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| **مركـز عمـان**  **لدراسـات حقـوق الإنسـان**  حاصل على وضع استشاري خاص لدى  المجلس الاقتصادي والاجتماعي بالأمم المتحدة |  | ***Amman Center***  ***for Human Rights Studies***  In Special consultative status with U. N. ECOSOC |

*Amman Center for Human Rights Studies*

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**Comments and Textual Suggestions for the Draft Convention on the Right to Development**

The Draft Convention on the Right to Development could benefit from addressing demilitarization and broadening gender definitions. Article 21.2 seems to be the most suitable place to include demilitarization, as described below.

**Article 21.2**, change “To that end, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament under strict and effective international control so that the world’s human, ecological and economic resources can be used for the full realization of the right to development for all.” to “To that end, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament, as well as gradual demilitarization, under strict and effective international control so that the world’s human, ecological and economic resources can be used for the full realization of the right to development for all.”

Additionally, there are some more general changes that should be broadened to include sex and gender identity beyond simply male and female. These changes are noted below.

**Preamble**

In the part starting with *“Concerned at the existence…”* , include sexism, discrimination on sexuality and ableism as obstacles on the realization of the right to development.

**Article 8**: include sexuality and gender identity

**Article 16.1**, change “States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.” to States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all genders [alternatively “everyone regardless of their gender”], and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

Finally, there are a few slight suggestions to content, such as words that may be missing. These are the best

**Preamble**

Change *“Recognizing that good governance and the rule of law at both the national and international levels is essential for the realization of the right to development, and that such realization is vital for ensuring good governance and the rule of law,”* to *“Recognizing that good governance and the rule of law at the local, national and international levels is essential for the realization of the right to development, and that such realization is vital for ensuring good governance and the rule of law,”*

Change *“Recognizing also that all human persons and peoples are entitled to a national and global environment conducive to just, equitable, participatory and human-centred development, respectful of all human rights,”* to *“Recognizing also that all human persons and peoples are entitled to a local, national and global environment conducive to just, equitable, participatory and human-centred development, respectful of all human rights,”*

Change *“Bearing in mind that States have the primary responsibility, through cooperation, for the creation of national and international conditions favourable to the realization of the right to development,*” to *“Bearing in mind that States have the primary responsibility, through cooperation, for the creation of local, national and international conditions favourable to the realization of the right to development,”.*

Change *“Recognizing that every organ of society at the national or the international level has a duty to respect the human rights of individuals and peoples, including the right to development,”* to *“Recognizing that every organ of society at the local,  the national or the international level has a duty to respect the human rights of individuals and peoples, including the right to development,”*

**In Article 5.5**, change

*“States shall take resolute steps to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.”* to *“States shall take resolute steps to prevent and eliminate any violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.”*

**Article 10c,** change *“Aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, another State or international organization to breach that State’s or that international organization’s obligations with regard to the right to development;”*

to *“Aids, assists, directs, controls or coerces another State, legal person or international organization to breach that State’s or that international organization’s obligations with regard to the right to development;”*

**Article 13.1** “States Parties reaffirm and undertake to implement their duty to cooperate with each other, through joint and separate action, in order to:”, add an e) “investigate into and prosecute violations against the right to development in other State Parties, if the violation is committed by a legal person domiciled in the State Party.” Adding a clause similar to this would support mechanisms for third countries to investigate violations to the right to development that have been committed, furthering international cooperation.

**Article 15.1**, change “State***s*** Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.” to “States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.”