*Organization for Defending Victims of Violence* ***(ODVV)***

**Textual suggestions on the Draft Convention on the Right to Development** ([A/HRC/WG.2/21/2](https://undocs.org/A/HRC/WG.2/21/2))

In reply to the "call for comments and textual suggestions on the Draft Convention on the Right to Development" circulated by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (Deadline 16 January 2022), ODVV would like to offer the following suggestions on the **Articles 13, 14 and 15** of the Draft Convention:

**Article 13 – Duty to cooperate**

1. States Parties reaffirm and undertake to implement their duty to cooperate with each other, through joint and separate action, in order to:

(a) Solve international problems of an economic, social, cultural, environmental or humanitarian character;

(b) Promote higher standards of living, full employment, and conditions of economic and social progress and development;

(c) Promote solutions of international economic, social, health and related problems, and to promote international cultural and educational cooperation;

(d) Promote and encourage universal respect for human rights and fundamental freedoms for all, without discrimination on any ground.

2. To this end, States Parties recognize their primary responsibility for the creation of international conditions favourable to the realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

(a) To ensure that human and legal persons, groups and States do not impair the enjoyment of the right to development;

(b) To ensure that obstacles to the full realization of the right to development [**, including the unilateral coercive measures**] are eliminated in all international legal instruments, policies and practices;

(c) To ensure that the formulation, adoption and implementation of all international legal instruments, policies and practices are consistent with the objective of fully realizing the right to development for all;

(d) To formulate, adopt and implement appropriate international legal instruments, policies and practices aimed at the progressive enhancement and full realization of the right to development for all;

(e) To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly those with limited availability of or access to these resources~~,~~ [**or those targeted by unilateral coercive measures**] to fulfil their obligations under the present Convention.

3. States Parties undertake to ensure that financing for development, and all other forms of aid and assistance given or received by them, whether bilateral, or under any institutional or other international framework, are consistent with the provisions of the present Convention.

4. States Parties recognize their duty to cooperate to create a social and international order conducive to the realization of the right to development by, inter alia:

(a) Promoting a universal, rules-based, open, non-discriminatory and equitable multilateral trading system;

(b) Implementing the principle of special and differential treatment for developing countries, in particular least developed countries~~,~~ [**and countries targeted by unilateral coercive measures**] in accordance with relevant trade agreements;

(c) Improving the regulation and monitoring of global financial markets and institutions, and strengthening the implementation of such regulations;

(d) Ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions;

(e) Encouraging official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States[**,**] ~~and~~ landlocked developing countries [**and countries targeted by unilateral coercive measures**], in accordance with their national plans and programmes;

(f) Enhancing North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation, and enhancing also knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism;

(g) Promoting the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries [**and countries targeted by unilateral coercive measures**] on favourable terms, including on concessional and preferential terms, as mutually agreed;

(h) Facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies.

**Article 14 – Coercive measures**

1. The use or encouragement of the use of economic, political or any other type of measure to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States and freedom of consent constitutes a violation of the right to development.
2. States Parties shall refrain from [**taking**,] adopting, maintaining or implementing **~~the~~** [**illegal unilateral coercive**] measures**~~,~~ ~~referred to in paragraph~~** [**with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the right to development**].

**Article 15 – Special or remedial measures**

1. State***s*** Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity [**,** **economic sanctions**] or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.
2. States Parties recognize that developing and vulnerable States, owing to historical injustices, conflicts, environmental hazards, climate change[, **economic sanctions**] or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures [**such as** **an effective** **compensation mechanism** **for UCM victims**] through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:
3. Recognition of common but differentiated responsibilities, taking into account different national circumstances;