

## **STATE OF HONDURAS CONTRIBUTIONS**

### **Questionnaire regarding a draft legally binding instrument on the right to development:**

In response to the High Commissioner Office of Human Rights, the Secretary of State of Human Rights of Honduras, shares their views and proposals in relation with the draft legally binding instrument.

#### **1. Should the instrument be principally?**

**C)** A treaty modelled on existing human rights treaties, defining the rights of individuals and peoples and corresponding obligations of States and non-state actors.

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

- Charter of the United Nations
- Declaration of Human Rights
- Declaration on the Right of Development
- Convention of the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of Persons with Disabilities
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Sustainable Development Goals 2030

### 3. Which considerations should be incorporated in the preamble?

- (a) Recalling the principles proclaimed in the **Charter of the United Nations** which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- (b) Recognizing that United Nations, in the **Universal Declaration of Human Rights** and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- (c) Considering the obligation of States under the **Convention on the Rights of Persons with Disabilities**, to valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- (d) Recognizing the **Declaration on the Right to Development**, that all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development,
- (e) Reaffirming the obligation of States under the **International Covenant on Economic, Social and Cultural Rights** on the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons

to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace,

- (f) Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields, (Considering of the CEDAW),
- (g) Considering the obligation of states under the **Declaration on the Right to Development** that international peace and security are essential elements for the realization of the right to development,
- (h) Reaffirming that there is a close relationship between disarmament and development, that progress in the field of disarmament would significantly promote progress in the field of development and that the resources released through disarmament measures should be allocated to economic and social development and well-being of all peoples, and, in particular, of developing countries,
- (i) Recognizing the **sustainable development goal 8.3** that says “States should promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services”, (ODS 8.3)
- (j) Reaffirming the **sustainable development goal 16.A** that says: “Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime”, (ODS 16.2)

- (k) Confirming that the right to development is an inalienable human right and that equal opportunities for development is a prerogative of both nations and individuals that make up nations,
- (l) Recognizing the obligation of States under the **Convention on the Rights of the Child** shall ensure to the maximum extent possible the survival and development of the child.

#### **4. How should the object and purpose of the instrument be formulated?**

1. Reaffirming the right to development is an inalienable human right by virtue of which all human beings and all peoples are entitled to participate in an economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized, by formulating standardized rights and obligations focusing on the main obstacles for states institutions and non-governmental organizations, to eliminate all impediments that vulnerate the right to development.
2. The purpose of this treaty is to be able to reinforce the states institutional operability and strengthen the participation of non-state organizations in the decision-making process, obtaining the right of every human being and increasing people empowered to participate in an economic, social, cultural and political development.

#### **5. Which elements should be included in the instrument and how should it be structured?**

1. Introduction
2. Preamble
3. Purpose
4. Definitions

5. General Principles
6. General Obligations
7. Statistics and Data Collection
8. International Cooperation
9. National application and Monitoring
10. Committee on the Right to Development
11. Reports by States Parties
12. Considerations of Reports
13. Cooperation between States Parties and the Committee
14. Relationship of the Committee with other Body's
15. Report of the Committee
16. Conference of States Parties
17. Depositary
18. Signature
19. Consent to be Bound
20. Regional Integration Organizations
21. Entry into Force
22. Reservations
23. Amendments
24. Denunciation
25. Accessible Format
26. Authentic Text

**6. Which duty bearers, in particular non-state actors, should be included?**

1. Work as a consultative body.
2. Work as a monitoring organ.
3. Work as a citizen participation organ.

## **7. Which Obligations should the instrument concretize?**

1. The obligations of States Parties to emphasize on strengthen their institutions on the rights of Developments.
2. The obligations of Non-State Actors on knowing their rights to work with the States Institutions in the decision-making process.
3. The obligations of Society on the right to development.

## **8. How should the relationship with other rights and obligations under international law be determined?**

- A)** The relationship with other rights and obligations should be determined and evacuated to complement or clear all legal gaps on the treaty.

## **9. What type of institutional arrangement should be foreseen?**

- B)** An expert body with the mandate to submit reports on its work to the General Assembly, adopt recommendations, views and general comments.

## **10. Which entity should serve as the Secretariat?**

The Office of the High Commissioner of United Nations.

## **11. Should there be a funding mechanism for covering the costs of the institutional arrangements and implementing recommendations?**

Yes, in that way states institutions and non-states institutions will identify their advances and their deficiencies.

**12. What type of compliance, monitoring and enforcement procedures should be envisaged?**

**B)** A reporting procedure with periodic reports, reviewed by an expert body?

**13. What elements should be specified in the final provisions?**

**A)** Who can become a party to the LBI?

Any State who wants to be part of it.

**B)** What is the desired number of ratifications for entry into force?

The number desired of ratifications should be 10 States.