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**Annual report of the United Nations High Commissioner
for Human Rights and Reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by International Youth
and Student Movement for the United Nations, a non-
governmental organization in general consultative status,
Associazione Comunita Papa Giovanni XXIII, American
Association of Jurists, Edmund Rice International Limited,
International Confederation of the Society of St. Vincent de
Paul, International Volunteerism Organization for Women,
Education and Development - VIDES, International-
Lawyers.Org, Istituto Internazionale Maria Ausiliatrice delle
Salesiane di Don Bosco, Mouvement International
d'Apostolate des Milieux Sociaux Independants, World
Union of Catholic Women's Organizations, non-
governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.



The relevance of a convention on the right to development in the current crisis of the COVID-19 pandemic

Associazione Comunità Papa Giovanni XXIII (APG23), American Association of Jurists (AAJ), Edmund Rice International (ERI), International Confederation of the Society of St. Vincent de Paul, International lawyers.org, ISMUN (International Youth and Student Movement for the United Nations), Istituto Internazionale Maria Ausiliatrice (IIMA), MIAMSI (Mouvement International d’Apostolat des Milieux Sociaux Indépendants), VIDES (International Volunteering Women Education Development) and World Union of Catholic Women’s Organisations (WUCWO) would like to underline once more the relevance and urgent need of a convention on the right to development to face the challenges of our times, especially in view of the current crisis created by the COVID-19 pandemic. The Secretary General, Mr. António Guterres said in his lecture¹ for the Nelson Mandela International Day on 18 July 2020: “The world is in turmoil. Economies are in freefall. We have been brought to our knees – by a microscopic virus. The pandemic has demonstrated the fragility of our world. It has laid bare risks we have ignored for decades: inadequate health systems; gaps in social protection; structural inequalities; environmental degradation; the climate crisis. Entire regions that were making progress on eradicating poverty and narrowing inequality have been set back years, in a matter of months... COVID-19 has been likened to an X-ray, revealing fractures in the fragile skeleton of the societies we have built. It is exposing fallacies and falsehoods everywhere: The lie that free markets can deliver healthcare for all; The fiction that unpaid care work is not work; The delusion that we live in a post-racist world; The myth that we are all in the same boat. Because while we are all floating on the same sea, it’s clear that some of us are in superyachts while others are clinging to the floating debris.... COVID-19 is a human tragedy. But it has also created a generational opportunity. An opportunity to build back a more equal and sustainable world”

Indeed, the COVID-19 pandemic is a systemic crisis affecting economies and societies in unprecedented ways; it risks reversing decades of progress in the fight against poverty and in the struggle to achieve sustainable development goals and has already exacerbated the level of inequality within and between countries.

According to a United Nations Development Programme (UNDP) publication², within countries, certain groups have already been disproportionately affected: older people, women, young workers, migrant households, unprotected workers, people living in shelters, people who are homeless or in informal settlements, and people with underlying health issues.

In this scenario, providing the right to development with a legally binding framework for its implementation, will be even more relevant as a further step towards the realisation of a new more humane and responsible social and international order.

In occasion of the 20th session of the Open Ended Working Group on the right to development (OEIWG), APG23 submitted a written statement³ on behalf of the 12 organizations belonging to the Working Group on the Right to Development of the Catholic Inspired non-governmental organizations (NGOs) of the Geneva forum⁴, explaining the reasons for

¹ « Tackling Inequality - A New Social Contract for a New Era » lecture by United Nations Secretary-General António Guterres at the 18th Nelson Mandela Annual Lecture, 18 July, 2020.

² 2020 HUMAN DEVELOPMENT PERSPECTIVES : COVID-19 and Human Development: Assessing the Crisis, Envisioning the Recovery issues, page 7.

³ https://www.ohchr.org/Documents/Issues/Development/Session20/NGO_1.pdf.

⁴ Associazione Comunità Papa Giovanni XXIII (Coordinator of the Catholic Inspired NGOs (CINGO) working group on the right to development) of the Geneva forum), Caritas Internationalis (International Confederation of Catholic Charities), New Humanity, Association Points-Cœur, Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace (Order of Preachers), Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (IIMA), International Organization for the Right to Education and Freedom of Education (OIDEL), Mouvement International d’Apostolate des Milieux Sociaux Independants (MIAMSI), Teresian Association, and International Volunteerism Organization for Women, Education and Development (VIDES).

supporting the idea of having a legally binding instrument on the right to development. APG23 contributed also to the research study of the Advisory Committee entitled “The importance of a legally binding instrument on the right to development”, that will be included in the report of the Advisory Committee for the 45th regular session of the Human Rights Council (HRC) under item 5⁵.

In addition to the arguments on the importance of a legally binding instrument on the right to development explained in the abovementioned contributions and in the written statement submitted for the 42nd regular session of the Human Rights Council⁶, we would like to offer other considerations as follows:

1. Apart from the Declaration on the Right to Development (DRTD), there is an overwhelming number of resolutions, declarations and other policy documents which reaffirm the right to development. The UN General Assembly and HRC have also time and again called for operationalizing the right to development at the national and international levels. Yet, the operationalization of this right through laws, policies or practices has been limited and inadequate. Moreover, RTD has been trapped for more than thirty years in the ideological debate with a high degree of polarization and politicization at the expenses of the people, especially the most vulnerable, that needed its implementation desperately and urgently. Therefore, the *raison d'être* for a convention is to establish a legally binding framework that will promote, protect and ensure the full, equal and meaningful enjoyment of the right to development by all as well as guarantee its effective operationalization and full implementation at all levels.
2. The multiple crises of recent years, including now the COVID-19 pandemic, further affirm the call of the Declaration on the Right to Development for meaningful reforms in global governance most notably in the economic arena, to ensure equality, democracy and accountability in line with human rights standards.
3. There is a need for a treaty that affirms also the collective dimension of the right to development— as it encompasses both the individual and collective dimensions—, and envisions a development that is person-people centred. Where development is related to traditional lands, natural resources, or other rights that belong to a particular “people” which cannot be reduced to individual rights, then development as people-centred must be recognised as a right. Moreover, the collective nature of the right to development is closely linked to the fundamental right of all peoples to self-determination recognized in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. A treaty on the right to development will also reinforce the right to self-determination of peoples.
4. A convention on the right to development will give further strength to the notion of solidarity translated into a duty to cooperate and will consider international solidarity as an essential principle that should guide the implementation of obligations related to realization of the right to development.
5. The use or encouragement of unilateral coercive measures will constitute within such convention a violation of the right to development.
6. Article 7 of the DRTD which stipulates that “All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries” will become an obligation for States ratifying the convention.
7. A convention on the right to development will hopefully introduce a monitoring and reporting system on the implementation of the right.

At the forthcoming 21st Open Ended Working group on the right to development, that will be held in November 2020, the draft convention prepared by the drafting committee

⁵ A/HRC/AC/24/CRP.3.

⁶ A/HRC/42/NGO/51.

will start to be discussed. We urge the Member States to responsibly and constructively discuss the draft convention in a spirit of solidarity and multilateralism, putting at the centre the concern for the common good of humanity and for the billions of persons, especially the most vulnerable, whose very survival and chance to live a dignified life depends also by the speedy implementation of the right to development, in the spirit of the consensual agreement on the Agenda 2030.
