and decision making bodies.</p>	
<p>People- and Person-Centred Development</p>	<p>Preamble Article 1.1 Article 2.1 Article 2.2</p>	<p>2(a) To establish a legal framework supportive of sustainable human-centred development;</p> <p>To recognise and sustain the decisive role of the family, which is the basic cell of society from</p>	<p>2(a)(i) Ratification of relevant international conventions;</p> <p>2(a)(ii) Responsiveness to international monitoring and review procedures;</p> <p>2(a)(iii) National legal protection of human rights;</p> <p>Evaluation of national development on the basis of Gross National Happiness Index.</p>	

		<p>demographic, ethical, pedagogical, economic, and political standpoints;</p> <hr/> <p>2(b) To draw on relevant international human rights instruments in elaborating development strategies;</p> <hr/> <p>1(b) To maintain stable national and global economic and financial systems;</p> <hr/> <p>1(c) To adopt national and international policy strategies supportive of the Right to Development;</p> <hr/> <p>1(d) To establish a transparent, stable and predictable economic regulatory and oversight system to manage risk and encourage competition;</p>	<hr/> <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>Human Rights-based approach in the MDGs process and on the post-2015 Agenda</p> <hr/> <p>1(b)(i) Reducing risks of domestic financial crises;</p> <p>1(b)(ii) Providing against volatility of national commodity prices;</p> <p>1(b)(iii) Reducing risks of external macro imbalances;</p> <p>1(b)(iv) Reducing and mitigating impacts of international financial and economic crises;</p> <p>1(b)(v) Protect against volatility of international commodity prices;</p> <p>Regulating financial markets.</p> <hr/> <p>1(c)(i) Right to development priorities reflected in national development plans and programmes;</p> <p>1(c)(ii) Right to development priorities reflected in policies and programmes of IMF, World Bank, WTO and other international and regional institutions.</p> <hr/> <p>1(d)(i) System of property rights and contract enforcement;</p> <p>1 (d) (ii) Policies and regulations promoting private investment;</p>	
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		<p>1(e) To create an equitable, rule-based, predictable and non-discriminatory international trading system;</p> <p>1(f) To promote and ensure access to adequate financial resources;</p> <p>1(g) To promote and ensure equitable access to and sharing of science, knowledge, and technology, and their benefits, including technology transfer at the international level;</p>	<p>Human Rights-based economic regulatory and oversight system.</p> <p>1(e)(i) Bilateral, regional and multilateral trade rules conducive to the right to development;</p> <p>1(e)(ii) Market access (share of global trade);</p> <p>1(e)(iii) Movement of persons.</p> <p>1(f)(i) Domestic resource mobilization;</p> <p>1(f)(ii) Magnitude and terms of bilateral official capital flows;</p> <p>1(f)(iii) Magnitude and terms of multilateral official capital flows;</p> <p>1(f)(iv) Debt sustainability;</p> <p>Total debt cancellation for LDCs.</p> <p>All types of technologies that are needed or appropriate for the full realization of the right to development should be provided to developing countries through international modalities of technology transfer, including but not limited to:</p> <p>1(g)(i) Pro-development and pro-poor technology;</p> <p>1(g)(ii) Agricultural technology;</p> <p>1(g)(iii) Manufacturing technology;</p> <p>1(g)(iv) Technology transfer, access and national capacity;</p> <p>1(g)(v) Green energy technology;</p> <p>1(g)(vi) Health technology;</p> <p>1(g)(vii) Information technology;</p> <p>Capacity development in developing countries through easier access to</p>	
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		<p>1(h) To promote and ensure international environmental sustainability, through ensuring, inter alia, the sustainability and rational use of natural resources;</p> <hr/> <p>1(j) To adopt and periodically review national development strategies and plans of action on the basis of a participatory and transparent process.</p>	<p>scientific and technological knowledge and innovation.</p> <hr/> <p>1(h)(i) Prevent environmental degradation and resource depletion;</p> <p>1(h)(ii) Access to natural resources;</p> <p>1(h)(iii) Sustainable energy policies and practices.</p> <hr/> <p>1(j)(i) Collection and public access to key socio-economic data disaggregated by population groups;</p> <p>1(j)(ii) Plan of action with monitoring and evaluation systems;</p> <p>1(j)(iii) Political and financial support for participatory process.</p>	
Self-determination/ Sovereignty of natural wealth and resources	Preamble Article 1.2	To promote the right of Self-determination of Peoples.	Sovereignty over all natural wealth and resources.	
Responsibility of all	Preamble Article 2.2	<p>To respect Human Rights and fundamental freedoms;</p> <p>To respect the duties to the community;</p> <p>To promote and protect an appropriate political, social and economic order for development.</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 personal commitments in development actions and appropriate lifestyles through Human Rights education and development.</p>	
Responsibility of States at national and international level for creating and sustaining an enabling environment	Preamble Article 2.3 Article 3.1 Article 3.2 Article 3.3 Article 4.1 Article 4.2 Article 6.3	<p>To use the principle of subsidiarity in establishing responsibilities;</p> <hr/> <p>To recognise International Solidarity as a right and as a global preventive approach in order to ensure peace and effective development for all;</p> <hr/> <p>Creation of a system of strategic partnership</p>	<p>Most appropriate level of decision-making and intervention;</p> <hr/> <p>Solidarity that is preventive and that address both natural and man-made disasters;</p> <p>Draft declaration of the right of individuals and peoples to International Solidarity;</p>	

		<p>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> <hr/> <p>To adopt and implement a comprehensive and legally binding international instrument on the Right to Development;</p> <hr/> <p>To fully implement international commitments to provide support, including finance and technology, to developing countries in various areas relevant to the Right to Development, including trade, innovation, climate change, and sustainable development.</p>	<p>Establishment of “twinning” programmes between a developed and developing countries to promote effective partnerships;</p> <p>Effective use of the monitoring systems offered by the indicators for MDG8;</p> <hr/> <p>To mainstream Right to Development in international fora and documents.</p> <hr/>	
Accountabilty	<p>Preamble Article 5 Article 10</p>	<p>To incorporate and reflect the Right to Development as a legal norm in international instruments and mechanisms, national constitutions, legislations or policies.</p>	<p>2(a)(i) Ratification of relevant international conventions;</p> <p>Inclusion of information on the progressive realization of the Right to Development in country reports to the UPR mechanism and UN Treaties Bodies;</p> <p>Acceptance of UPR and UN Treaty Bodies reccomendations on Right to Development.</p>	
Fairness in distribution of wealth and benefits	<p>Preamble Article 3.3 Article 4.2 Article 6.1</p>	<p>To develop an international system based on international cooperation and international solidarity;</p> <hr/>	<p>Removal of inequities in trade;</p> <p>Removal of inequities in decision-making processes among international institutions (WTO, WB, IMF etc.);</p> <p>Entitlement 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;</p> <p>Ethical and more democratic financial architecture;</p> <hr/>	

		<p>To strengthen effective International Cooperation;</p> <hr/> <p>To strengthen operational modalities for South-South cooperation in all areas, but not as a substitute for compliance by developed countries with their commitments to support a strength North-South development cooperation.</p>	<p>Appropriate means and facilities to foster comprehensive development;</p> <hr/> <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> <p>Development of a new model of international cooperation based on solidarity cooperation without conditionalities.</p>	
Respect of Human Rights	Preamble Article 5	<p>2(c) To ensure non-discrimination, access to information, participation, and effective remedies;</p> <hr/> <p>To ensure effective respect for all Human Rights</p>	<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> <hr/> <p>Participation of the civil society in the monitoring process;</p> <p>Free access to effective justice.</p>	
Elimination of obstacles/ Social Justice	Preamble Article 6.3	<p>3(a) To provide for equitable contribution to access to and sharing of the benefits of development;</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</p>	

		<p>3(b) To provide for equitable sharing of the responsibility for development;</p> <hr/> <p>3(c) To eradicate social injustices through economic and social reforms;</p> <hr/> <p>To ensure that globalisation becomes a positive force for the entire world's people;</p>	<p>public goods;</p> <p>3(a)(iii) Reducing marginalisation of least developed and vulnerable countries;</p> <p>3(a)(iv) Ease of immigration for education, work and revenue transfers.</p> <hr/> <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> <hr/> <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>Sound economic policies that foster growth with equity;</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> <hr/> <p>Inclusiveness and equity in the benefits of globalisation;</p> <p>Protection and remedies against the negative effects of globalisation;</p> <p>Inclusiveness and equity in the benefits of globalisation;</p> <p>Protection and remedies against the negative effects of globalisation.</p>	
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		<p>To establish international mechanisms or institutional frameworks to support the protection and promotion of Human Rights at the national level, including through operational international cooperation modalities for the provision of technical assistance and capacity building in the field of Human Rights in accordance with the requirements of the requesting States.</p>		
Indivisibility of Human Rights	Preamble Article 6.2	To provide equal attention and urgent consideration to the implementation, promotion, and protection of Civil, Political, Economic, Social, and Cultural Rights.	Acceleration of the realization of Economic, Social, and Cultural Rights, with equal attention to the Civil and Political Rights.	
Peace and Security/Disarmament	Preamble Article 7	<p>1(i) To contribute to an environment of peace and security;</p> <hr/> <p>To recognise the Right to Peace of persons and peoples;</p> <hr/> <p>Addressing the root causes of long-standing disputes and conflicts;</p> <hr/>	<p>Education on the Right to Peace;</p> <p>1(l)(i) Reduce conflict risks;</p> <p>1(l)(ii) Protecting the civil population and the most vulnerable during conflict;</p> <p>1(l)(iii) Post-conflict peace-building and development;</p> <p>1(l)(iv) Refugees and asylum- seekers;</p> <p>1(i)(v) Personal security not in times and zones of armed conflict;</p> <p>Promotion of the creation of national peace institutions;</p> <p>Implementation of Article 43 of the UN Chart;</p> <p>Reduction of military expenditure in favour of social and development policies.</p> <hr/> <p>Assurance of international stability, security and peace through development.</p> <hr/> <p>Elimination of threats of war;</p> <hr/> <p>Inclusion of internationally recognized <i>super-partes</i> organizations in the</p>	

		Creation of an international environment that prevents the eruption of conflicts.	<p>conflict-resolution process.</p> <hr/> <p>Commitment to strive toward disarmament.</p>	
Equality of opportunities and non-discrimination	Preamble Article 8	To ensure the active role of all the persons and peoples in development;	<p>Active role of women;</p> <p>Active role of most vulnerable groups.</p>	