

Comments of NHRC, INDIA

Type of the Instrument:

1. Should the instrument be principally

c. a treaty modeled on existing human rights treaties, defining the rights of individuals and people and corresponding obligations of the State and non-state actors

Here, it is further proposed that in the obligation of states, an aspect of inter-state cooperation be expressly stated as the UN Declaration on the Right to Development also embodies State's duties to cooperate with each other in ensuring development and eliminating obstacles to development.

Content of the Instrument

2. Which previous instruments and provisions should be referenced in the preamble?

It is proposed that the following Covenants and Conventions may be referred to in the Preamble of the said legally binding instrument on Right to Development:

- **International Covenant on Civil and Political Rights:** as it recognizes inherent dignity, equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. And further enumerates people's right to self-determination, right to freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation.
- **International Covenant on Economic, Social and Cultural Rights:** as it envisages economic, social and cultural rights of all which are to be progressively realized. Recognizing that these rights are crucial to enable people to live with dignity, this treaty covers important areas of public policy such as, the right to work, fair and just conditions of work, social security and adequate standard of living including adequate food, clothing and housing, health and education.
- **United Nations Conventions on the Rights of Persons with Disabilities:** as it aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Towards its realization, the Convention has mandates covering wide range of areas including health, education, employment, access to justice, personal security, independent living, and access to information.
- **The Convention on Elimination of All Forms of Discrimination against Women:** as it specifies measures for the advancement and empowerment of women in private and public life, particularly in the area of education, employment, health, marriage and the family.

- **The Convention on the Rights of the Child:** as it covers all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

The above mentioned Covenants and Conventions have been mentioned because it advances civil, political, economic, social and cultural advances and also right so vulnerable and marginal sections of the society. This is also one of the many premises of the UN Declaration on the Right to Development and will forward a multi-faceted and fairly distributed development.

3. Which considerations should be incorporated in the preamble

Apart from the considerations from the UN Declaration on the Right Development, the following are proposed:

- Reaffirmation of Right to Development as a human right
- Reaffirmation of the fact that people should be at the centre of the development process
- Reaffirmation of the principles of equality, non-discrimination, and equal participation
- Recognition of the need for international cooperation in the achieve right to development of all
- Recognition of the fact that the process of development has to be participatory and must involve its beneficiaries.
- Emphasis on the importance of integrating relevant strategies of sustainable development

7. Which obligations should the instrument concretize?

States Parties' through effective governance to ensure securing the following:

- Education
 - Healthcare
 - Sanitation
 - Drinking water
 - Security and well-being
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