

**“The contribution of development to the enjoyment of all human rights”
(A/HRC/35/L.33/Rev.1)**

Advisory Committee meeting, 8 August 2017

OHCHR mandate in relation to human rights and development

The 1993 World Conference on Human Rights in Vienna established the position of High Commissioner and the Office of the High Commissioner for Human Rights (GA res. 48/141). The High Commissioner is mandated to “promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose”.

The constituent elements of the right to development are rooted in the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, as well as other United Nations instruments.

Through the Charter of the United Nations, Member States undertook to “promote social progress and better standards of life in larger freedom” and “to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion”.

Article 28 of the Universal Declaration of Human Rights echoes these principles and declares that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized.

Normative framework

The UN Declaration on the RTD provides a definition of development. Development is “a comprehensive economic, social, cultural and political process, which aims 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 benefits resulting therefrom.”

For development to serve and contribute to the enjoyment of all human rights, it must integrate internationally agreed human rights principles and norms, in particular the key elements of the right to development. They include:

People-centred development. The Declaration identifies “the human person
“ as the central subject, participant and beneficiary of development (art. 2).

A human rights-based approach. The Declaration requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realized” (art. 1).

Participation. The Declaration insists on the “active, free and meaningful participation” of individuals and populations in development (art. 2).

Equity. The Declaration highlights the importance of the “fair distribution of the benefits” of development (art. 2).

Non-discrimination. The Declaration allows no "distinction as to race, sex, language or religion" (art. 6).

Self-determination. The Declaration requires the full realization of the right of peoples to self-determination, including full sovereignty over their natural wealth and resources (art. 1).

Enabling environment for development

States have the primary responsibility for respecting, protecting and fulfilling human rights, including for creating national and international conditions favourable to the realization of the right to development (art. 3 (1)). This means that they have the primary responsibility for providing an enabling environment for equitable development, both locally and globally. States also have 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 (art. 2 (3)). Furthermore, States should work together with a view to strengthening the realization of human rights (art. 6), and "have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should ... fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States" (art. 3 (3)).

The high-level task force on the implementation of the right to development supported the IGWG on the RTD from 2004-2010. This expert group has concluded that the Declaration on the RTD implies three levels of responsibilities of States in relation to the right to development:

- (a) internally, through the formulation of national development policies and programmes affecting persons within their jurisdictions;
- (b) internationally, through the adoption and implementation of policies extending beyond their jurisdictions; and
- (c) collectively, through global and regional partnerships.¹

Human Rights and the 2030 Agenda

The 2030 Agenda underscores that development and human rights are mutually reinforcing, and the new Agenda is grounded in human rights, including the international human rights treaties agreed by Member States, and informed by other instruments such as the Declaration on the Right to Development.

Development contributes to better enjoyment of human rights, as greater availability of resources can enhance the availability, accessibility and quality of goods and services that are necessary for the enjoyment of human rights such as the rights to health, education, food, water and sanitation, housing and social security as well as the achievement of the various SDGs.

In turn, a human rights-based approach to development contributes to ensure that development is sustainable, avoids negative impacts on people and reaches those left behind. Human rights help to define sustainable development both substantively - as it clarifies the content of the rights entailed by development - and also in terms of the process - incorporating the principles of equality, non discrimination, participation, accountability and transparency enhances the effectiveness and legitimacy of development. Human rights also set out duties of

¹ A/HRC/15/WG.2/TF/2/Add.2, interpreting the Declaration's second preambular paragraph, articles 2, 3, 4.

international cooperation in order to create a social and international order in which all human rights can be fully realized - which is closely related to SDG 17 and the means of implementation.

Human Rights Indicators

The absence of specific benchmarks for the implementation of the right to development presents itself as a challenge to better assess how development contributes to human rights. The Working Group on the Right to Development has been working towards developing a set of criteria and subcriteria. Human Rights indicators are an important tool to assess the extent to which development contributes to the enjoyment of human rights. OHCHR's Methodological Guidance on Human Rights is a useful reference in this work. Many countries in particular in Latin America have adopted OHCHR's methodological approach to human rights indicators.

OHCHR's activities

OHCHR is working to support Member States in the implementation of the SDGs and the 2030 Agenda, including through technical assistance and advice on policies at national and global levels. OHCHR has also worked to ensure that UN system support on the 2030 Agenda addresses the need to reduce inequalities and inequities within and among countries - including through promoting a more equitable global trading and financial system, and national policy space for human rights-supportive policies (e.g. for implementation of Doha Declaration on the TRIPS Agreement and Public Health - in line with SDG 3b).

OHCHR is also working to integrate human rights and development more broadly within UN intergovernmental and inter-agency processes, at global as well as at the country level. For example, within the UN system, OHCHR has worked to

ensure the inclusion of human rights, gender equality and women's empowerment as a programming principle in UN development processes, such as the UN Development Group guidance for the United Nations Development Assistance Frameworks (UNDAFs). This guidance includes the need for all UNDAFs to be guided by the recommendations issued by international human rights mechanisms and highlights the need to ensure the consideration of those left behind, their active and meaningful participation in development-related decisions, and the existence of effective accountability mechanisms. OHCHR stands ready to provide technical assistance as requested on these issues to support Member States.

RTDS projects and work: Shyami and Susan to complement.