

# The high-level task force criteria<sup>1</sup>

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## I. Background to the elaboration of criteria

From the earliest formulations of the right to development, the value of indicators or criteria for measuring progress has been recognized. The Secretary-General mentioned indicators in his 1979 report (E/CN.4/1334)<sup>2</sup> and the 1990 Global Consultation on the Right to Development as a Human Right stressed “the need for criteria or indicators for evaluating progress” (E/CN.4/1990/9/Rev.1, para. 133), stating clearly that “[t]he formulation of criteria for measuring progress in the realization of the right to development will be essential for the success of future efforts to implement that right” (ibid., para. 171). It even proposed a set of criteria grouped around conditions of life, conditions of work, equality of access to resources, and participation (ibid., paras. 172-180). It recommended that a “high-level committee of experts should give priority to the formulation of criteria for the assessment of progress in the realization of the right to development” and that “the design of appropriate indicators of progress should also be undertaken by the regional economic commissions, on the basis of national experience”, in cooperation with relevant United Nations bodies

and national universities (ibid., paras. 195-196). The Independent Expert on the right to development devoted his preliminary study on the impact of international economic and financial issues on the enjoyment of human rights (E/CN.4/2003/WG.18/2) to this issue and the task force expressed the view at its first session in 2004 that, in order to implement the policy frameworks supporting the Millennium Development Goals and further the implementation of the right to development, it was necessary to develop practical tools, including guidelines and objective indicators, which help in translating the human rights norms and principles into parameters accessible to policymakers and development practitioners (E/CN.4/2005/WG.18/2, para. 46).

In 2005, the Working Group requested the task force to examine Millennium Development Goal 8, on global partnership for development, and suggest criteria for its periodic evaluation (E/CN.4/2005/25, para. 54 (i)). Accordingly, the task force considered at its second session, in 2005, a study<sup>3</sup> commissioned by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and adopted a preliminary set of 13 criteria (E/CN.4/2005/WG.18/TF/3, para. 82). In recommending the criteria to the Working Group, the task force stressed that all existing accountability mechanisms relating to aid, trade, debt, technology transfer, the private sector and global governance, within the context of their specific

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<sup>1</sup> This chapter is based on the report of the high-level task force on the implementation of the right to development (hereinafter “task force”) of the Working Group on the Right to Development (hereinafter “Working Group”) on its sixth session, in 2010 (A/HRC/15/WG.2/TF/2 and addenda and corrigenda) and is a condensation of the addendum to that report titled “Right to development criteria and operational sub-criteria” (A/HRC/15/WG.2/TF/2/Add.2).

<sup>2</sup> See also chapter 1 of the present publication.

<sup>3</sup> “Millennium Development Goal 8: indicators for monitoring implementation”, by Sakiko Fukuda-Parr (E/CN.4/2005/WG.18/TF/CRP.2), subsequently published as “Millennium Development Goal 8: international human rights obligations?”, *Human Rights Quarterly*, vol. 28, No. 4 (November 2006). This study is updated in chapter 15 of the present publication.

mandates, could improve overall accountability in the implementation of goal 8, as they are the principal source of relevant information for the periodic evaluation of goal 8 with a view to implementing the right to development. In the task force's view, however, the existing monitoring tends to neglect critical human rights aspects, such as those reflected in its criteria, and would need to be carefully and critically scrutinized in order to be useful for the purposes of the right to development.

As a prerequisite for the effective monitoring of the above criteria, the task force urged these monitoring mechanisms to integrate relevant and measurable human rights indicators based on solid research and data, including those that demonstrate links between the promotion and protection of human rights and positive development outcomes. Furthermore, the task force considered that it would be valuable to monitor progress in realizing the right to development if the Working Group were to receive periodically the elements of existing monitoring mechanisms most relevant to the criteria proposed by the task force, and thus facilitate its work in undertaking a periodic review of the global partnerships for the realization of the right to development. Its main recommendation was that the Working Group should undertake such a periodic evaluation (*ibid.*, para. 84).

In 2006, 2007 and 2008, the task force applied the criteria to various global partnerships and refined them in the light of that experience. The Working Group requested the task force to review the structure of the criteria, their coverage of aspects of international cooperation and the methodology for their application with a view to enhancing their effectiveness as a practical tool for evaluating global partnerships, and to provide a consistent mapping of the criteria and relevant checklists, viewing the latter as operational sub-criteria. The Working Group saw this process eventually leading to the elaboration and implementation of a comprehensive and coherent set of standards. The task force was therefore particularly attentive to the request of the Working Group that it progressively develop and further refine the criteria, based on actual practice (A/HRC/4/47, paras. 51, 52 and 55).

The constant concern of the task force for the quality of the criteria was echoed by its institutional members and Member States, as well as the agencies responsible for the partnerships reviewed. It therefore drafted a revised set as a progressive development of the criteria, which maintained essentially the same

content, while reordering, clarifying and developing them on the basis of lessons learned from applying the criteria to date, and submitted that list as an intermediary stage for use in phase II of its work, in 2008 (A/HRC/8/WG.2/TF/2, annex II). Significantly, the task force drew the attention of the Working Group to its commitment to achieve the desired level of quality of the criteria by ensuring that they (a) are analytically and methodologically rigorous; (b) provide empirically oriented tools to those involved in implementing development partnerships that can improve the outcome of their work in the light of their respective mandates; (c) integrate analytical work done by expert groups at the World Bank, the Organisation for Economic Co-operation and Development (OECD), the United Nations Development Programme (UNDP), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Department of Economic and Social Affairs, OHCHR and others, as well as academic research centres; and (d) provide guidance so that global partnerships for development are able to respond better to the broader objectives of the right to development, proposing for that purpose an expert consultation (*ibid.*, paras. 69-70).

In 2009, the task force embarked upon a more systematic process of structuring criteria around attributes and attaching illustrative indicators. The first step was to commission a substantive paper<sup>4</sup> and other background materials,<sup>5</sup> and to convene an international meeting of experts (see A/HRC/12/WG.2/TF/CRP.7). Based on this work, the task force developed preliminary attributes and criteria. A progress report was shared with the Working Group at its tenth session, in 2009, in order to benefit from the considered views of Member States before continuing its work and in anticipation of submitting revised proposals in 2010 (see A/HRC/12/WG.2/TF/2). In the report, the task force drew attention to the imperative of placing the identified criteria on a rigorous analytical foundation, both conceptually and methodologically. This foundation must exclude any arbitrariness or political bias in the selection of criteria. In addition, the criteria must be sufficiently operational so that they can be meaningful to the various stakeholders, and in particular to the development community, to apply in their respective domains of work. The report also high-

<sup>4</sup> "Implementing the right to development: a review of the task force criteria and some options" by Rajeev Malhotra (A/HRC/12/WG.2/TF/CRP.6).

<sup>5</sup> "Methodological issues of qualitative and quantitative tools for measuring compliance with the right to development: selected bibliography" (A/HRC/12/WG.2/TF/CRP.7/Add.1).

lighted the fact that the criteria, sub-criteria and indicators are based on an exhaustive reading of the human rights instruments from which the core components can be identified, and that attributes (components) must be mutually exclusive to the extent possible. On this basis, the task force proposed three components for review by the Working Group (comprehensive human-centred development, enabling environment, social justice and equity) before proceeding with the identification of criteria and sub-criteria.

The Working Group, despite the differences in emphasis of various delegations, expressed general support for the approach of the task force to reflect both the national and international dimensions of the right to development in the elaboration of criteria and to apply a holistic approach to human rights in their refinement (A/HRC/12/28, para. 34). There was also general support for the three components of the right to development reflected in the criteria, with particularly strong support for the attribute relating to social justice and equity. Some delegates attached more importance to the comprehensive human-centred approach to development component, others to the enabling environment element. With regard to the coherence and pertinence of criteria, several delegates expressed their views and offered suggestions on specific criteria. Some concern was expressed about the very ambitious nature of some criteria and whether corresponding sub-criteria could be designed for them. Some suggested that the criteria should be streamlined and that duplication be avoided, while others considered that one of the components should contain more criteria than in the preliminary draft. Numerous suggestions were made regarding specific criteria, which were noted and used by the task force in the final phase of its work (*ibid.*, para. 35).

Following the feedback from the Working Group, the task force continued in 2009 and 2010 to develop a full set of attributes, criteria, sub-criteria and indicators. In conformity with the Working Group's recommendation that it draw on specialized expertise, including from academic and research institutions and relevant United Nations agencies and other relevant global organizations (*ibid.*, para. 46 (a)), OHCHR commissioned a study<sup>6</sup> from two consultants, one with expertise in international human rights law, the other in development economics. The purpose of the study was to research comprehensively: (a) the

normative content of the right to development in the context of international human rights law and practice in order to define its core attributes and criteria for assessing progress towards its realization; (b) the most relevant development challenges that needed to receive priority attention in order to identify the criteria and sub-criteria; and (c) the availability of methodologically robust measures and reliable data sets that would be appropriate for indicators. A further purpose of the study was to propose refinements in the list of attributes with corresponding criteria as elaborated by the task force and complement them with operational sub-criteria and indicators. To draw on specialized expertise further, the study was reviewed at an expert consultation convened by OHCHR in December 2009 (see A/HRC/15/WG.2/TF/CRP.4). Finally, at its sixth session, in January 2010, the task force considered the consultants' study and the report of the expert consultation, together with preliminary observations made by Member States and observers from concerned institutions and non-governmental organizations (see A/HRC/15/WG.2/TF/2).

## II. General considerations underlying the framework of attributes, criteria, sub-criteria and indicators

The core norm, attributes, criteria, sub-criteria and indicators were chosen out of concern for conformity with agreed principles and their potential for operationalizing the right to development, taking into account also the need to differentiate standards that are general and lasting from those that are context-specific and subject to change. With respect to conformity to agreed principles, care was taken to ensure that all standards (attributes, criteria and sub-criteria) were firmly anchored in (a) the Declaration on the Right to Development; (b) criteria already examined and found useful by the Working Group; (c) analyses by United Nations bodies or agencies, leading scholars and practitioners; (d) other international human rights laws, standards, theories and practices; and (e) prevailing international development standards, theories and practices. With regard to operationalizing the right to development, the standards are intended to provide clear, action-oriented guidance as to the responsibilities of decision-makers in States, international institutions and civil society as they plan, implement, monitor and assess development-related policies, projects and processes. The criteria and sub-criteria should be relatively long-lasting and suit-

<sup>6</sup> "Bringing theory into practice: operational criteria for assessing implementation of the international right to development", by Maria Green and Susan Randolph (A/HRC/15/WG.2/TF/CRP.5). This study is summarized and updated in chapter 29 of the present publication.

able for inclusion in a set of guidelines or a legally binding instrument that development actors may use over the long term when assessing whether their own responsibilities or those of others are being met. The indicators, on the other hand, were intended to help in assessing compliance with the criteria and sub-criteria, and are therefore context-specific and subject to change over time.

One may legitimately ask to whom the standards are addressed. The answer is found in article 3 of the Declaration: "States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development." When considering what is required to create such an enabling environment, many would have in mind international regimes and institutions that make the rules and allocate the resources. They are the products of States acting collectively, as are their policies and programmes. In this sense, the right to development is the responsibility of States acting collectively in global and regional partnerships. This responsibility may also be addressed as belonging to the legal entity of an international institution. While international institutions, as legal persons, have rights and duties, the task force preferred to draw from the above-mentioned article 3 the concept of responsibility of States acting collectively. The second level of responsibility is that of States acting individually as they adopt and implement policies that affect persons not strictly within their jurisdiction, such as the beneficiaries of aid programmes and persons gaining access to medicines made available through the use of flexibilities in trade agreements or through internationally agreed programmes. These collective and international actions are reflected in article 4 of the Declaration: "States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development."

Finally, article 2 of the Declaration makes it clear that: "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." Thus, the creation of national conditions relates to policies and programmes at the national level affecting persons within a State's jurisdiction.

The standards presented in the list in section III could be structured according to the responsibilities of

States acting internally, externally and collectively, or indicate for each sub-criterion the appropriate level of State responsibility. The task force found that such an arrangement would create redundancy since most of the sub-criteria involved responsibilities to act internally, externally and collectively, or were by definition limited to one level (such as influencing international institutions).

### A. The core norm and attributes<sup>7</sup>

The core norm was included in the report of the task force in an effort to respond to the criticism from certain delegations that the concept of the right to development is vague and has never been defined in a way that is coherent or has gained consensus. By proposing the core norm quoted at the beginning of section III below, the task force sought to condense into 40 words the essential concepts, not as a justiciable right, but rather as a standard of achievement, reflecting what has been agreed as the essence of the right in the Declaration and balancing the main concerns of various geopolitical groups regarding prioritization of the national or the international dimension of this right. The specific content of the right is further clarified by attributes and criteria. The task force had been careful to include in the core norm only concepts contained in the Declaration. The attributes and criteria reflect all 10 articles of the Declaration, as well as developments since 1986, such as climate change and sustainable development, based on summits and other international conferences.

The three attributes correspond to the concepts of policy, process and outcome. What policy must be advanced to realize the right to development? The answer in attribute 1 is a "comprehensive and human-centred development policy". How should this right be advanced? The answer, given in attribute 2, is through "participatory human rights processes". What should be the outcome of action to realize this right? The answer, in attribute 3, is "social justice in development". It should be recalled that "an enabling international environment", which was an attribute in the previous version submitted to the Working Group, has been raised to the level of the core norm and applies to all three attributes. In other words, the principal distinguishing feature is that the first attribute relates to commitment (to a particular concept of development), the second to rules and principles (human rights, participation, accountability and transparency) and the

<sup>7</sup> This section draws on Stephen P. Marks, *The Politics of the Possible: The Way Ahead for the Right to Development*, International Policy Analysis (Berlin, Friedrich-Ebert-Stiftung, 2011), pp. 11-12.

third to distributional outcomes (fair distribution of the benefits and burdens of development). They are mutually exclusive to the extent possible, but necessarily overlap, for example, with regard to non-discrimination and continuous improvement of well-being. Overlapping criteria are considered matters of policy in the first, matters of respect for rules and principles in the second, and of achievement of social justice in the third.

## B. Criteria, sub-criteria and indicators

The criteria and sub-criteria were written to be relatively long-lasting (between attributes and indicators as regards their lasting value) and suitable for inclusion in a set of guidelines or a legally binding instrument that development actors may use over the long term when assessing whether their own responsibilities or those of others are being met. The task force understood the term “operational sub-criteria” as used by the Working Group to refer to measurable sub-elements of broader criteria, that is, indicators. The task force tried to reassure Governments on the matter in its report on the criteria (A/HRC/15/WG.2/TF/2/Add.1, para. 73), explaining that the indicators did not aim at “ranking or even judging countries, but rather in providing to the Working Group operational sub-criteria”; however, that effort apparently did not allay the misgivings of some groups of States, which considered that the task force had exceeded its mandate by including them, although others offered constructive suggestions for improving the indicators. Under the circumstances, the Working Group did not appear ready to find consensus on this matter and, therefore, the list does not include indicators. It begins with the core norm and is structured around the three attributes of comprehensive and human-centred development policy, participatory human rights processes and social justice. The sub-criteria in the second column indicate the major areas in which progress can be measured, using the indicators contained in addendum 2 to the report of the task force on its sixth session, which are discussed in other chapters of this publication.<sup>8</sup> As they stand, the criteria and sub-criteria seek to be as comprehensive and coherent as possible, in accordance with the request of the Working Group.

The United Nations and academic and research centres have made considerable advances in recent years in developing indicators to measure human

rights. In particular, the task force considered the work on indicators used by treaty bodies, which proceeds from distilling core attributes of a particular human right and identifying indicators in three dimensions: structural, process and outcome.<sup>9</sup> The task force decided to apply these concepts in its work on the right to development, as reflected in the principles of the indicators selected for inclusion in the report on its sixth session in 2010. The task force made it clear that the indicators had been selected from among a much larger set of relevant structural, process and outcome indicators.<sup>10</sup> The principal concern in selecting the illustrative quantitative and qualitative indicators was their validity, reliability and inter-temporal and international comparability. Preference was given to indicators that were likely to show variations among countries and over time, and thus illustrate changes in human well-being. The task force pointed out that others could have been chosen from the thousands of potentially relevant indicators, and new ones would emerge. They reflected pressing contemporary concerns and established tools of measurement and data collection, as identified by international institutions, used to measure progress in meeting commitments arising from international agreements and conferences dealing with human rights and such matters as debt, trade, poverty reduction, financing of development and climate change. They also reflected wide consensus among development scholars and practitioners, as well as prevailing theories about the most effective means of addressing issues of underdevelopment or disparity at subnational and national levels. An effort was made to take into account the current capacities of Governments and international institutions to gather additional data.

The Working Group discussed the criteria at its eleventh, twelfth and thirteenth sessions, held in Geneva in April 2010, November 2011 and May 2012, respectively, and “considered that further work should be undertaken at the intergovernmental level to adequately reflect both the national and international dimensions” and “that additional time was necessary, at this stage, for consideration and pronouncement by Governments on the substance of the work of the high-level task force” (A/HRC/15/23, paras. 43-44). Twelve Governments, 14 other stakeholders and 2 regional groups formulated their views on these cri-

<sup>8</sup> See in particular the chapters by Nicolas Fasel, Sakiko Fukuda-Parr, Rajeev Malhotra, and Maria Green and Susan Randolph.

<sup>9</sup> See “Report on indicators for promoting and monitoring the implementation of human rights” (HRI/MC/2008/3). Editor’s note: this report provided the basis for the publication *Human Rights Indicators: A Guide for Measurement and Implementation* (HRI/PUB/12/5), issued by OHCHR in 2012.

<sup>10</sup> The task force followed the methodology in document HRI/MC/2008/3 and in the study by Susan Randolph and Maria Green.

teria,<sup>11</sup> acknowledged the need to further consider, revise and refine the right to development criteria and operational sub-criteria contained in document A/HRC/15/WG.2.TF/2/Add.2 and invited the Chairperson-Rapporteur to hold informal consultations with Governments, groups of Governments, regional groups and relevant stakeholders (A/HRC/19/52, para. 31). At its thirteenth session, the Working Group produced two conference room papers reflecting comments and views submitted during the session by Governments, groups of Governments and regional groups, as well as by other relevant stakeholders (A/HRC/WG.2/13/CRP.1 and 2). At its twenty-first session in 2012, the Human Rights Council acknowledged the need to “further consider, revise and refine the draft criteria and operational sub-criteria”, and reiterated its position that they should eventually be used “in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development” and that these standards could take the form of guidelines “and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement”.<sup>12</sup> In the same resolution, the Council also endorsed the recommendations of the Working Group (A/HRC/21/19, para. 47), including the recommendation that the Working Group pursue, at its fourteenth session, its work on the consideration of the

draft operational sub-criteria, assisted by documents containing all the comments and views expressed, the results of informal consultations, as well as all the conclusions and recommendations of the Working Group since its establishment in 1998.

These task force criteria constitute the culmination of efforts by experts to provide tools to policymakers to introduce the right to development into development practice, on the basis of a set of attributes, criteria and sub-criteria listed below. They should be seen in the context of the task force’s proposals to have them tested in context-specific settings, consistent with its firm conviction that the right to development can be made concrete and applicable to development practice if and when there is the political will to do so.

### III. Core norm, attributes, criteria, and sub-criteria of the right to development<sup>13</sup>

*Core norm*—The right to development is the right of peoples and individuals to the constant improvement of their well-being and to a national and global enabling environment conducive to just, equitable, participatory and human-centred development respectful of all human rights.

<sup>11</sup> See [www.ohchr.org/EN/Issues/Development/Pages/HighLevelTaskForceWrittenContributions.aspx](http://www.ohchr.org/EN/Issues/Development/Pages/HighLevelTaskForceWrittenContributions.aspx).

<sup>12</sup> Resolution 21/32.

<sup>13</sup> This list is presented without the illustrative indicators, which may be examined in the annex to A/HRC/15/WG.2.TF/2/Add.2.

**Attribute 1. Comprehensive and human-centred development policy**

<b>Criteria</b>	<b>Sub-criteria</b>
1 (a) To promote constant improvement in socioeconomic well-being <sup>1</sup>	<ul style="list-style-type: none"> <li>1 (a) (i) Health</li> <li>1 (a) (ii) Education</li> <li>1 (a) (iii) Housing and water</li> <li>1 (a) (iv) Work and social security</li> <li>1 (a) (v) Food security and nutrition</li> </ul>
1 (b) To maintain stable national and global economic and financial systems <sup>2</sup>	<ul style="list-style-type: none"> <li>1 (b) (i) Reducing risks of domestic financial crises</li> <li>1 (b) (ii) Providing against volatility of national commodity prices</li> <li>1 (b) (iii) Reducing risks of external macro imbalances</li> <li>1 (b) (iv) Reducing and mitigating impacts of international financial and economic crises</li> <li>1 (b) (v) Protecting against volatility of international commodity prices</li> </ul>
1 (c) To adopt national and international policy strategies supportive of the right to development <sup>3</sup>	<ul style="list-style-type: none"> <li>1 (c) (i) Right to development priorities reflected in national development plans and programmes</li> <li>1 (c) (ii) Right to development priorities reflected in policies and programmes of IMF, World Bank, WTO and other international institutions</li> </ul>
1 (d) To establish an economic regulatory and oversight system to manage risk and encourage competition <sup>4</sup>	<ul style="list-style-type: none"> <li>1 (d) (i) System of property rights and contract enforcement</li> <li>1 (d) (ii) Policies and regulations promoting private investment</li> </ul>
1 (e) To create an equitable, rule-based, predictable and non-discriminatory international trading system <sup>5</sup>	<ul style="list-style-type: none"> <li>1 (e) (i) Bilateral, regional and multilateral trade rules conducive to the right to development</li> <li>1 (e) (ii) Market access (share of global trade)</li> <li>1 (e) (iii) Movement of persons</li> </ul>
1 (f) To promote and ensure access to adequate financial resources <sup>6</sup>	<ul style="list-style-type: none"> <li>1 (f) (i) Domestic resource mobilization</li> <li>1 (f) (ii) Magnitude and terms of bilateral official capital flows</li> <li>1 (f) (iii) Magnitude and terms of multilateral official capital flows</li> <li>1 (f) (iv) Debt sustainability</li> </ul>
1 (g) To promote and ensure access to the benefits of science and technology <sup>7</sup>	<ul style="list-style-type: none"> <li>1 (g) (i) Pro-poor technology development strategy</li> <li>1 (g) (ii) Agricultural technology</li> <li>1 (g) (iii) Manufacturing technology</li> <li>1 (g) (iv) Technology transfer, access and national capacity</li> <li>1 (g) (v) Green energy technology</li> <li>1 (g) (vi) Health technology</li> <li>1 (g) (vii) Information technology</li> </ul>
1 (h) To promote and ensure environmental sustainability and sustainable use of natural resources <sup>8</sup>	<ul style="list-style-type: none"> <li>1 (h) (i) Prevent environmental degradation and resource depletion</li> <li>1 (h) (ii) Access to natural resources</li> <li>1 (h) (iii) Sustainable energy policies and practices</li> </ul>
1 (i) To contribute to an environment of peace and security <sup>9</sup>	<ul style="list-style-type: none"> <li>1 (i) (i) Reduce conflict risks</li> <li>1 (i) (ii) Protecting the vulnerable during conflict</li> <li>1 (i) (iii) Post-conflict peacebuilding and development</li> <li>1 (i) (iv) Refugees and asylum seekers</li> <li>1 (i) (v) Personal security in times and zones of armed conflict</li> </ul>
1 (j) To adopt and periodically review national development strategies and plans of action on the basis of a participatory and transparent process <sup>10</sup>	<ul style="list-style-type: none"> <li>1 (j) (i) Collection and public access to key socioeconomic data disaggregated by population groups</li> <li>1 (j) (ii) Plan of action with monitoring and evaluation systems</li> <li>1 (j) (iii) Political and financial support for participatory process</li> </ul>

- <sup>1</sup> See Declaration on the Right to Development (General Assembly resolution 41/128, annex), second preambular paragraph and art. 2 (3).
- <sup>2</sup> *Ibid.*, fourteenth and fifteenth preambular paragraphs and arts. 2 (2), 2 (3), 3 (1), 3 (3) and 10.
- <sup>3</sup> *Ibid.*, third preambular paragraph and arts. 2 (3), 3 (1), 4 and 10. See also *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002 (A/CONF.198/11)*, chap. I, resolution 1, annex, Monterrey Consensus of the International Conference on Financing for Development (hereinafter "Monterrey Consensus"), para. 11.
- <sup>4</sup> Declaration on the Right to Development, fourteenth preambular paragraph and arts. 2 (2), 2 (3) and 3 (1); Outcome of the Conference on the World Financial and Economic Crisis and its Impact on Development (General Assembly resolution 63/303, annex), para. 37; and Monterrey Consensus, paras. 20–21.
- <sup>5</sup> Declaration on the Right to Development, fifteenth preambular paragraph and arts. 3 (3) and 4; General Assembly resolution 64/172 on the right to development, ninth preambular paragraph and para. 26; and Human Rights Council resolution S-10/1, para. 7.
- <sup>6</sup> Declaration on the Right to Development, fourteenth and fifteenth preambular paragraphs and arts. 4 (2) and 8; Outcome of the Conference on the World Financial and Economic Crisis and its Impact on Development, paras. 10, 11 and 14; and Monterrey Consensus, para. 15.
- <sup>7</sup> Declaration on the Right to Development, third, tenth and sixteenth preambular paragraphs and articles 2 (3), 3 (3) and 4; United Nations Millennium Declaration (General Assembly resolution 55/2), para. 20; and 2005 World Summit Outcome (General Assembly resolution 60/1), para. 60.
- <sup>8</sup> Declaration on the Right to Development, arts. 1 (2) and 3 (1); 2005 World Summit Outcome, para. 10; and Monterrey Consensus, paras. 3 and 23.
- <sup>9</sup> Declaration on the Right to Development, ninth, eleventh and twelfth preambular paragraphs and arts. 3 (2) and 7; and 2005 World Summit Outcome, paras. 5 and 69–118.
- <sup>10</sup> Declaration on the Right to Development, second preambular paragraph and arts. 1 (1), 2 (3), 3 (1) and 8 (2).

## Attribute 2. Participatory human rights processes

Criteria	Sub-criteria
2 (a) To establish a legal framework supportive of sustainable human-centred development <sup>1</sup>	2 (a) (i) Ratification of relevant international conventions 2 (a) (ii) Responsiveness to international monitoring and review procedures 2 (a) (iii) National legal protection of human rights
2 (b) To draw on relevant international human rights instruments in elaborating development strategies <sup>2</sup>	2 (b) (i) Human rights-based approach in national development strategies 2 (b) (ii) Human rights-based approach in policy of bilateral and multilateral institutions/agencies
2 (c) To ensure non-discrimination, access to information, participation and effective remedies <sup>3</sup>	2 (c) (i) Establishment of a framework providing remedies for violations 2 (c) (ii) Establishment of a framework to facilitate participation 2 (c) (iii) Procedures facilitating participation in social and economic decision-making 2 (c) (iv) Establishment of a legal framework supportive of non-discrimination 2 (c) (v) Establishment of assessment and evaluation system supportive of non-discrimination 2 (c) (vi) Indicators reflecting likelihood of differential treatment of marginalized groups 2 (c) (vii) Mechanisms for transparency and accountability
2 (d) To promote good governance at the international level and effective participation of all countries in international decision-making <sup>4</sup>	2 (d) (i) Mechanisms for incorporating aid recipients' voice in aid programming and evaluation 2 (d) (ii) Genuine participation of all concerned in international consultation and decision-making
2 (e) To promote good governance and respect for rule of law at the national level <sup>5</sup>	2 (e) (i) Government effectiveness 2 (e) (ii) Control of corruption 2 (e) (iii) Rule of law

<sup>1</sup> *Ibid.*, fifth, eighth and thirteenth preambular paragraphs and arts. 1 (1), 2 (1) and 10.

<sup>2</sup> *Ibid.*, eighth and tenth preambular paragraphs and arts. 3 (3), 6 and 9 (2); and General Assembly resolution 64/172, para. 9.

<sup>3</sup> Declaration on the Right to Development, second and eighth preambular paragraphs and arts. 1 (1), 5, 6 and 8 (2); and General Assembly resolution 64/172, paras. 9 and 29.

<sup>4</sup> Declaration on the Right to Development, arts. 3 and 10; General Assembly resolution 64/172, para. 10 (a); Monterrey Consensus, paras. 7, 38, 53, 57, 62 and 63; and Human Rights Council resolution S-10/1, para. 3.

<sup>5</sup> Declaration on the Right to Development, arts. 1 (1), 2 (3), 3 (1), 6 (3), 8 (1) and 10; and General Assembly resolution 64/172, paras. 9, 10 (e), 27 and 28.

**Attribute 3. Social justice in development**

<b>Criteria</b>	<b>Sub-criteria</b>
3 (a) To provide for fair access to and sharing of the benefits of development <sup>1</sup>	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 <sup>2</sup>	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 <sup>3</sup>	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) Elimination of sexual exploitation and human trafficking 3 (c) (iii) Elimination of child labour 3 (c) (iv) Eliminate slum housing conditions 3 (c) (v) Land reform

<sup>1</sup> Declaration on the Right to Development, first and second preambular paragraphs and arts. 1 (1), 2 (3) and 8.

<sup>2</sup> Ibid., arts. 2 (2) and 8 (1); and Human Rights Council resolution S-10/1, para. 5.

<sup>3</sup> Declaration on the Right to Development, art. 8; and Monterrey Consensus, para. 16.

