



General Assembly

Distr.: General
23 July 2020

Original: English

Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda items 2 and 3

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

Right to development

Report of the Secretary-General and the United Nations High Commissioner for Human Rights

Summary

The present report contains an overview of the activities of the Office of the United Nations High Commissioner for Human Rights on the promotion and realization of the right to development undertaken between June 2019 and May 2020. The report also contains an analysis of the implementation of the right to development in least developed countries, taking into account existing challenges, including in the context of the coronavirus (COVID-19) pandemic, and recommendations on how to overcome them. It is written as a contribution to the Fifth United Nations Conference on the Least Developed Countries, to be held in Doha in 2021. The report complements the report of the Secretary-General and the High Commissioner on the right to development submitted to the Human Rights Council at its forty-second session (A/HRC/42/29).



I. Introduction

1. In its resolution 48/141, establishing the post of United Nations High Commissioner for Human Rights, the General Assembly decided that the High Commissioner should promote and protect the realization of the right to development and enhance support from relevant bodies of the United Nations for that purpose. The General Assembly also decided that the High Commissioner should recognize the importance of promoting balanced and sustainable development for all people and of ensuring the realization of the right to development, as established in the Declaration on the Right to Development.

2. The Human Rights Council, in its resolution 42/23, requested the High Commissioner to continue to submit to the Council an annual report on the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR), including on inter-agency coordination within the United Nations system, that have direct relevance to the realization of the right to development, and to provide an analysis of the implementation of the right to development, taking into account existing challenges and making recommendations on how to overcome them.

3. In its resolution 74/152, the General Assembly reaffirmed its request to the High Commissioner, in mainstreaming the right to development, to effectively undertake 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.

4. The General Assembly also requested the Secretary-General to submit a report to the Assembly at its seventy-fifth session and an interim report to the Human Rights Council on the implementation of resolution 74/152, including efforts undertaken 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 requests. Section II contains an overview of the activities of OHCHR relating to the promotion and realization of the right to development, covering the period from June 2019 to May 2020. The General Assembly decided to convene the Fifth United Nations Conference on the Least Developed Countries in Doha.¹ It will adopt a new 10-year programme of action for the least developed countries, which will be essential to realizing the right to development in these countries. As a contribution to the Conference, sections III and IV focus on the least developed countries and their challenges, including in the context of the COVID-19 pandemic, and contain recommendations on how to overcome them.

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

6. In implementing its mandate to promote and protect the realization of the right to development, OHCHR is guided by the Declaration on the Right to Development, the Vienna Declaration and Programme of Action, relevant resolutions of the General Assembly and the Human Rights Council and conclusions and recommendations of the Working Group on the Right to Development.

7. The OHCHR operational framework for promoting and protecting the realization of the right to development is contained in the proposed programme budgets for 2020 and 2021² and the United Nations Human Rights Management Plan for the period 2018–2021.³

¹ Resolution 74/232, para. 46.

² A/74/6 (Sect. 24), subprogramme 1b; A/75/6 (Sect. 24), subprogramme 1b.

³ www2.ohchr.org/english/ohchrreport2018_2021/OHCHRManagementPlan2018-2021.pdf.

A. Support for the Working Group on the Right to Development

8. During the intersessional period of the Working Group on the Right to Development, OHCHR supported the Chair-Rapporteur in the effective implementation of his mandated tasks, which included informal consultations with delegations, United Nations agencies, non-governmental organizations and other relevant stakeholders, and presentation of the report of the Working Group to the Human Rights Council and the General Assembly, in September and October 2019, respectively.⁴

9. At its thirty-ninth session, the Human Rights Council decided that the Chair-Rapporteur of the Working Group should prepare a draft legally binding instrument on the right to development to serve as a basis for substantive negotiations commencing at its twenty-first session.⁵ Consequently, in consultation with the Chair-Rapporteur, OHCHR established a group composed of five experts with equitable gender and geographical representation to prepare a draft, including commentaries. The drafting group comprised Diane Desierto (Philippines), Koen de Feyter (Belgium), Makane Moïse Mbengue (Senegal), Margarette May Macaulay (Jamaica) and Mihir Kanade (India). In October 2019, the members of the drafting group met at United Nations Headquarters and drew up an initial draft of the convention on the right to development.

10. Thereafter, OHCHR invited relevant human rights experts representing all regions to review the draft and provide feedback. Comments and suggestions were received from Aslan Abashidze (Russian Federation), Carlos María Correa (Argentina), Cosmin Coredea (Romania), Obiora Okafor (Nigeria), Olivier de Schutter (Belgium) and Xigen Wang (China). After considering these inputs, the drafting group finalized a “zero draft” and submitted it, with accompanying commentaries, to the Chair-Rapporteur in December 2019. Following review and endorsement of the text⁶ by the Chair-Rapporteur, the draft convention and commentaries⁷ were submitted to the Working Group for consideration at its twenty-first session, which has been postponed to 2–6 November 2020.

B. Support for the Special Rapporteur on the right to development and other special procedure mandate holders of the Human Rights Council

11. The Special Rapporteur on the right to development submitted a report to the Human Rights Council⁸ in which he presented guidelines and recommendations on the practical implementation of the right to development drawing from regional consultations held in 2018 and 2019 pursuant to Council resolution 36/9. In his report, the Special Rapporteur focused on meaningful participation in setting development priorities and enjoying development benefits, inclusive and sustainable methods of mobilizing resources for development, monitoring and evaluation of development policies, and accountability measures.

12. In November 2019, the Special Rapporteur presented to the General Assembly a report exploring the explicit links between the right to development, sustainable development and disaster risk reduction,⁹ including key recommendations aimed at improving the participatory processes related to planning, monitoring and implementing disaster risk reduction measures and policies.

13. The Special Rapporteur participated in several activities, including: a meeting of the Advisory Committee of the Human Rights Council on the possibilities of utilizing non-repatriated illicit funds (Geneva, October 2018); a consultation on the realization of the right to development in the Association of Southeast Asian Nations Community (Jakarta, November 2019); and an open-ended discussion organized by the Movement of Non-Aligned Countries on achieving the practical implementation of the right to development

⁴ A/HRC/42/35.

⁵ Resolution 39/9, para. 17 (f).

⁶ A/HRC/WG.2/21/2.

⁷ A/HRC/WG.2/21/2/Add.1.

⁸ A/HRC/42/38.

⁹ A/74/163.

(Geneva, February 2020). The Special Rapporteur also conducted a country visit to Switzerland (September/October 2019).

14. Other special procedure mandate holders also issued reports referencing the right to development. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented a report on global extractivism and racial equality to the Human Rights Council at its forty-first session.¹⁰ In the report, the Special Rapporteur views the Declaration on the Right to Development as part of the applicable international human rights framework, which is central to reforming, regulating and evaluating the extractivism economy.¹¹ OHCHR organized a panel discussion on unilateral coercive measures and human rights, including the right to development; a report on the panel discussion was submitted to the Council at its forty-third session.¹²

C. Activities to support the realization of the right to development, including inter-agency coordination

15. During the period under review, the Secretariat and OHCHR organized and supported numerous activities with direct relevance to the realization of the right to development, including by increasing collaboration between OHCHR and other agencies and offices and supporting the work of OHCHR field presences.¹³

16. The Secretary-General¹⁴ and the High Commissioner¹⁵ addressed the realization of the right to development by tackling the COVID-19 crisis. The Secretary-General has issued policy briefs on the COVID-19 pandemic and its socioeconomic impact,¹⁶ debt¹⁷ and human rights challenges¹⁸ through global solidarity. The United Nations has also adopted a framework for the immediate socioeconomic response to COVID-19 that includes key indicators to track the human rights implications of the pandemic.¹⁹ Furthermore, the Secretary-General has called for a global ceasefire,²⁰ arguing that it was time to silence the guns, a plea that converges with the obligation to achieve disarmament enshrined in article 7 of the Declaration on the Right to Development.

17. In March 2020, the High Commissioner called for sanctions to be eased to enable medical systems to fight COVID-19 and limit global contagion, emphasizing the negative impact of sanctions on Cuba, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Venezuela (Bolivarian Republic of) and Zimbabwe.²¹ In her statement to the Human Rights Council on 9 April 2020,²² the High Commissioner emphasized that the pandemic had clarified the need to increase efforts to ensure that all people, including the most vulnerable, benefited from development. She reminded all States of the duty of international cooperation and assistance. In May 2020, the High Commissioner signed "Making the response to COVID-19 a public common good",²³ along with several heads of agencies and of State. The signatories called for equitable global access to technologies aimed at fighting COVID-19 by sharing knowledge, intellectual property and data. The

¹⁰ A/HRC/41/54.

¹¹ *Ibid.*, paras. 30 and 45.

¹² A/HRC/43/36.

¹³ www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx.

¹⁴ www.un.org/en/coronavirus.

¹⁵ www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx.

¹⁶ <https://unsdg.un.org/sites/default/files/2020-03/SG-Report-Socio-Economic-Impact-of-Covid19.pdf>.

¹⁷ www.un.org/sites/un2.un.org/files/un_policy_brief_on_debt_relief_and_covid_april_2020.pdf.

¹⁸ www.un.org/ruleoflaw/wp-content/uploads/2020/05/UN-SG-Policy-Brief-Human-Rights-and-COVID-23-April-2020.pdf.

¹⁹ <https://unsdg.un.org/sites/default/files/2020-04/UN-framework-for-the-immediate-socio-economic-response-to-COVID-19.pdf>.

²⁰ www.un.org/sg/en/content/sg/press-encounter/2020-03-23/transcript-of-the-secretary-generals-virtual-press-encounter-the-appeal-for-global-ceasefire.

²¹ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25744.

²² www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25785.

²³ www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov/covid-19-technology-access-pool/solidarity-call-to-action.

right to development was a key component of OHCHR advocacy efforts for an effective response to the pandemic, notably in relation to debt relief, financial and technological support, easing of sanctions and unilateral coercive measures, access to medicines and sharing the benefits of scientific progress.

18. On 20 May 2020, the Secretary-General launched a policy brief on the impact of COVID-19 in Africa.²⁴ He called for international action to strengthen health systems, maintain food supplies, avoid a financial crisis, support education, protect jobs, keep households and businesses afloat and cushion the continent against lost income and export earnings. He said that African countries should have quick, equal and affordable access to any eventual vaccine and treatment, which must be considered global public goods. The High Commissioner and the Chair of the African Commission on Human and Peoples' Rights issued a joint statement²⁵ urging equitable access for COVID-19-related diagnostic tools, therapies and vaccines and calling upon creditors of African countries to freeze, restructure or relieve countries' debts. They stressed that international solidarity with the people and Governments of Africa was a matter of human rights and that priority should be given to investing more in health, water and sanitation, social protection, employment and sustainable infrastructure to ensure that no one was left behind. In April 2020, the High Commissioner expressed serious concern about the challenges faced by the Sudan during the COVID-19 pandemic which coincided with a political transition, and called for unilateral sanctions to be lifted, debt relief and swift and generous financial and technical international support.²⁶

19. In February, the Secretary-General launched *The Highest Aspiration: A Call to Action for Human Rights*.²⁷ One of the seven priority areas of the call – that rights are at the core of sustainable development – underscores that a human rights-based approach to development leads to more sustainable, powerful and effective outcomes. There is a link between the right to development and other overarching principles of the call to action, namely those touching on: rights in times of crisis; gender equality and equal rights for women; public participation and civic space; the rights of future generations, especially climate justice; rights at the heart of collective action; and new frontiers of human rights. The Executive Office of the Secretary-General and OHCHR are leading the United Nations system-wide effort to translate the call to action into concrete action on the ground.

20. OHCHR actively contributed to the United Nations system's work on the least developed countries, including to *The Least Developed Countries Report 2019* of the United Nations Conference on Trade and Development (UNCTAD).²⁸ OHCHR cooperated with the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and the Office of the Special Adviser on Africa in preparation for the Fifth United Nations Conference on the Least Developed Countries, at which participants aim to adopt a new 10-year programme of action for the least developed countries.²⁹ OHCHR also contributed to the work of expert committees. For instance, it submitted comments on draft graduation assessments of the least developed countries to the Committee for Development Policy. The comments related to the right to development, including the exercise of this right by minorities and indigenous peoples.

21. OHCHR continued its efforts to mainstream the right to development considerations into reports and statements. For example, the reports of the Secretary-General³⁰ and the High Commissioner³¹ on international cooperation in the field of human rights highlighted the right to development. In her statement to participants in the regional meeting for Africa on the International Decade for People of African Descent, the High Commissioner argued

²⁴ www.un.org/sites/un2.un.org/files/sg_policy_brief_on_covid-19_impact_on_africa_may_2020.pdf.

²⁵ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25898.

²⁶ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25833.

²⁷ www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf.

²⁸ <https://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=2571>.

²⁹ <http://unohrills.org/unldc-v/>.

³⁰ A/74/351.

³¹ A/HRC/44/28.

that the underdevelopment of communities of people of African descent needed to be reversed in partnership with the people involved.³²

22. OHCHR and other United Nations human rights mechanisms engaged in the 2019 high-level political forum on sustainable development, preparatory expert group meetings and regional forums, including the 2020 Africa Regional Forum on Sustainable Development. Pursuant to Human Rights Council resolution 37/24, the second intersessional meeting for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development was held in December 2019, on the theme “Accelerated action and transformative pathways: realizing the decade of action and delivery for sustainable development”.³³ In September 2019, the High Commissioner launched a “surge initiative” in order to identify and pilot ways to further support implementation of the 2030 Agenda in the field.³⁴

23. OHCHR promoted the right to development in and through the digital space. It launched the B-Tech project, an inclusive and dynamic process of dialogue, consultation and research to advance respect for human rights in business practices in the development and application of digital technologies.³⁵ During the RightsCon conference on human rights and the digital space held in Tunis in July 2019, OHCHR organized several sessions, including one on digital divides between countries and regions and obstacles to the realization of the right to development. In collaboration with academic partners, OHCHR continued to deliver an interactive e-learning module on operationalizing the right to development in implementing the Sustainable Development Goals.³⁶ Over 300 participants from 116 countries have benefited to date from this capacity-building exercise. In May 2020, OHCHR and the University for Peace launched a new platform entitled “Global action on the right to development” aimed at establishing a network of practitioners to promote the operationalization of the right to development in development practice, including in implementing the Sustainable Development Goals. The platform aims to be a “one-stop hub” for academic, policy and practical resources, as well as training and career opportunities.

24. OHCHR headquarters and field presences participated in and organized several conferences and activities on topics related to the environment and human rights, including the right to development and the right to a safe, clean, healthy and sustainable environment. In September 2019, OHCHR co-organized the Peoples’ Summit on Climate, Rights and Human Survival, at which participants adopted a declaration with the same title signed by more than 400 organizations. The High Commissioner attended the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Madrid in December 2019, participating in many events, including the launch of a new publication with the Economic Commission for Latin America and the Caribbean on climate change and human rights and the launch of an intergovernmental Declaration on Children, Youth and Climate Action. In February 2020, OHCHR addressed the second meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, emphasizing States’ obligations under international human rights law to address biodiversity and habitat loss. In August 2019, OHCHR and the United Nations Environment Programme signed a memorandum of understanding by which they committed themselves to engaging jointly with stakeholders on issues such as the promotion of the right to a healthy environment, the protection of environmental human rights defenders, climate change and sustainable development.

25. OHCHR engaged with multilateral development banks and national development financial institutions to help ensure that their activities and policies were consistent with international human rights standards and principles and that human rights risk information was integrated into their due diligence processes³⁷ OHCHR also adopted a draft study on

³² www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25186.

³³ A/HRC/43/33.

³⁴ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25935>.

³⁵ www.ohchr.org/EN/Issues/Business/Pages/B-TechProject.aspx.

³⁶ www.upeace.org/departments/e-course-on-the-right-to-development.

³⁷ E.g., www.ohchr.org/Documents/Issues/Development/DFI/OHCHR_IDB_ESPF_comments13April2020.pdf; www.ohchr.org/Documents/Issues/Development/DFI/OHCHR_WB_FCV_

benchmarking the safeguards and due diligence frameworks of development financial institutions against the Guiding Principles on Business and Human Rights.³⁸

26. During the reporting period, the OHCHR treaty body capacity-building programme supported Burkina Faso, Chad, Sao Tome and Principe, Senegal, Sierra Leone and Zambia in establishing or strengthening national mechanisms on reporting and follow-up and drafting reports for treaty bodies. The OHCHR voluntary technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Human Rights Council supported delegates from 32 States in 2019 and from 10 States during the Council's forty-third session, in 2020. The fund also enabled the conduct of activities involving small island developing States in the Caribbean and the Pacific.

27. In February 2020, the OHCHR office in Uganda and partner organizations sent a letter to the national planning authority to inform the discussions regarding the third phase of the national development plan. In the letter, the authors echoed the Declaration on the Right of Development and emphasized that people should be participants, contributors and, ultimately, the beneficiaries of growth and development. They called for development efforts to be aligned with the recommendations issued by national, regional and international human rights mechanisms and for a specific focus on groups furthest behind, to ensure inclusive development.

28. In October and November 2019, OHCHR partnered with the International Organization of the Francophonie to organize five workshops focusing on human rights and business, with the aim of contributing to the sustainable development efforts made by the market regulatory authorities in Cameroon and Gabon. In September 2019, OHCHR organized activities in Cameroon on topics related to the right to development, including the enjoyment of economic, social and cultural rights, human rights-based monitoring and reporting on corruption, and political participation of indigenous communities.

29. In March 2020, the Government of Guinea formally requested the support of OHCHR to initiate a pilot project on the implementation of the right to development to harness domestic capacities in accelerating and implementing the Sustainable Development Goals at the local level. The project builds on prior cooperation and focused on extractivism and climate change. Initially, OHCHR provided technical support, including through inputs to the national strategy on fighting COVID-19 and its socioeconomic impact. In May 2020, the OHCHR office in Guinea and the OHCHR Right to Development Section participated in a webinar on comparing human rights values in the East and the West in epidemic prevention and control. During the webinar, hosted by Huazhong University of Science and Technology, China, OHCHR emphasized key elements of the right to development.

30. The OHCHR office in Tunisia was selected to participate in a United Nations pilot project involving Resident Coordinators and country teams in strengthening a common understanding of human rights in development. For that purpose, it held consultations, training sessions and senior management discussions with United Nations system agencies in Tunisia, including the United Nations Development Programme (UNDP), the Food and Agriculture Organization of the United Nations, the World Health Organization (WHO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). OHCHR conducted training sessions on the right to development, economic and social rights, the human rights-based approach and the Sustainable Development Goals for officials of 18 municipalities in different regions of Tunisia. These activities aimed to support the adoption of local development plans that responded to the social, economic and environmental needs of their populations. The OHCHR office in Tunisia conducted advocacy work for the integration of human rights-related concerns in the work of the United Nations and of the Ministry of Health related to responding to the COVID-19 pandemic.

31. The OHCHR Regional Office for South-East Asia provided extensive support for country-level work towards the achievement of the right to development. With UN-Women

strategy%20comments_15Jan2020.docx;

www.ohchr.org/Documents/Issues/Development/DFI/OHCHR_IDBInvestESSPsubmission.pdf.

³⁸ www.ohchr.org/Documents/Issues/Development/DFI/OHCHR_Benchmarking%20Study_HRDD.pdf.

and the United Nations Population Fund, the Regional Office co-facilitated workshops on gender equality and the application of a human rights-based approach by country teams in Bangladesh, China, Indonesia, Malaysia and Viet Nam. Workshops included sessions on the operationalization of the “leave no one behind” principle. In October 2019, the Regional Office brought together national human rights institutions from South-East Asia, South Asia and Mongolia for a first-ever dialogue on the transboundary impact of climate change on human rights. The dialogue aimed at enhancing subregional cooperation and solidarity for development.

32. In September 2019, the OHCHR office in Seoul presented the report *The Price is Rights: The Violation of the Right to an Adequate Standard of Living in the Democratic People’s Republic of Korea* at a forum on human rights³⁹ organized by the National Human Rights Commission of Korea. It analysed the legal, institutional and policy reforms required to fulfil economic and social rights’ obligations and realize the right to development. In December 2019, the OHCHR office in Seoul presented a paper examining the implications of the right to development for the Democratic People’s Republic of Korea, including interlinkages with peace and development in the Korean Peninsula at the ninth annual Chaillot Forum organized by the Korea Institute for National Unification.

III. Analysis of the implementation of the right to development and existing challenges

33. For the millions of girls, boys, women and men living in least developed countries, development is one of the most urgent human rights imperatives. Development is a human right for all individuals and peoples and not only an equivalent of economic growth. In the Declaration on the Right to Development, development is described as “a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits”. Furthermore, “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized” (art. 1 (1) of the Declaration). Equality of opportunity for development is a prerogative of both nations and individuals.

34. In order to realize the right to development, States have obligations at three levels: collectively in global and regional partnerships; individually as they adopt and implement policies that affect persons not strictly within their jurisdiction; and individually as they formulate national development policies and programmes affecting persons within their jurisdiction.⁴⁰ The Programme of Action for the Least Developed Countries for the Decade 2011–2020 includes references to similar levels of commitments, as it lists priority areas and respective actions by: joint actions and renewed and strengthened partnership for development; development partners; and the least developed countries.⁴¹

35. As a contribution to the Fifth United Nations Conference on the Least Developed Countries, this section focuses on challenges to the implementation of the right to development in the least developed countries. It also considers challenges emanating from the COVID-19 pandemic.

A. Challenges to the realization of the right to development in the least developed countries

36. The least developed countries are low-income countries facing the most severe structural impediments to sustainable development.⁴² The Committee for Development

³⁹ www.ohchr.org/Documents/Countries/KP/ThePriceIsRights_EN.pdf.

⁴⁰ A/HRC/15/WG.2/TF/2/Add.2, annex.

⁴¹ A/CONF.219/3/Rev.1, sects. III–IV.

⁴² E/2020/33, para. 3.

Policy classifies countries as least developed based on the following criteria,⁴³ as refined in 2020 as part of a comprehensive review:⁴⁴ (a) their gross national income per capita; (b) their position on the human assets index; and (c) their position on the economic and environmental vulnerability index. For a country to graduate from the list of least developed countries, it must meet two criteria at the established graduation threshold at two consecutive reviews. Alternatively, a country whose per capita income is sustainably double the income graduation criterion (“income only” graduation criterion) becomes eligible for graduation regardless of the other two criteria, as it would have sufficient resources to address challenges without making recourse to support specifically for the least developed countries.⁴⁵

37. Countries that do not reach graduation thresholds face important challenges to the realization of their populations’ right to development. These criteria do not, however, capture all dimensions of the right to development. Additional indicators were introduced by the Committee for Development Policy to further align the graduation framework with the Sustainable Development Goals and take into account vulnerabilities such as inequality, conflict, violence and weak governance. The Goals, including their targets and indicators, and the recommendations of United Nations human rights mechanisms can provide supplementary information for the assessment of least developed countries for graduation purposes.

38. Two countries graduated between 1971 and 2011.⁴⁶ Since the Programme of Action for the Least Developed Countries was adopted, three countries have graduated.⁴⁷ Five more are scheduled to graduate by 2024.⁴⁸ Fifteen countries have met the graduation criteria since 2011,⁴⁹ signalling important progress, although short of the adopted aim of enabling half the number of least developed countries to meet the graduation criteria by 2020.⁵⁰

39. Information on progress and setbacks in the graduation criteria as partial indicators of the realization of the right to development is set out below.⁵¹

1. National income and economic growth

40. Low gross national income per capita limits countries’ ability to mobilize resources to promote human rights and develop democratic institutions, the rule of law and citizen empowerment, particularly regarding women and marginalized groups. Gross national income or domestic product per capita alone cannot fully reflect the overall well-being of countries.⁵² If a country graduates based on the “income only” criterion, without reducing domestic inequalities in outcomes and opportunities, the graduation may not mean improvement in the realization of the right to development and other human rights for all. The country may be failing to respect the “leave no one behind” principle, undermining the rights of parts of its population. The Committee for Development Policy will request an explicit sustainability analysis as part of the country-specific information before making a recommendation under this exception.⁵³ Human rights standards and the “leave no one behind” principle can contribute to the quality of the sustainability analysis, which should consider economic growth as a means to mobilizing maximum available resources to the realization of rights.

⁴³ Economic and Social Council decision 1998/46.

⁴⁴ E/2020/33, para. 35.

⁴⁵ *Ibid.*, para. 56.

⁴⁶ Botswana (General Assembly resolutions 46/206 and 49/133) and Cabo Verde (resolution 59/210).

⁴⁷ Maldives (General Assembly resolutions 59/210 and 60/33), Samoa (resolutions 62/97 and 64/295) and Equatorial Guinea (resolution 68/18).

⁴⁸ Vanuatu in 2020 (General Assembly resolutions 52/210, 68/18 and 70/78), Angola in 2021 (resolution 70/253), Bhutan in 2023, Sao Tome and Principe in 2024 and the Solomon Islands in 2024 (resolution 73/133).

⁴⁹ A/75/72, para. 1.

⁵⁰ A/CONF.219/3/Rev.1, para. 28.

⁵¹ For guidance on data collection and disaggregation, see www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

⁵² www.oecd-ilibrary.org/sites/9789264307292-en/index.html?itemId=/content/publication/9789264307292-en.

⁵³ E/2020/33, para. 56.

41. Economic growth in terms of gross domestic product (GDP) in the least developed countries stood at 4.7 per cent during 2011–2020, the implementation period for the Programme of Action for the Least Developed Countries, lower than the 7 per cent target and the 6.6 per cent average recorded during the previous decade. The rise in oil and other commodity prices influenced earlier years of faster growth. Natural disasters and epidemics (e.g. Ebola) led to a significant decline in economic activity.⁵⁴

42. Domestic resource mobilization through median tax-to-GDP ratio increased very slowly, from 13.5 in 2011 to 15.5 in 2017. The introduction of value-added tax drove part of that increase.⁵⁵ It is important to address the regressive effects of this kind of taxes and its impact on food and other essential consumer goods prices, especially in countries with high levels of extreme poverty. Progressive taxes should be favoured in order to avoid widening inequalities.⁵⁶ Tax evasion, the relative size of the informal economy compared to the formal economy, weak tax administration systems, corruption, underperforming public policies and institutions and illicit financial flows all constrain the tax potential of the least developed countries.⁵⁷ The Human Rights Council has considered the negative impact of non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights,⁵⁸ a topic that has also been the object of reports by United Nations human rights mechanisms.⁵⁹ Governments' budget formulation, execution, oversight and evaluation should follow human rights-based normative frameworks.⁶⁰ A national enabling environment that includes good governance, the rule of law and human rights-based anti-corruption policies also contributes to countries' capacity to mobilize resources to realize human rights.

43. Only 6 donor countries met the target in the Programme of Action for the Least Developed Countries of dedicating 0.15 per cent or more of their gross national income as official development assistance (ODA) to the least developed countries in 2018,⁶¹ compared with 10 donor countries in 2011. ODA fell by 3 per cent in real terms from 2017 to 2018.⁶² ODA allocation should be in line with country priorities and plans if the effectiveness of such assistance to realize the right to development is to be improved.⁶³ Unilateral coercive measures, especially broad sectoral sanctions, on the least developed countries⁶⁴ undermine the development of targeted countries and affect the enjoyment of human rights by their populations, even more so when entities overcomply with sanctions and make every effort to avoid risks.⁶⁵ Remittances to the least developed countries have increased, mainly driven by flows to Asia and the Pacific. However, the cost of remittances is still, on average, more than twice the 3 per cent commitment made in the Addis Ababa Action Agenda.⁶⁶ South-South cooperation continues to gain momentum, with Southern national banks and Southern-led multilateral initiatives changing the landscape of development finance.⁶⁷ The Coalition on Sustainable Energy Access for the least developed countries launched by Ethiopia and Morocco in 2019 provides an example of South-South cooperation.⁶⁸

44. Due to the COVID-19 pandemic, the least developed countries are suffering from commodity price shocks and loss of exports,⁶⁹ investment and remittances,⁷⁰ along with a

⁵⁴ A/75/72, para. 6.

⁵⁵ Ibid., para. 53.

⁵⁶ A/HRC/31/60, paras. 59–67.

⁵⁷ UNCTAD, *The Least Developed Countries Report 2019*, p. 104.

⁵⁸ E.g., Human Rights Council resolutions 17/23 and 40/4.

⁵⁹ Including A/HRC/36/52 and A/HRC/31/61.

⁶⁰ www.ohchr.org/Documents/Publications/RealizingHRThroughGovernmentBudgets.pdf.

⁶¹ A/75/72, para. 80. The six countries are Denmark, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland.

⁶² <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf>, p. 56.

⁶³ General Assembly resolution 69/313, annex, para. 58.

⁶⁴ E.g., the Sudan and Yemen.

⁶⁵ www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25744 and A/HRC/42/46.

⁶⁶ A/75/72, para. 68.

⁶⁷ UNCTAD, *The Least Developed Countries Report 2019*, p. 50.

⁶⁸ A/75/72, para. 81. See also <https://climateaction.unfccc.int/views/cooperative-initiative-details.html?id=128>.

⁶⁹ www.wto.org/english/tratop_e/covid19_e/ldcs_report_e.pdf.

⁷⁰ www.knomad.org/covid-19-remittances-call-to-action/.

rapid plummet in tourism,⁷¹ with long-term ripple effects. The projected global recession will hit these countries hard, with disproportionate consequences on their ability to achieve the Sustainable Development Goals. Preliminary forecasts point to the least developed countries growing by only 0.8 per cent in 2020, followed by a rebound of 4.6 per cent in 2021. However, it is plausible that there will be lasting outcomes and slow recovery as a result of the external demand shock.⁷² Fighting COVID-19 requires development partners and the least developed countries to enhance cooperation, in order to mobilize resources to preserve the latter's capacity to deliver on minimum core human rights obligations and overcome major health- and development-related challenges. In April 2020, the Secretary-General launched the United Nations COVID-19 Response and Recovery Fund.⁷³ Donor countries, including Denmark, the Netherlands, Norway, Slovakia and Switzerland, promptly committed to the Fund, which, as of May 2020, has funded projects in 19 least developed countries.⁷⁴ South-South cooperation initiatives to fight COVID-19 include the India-United Nations Development Partnership Fund and Cuban medical support to Angola, Timor-Leste and Togo, among others.

45. The Group of 20 debt moratorium gave breathing space to the least developed countries, allowing them to focus on protecting the right to health, among other rights.⁷⁵ Additional efforts are necessary, however, mindful of the lessons learned from previous relief initiatives that imposed austerity measures and did not achieve debt sustainability in the least developed countries. The Secretary-General has proposed a three-phase approach to debt and COVID-19 that involves extending the standstill, providing debt relief and addressing structural issues in the international debt architecture.⁷⁶ This approach should safeguard the policy space of the least developed countries and strengthen their institutional capacities, which are critical to realizing the right to development. Moreover, the Secretary-General has endorsed the six critical areas discussed at the High-level Event on Financing for Development in the Era of COVID-19 and Beyond: (a) enhance global liquidity so that developing countries have the resources needed to fight the pandemic; (b) prevent debt crises in all countries at risk, as such crises will undermine COVID-19 responses and sustainable development efforts for years to come; (c) engage private creditors in joint debt relief efforts; (d) align global financial systems with the Sustainable Development Goals; (e) end illicit financial flows; and (f) rebuild differently, and better.⁷⁷

2. Human assets

46. The human assets index is based on a health index and an education index.⁷⁸ It includes indicators related to the rights to health and to education. In order to be in accordance with international human rights standards, it should encompass assessments of availability, accessibility, acceptability and quality of education and health.⁷⁹

47. Indicators relating to under-5 mortality, the maternal mortality ratio and the prevalence of stunting compose the health index. Human rights treaty bodies' recommendations to the least developed countries have included guidance on these same indicators.⁸⁰ Life expectancy at birth in these countries as a group falls 7.4 years behind the global average due to high child and maternal mortality rates, armed conflicts and HIV-

⁷¹ <https://trade4devnews.enhancedif.org/en/op-ed/covid-19-hitting-tourism-hard-what-does-mean-worlds-poorest-countries>.

⁷² www.un.org/development/desa/dpad/wp-content/uploads/sites/45/publication/WESP2020_MYU_Report.pdf;
www.un.org/development/desa/dpad/wp-content/uploads/sites/45/publication/PB_66.pdf.

⁷³ www.un.org/sites/un2.un.org/files/sg_response_and_recovery_fund_fact_sheet.pdf.

⁷⁴ Bhutan, Cambodia, Comoros, Gambia, Guinea, Guinea-Bissau, Kiribati, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mauritania, Nepal, Sao Tome and Principe, Senegal, Solomon Islands, Timor-Leste, Tuvalu and Vanuatu. <http://mptf.undp.org/factsheet/fund/COV00>.

⁷⁵ [https://g20.org/en/media/Documents/G20_FMCBG_Communicu%C3%A9_EN%20\(2\).pdf](https://g20.org/en/media/Documents/G20_FMCBG_Communicu%C3%A9_EN%20(2).pdf).

⁷⁶ www.un.org/sites/un2.un.org/files/un_policy_brief_on_debt_relief_and_covid_april_2020.pdf.

⁷⁷ www.un.org/en/coronavirus/financing-development-statements.

⁷⁸ E/2020/33, paras. 37–41.

⁷⁹ Committee on Economic, Social and Cultural Rights, general comments No. 13, para. 6, and No. 14, para. 12. The Committee includes adaptability as an essential feature of the right to education.

⁸⁰ E.g. CRC/C/AGO/CO/5-7, CRC/C/NPL/CO/3-5 and Corr.1, E/C.12/KEN/CO/2-5, CRC/C/SEN/CO/3-5, CRC/C/HTI/CO/2-3 and CRC/C/TLS/CO/2-3.

related mortality in some countries.⁸¹ Maternal mortality remained high in the least developed countries, at 436 maternal deaths per 100,000 live births in 2015. In sub-Saharan Africa, from 2000 to 2018 the under-5 mortality rate dropped by half and the proportion of children under 5 who were stunted declined from 41 per cent to 32 per cent. These trends are not enough for the least developed countries to get on track to meet Sustainable Development Goals 2 (zero hunger) and 3 (good health and well-being).⁸²

48. The education index is composed of indicators relating to the gross secondary school enrolment ratio, the adult literacy rate and the gender parity index. From 2011 to 2018, the proportion of children of primary school age who were out of school and the pupil-to-tutor ratio dropped in the least developed countries, while the literacy rate improved moderately. However, poor basic facilities and infrastructure, including a lack of computers and access to safe drinking water, sanitation and electricity, along with insufficient trained teachers and limited or lack of adequate learning and teaching materials, continue to affect the enjoyment of the right to education. Enrolment at the secondary and tertiary levels remains a challenge.⁸³ The expansion of girls' access to education in the least developed countries was only marginal at the primary and secondary levels⁸⁴ and more needs to be done to respect, protect and fulfil the rights of girls and women to, within and through education.⁸⁵ Although women are underrepresented in political institutions,⁸⁶ some least developed countries have made outstanding progress on women's participation in parliament, including Rwanda (61 per cent), Senegal (42 per cent), Mozambique (40 per cent), Ethiopia (39 per cent) and Timor-Leste (38 per cent).⁸⁷

49. Underdeveloped health systems in the least developed countries have had a significant impact on the mortality rates due to COVID-19.⁸⁸ That said, many least developed countries have demonstrated commendable leadership through swift and coordinated responses. The African Union, most of whose members are least developed countries, has established a task force to develop a continent-wide strategy and appointed special envoys to mobilize international support. The Africa Centres for Disease Control and Prevention has established a response fund, while African Union member States have taken robust measures to contain the spread of the virus and mitigate its socioeconomic impact.⁸⁹

3. Economic and environmental vulnerability

50. The economic and environmental vulnerability index is calculated on the basis of an economic vulnerability index and an environmental vulnerability index.⁹⁰ This index relates closely to the rights to decent work, an adequate standard of living, housing, water, sanitation and a healthy environment.

51. The economic vulnerability index is composed of the share of agriculture, forestry and fisheries in GDP as an indicator, as well as indicators on merchandise export concentration, the instability of exports of goods and services and remoteness and landlockedness. Transforming the economy by increasing productive capacity is key to the realization of the right to development in the least developed countries, as it creates jobs, diversifies the economy, increases the fiscal space and improves basic infrastructure and social sector investments. During the past decade, the rate of industrialization has remained too slow to achieve the target of doubling industry's share of employment.⁹¹ Progress relating to infrastructure (including the Internet, communications, water, sanitation and

⁸¹ A/75/72, paras. 34–35.

⁸² <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf>, pp. 24 and 27.

⁸³ A/75/72, paras. 31–35.

⁸⁴ *Ibid.*, para. 40.

⁸⁵ Committee on the Elimination of Discrimination against Women, general recommendation No. 36.

⁸⁶ A/75/72, para. 41.

⁸⁷ https://data.worldbank.org/indicator/SG.GEN.PARL.ZS?most_recent_value_desc=true.

⁸⁸ www.un.org/development/desa/dpad/wp-content/uploads/sites/45/publication/PB_66.pdf.

⁸⁹ www.un.org/sg/en/content/sg/statement/2020-05-25/secretary-generals-message-africa-day-scroll-down-for-french-version.

⁹⁰ E/2020/33, paras. 42–51.

⁹¹ <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf>, p. 12.

energy), science, technology and innovation, and private sector development varies substantially among and within countries, with further disparities being recorded in respect of women and some underserved or unserved communities, especially in rural areas.⁹² Foreign direct investment in the least developed countries is concentrated in the extractive industries, especially in Africa. Concentration in extractivism often contributes to non-inclusive growth and provides few development opportunities to local populations.⁹³ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has argued that extractivism requires a structural racial equality analysis at the global and local levels that addresses historical patterns of racial discrimination.⁹⁴ Businesses should respect human rights⁹⁵ and States are under the obligation to take steps to prevent and provide redress for infringements of human rights that occur outside their territories due to the activities of business entities over which they can exercise control, including those engaged in foreign direct investments.⁹⁶ Consideration should be given to how States and international organizations can use public procurement to build back better and to how procurement decisions can contribute to developing the national economies of the least developed countries, respecting human rights and achieving the Sustainable Development Goals.

52. The Programme of Action for the Least Developed Countries included the goal of doubling the share of the least developed countries' exports in global exports by 2020,⁹⁷ which would further contribute to mobilizing resources to these countries. Progress has been made in terms of duty-free and quota-free market access, promoting transparent and predictable rules of origin applicable to imports from the least developed countries, and other special and differential treatment provisions. In contrast, the least developed countries' share of world merchandise exports deteriorated during most years between 2011 and 2018.⁹⁸ Addressing development challenges related to the remoteness and landlockedness of many least developed countries will require accelerated implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway⁹⁹ and the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014–2024¹⁰⁰ based on the outcomes of their respective midterm reviews.¹⁰¹

53. The environmental vulnerability index is composed of indicators on the instability of agricultural production, the share of the population living in low elevated coastal zones, the share of the population living in drylands and victims of disaster. In the least developed countries, the value added per worker in agriculture increased by 12 per cent between 2011 and 2018.¹⁰² The percentage of arable land equipped with irrigation systems remained constant, despite challenges posed by desertification in some regions. Climate financing received by the least developed countries still falls far short of the \$93 billion annual requirement, according to one estimate, to fund both mitigation and adaptation measures post-2020.¹⁰³ With an increase in the number of threats of natural disasters, including due to climate change and other external shocks, improvement in this criterion becomes even more relevant to the enjoyment of human rights. Development partners and the least developed countries should implement the Paris Agreement, the Sendai Framework for Disaster Risk Reduction for 2015–2030 and the post-2020 global biodiversity framework considering guidance by human rights mechanisms on the right to a safe, clean, healthy and sustainable environment.¹⁰⁴

⁹² A/75/72, paras. 9–17.

⁹³ *Ibid.*, paras. 61–65.

⁹⁴ A/HRC/41/54.

⁹⁵ www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf, p. 13.

⁹⁶ Committee on Economic, Social and Cultural Rights, general comment No. 24, paras. 30–35.

⁹⁷ A/CONF.219/3/Rev.1, annex, para. 65 (a).

⁹⁸ A/75/72, paras. 20–26.

⁹⁹ General Assembly resolution 69/15, annex.

¹⁰⁰ *Ibid.*, resolution 69/137, annex II.

¹⁰¹ *Ibid.*, resolutions 74/15 and 74/3.

¹⁰² A/75/72, paras. 18–19.

¹⁰³ *Ibid.*, paras. 48–49.

¹⁰⁴ E.g., A/HRC/43/53 and Committee on the Elimination of Discrimination against Women, general recommendation No. 37.

54. The COVID-19 pandemic has exemplified the extent of the damage that shocks can cause to the least developed countries' economies. Some countries' beggar-thy-neighbour policies have prevented least developed countries from importing essential medical and personal protection equipment.¹⁰⁵ Food supply chains have been affected, creating food security and nutrition risks in many least developed countries.¹⁰⁶ Important initiatives are contributing to the resilience of these countries. The Technology Bank for the Least Developed Countries, UNDP, WHO and UNCTAD have jointly launched the Tech Access Partnership, which aims to support developing countries in scaling up local production of critical health technologies needed to combat COVID-19, including personal protective equipment and diagnostic and medical devices.¹⁰⁷ Given global shortages of medical kits and export restrictions, the United Nations has organized collaborative procurement initiatives to help 135 countries to get life-saving supplies.¹⁰⁸

B. Rights at the core of the new programme of action for the least developed countries

55. OHCHR actively engaged in the Fourth United Nations Conference on the Least Developed Countries. In her statement to the Conference, the High Commissioner noted that human rights and the right to development should be at the heart of a strengthened global partnership for development, as it empowers everyone to realize their potential, irrespective of personal differences, geographic demarcations and economic classifications. Promoting development in the least developed countries should be about accessing opportunities for the constant improvement of human well-being and guaranteeing the right to a life of dignity and freedom – freedom from want, freedom from fear and the freedom to flourish.¹⁰⁹ Human rights are a crosscutting issue in the Programme of Action for the Least Developed Countries, as reflected in its principles (peace and security, development and human rights, equity, and voice and representation) and in its priority areas (human and social development, and multiple crises and emerging challenges).

56. Having assessed the implementation of the Programme of Action for the Least Developed Countries, the Secretary-General has identified six key areas for action: (a) harnessing fully the potential of new technologies for the least developed countries and preventing a deepening of the technological divide; (b) reaching sustainable debt levels in all the least developed countries; (c) addressing challenges resulting from high rates of urban growth while optimizing opportunities; (d) according special focus to young people, especially girls, ensuring they acquire the skills needed to realize their aspirations; (e) addressing bottlenecks in implementing the Sendai Framework and national adaptation plans; and (f) stepping up support for the smooth transition of graduating countries. These will contribute to the fair distribution of the benefits of development to all least developed countries and their peoples, in line with the Declaration on the Right to Development.

57. In relation to these areas, OHCHR has submitted a report on the gender digital divide to the Human Rights Council and the Special Rapporteur on the right to development has addressed disaster risk reduction in his 2019 report to the General Assembly. The New Urban Agenda provides a human rights-based framework for addressing the urbanization challenges of least developed countries. Youth is the focus group for the fourth phase of the World Programme for Human Rights Education, which promotes inclusion and respect for diversity with the aim of building inclusive and peaceful societies. The United Nations Inter-Agency Network on Youth Development, of which OHCHR is a part, has issued a statement on COVID-19 and youth calling for the establishment of partnerships with youth that recognize their potential and understand the specific impact that the pandemic has on them.

¹⁰⁵ <https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=2346>.

¹⁰⁶ www.un.org/sites/un2.un.org/files/sg_policy_brief_on_covid_impact_on_food_security.pdf.

¹⁰⁷ <https://techaccesspartnership.org>.

¹⁰⁸ <https://news.un.org/en/story/2020/04/1062802>.

¹⁰⁹ <https://newsarchive.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11027>.

58. OHCHR has field presences in most of the least developed countries,¹¹⁰ where it works to: implement the recommendations of international human rights mechanisms; advance sustainable development through human rights; prevent violations and strengthen human rights protection, including in situations of conflict and insecurity; enhance equality and counter discrimination; strengthen the rule of law and accountability for human rights violations; and enhance participation and protect civic space.¹¹¹ Through its treaty body capacity-building programme and voluntary technical assistance trust fund to support the participation of the least developed countries and small island developing States in the work of the Human Rights Council, OHCHR has contributed to building the capacity of Governments to fulfil their international human rights obligations.

59. During the preparatory process ahead of the Fifth United Nations Conference on the Least Developed Countries, OHCHR is advocating for the right of individuals and peoples from the least developed countries to meaningfully participate in and contribute to the elaboration of the new programme of action. OHCHR is raising awareness among human rights mechanisms, including the Working Group on the Right to Development, and others. The guidelines on the effective implementation of the right to participate in public affairs at the international level¹¹² can help the organizers of the Conference to consider the priorities of the least developed countries and their populations.

60. OHCHR supports provisions that promote the fair distribution of the benefits of international and national development and put rights at the core of the least developed countries' sustainable development in the new programme of action. This includes empowering people and creating avenues for active, free and meaningful civil society participation, as well as taking human rights-sensitive, non-discriminatory approaches to data collection, monitoring and reporting. The new programme of action should take account of the recommendations and guidance of human rights mechanisms. Its provisions should promote supporting the most vulnerable, marginalized and/or excluded groups, addressing multiple and intersecting deprivations and sources of discrimination that limit opportunities and pose obstacles to escaping poverty, living with dignity and enjoying human rights on a healthy planet. The programme of action should adopt a preventive and human rights-based approach to crises, gender equality and equal rights for women, the rights of future generations, especially climate justice, collective action grounded in solidarity and human rights and the shared benefits of new technologies.¹¹³

61. The Committee for Development Policy has recommended that the Fifth United Nations Conference on the Least Developed Countries adopt the theme "Expanding productive capacity for sustainable development".¹¹⁴ Similarly, the least developed countries report 2020 of UNCTAD bears the working subtitle "productive capacities for the new decade". The Committee has identified six policy areas that are critical for building productive capacities: (a) building development governance capabilities; (b) creating positive synergies between social outcomes and productive capacities; (c) establishing conducive and macroeconomic and financial frameworks; (d) developing industrial and sectoral policies that promote technological upgrading and structural transformation; (e) providing adequate international support; and (f) adopting environmental policies to address environmental risks and harness opportunities arising from a shift to a green economy.¹¹⁵

62. Integrating the right to development and other human rights will help advance progress in these areas. Promoting development governance capabilities will be more sustainable if the principle of active, free and meaningful participation of all individuals

¹¹⁰ Afghanistan, Bangladesh, Burkina Faso, Burundi (closed in 2019), Cambodia, Cameroon (Subregional Centre for Human Rights and Democracy in Central Africa), Central African Republic, Chad, Democratic Republic of the Congo, Ethiopia (East Africa regional office), Guinea, Guinea-Bissau, Haiti, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Rwanda, Senegal (West Africa regional office), Somalia, Sudan, Timor-Leste, Uganda and Yemen.

¹¹¹ www.ohchr.org/Documents/Publications/OMP_II.pdf.

¹¹² A/HRC/39/28, paras. 95–114.

¹¹³ www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf.

¹¹⁴ E/2020/33, paras. 90–96.

¹¹⁵ E/2020/33, para. 91.

and peoples¹¹⁶ in national development policies, as well as the protection of civic space,¹¹⁷ are ensured. Human rights impact assessments of policies can contribute to positive synergies between social outcomes and productive capacities.¹¹⁸ The OHCHR methodological framework for human rights indicators offers a tool to assist Member States in ensuring people-centred development and that no one is left behind.¹¹⁹ Adequate international support should include consideration of commitments related to ODA, transfer of technology, international trade, foreign direct investment, debt relief, South-South cooperation, intellectual property rights and the negative impact of sanctions, including unilateral coercive measures, on the enjoyment of human rights.¹²⁰ Environmental policies should be informed by the recognition of the right to a safe, clean, healthy and sustainable environment.¹²¹

IV. Conclusions and recommendations

63. **The new programme of action for the least developed countries will be key to building back better and more effectively following the COVID-19 pandemic. It should be multidimensional and ambitious in translating shared responsibilities and global solidarity to promote the sustainable development of the least developed countries through new, creative and deliberate ways for the common good and the realization of all human rights, including the right to development, for all people in the least developed countries. It should be strengthened by renewed multilateralism, global partnership and international cooperation, including South-South and triangular cooperation.**

64. **The new programme of action should build on the Programme of Action for the Least Developed Countries and adopt a human rights-based approach to sustainable development. It should draw on the Secretary-General's *The Highest Aspiration: A Call to Action for Human Rights*, and his policy briefs responding to the COVID-19 pandemic and on the recommendations of United Nations human rights mechanisms, including treaty bodies, special procedure mandate holders, the universal periodic review and the Working Group on the Right to Development. The 2019 report of the Secretary-General and the High Commissioner on the right to development provides relevant recommendations on the means of implementation of the 2030 Agenda.¹²² The programme of action's accountability and monitoring framework should use rights-based indicators, drawing upon key indicators for monitoring the human rights implications of COVID-19.¹²³**

65. **The new programme of action should promote expanding productive capacity for inclusive, equitable and sustainable development. It should address international and national resource mobilization challenges for transformative change for the least developed countries relating to access to new and traditional technologies, sustainable debt, urbanization, opportunities for young people, disaster risk reduction and smooth transition from least developed country status.**

66. **An inclusive, participatory process open to all stakeholders could favour an outcome that meets the challenges faced by the least developed countries and recently graduated countries. To this end, the Fifth United Nations Conference on the Least Developed Countries' preparatory committee should ensure broad, active, free and**

¹¹⁶ General Assembly resolution 41/128, annex (art. 2 (3)). See also A/HRC/39/28 and A/HRC/42/38, paras. 14–51.

¹¹⁷ www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Asperation_A_Call_To_Action_For_Human_Right_English.pdf, pp. 8–9.

¹¹⁸ E.g., Committee on Economic, Social and Cultural Rights, general comments No. 24 and No. 25 and A/HRC/40/57.

¹¹⁹ www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx.

¹²⁰ E.g., A/HRC/39/54.

¹²¹ E.g., A/73/188 and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25525.

¹²² A/HRC/42/29.

¹²³ <https://unsdg.un.org/sites/default/files/2020-04/UN-framework-for-the-immediate-socio-economic-response-to-COVID-19.pdf>, annex 1.

meaningful participation.¹²⁴ The voices and priorities of the least developed countries and their peoples should be especially reflected in the Conference and its outcomes.

67. OHCHR and other United Nations entities present in the least developed countries should continue to raise awareness among the full range of stakeholders and build local capacity towards making meaningful contributions to the Fifth Conference with a view to promoting the right to development and transformative change.

68. United Nations human rights mechanisms, including treaty bodies, special procedure mandate holders, the universal periodic review and the Working Group on the Right to Development, should consider the specific challenges faced by the least developed countries and support their pursuit of human rights-centred sustainable development in their work.

69. The United Nations system should continue to support the least developed countries in achieving the Sustainable Development Goals, as well as the goals and targets of the new programme of action, based on the understanding that all human rights, including the right to development, are universal, indivisible, interdependent and interrelated. The right to development is a universal and inalienable right and an integral part of fundamental human rights.¹²⁵

70. Development partners, Member States, the United Nations system, international development, financial and trade institutions, the private sector and foundations should consider the call made by the Group of Least Developed Countries for a global stimulus package for the least developed countries to address the burgeoning challenges brought about by the COVID-19 pandemic.¹²⁶

71. The least developed countries should better integrate the right to development and other human rights into their national development plans and other programmes and policies aimed at implementing the new programme of action, the 2030 Agenda, the Addis Ababa Action Agenda, the Paris Agreement, the Sendai Framework, the New Urban Agenda and the post-2020 global biodiversity framework.

¹²⁴ A/HRC/39/28.

¹²⁵ General Assembly resolution 71/243, para. 15.

¹²⁶ A/74/843.