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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

## Consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development

### *Summary*

The present report contains a brief overview of the activities of the Office of the United Nations High Commissioner for Human Rights and United Nations human rights mechanisms relating to the promotion and realization of the right to development. It covers the period from July 2012 to May 2013 and complements the report of the High Commissioner to the twenty-first session of the Human Rights Council (A/HRC/21/28).

The report provides detailed information on advocacy, outreach and communications work by the Office. In addition, it recounts events and initiatives in support of relevant Council mechanisms and the mainstreaming of the right to development in the global partnership for development.

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## **I. Introduction**

1. In its resolution 48/141, the General Assembly set out the mandate of the United Nations High Commissioner for Human Rights and decided that one of the responsibilities of the High Commissioner would be “to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose”. The same resolution also stipulated that the High Commissioner should “recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development”.

2. In its resolution 67/171, the General Assembly reaffirmed its “request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in her next report to the Human Rights Council”. In the same resolution, the General Assembly called upon “the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives”, and stressed “the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives”.

3. The Human Rights Council, in its resolution 21/32, encouraged “the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group [on the Right to Development]”.

4. In the same resolution, the Human Rights Council requested “the Office of the High Commissioner to continue to submit to the Council an annual report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development”. Similarly, the General Assembly, in its resolution 67/171, requested the Secretary-General “to submit a report to the General Assembly at its sixty-eighth session and an interim report to the Council on the implementation of the present resolution, including efforts made at the national, regional and international levels in the promotion and realization of the right to development”.

5. The present report is submitted in accordance with the above-mentioned requests and provides information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations human rights mechanisms during the period from July 2012 to May 2013.

## **II. Activities of the Office of the United Nations High Commissioner for Human Rights**

6. The framework and strategy of the programme of OHCHR on the promotion and realization of the right to development is explained in the previous consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development (A/HRC/21/28, paras. 5 and 6).

## A. Advocacy, outreach and communications

7. Enhanced awareness, knowledge and understanding of the right to development at all levels constitute one of the objectives of the OHCHR Strategic Framework (A/67/461, pp. 7–8). To this end, OHCHR participated in and provided substantive input and contributions to a number of initiatives, events and activities during this period.

8. They included a side event at the twentieth session of the Human Rights Council held in June 2012 on the role of non-governmental organizations in development. OHCHR highlighted the role of civil society in development and the role of free, active and meaningful participation. OHCHR participated in a side event at the twenty-first session of the Council held in September 2012 on the theme “International solidarity: from concept to action” with the participation of the Independent Expert on human rights and international solidarity, Virginia Dandan. OHCHR addressed the relationship between the right to development and international solidarity highlighting the duty to cooperate as an essential component of the right to development and for strengthening the global partnership for development.

9. In December 2012, OHCHR briefed representatives of the Arab NGO Network for Development. OHCHR participated in a conference on the theme “The South in the Global Economic Crisis and Reviewing Multilateral Negotiations” organized in January–February 2013 by the South Centre. OHCHR drew attention to the impact of investment agreements on the right to development. OHCHR participated in the Sixth Joint Annual Meeting of the African Union Conference of Ministers of Economy and Finance and the Economic Commission for Africa Conference of African Ministers of Finance, Planning and Economic Development, held in March 2013. The OHCHR intervention focused on the right to development in the post-2015 development agenda.

10. In January 2013, OHCHR participated in the first session of the United Nations Conference on Trade and Development (UNCTAD) Multi-year Expert Meeting on Investment, Innovation and Entrepreneurship for Productive Capacity-building and Sustainable Development, the theme of which was regional integration and foreign direct investment in developing and transition economies. OHCHR focused in particular on the impact of bilateral and international investment agreements on the enjoyment of human rights. Building on the Declaration on the Right to Development, OHCHR recommended that investment agreements should be negotiated transparently and with the participation of all potentially affected parties. In this regard, human rights impact assessments should be conducted before approving an agreement and continue throughout its implementation. Specific measures should be taken to mitigate any negative human rights impacts of the agreement. Investment agreements should provide sufficient human rights policy space for States to perform their protective and regulatory functions. This means that investment agreements should not protect investor’s rights at the expense of the State’s ability and obligation to protect human rights. International investment agreements should promote the accountability of investors as well as of States. The recently issued Guiding Principles on Business and Human Rights offer useful direction in this area. Finally, international investment agreements should not permit opaque dispute settlement procedures. Instead, dispute settlement should be transparent, participatory and fully compliant with the rule of law and principles of due process.

11. With a view to strengthening the global partnership for development, OHCHR, as a member of the working group on the global partnership for development beyond 2015 of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, advocated for integrating the right to development into policy documents and recommendations.

12. OHCHR plans to launch in 2013 a publication entitled, *Realizing the Right to Development: Essays in commemoration of 25 years of the United Nations Declaration on the Right to Development*. This publication presents for the first time a wide range of in-depth analytical studies by more than 30 international experts covering the context, meaning and application of this right and its potential to shape human rights and development policy and practice. Together the experts support the concept of an enabling environment for development that would ensure freedom from want and freedom from fear for all people. The contributions to this publication illustrate the far-reaching potential of the right to development and its relevance more than 25 years after the adoption of the Declaration. They make the case for reinvigorating attention given to this right in order to realize its added value to advancing human rights, development and peace and security in an increasingly interdependent, fragile and changing world, including in the post-2015 agenda for sustainable development.

## **B. Events and initiatives**

### **1. Support to relevant Human Rights Council mandate mechanisms**

13. In April 2013, OHCHR provided Secretariat support in the organization of the informal intersessional meeting of the Working Group on the Right to Development and of the fourteenth annual session of the Working Group which took place from 13 to 17 May 2013. At this session, the Working Group completed the first reading of the draft right to development operational sub-criteria under attribute 1. The Working Group recommended, inter alia, continuing, at its fifteenth session, its work on the consideration of the draft operational sub-criteria with the first reading of the remaining operational sub-criteria.

14. The opening statement of the High Commissioner recalled the importance that the Vienna Declaration and Programme of Action placed on the right to development. It highlighted a number of fundamental challenges confronting the world: climate change, environmental degradation and loss of biodiversity impacted heavily on the human rights of present and future generations; rising inequalities still left vast numbers of people in abject poverty; demographic changes and the changing contours of geopolitical and economic relations, as well as multiple crises, placed new demands on governance at all levels and called for coherent and human rights-based policies. The Declaration on the Right to Development enshrined a comprehensive, human-centred development paradigm that aimed at the improvement of human well-being for all. It recognized that every human person was entitled to participate in, contribute to and enjoy a development process in which all human rights could be fully realized.<sup>1</sup>

15. From 1 to 3 October 2012, OHCHR organized the Social Forum of the Human Rights Council, which focused on people-centred development and globalization. Over the course of the Forum more than 35 experts and individuals participated in nine panel discussions and one round-table discussion which covered issues such as sustainable development, financing for development, social movements, women's rights, democratic governance and participatory development. In a video message, Tawakkol Karman, 2011 Nobel Peace Prize Laureate, called on people to "make globalization into a positive phenomenon that could benefit all people" and stated that "there is no peace without justice and development". The official proceedings of the Social Forum were supplemented by a full programme of side events which addressed such themes as youth advocacy, the solidarity economy and the participation of older persons in society. Discussions

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<sup>1</sup> For the full text of the High Commissioner's statement, see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13320&LangID=E>.

emphasized the importance of participatory development and democratic governance, solidarity and democracy at all levels of society to promoting people-centred development. Participants made concrete proposals for the future development agenda, including recommendations for a financial transaction tax, financial regulatory reform and the elimination of tax havens, and more generally called for a holistic and rights-based approach to development.<sup>2</sup>

16. On 1 March 2013, OHCHR organized the second annual Human Rights Council high-level panel on human rights mainstreaming, with the participation of the Secretary-General and other dignitaries. There has been significant progress at political level, with increased recognition of the importance of all human rights, including the right to development, in the outcomes of Rio+20 and the quadrennial comprehensive policy review (QCPR). The panel focused on the theme of post-2015 development agenda, with an emphasis on the right to education. OHCHR aims at ensuring that the next generation of international development agenda will be firmly grounded in international human rights standards and principles. The human rights framework can help to raise the level of accountability for the achievement of the development goals. For development to be truly effective and sustainable, all development actors need to embrace the principles embodied in the Declaration on the Right to Development, such as people-centred development, participation, non-discrimination and international cooperation.<sup>3</sup>

17. The High Commissioner for Human Rights opened the Human Rights Council panel discussion on the negative impact of corruption on the enjoyment of human rights which OHCHR organized on 13 March 2013.<sup>4</sup> Presentations were made by experts and representatives from the United Nations human rights machinery (Committee on Economic, Social and Cultural Rights), national authority (Morocco), United Nations agencies (United Nations Development Programme, United Nations Office on Drugs and Crime), intergovernmental organizations (International Anti-Corruption Academy) as well as international and national civil society organizations (Transparency International, grass-roots and women's organizations from India and Nicaragua). The panel was well attended and heard some 30 statements from States and non-governmental organizations (NGOs) reflecting a consensus that corruption is an important obstacle to the realization of all human rights including the right to development and anti-corruption efforts would be most effective and sustainable when coupled with an approach that ensures respect for human rights and puts people at the centre.

## 2. Mainstreaming the right to development in the global partnership for development

18. In further mainstreaming the right to development and enhancing inter-agency coordination, OHCHR relies on the existing mechanisms, in particular the human rights

<sup>2</sup> For the report of the 2012 Social Forum, see A/HRC/23/54.

<sup>3</sup> See press release, "Human Rights Council holds high-level panel to discuss human rights mainstreaming", 1 March 2013. Available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13068&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13068&LangID=E). See also the statement by the Chair of the Coordination Committee of Special Procedures, Michel Forst, on behalf of all special procedure mandate holders at the high-level panel on human rights mainstreaming at the twenty-second session of the Human Rights Council and press release, "Inequality, not in the name of progress – key UN expert group looks beyond the Millennium Development Goals", 1 March 2013. Available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13061&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13061&LangID=E) and [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13063&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13063&LangID=E).

<sup>4</sup> Summary report of the Human Rights Council panel discussion on the negative impact of corruption on the enjoyment of human rights, A/HRC/23/26.

mainstreaming mechanism of the United Nations Development Group, the High-Level Committee on Programmes of the United Nations System Chief Executives Board for Coordination and the human rights cluster of the Executive Committee on Economic and Social Affairs. For example, on 15 March 2013, the Deputy High Commissioner chaired a senior-level meeting of the mechanism. The meeting reviewed and approved the mechanism's revised workplan for 2013–2014, which prioritizes the support to resident coordinators and United Nations country teams. The workplan was updated in the light of General Assembly resolution 67/226 on the QCPR of operational activities for development of the United Nations system and the new human rights commitments in the United Nations Development Group Strategic Priorities for 2014–2017. The QCPR recognizes the close linkages between the United Nations' normative and operational work, and the Strategic Priorities aim to improve United Nations support for the achievement of internationally agreed development goals and human rights treaty obligations. In May 2013, the Deputy High Commissioner chaired a policy retreat of the mechanism that looked at ways to strengthen inter-agency collaboration to support the integration of all human rights, including the right to development, in the United Nations development system and the post-2015 development agenda.

19. In May 2013, OHCHR in cooperation with UNCTAD organized a side event during the fourteenth session of the Open-ended Intergovernmental Working Group on the Right to Development to discuss the UNCTAD Investment Policy Framework for Sustainable Development. The representative of UNCTAD explained the key characteristics of the framework, namely that it places sustainable development at the core, addresses all dimensions of investment policy and fosters interaction with relevant national and international policies. The framework also emphasizes the right to regulate and balance between investors' rights and obligations. Mr. Schrijver, member of the Committee on Economic, Social and Cultural Rights, pointed to several elements of human rights law that were relevant to international investment agreements, including the right to property, the right to self-determination and permanent sovereignty over natural resources and the social, cultural and participatory rights of individuals and groups. He underlined that investment regulation should be viewed in the context of the larger and increasingly normative international order. The representative of OHCHR underlined the correlation between several of the core principles of the framework and human rights principles contained in the Universal Declaration of Human Rights and the Guiding Principles on Business and Human Rights, such as the emphasis placed on participation and the objective of promoting sustainable development.

20. On 6 March 2013, OHCHR organized a side event<sup>5</sup> to the Human Rights Council on human rights considerations in national and international responses to financial crisis. Experts expressed concern at the negative impacts of austerity measures resulting in reduced government spending on social welfare programmes, public-sector layoffs and unemployment, growing risk of social unrest and increasing income and structural inequality which affected particularly the vulnerable and marginalized groups as well as women, who dominated certain public-sector and expert-manufacturing jobs. Bailing out the financial industry while imposing austerity and social cuts was tantamount to privatizing profits and socializing losses for banks. Calls were made for a shift in macroeconomic policies, a comprehensive and explicit human rights-based approach to the financial sector and the need for international cooperation in addressing the root causes of and responses to the financial crisis.

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<sup>5</sup> See OHCHR webpage, "In difficult economic times, human rights should not be expendable", 22 April 2013. Available from [www.ohchr.org/EN/NewsEvents/Pages/FinancialCrisis.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/FinancialCrisis.aspx).

21. In April 2013, OHCHR, with support from the Center of Concern, organized an expert meeting in New York entitled “Rights in Crisis”. Participants from delegations, United Nations system organizations, development and economic institutions and academia, civil society organizations and NGOs discussed rights-based approaches to economic stabilization, recovery and growth.<sup>6</sup> The objectives of the meeting were to: (a) promote accountability by clarifying the interrelationship between the enjoyment of human rights, including the right to development, and State policies related to issues such as macroeconomic crises and responses, government expenditures, financial sector development and regulatory frameworks; (b) examine the obstacles that the financial crisis and prevailing financial structures pose to the full enjoyment of all human rights including non-retrogression and the fulfilment of minimum core obligations with regards to economic, social and cultural rights; (c) solicit expert opinions on the causes of the global financial crisis and its impacts, particularly on women and marginalized groups; and (d) explore specific applications of a human rights framework to financial crisis prevention, response and recovery in order to develop guidelines for the mainstreaming of human rights.

22. During the reporting period, OHCHR country offices provided substantive and technical assistance support to requesting Member States. For instance, in Uganda, OHCHR provided training and capacity-building support to the Uganda Human Rights Commission, civil society organizations and district authorities, including in such areas as monitoring and advocacy on economic, social and cultural rights, strengthening accountability and human rights awareness, and integration of a human rights-based approach in planning and budgeting. As a result, key human rights concerns have been reflected in several district plans and the participation of civil society in planning processes was strengthened. In addition, the Office provided comments to the National Planning Authority on the Vision 2040 launched by the President of Uganda in April 2013.

23. OHCHR participated in a side event to the fourteenth session of the Working Group on the Right to Development, organized by the Friedrich Ebert Stiftung, entitled “Towards a Framework Convention on the Right to Development”. At the side event, a publication of Koen De Feyter with the same title was launched.<sup>7</sup> Mr. De Feyter presented the idea of elaborating a framework convention as the best option for accommodating the concerns of the different political groups. The potential added value of a framework convention on the right to development was to complement the current human rights regime with a treaty that went beyond individual States’ responsibility and took inspiration from principles derived from international development efforts, such as mutual accountability, alignment of policies among partner countries, and inclusive partnerships. The representative of OHCHR underlined the importance of human rights instruments to protection and the need to ensure that resources and support to those instruments was adequate.

### **III. Activities by United Nations human rights mechanisms**

24. In July 2012, the Independent Expert on the promotion of a democratic and equitable international order sent four different questionnaires to Member States, intergovernmental organizations, national human rights institutions and civil society

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<sup>6</sup> See OHCHR webpage “Human rights and the financial crisis”. Available from [www.ohchr.org/EN/Issues/Development/Pages/PromotingHRbasedfinancialregulationmacroeconomicpolicies.aspx](http://www.ohchr.org/EN/Issues/Development/Pages/PromotingHRbasedfinancialregulationmacroeconomicpolicies.aspx).

<sup>7</sup> De Feyter, *Towards a Framework Convention on the Right to Development* (Fredrich Ebert Stiftung, Geneva, 2013).

organizations. In the questionnaire sent to Member States, one of the questions specifically approached the right to development. It requested Member States to “describe the measures taken to contribute to the realization of Millennium Development Goal 8” and to what extent the respective Government had contributed to its achievement. Responses received will be reflected in the Independent Expert’s upcoming reports to the Human Rights Council and General Assembly. In October 2012, the Independent Expert participated in the Human Rights Council’s Social Forum on people-centred development and globalization and delivered a substantive paper on democratic governance and reform initiatives.

25. In September 2012, the Human Rights Council in resolution 21/11 adopted by consensus the guiding principles on extreme poverty and human rights. The guiding principles deal in chapter VI with the obligations of international assistance and cooperation, highlighting inter alia the duty of States in a position to do so to provide international assistance to contribute to the fulfilment of human rights and poverty reduction as an element of the duty of international assistance and cooperation as well as the duty of States to take deliberate, specific and targeted steps, individually and jointly, to create an international enabling environment conducive to poverty reduction, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection and development cooperation.

26. The Special Rapporteur on extreme poverty and human rights has emphasized the importance of participation in all her reports, including the conceptual framework outlined at the start of her mandate (then the independent expert on extreme poverty and human rights, A/63/274). The report examines the key human rights principles and standards that determine the content of the right to participation with regard to the poorest and most marginalized members of society. Drawing from these norms and standards, the report presents a human rights-based framework for meaningful, empowering participation and elucidates the necessary actions and enabling factors to support and enable such participation for people living in poverty. The Special Rapporteur has noted that, while the issue of participation of people living in poverty is a common theme in the literature of development and humanitarian aid, there has been little discussion of this topic from a human rights perspective.

27. In February 2013, the Open-ended Intergovernmental Working Group on the Draft United Nations Declaration on the Right to Peace held its first session during which it considered the draft declaration on the right to peace prepared by the Advisory Committee. Article 9 of this draft document is devoted to the right to development and specifically links peace and security with development.<sup>8</sup>

28. In April 2013, a group of United Nations experts (extreme poverty, indigenous peoples, right to food and foreign debt) issued a press statement<sup>9</sup> and called on the World Bank to adopt human rights standards during the review of its environmental and social policies – also known as “safeguard policies” – which apply to project finance. The Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights underlined that the World Bank, as a development institution and a member of the United Nations family, and in line with the Declaration on the Right to Development, was obligated to ensure that its policies and activities did not undermine national

<sup>8</sup> For the report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace, see A/HRC/WG.13/1/2.

<sup>9</sup> See press release, “UN experts urge World Bank to adopt human rights standards on the eve of key gathering in Washington”, 18 April 2013. Available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13248&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13248&LangID=E).

development priorities or imperil the achievement of sustainable development outcomes. This requires that the Bank gives due weight to international human rights standards and related obligations of its member States.

#### **IV. Conclusions and recommendations**

29. The year 2013 marks the twentieth anniversary of the World Conference on Human Rights in Vienna. The Conference adopted by consensus the Vienna Declaration and Programme of Action which reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights. Three overarching themes were at the heart of the World Conference: the universality of human rights, the importance of democratic participation and the imperative of development.

30. The specific entitlement of the right to development is the right “to participate in, contribute to, and enjoy economic, social, cultural and political development”. This basic entitlement includes a number of constituent elements. Among them are:

(a) **People-centred development:** the Declaration identifies “the human person” as the central subject, participant and beneficiary of development;

(b) **A human rights-based approach:** the Declaration specifically requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realized”;

(c) **Participation:** the Declaration calls for the “active, free and meaningful participation” of people in development;

(d) **Equity:** the Declaration underlines the need for “the fair distribution of the benefits” of development;

(e) **Non-discrimination:** the Declaration permits no “distinction as to race, sex, language or religion”;

(f) **Self-determination:** the Declaration integrates self-determination, including full sovereignty over natural resources, as a constituent element of the right to development.

31. Equally explicit are the prescriptions provided by the Declaration for the implementation of this right. Among them are:

(a) The formulation of appropriate national and international development policies;

(b) Effective international cooperation;

(c) Reforms at the national and international levels;

(d) Removal of obstacles to development, inter alia, human rights violations, racism, colonialism, occupation and aggression;

(e) Promotion of peace and disarmament, and the redirecting of savings generated therefrom to development.

32. The right to development is not confined to declarations, summit outcomes or political debates within the United Nations. Real democratic participation can be measured by the extent to which – in the words of the Declaration on the Right to Development – active, free and meaningful participation determines policy and law.

**The global conversation about post-2015 development goals is an important opportunity for meaningful popular participation in global governance. These goals will serve to demonstrate the political will of the Member States in implementing their commitment in the Millennium Declaration to making the right to development a reality for everyone and freeing the entire human race from want.**

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