**CONTRIBUTION OF DEVELOPMENT
TO THE ENJOYMENT OF ALL HUMAN RIGHTS**

**Questionnaire for**

**Treaty Bodies / Special Procedures of the Human Rights Council**

**BACKGROUND**

Human Rights Council resolution 35/21, adopted in June 2017, requested the Advisory Committee to conduct a study on the ways in which development contributes to the enjoyment of all human rights by all, in particular on best experiences and practices, and to submit the report to the Human Rights Council before its forty-first session (July 2019).

In the resolution, the Council also calls upon all countries to realize people-centred development of the people, by the people and for the people, and invites all relevant bodies of the United Nations system to mobilize resources to assist States, as requested, in realizing sustainable and inclusive development.

It is in this context that the Advisory Committee decided, at its twentieth session held in February 2018, to confirm the mandate of the drafting group[[1]](#footnote-1) in charge of the preparation of the aforementioned report and to distribute an updated questionnaire among States, relevant United Nations and other intergovernmental bodies and agencies, non-governmental organizations, national human rights institutions and other relevant stakeholders.

**QUESTIONS**

1. Please provide examples of best practices of how development can contribute to the enjoyment of the human right/s pertaining to your Treaty Body/Special Procedure?

As the mandate of the Special Rapporteur on the right to development was established fairly recently, the Special Rapporteur has not yet identified a comprehensive set of good practices. However, in September 2017, Human Rights Council Resolution 36/9 mandated the Special Rapporteur to conduct a series of five regional consultations on good practices in the practical implementation of the right to development. The first consultation for the Africa region was held in Addis Ababa in March 2018.[[2]](#footnote-2) Drawing from the good practices that will be identified in the course of these consultations, the aim is to formulate general guidelines in implementing policies and programs to promote and fulfil the right to development.

1. What, in the view of your Treaty Body/Special Procedure, can be included in the report of the Advisory Committee to explain the conceptual context and comprehensive interpretation of ‘contribution of development to the enjoyment of all human rights’?

Development has been understood as a primarily economic process measured by growth in gross national product. However, the benefits of the economic growth are not equitably distributed among all nations, peoples and individuals. The right to development, as per the Declaration on the Right to Development, adopted on 4 December 1986, the United Nations is defined as “is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”(Art.1.1) The Declaration also states that “the human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.” (Art. 1.2) Thus the right to development allows individuals and peoples to participate in, contribute to, and enjoy not only economic, but also social, cultural and political development and in this sense is a broader concept.

The relationship between development and human rights, including the right to development, has been subject to a continuous debate. Further, there are disagreements on the nature of the duties of States to realize the right to development and on the relative emphasis to be placed on the national dimension of State obligations (individual rights and corresponding State responsibilities, rule of law, good governance, combating of corruption) as compared to obligations of international cooperation (international responsibilities, international order, development cooperation, global governance). Looking beyond these debates, the 2030 Agenda for Sustainable Development has declared that it is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome and that it is informed by other instruments such as the Declaration on the Right to Development. This is a recognition that development cannot be achieved without human rights and, likewise, human rights cannot be fully realized until sufficient levels of development are attained. Development an human rights, including the right to development are interlinked and mutually dependent.

1. What are the main challenges or obstacles that your Treaty Body/ Special Procedure may have identified in ensuring that development contributes to the enjoyment of the human rights right/s pertaining to your Treaty Body/Special Procedure?

In his vision setting report (A/HRC/36/49, para 31), the Special Rapporteur on the right to development identified the following challenges to its realisation: politicization and lack of engagement - the political divide has resulted in a low level of engagement of both United Nations agencies and civil society in promoting, protecting and fulfilling the right to development. Despite the progressive evolution of the right to development concept and its inclusion in some international and regional instruments and national constitutions, the general level of awareness and engagement for its implementation are low. Progress in development has been uneven particularly for people in Africa, least developed countries, landlocked developing countries and small island developing States, and in developing countries more generally. In addition, the low level of awareness of the right to development among grassroots organisations further hampers advocacy efforts. The Special Rapporteur also identified some adverse global trends, related to global economic development, that affect the realisation of the right to development: the global financial and economic crisis, the energy and climate crisis, the increasing number of natural disasters, the new global pandemics, the increase in automation in many sectors, corruption, illicit financial flows, privatization of public services, austerity and other measures, the ageing of the global population, including in developing countries. The rise of nationalistic tendencies and the related trend to move away from international solidarity and cooperation may further weaken international governance. Addressing these challenges will require the concerted effort of all relevant stakeholders, both at national and at international levels.

1. What would be your conclusions and recommendations drawn from challenges and best practices of ensuring contribution of development to the enjoyment of all human rights for inclusion into the report of the Advisory Committee?

During the first regional consultation in Addis Ababa, participants highlighted several challenges and best practices with regards to ensuring the contribution of development to the enjoyment of all human rights.[[3]](#footnote-3) In particular, participants emphasized the importance of ensuring inclusive and participatory processes. In order to ensure that development contributes to the enjoyment of all human rights by all people, efforts need to be geared towards systematically reaching and empowering those who have been left behind. During the regional consultation, it was highlighted that effective access to information is an important prerequisite in this respect. The development and implementation of informed and targeted policies and programs will depend largely on the level of meaningful participation and effective consultation of the beneficiaries. Therefore, a key step is to increase access to information on the development process, create spaces for participation and avenues for the active involvement of beneficiaries in monitoring and evaluation processes as well. To this end, it was suggested that information and consultation schemes should be integrated in all development policies and activities at the international and domestic levels and adequate budgets allocated to that end. Moreover, a special focus should be given to enabling disadvantaged and marginalized individuals and groups to actively participate in decision-making processes in order to overcome structural inequalities and discrimination; to ensure their place as key actors in the development of countries; and to ensure the equal sharing of benefits.

At the international level, ensuring inclusiveness and participation means that countries facing the greatest difficulties in implementing the right to development – especially the least developed countries, landlocked developing countries and small-island developing States – must be granted equal negotiating power in relevant international fora. During the consultation, it was suggested that States should capitalise on international civil society networks to strengthen their negotiating power at the international level.

In addition, participants of the consultation highlighted that inclusion and participation should be accompanied by adequate accountability mechanisms. In this regard, it was suggested that adequate monitoring and evaluation schemes should also be designed and implemented with the effective participation of all concerned stakeholders. In this regards, States must ensure that affected individuals and communities understand what their rights are and how they can claim them when they have been violated in the context of development processes. It was also stressed that domestic legal frameworks should guarantee the justiciability of economic and social rights. It was also suggested that States should provide avenues to claim economic and social rights through courts and/or quasi-judicial mechanisms. A specific recommendation was made to empower national human rights institutions to address violation and grievances related to economic, social and cultural rights. It was also recommended that other mechanisms such as inquiries and public hearings be adopted.

1. Is there any other matter regarding the contribution of development to the enjoyment of all human rights that your Treaty Body/Special Procedure would recommend for mentioning in the report of the Advisory Committee?

**Deadline for submission of responses:**

All parties are encouraged to submit their responses via email or fax as soon as possible but no later than **1 June 2018** to:

**hrcadvisorycommittee@ohchr.org**[Subject: HRCAC Development]

or

Secretariat of the Human Rights Council Advisory Committee

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Thank you in advance for your contribution.

For more information about the Advisory Committee, please visit <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx>

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1. A/HRC/AC/20/L.6 [↑](#footnote-ref-1)
2. See <http://www.ohchr.org/EN/Issues/Development/SRDevelopment/Pages/RegionalConsultationPresentations.aspx> [↑](#footnote-ref-2)
3. The outcome document of the consultations, including a list of preliminary recommendations, is available at http://www.ohchr.org/Documents/Issues/Development/SR/AddisAbaba/Recommendations.docx [↑](#footnote-ref-3)