**COMMENTS, SUGGESTIONS AND PROPOSALS OF NIGERIA ON THE DRAFT CONVENTION ON THE RIGHT TO DEVELOPMENT**

 Nigeria commends the Expert Working Group for its work and constructive engagements with all stakeholders to ensure the delivery of an all-inclusive guideline that ultimately guarantees the full implementation of the right to development.

We firmly believe that the right to development is inalienable and well deserving of adequate international attention, robust international cooperation and concrete multilateral engagements.

In the spirit of constructive dialogue, Nigeria would like to submit the following comments and proposals to the draft Convention:

**ARTICLE 8 – GENERAL OBLIGATIONS OF STATES PARTIES**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, **~~gender~~**, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

**COMMENTS**:

Nigeria considers the usage of certain non-consensual terms and languages in the text unacceptable and believes that introduction of the concurrent use of ‘sex’ and ‘gender’ stipulates that one is different from the other. The explicit listing of both ‘sex’ and ‘gender’ would result in an unprecedented conceptual separation of these two terms in a United Nations human rights Treaty.

The term ‘gender’ is unknown to any of the referenced international instruments to indicate or define a separate ground of discrimination. It is therefore apparent that ‘sex’ suffices to cover this category, and there is no justification to list both ‘sex and ‘gender’ in the draft Convention.

**PROPOSALS:**

Article 8 (1) – **delete** **gender** and other non-consensual terms, including**, sexual orientation** and **gender identity**.

**ARTICLE 16 – ~~GENDER EQUALITY~~**

1. 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.

16. 2(c) To adopt and strengthen policies and enforceable legislation for the promotion of **~~gender equality~~** and the empowerment of all women and girls at all levels;

16. 2(d) To mainstream **~~gender perspectives~~** in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

**COMMENTS:**

Nigeria believes that consensual languages that are consistent with CEDAW should be employed in this paragraph to ensure clarity and unambiguous interpretation and identification of the obligations of State Parties. Therefore, we find the use of the term ‘gender perspective’ vague, ambiguous and open-ended.

**PROPOSALS:**

Article 16- the title ‘gender equality’ should be replaced with **‘equality of rights’**

Article 16.1- ‘gender equality’ should be replaced with **‘equality of rights’**

Article 16.2(c)- ‘gender equality’ should be replaced with **‘equality of rights’**

Article 16.2 (d) – ‘gender perspectives’ should be replaced with **“equality between men and women”**

**ARTICLE 26 – ESTABLISHMENT OF AN IMPLEMENTATION MECHANISM**

3. The implementation mechanism shall:

(a) **~~Adop~~t** general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention;

 **COMMENTS:**

Nigeria believes that general comments should be processed and subjected to debate, scrutiny and consensus by State Parties. It is therefore, our view that the paragraph undermines the sovereignty of States in the interpretation of the Treaty provision.

**PROPOSAL:**

 Article 26. 3 (a)- ‘adopt’ should be replaced with **‘Explore’.**