**Soroptimist International Input:**

**Convention on the Right to Development**

This submission is made by Soroptimist International on behalf of its 72,000 members active in 122 countries. Soroptimist International has been long-engaged in sustainable development efforts, with gender equality, human rights, education and peace being at the core of Soroptimist principles. With 100 years experience in supporting women and girls access education, lifting them out of poverty and enabling sustainable livelihoods, and working to combat gender-based violence, Soroptimist International’s comments are based upon practical, grassroots projects and programmes which seek to realise women’s and girls’ human rights.

Soroptimist International welcomes the drafting of a Convention on the Right to Development, and particularly the inclusion that this right should be inalienable. The current global situation regarding persistent inequalities and the climate crisis, requires there to be concerted action to achieve development for all. This Convention represents a significant step towards that and Soroptimist International would strongly encourage all UN Member States to consider ratifying the Convention once it is finalised.

Soroptimist International also welcomes the opportunity for civil society organisations (CSOs) to provide input into the Convention’s drafting process. CSOs, including Soroptimist International, are critical agents of sustainable development with many already taking the lead on innovative development approaches which have more recently been adopted by the international community, for example recognising that different development issues are intersecting and overlapping. The work CSOs undertake already addresses many of the development principles contained in this draft Convention; our work reaches those frequently left behind by government development activities. Ultimately, the excellent object and purpose of this Convention will not be achieved without the collaboration and work of CSOs. Given the inclusion of CSOs in the current drafting process, in recognition of CSOs as agents of development, Soroptimist International hopes that this inclusion continues for future iterations of the Convention.

It is a significant strength of the Convention that it recognises “that equality of opportunity for development is a prerogative both of nations and of individuals who constitute nations” (Preamble, paragraph 3). Similarly, the recognition of the nexus between peace and security, and development currently contained within the Convention is of vital importance. Soroptimist International supports all of these positive attributes of the Convention, and calls for their retention during the negotiation process.

One of the bigger challenges facing the successful implementation of this Convention, is clearly agreeing what development is that we all should have a right to. While the preamble does cite the 1986 Declaration on the Right to Development and key documents that provide outlines of what development should achieve, including inter alia, the 2030 Agenda and Sustainable Development Goals, the Addis Ababa Action Agenda, the Beijing Platform for Action and the Copenhagen Declaration, there is not a clear definition of ‘development’ within the Convention. Nor is it clear if these already agreed documents would form or be the basis of an agreed definition that would determine whether the right to development was being met or not. This is crucial in ensuring that those who have been consistently left behind, or who have benefited less from development efforts –– including women and girls in all their diversity –– are able to realise their human rights through development efforts and are protected by this Convention. In establishing a human right to development, these documents referred to above must be the minimum standard used for any definition, particularly as they are already agreed to by all member states. These agreed positions on development can only be built upon; there cannot be regression in development standards.

In the Preamble, many obstacles to development are considered at the state level, for example issues of territorial integrity and inequality between states is emphasised. While these are important, and Soroptimist International supports their inclusion, it is vital that development is viewed as a human phenomenon and as a vehicle for the betterment of all people, both as communities and as individuals. Additional barriers to humankind benefitting from the right to development must also be highlighted in the Preamble. Here, alongside racism, gender inequality would also be relevant here as barrier. Gender inequality is a universal phenomenon and an already agreed barrier to development. While Article 16 on Gender Equality is strong, it stands alone despite gender inequality being agreed as a cross-cutting barrier to development in the 2030 Agenda. There are few references to gender equality elsewhere in the Convention, and this should be rectified.

In support of gender equality, Soroptimist International welcomes the inclusion of ‘de facto equality’ within the Convention, and recognises that this can realise the human rights principle of equality that states are obligated to achieve, as enshrined in all international human rights treaties. All actions taken to achieve this Convention must support de facto equality. The Committee on the Elimination of all forms of Discrimination Against Women has gone to particular efforts to discuss the importance of this principle in human rights implementation and how it relates to the Preamble paragraphs of the Convention on the Elimination of all forms of Discrimination Against Women (see Preamble paragraphs 7, 9, 12 &14). In achieving gender equality, including in efforts to realise the right to development, it is vital to recognise that equality of outcome can require different resourcing, levels of service provision and programmes. All of these actions should be gender-transformative in order to realise the right to development and gender equality.

For the monitoring and review of the implementation of this important Convention, Soroptimist International requests that a process akin to the Universal Periodic Review is used. This inclusive, discursive approach would bring together a multitude of states and development agents, including CSOs, in order to realise this Convention and its ambitions. Other human rights instruments have similar review mechanisms, so this would be consistent with current practice and would accelerate implementation.

As the purpose of development is to eradicate inequalities, the need to address gender inequality could be further strengthened in the Convention. Below, Soroptimist International provides some specific textual recommendations to do this, with a view to contributing to strengthening the Convention. Also below is a list of Articles to which Soroptimist International offers its strong support.

**Textual suggestions:**

(*Textual suggestions in the table below are in red and in italics)*

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| **Paragraph** | **Text with Suggestion** | **Rationale** |
| *Comment on the Preamble: Besides reference to the Beijing Platform for Action, there are no specific references to gender inequality and how it is a significant, universal barrier to achieving development and ensuring all people equally access and benefit from development. This should be amended, especially to reflect the inclusion of Article 16 and the reason for its inclusion in the preamble.* | | |
| Preamble Paragraph 2: | “*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, *gender inequality,* conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,” | To include gender inequality as it is a universal phenomenon akin to others listed in this paragraph and would connect to Article 16. |
| Preamble Paragraph 12: | “*Recalling* the provisions of all human rights treaties, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, *the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities*” | If some human rights treaties are being specifically referred to, presumably because those groups face heightened challenges to accessing and benefitting from development, then CEDAW and the Convention on the Rights of Persons with Disabilities should also be included. |
| Article 1 | The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere *without discriminaton*, and to guarantee its effective operationalization and full implementation at the national and international levels. | Including ‘without discrimination’ ensures that peoples are not viewed homogenously, and that development must reach all individuals who comprise ‘peoples’ without distinctions based on gender, race, ethnicity, and other factors referred to elsewhere within the Convention. |
| Article 3(b), 3(f), 3(g), 3(h) & 3(i) | (b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of accountability, empowerment, participation, non-discrimination, equality, *~~and~~* equity *and inclusivity*;  (f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory or other related measures to achieve sustainable development *across all sectors* on their territory;  (g) International solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals *everywhere*; this principle includes the duty to cooperate;  (h) Universal duty to respect human rights: everyone has the duty to respect *all* human rights, including the right to development;  (i) Right and responsibility of individuals, groups and organs of society to promote and protect human rights: everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development *in all sectors* at the national and international levels; individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized. | (b) All development efforts should be inclusive, both through implementation and in its outcomes. This can be promoted by  adding inclusivity here.  (f) By including ‘in all sectors’ this clause can emphasise the interconnectedness of different aspects of the right to development and ensuring efforts are made in all sectors – education, health etc – to realise that right. Without including an explicit reference to all sectors a disproportionate focus may be placed on one sector over others, leading to uneven development processes which are contrary to the right to development.  (g) Including ‘everywhere’ here emphasises the universality of the right to development, and connects to the idea that development is a prerogative both of individuals and nations. In addition, using ‘everywhere’ adds a geographical dimension at the national and community levels, ensuring the inclusion of all countries and communities, both urban and rural.  (h) Using ‘all’ ensures that some rights cannot be omitted which protects the rights of women, girls and other groups protected by specific human rights instruments.  (i) *See rationale for Article 3(f).* |
| Article 5.4 | The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect*, protect, expand and fulfil*l that right, in conformity with the provisions of the Charter of the United Nations. | ‘Protect, expand and fulfil’ contributes additional clarity as ‘respect’ can be a vague term. ‘Protect and fulfil’ requires further action by states to respect rights of self-determination.‘Expand’ entails states must ensure that opportunities are made available to its population to achieve the right to development |
| Article 8.1: | 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, *faith,* political or other opinion, national, ethnic or social origin, property, disability, birth, ageor other status, in accordance with obligations set forth in the present Convention. | Given the extensive nature of this list, faith should also be included. While religions are often cultural and historic systems, ‘faith’ is beliefs held at the individual level so by including ‘faith’ additional protections are afforded to individuals. Faith can include all belief systems, including agnosticism, atheism, indigenous beliefs and other beliefs outside of traditionally defined religions, therefore ensuring improved inclusivity. |
| Article 13.2 | To this end, States Parties recognize their primary responsibility for the creation of international conditions favourable to the realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and *~~as appropriate,~~* in partnership with civil society: | By including ‘as appropriate’ CSOs will most likely be excluded from these processes, despite having specific expertise and different knowledge to governments. Not including CSOs goes against SDG17 on partnerships, which should be reflected in this Convention. |
| Article 15.1 | State***s*** Parties recognize that certain human persons, groups and peoples, owing to their age, disability, *sex, gender,* marginalization, vulnerability, indigeneity, *marital status, migration status* or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development *through applying the human rights principle of equality* | Given the extensive, well-evidenced and universal phenomenon of gender-inequality and the resultant inequalities in how women and girls experience development, sex and gender, marital status and migration status should be added to this list. These additions would make the list more inclusive, and address diversity and bases of discrimination. It would also better reflect previously agreed development documents (including the 2030 Agenda) which recognise that discrimination and inequality based on gender and sex is a fundamental barrier to development. Marital status often prevents women from accessing property, resources and services necessary for all individuals to experience the right to development. Equally, migrants and people on the move often fall into development gaps and the right to development must meet the principle of leaving no one behind and should support the aims of the Global Compact on Migration.  By emphasising the human rights principle of equality here, a connection is being made with all human rights treaties, and in particular CEDAW (Preamble paragraphs 7, 9, 12 &14) which supports the aim of de facto equality. (See also, Comm. on the Elimination of Discrimination Against Women, 37th Sess., Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Colombia, ¶ 16, U.N. Doc. CEDAW/C/COL/CO/6 (Feb. 2, 2007)). |
| Article 16.1 | 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 in all aspects of their life *ensuring the realisation of their civil, cultural, economic, political and social rights* | By including this final clause it is possible for this Article to emphasise the role of the right to development within broader human rights systems and the implementation of those systems. It is vital that the right to development is viewed as interconnected and interdependent with all other human rights. This is highlighted in the preamble, but it would be beneficial to make the connection explicit here to promote the object and purpose of the Convention. |
| Article 16.2, 16.2(a), 16.2(b) & 16.2(e) | To that end, States Parties undertake to *~~take~~ adopt* appropriate measures, *~~separately and jointly,~~ individually and collectively,* inter alia:  (a) To eliminate all forms of *gender-based* violence and harmful practices against *all persons and particularly* women and girls in the public and private spheres;  (b) To ensure women’s full, equal ~~and~~ effective and meaningful participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;  (e) To ensure equal and equitable access to *high quality education and* other services and resources necessary for the full realization of the right to development by women and girls everywhere and in all spheres.  *(f) To realize the women, peace and security agenda and recognize the important role of women in the prevention and resolution of armed conflicts and in peacebuilding to address peace and security at all levels as an essential element for the realization of the right to development.* | Suggestion of ‘adopt’ and ‘individually and collectively’ as more frequently used in international law and human rights language.  (a)By using ‘gender-based violence’ here, the article becomes more inclusive and reflects contemporary discussions and understandings of violence against women and girls in academic literature and international legal decisions and interpretations. Similarly, using “all persons and particularly women and girls” ensures inclusivity and that this article protects women and girls in all their diversity.  (b) This is agreed language from CSW65 paragraph 9, (E/CN.6/2021/L.3) on the priority theme, “women’s full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls” and is therefore directly relevant to this paragraph. It is more comprehensive and will do more to promote women’s inclusion in leadership and decision-making.  (e) It was agreed in UN General Assembly Resolutions 64/290 (2009), 64/76 (2009) and 59/237 (2004), as well as in the 2030 Agenda and Sustainable Development Goals, that it is impossible to achieve development without education, so a reference to education is relevant here. However, access to many other services are also needed, as well as resources, to achieve development. Resources alone will not realise the right to development. Lastly, ‘and in all spheres’ will ensure that the right to development is realised for women and girls in all circumstances, preventing separation of the public and private spheres. In Resolution 64/290 (2009) “good quality education” is referenced (paragraph 18), demonstrating the need to increase standards of education. While the Sustainable Development Goals refer to “quality education”, that allows for flexibility in defining what ‘quality’ is. To realise the right to development education must be of high quality, not only quality, although good quality should be the minimum standard as it is previously agreed UN language.  (f) This suggested language is a combination of CSW65 paragraphs 8 & 57, and Preamble paragraph 7 of this draft convention. It seeks to emphasise the importance of gender, peace and security to the right to development and connect article 16 with Article 21. |
| Article 19.1 & 19.2 | 1. States Parties undertake to *~~take~~ adopt* appropriate steps, individually and *~~jointly~~ collectively,* including within international organizations, to establish legal frameworks for conducting prior and ongoing assessment of actual and potential risks and impact of their national laws, policies and practices and international legal instruments, policies and practices, and of the conduct of legal persons which they are in a position to regulate to ensure compliance with the provisions of the present Convention.  2. States Parties shall take into account *and seek to implement* any further guidelines, best practices or recommendations that the Conference of States Parties may provide with respect to impact assessments. | 1. Same rationale as for Article 16.2.  2. This addition aims to strengthen action and accelerate implementation. |
| Article 20.1 & 20.2 | 1. States Parties undertake to collect appropriate information, including *~~statistical and research~~ quantitative and qualitative* data, *and use data collected by other agents of development,* to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:  2. The information collected in accordance with the present article shall be disaggregated, *income, sex, age, race, ethnicity, migration status, disability, geographical location and other characteristics relevant in national contexts ~~as appropriate~~,* and used to help to assess the implementation of States Parties’ obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development. | 1. Using ‘quantitative and qualitative’ would reflect the language used in data for development discussions, and would fully reflect the forms of data collected both by states and non-state actors. Data not collected by governments should also be used by states, as it often uses different methodologies which can reveal information about the realities of development and can better gather data on marginalised groups.  2. This language is used by the Sustainable Development Goals (See 17.18 in SDG17 under ‘Data, Monitoring and Accountability’) and this list has been replicated in many UN resolutions since. Given it’s established use and relevance to the right to development, it is appropriate to use here. ‘As appropriate’ should be deleted because it provides for the possibility of not disaggregating data, which is known to be detrimental to achieving development aims. |
| Article 21.1 | States Parties reaffirm their existing obligations under international law to promote the establishment, maintenance and strengthening of international peace and security in consonance with the principles and obligations contained in the Charter of the United Nations, including the peaceful settlement of disputes *and by enacting the women, peace and security agenda*. | The women, peace and security agenda, as established by UNSC 1325, is essential for ensuring development (as outlined in the Convention Preamble). Given the nexus between gender equality, peace and development, it is appropriate that a reference to the women, peace and security agenda is included in Article 21 and it would help connect this article with Article 16. |
| Article 24.5 | All States not party to the present Convention, specialized agencies, funds and programmes of the United Nations system, other international organizations, United Nations human rights mechanisms, regional human rights bodies, national human rights institutions, and non-governmental organizations with consultative status with the Economic and Social Council may participate ~~as Observers~~ in the public sessions of the Conference of States Parties. The Conference of States Parties may, in accordance with its rules of procedure, consider requests from, or may invite, other stakeholders to participate as Observers. | As essential development partners who are already realising many of the objectives of this Conventions, CSOs, human rights bodies, development agencies and others should be better included in any review processes and not only be observers. In other human rights mechanisms the reports and information submitted by these organisations have proved invaluable and with the current Article the Conference of State Parties may miss out on this vital information. Instead, a process similar to the Universal Periodic Review could be adopted. |
| Article 26.1 | At its first session, the Conference of States Parties shall establish an implementation mechanism to facilitate, coordinate and assist, in a non-adversarial and non-punitive manner, the *monitoring, review,* implementation and promotion of compliance with the provisions of the present Convention. | It is common for development mechanisms to use monitoring and review mechanisms, and as this Convention is on the right to development, it is appropriate to use these frequently used development terms. This language is also consistent with human rights mechanisms like the UPR which use a similar approach. |

Articles Soroptimist International Strongly Supports:

* Preamble Paragraph 21
* Preamble Paragraph 22
* Preamble Paragraph 23
* Preamble Paragraph 24
* Article 22 on Sustainable development, including Article 22(a), (b) and (c).
* Article 26.2.