

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

1. Switzerland welcomes all efforts towards the effective and practical implementation of the right to development provided they are in line with the 1986 General Assembly Declaration on the Right to Development as well as with the Vienna Declaration and Programme of Action and in strict accordance with the Universal Declaration of Human Rights and the 2 international Covenants on human rights in particular.

The right to development is in first instance a recognized basic principle as well as a universal and inalienable right placing the human person at the centre of development and which can be perceived as arising from the entire human rights' codification. As already stated in the Vienna Declaration and Programme of Action in 1993, it is important to note that while sustainable development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. We believe the right to development could bring human rights and development closer together and is yet another means to promote all human rights. In this context, we also reaffirm the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development.

We therefore support the objective of making the right to development a reality for everyone, as set out in the UN Millennium Declaration, adopted by the General Assembly on 8 September 2000. Together with the Human Rights Council, which adopted resolution A/HRC/19/34, we also recognize that achieving (...) the Millennium Development Goals requires effective policy coherence and coordination towards a global partnership for development that takes into consideration the right to development.

2. When it comes to the realization of the right to development, Switzerland would like to recall not only the primary responsibility of the State to respect, protect and realize the human rights of all persons within its national jurisdiction but also – as stressed in the 1986 Declaration on the Right to Development and repeated in resolution 19/34 of the HRC – that States have as well the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development. We believe that donors and recipient countries - acting individually, bilaterally as well as collectively within regional and international frameworks - could make of the right to development a reality for the human rights of every human being, foremost the poor, women and girls as well as other vulnerable, marginalized or discriminated persons, peoples and groups, such as minorities and indigenous peoples. As stated at the 2011 High Level Forum in Busan on Aid effectiveness, international partnership and co-operation will be needed to meet the challenges of effective development for all.

To follow-up on this path, we focus on the following priorities: firstly to promote a human rights based approach, in particular with a view to achieving gender equality through gender mainstreaming; secondly to ensure this approach in a policy consistent, coherent and coordinated way at all levels of bilateral and multilateral development cooperation; thirdly – particularly in the context of MDG 8 and the discussion of the post-2015 development agenda - to strengthen the global partnership for development based on the international framework of human rights, with a view to implementing the right to development.

While Switzerland continues to believe that developing a legally binding instrument on the right to development would not be an appropriate and effective means to realize the right to development, we are convinced that there is room - within an interactive dialogue between developing and developed States - for pragmatic solutions in answering the so many questions around this right and its effective implementation in a variety of institutions and processes. Switzerland indeed prefers pragmatic solutions which will answer our queries around the right to development and its effective implementation rather than engaging into a discussion about the development of yet another instrument.

In this context, it is very important that relevant stakeholders, including United Nations agencies, funds and programs and institutions, as well as other relevant multilateral institutions and other stakeholders, including academic experts and civil society representatives continue to actively participate to this dialogue.

3. Switzerland believes that the criteria, corresponding operational sub-criteria and indicators identified by the High-Level Task Force (HLTF) could be used in the elaboration of a comprehensive and coherent set of right to development standards which could lead to the adoption of a political

commitment, for instance in the form of guidelines on the implementation of the right to development in the context of a reinforced global partnership for development.

Switzerland appreciates the comprehensive work done by the HLTF and the Working Group listing and discussing the right to development attributes and criteria together with corresponding operational sub-criteria and indicators. This work attempts to address the essential features and components of the right to development in a comprehensive, coherent and measurable way. The list proposed by the HLTF begins with a kind of core norm trying to define the content of the right to development which is to create an enabling environment for the realization of development implies individual and collective responsibilities for States at global, regional and national level. It sets three attributes of the right to development - i.e. a comprehensive and human rights centered development policy, a participatory human rights processes and social justice in development - and develops criteria, corresponding operational sub-criteria – and very logically so – also reliable measurements tools in the form of indicators to help assessing compliance.

In line with the 1986 General Assembly Declaration on the Right to Development and international human rights as well as development standards, this methodological approach builds a credible process on the way leading to the realization of the right to development. After having discussed at last May's session the right to development criteria, we are now looking forward discussing at the next formal session of the WG the Right to Development operational sub-criteria as well as the indicators or - as a compromise - the suggestion made by the Non-Aligned Movement at the beginning of the last session of the Working Group and mentioned in the last report of the Working Group to consider "indicators fitting as operational sub-criteria". In this context, we note with interest the recent publication of Human Rights Indicators by the OHCHR (<http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>).