**Regional consultation on the practical implementation of the right to development: Identifying and Promoting good practices**

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**Human Rights and development: two sides of the same coin.**

Many thanks to the SR on the Right to Development and his team for the opportunity to contribute to this regional consultation, that as referred to in the concept note, is intended to highlight that the right to development is relevant to all countries regardless of their level of development. And I think this is a very important point of departure for the European States for 2 reasons.

First, because in spite of a considerable degree of development in most of these States, pockets of poverty and social exclusion still exist and inequalities including but certainly not restricted to income inequalities between different parts of society are growing.

A second reason is the lack of understanding and solidarity regarding the complex challenges many developing countries continue to face due to the unequal distribution of the benefits of globalisation and unfair economic and trade rules that restrict their policy space. As recognised by developing and developed countries alike, the benefits of globalization have not been equitably shared among regions, nations and peoples. On the contrary, the gap between and within countries has widened, basically because making use of the opportunities provided by globalization requires material, technological and organisational capacities that are unevenly distributed.

For all these reasons a renewed discussion on what the right to development means is timely and will hopefully contribute to reinforce the links human rights and development.

My main framework for today is the International Covenant for Economic, Social and Cultural Rights that has been ratified by 164 States parties at different stages of economic and social development and with different cultural traditions.

Non-discrimination and the equal right of men and women to the enjoyment of all human rights are crosscutting provisions that are as relevant to the realisation of human rights as they are to the right to development. As times evolve, discrimination is more interwoven with contemporary trends; it acquires forms that are more subtle, it is clearly linked to development trends and often results in unrest and conflict. The most important gaps lie in the lack of recognition by States of multiple or intersectional or compounded discrimination and the particularly negative and long lasting effects it has on women and persons belonging to vulnerable groups. There is also a lack of recognition of systemic discrimination based on deeply rooted societal prejudices that require a huge change in mindsets and Governments are reluctant to recognize such discrimination because it amounts to the failure of the measures they have taken to combat discrimination without really addressing the root causes. We only need to look at discrimination against the poor, or minority groups such as the Roma people, or indigenous communities, or even at territorial discrimination, to know this is true.

In the understanding of the Committee on Economic, Social and Cultural Rights, framework legislation that would provide the overarching legal architecture for a coherent non-discrimination environment and integrated policies to combat the root causes of discrimination is an important tool to realize human rights. I would like to offer that it would be an equally important tool to realize the right to development defined as the right of every human being to participate in, to contribute to, and to benefit from economic, social, cultural and political development as well as a right that expands the capabilities (freedom to achieve) and choices of the individual.

One of the key areas of action identified by the SR is the identification of those left behind and the limited availability of disaggregated data to do so. This is a limitation that all treaty bodies are faced with, since disaggregation based on the prohibited grounds of discrimination is still very insufficient. Human rights indicators identified by the OHCHR in the illustrative lists of structural, process and outcome indicators on non-discrimination and the realization of civil and political rights, as well as economic, social and cultural rights offer great potential for adaptation and adjustment at national level. In particular, process indicators that enable the evaluation of efforts undertaken by States to realize human rights also have a bearing on monitoring the human rights related elements of development policies. It goes without saying that data collection has to be based on the principles of participation, informed consent and self-identification.

In the follow-up to the adoption of the 2030 Agenda, a number of states have put in place specific structures and processes to track the monitoring of policies and programs to progressively achieve its goals and targets. In our dialogue with States we have consistently encouraged them to take on board the human rights-based approach to the implementation of these policies so as to ensure the human rights obligations are part and parcel of development policies. Nowhere is this more important than in pursuing the goal of non-discrimination. Efforts to realize the right to development would certainly benefit from this mutually reinforcing approach.

Progressive realisation of rights requires coherent medium and long-term public policies. In my public policy work experience, the main constraints I have been confronted with are of:

* an institutional nature, in so far as public departments do not coordinate sectorial policies effectively
* a financial nature, because the public budget is often decided on a sectorial basis and sectorial policies do not always coincide in terms of target groups and proposed protection measures
* a cultural nature, because development strategies are considered to be under the purview of the “social” Ministries
* an operational nature, because policies are influenced by a wide range of conflicting priorities and governments are faced with the need to find an appropriate but always difficult balance.

A full understanding and application of the universality, indivisibility, interdependence and inter-relatedness of all human rights and of the obligations of States to respect, protect and fulfil human rights, in particular of the most disadvantaged and marginalised could, if not overcome, at least mitigate these constraints.

The world now has the SDG agenda, but international cooperation and assistance is an old obligation.

Under Article 2.1. of the Covenant on progressive realisation using maximum available resources, developed countries should step up their contributions by way of official development assistance that still falls short of the internationally agreed targets.

Governments of donor and recipient countries need to respect the human rights-based approach to development. As the last crises have proved beyond any doubt, development of any kind is only sustainable if it fully integrates the human rights dimension.

And last but not least, IFI’s need to take into account the right to development in their lending policies, credit agreements, structural adjustment programmes and other development projects.

Human rights are about individuals and lived injustices that require redress and reparation. That is why the provision of remedies is of great importance for the enjoyment of human rights and it should also be part of the right to development, all the more so because the right to an effective remedy need not be interpreted as always requiring a judicial remedy. Administrative, financial, educational and social remedies will, in many cases, be adequate.

Participation is also key to the realization of the right to development in a sustainable manner, just as it is key to the development of sustainable public policies. At the collective level, participation involves civil society organizations constituted by citizens who organize themselves formally and informally around common interests.Their participation in the context of public policies implies their involvement right from the start so as to enable them to participate in the different stages of policy formulation, implementation and evaluation. Public duty bearers may choose whatever accountability mechanisms they consider appropriate, provided they are accessible, transparent and effective.

In the context of the 2030 Agenda, I would like to refer to a specific example that, in my opinion, ties the main message of the agenda that no one should be left behind, public policies, human rights and international development together in a concrete outcome and that is the need for Social Protection Floors as established in the ILO Recommendation 202 (2012) and included in Goal 1 of the SDG’s on ending poverty in all its forms everywhere.

The EU and its Member States as the largest donors of Official Development Assistance have always recognized the role of social protection in fighting poverty in all its dimensions. So, now it the opportunity to invest in a concerted effort with developing countries in order to establish Social Protection Floors that also include the extension of social security to progressively ensure higher levels of protection to as many people as possible.

We certainly need national contexts that are more responsive to the rights of individuals, families and groups and new modalities of international cooperation based on solidarity, mutual respect and complementarity.