**The comments and textual suggestions by the Republic of Turkey**

**on the draft Convention on the Right to Development (A/HRC/WG.2/21/2)**

1. In the introduction part, we see that there is a reference to the “*the Programme of Action for the Least Developed Countries for the Decade 2011–2020*”. As it is generally accepted, Turkey proposes to include the word “*Istanbul*” before the word “Programme”.

2. The phrase "*legal person*" is defined very broadly in Article 2. Since only individuals are included in the Declaration on the Right to Development, Turkey believes that it would be appropriate to specify only individuals in this draft as well.

In addition, even it is decided to keep the term “*legal persons*” in the draft, Turkey believes it would be useful to re-evaluate this term. Although it is stated that legal persons must have the nationality of a state party in Article 11/b, the term is defined much wider in Article 2.

3. Turkey proposes the following suggestion to the Article 3:

*“(e) Sustainable development: development cannot be sustainable if its realization undermines the right to development, and the right to development ~~cannot be realized if development is unsustainable~~****; is an important tool for achieving sustainable development****;”*

4. Turkey proposes the following suggestion to the Article 4:

*“1. Every human person and all peoples have the inalienable right to development by virtue of which they are entitled to participate in, contribute to and enjoy economic* ***and*** *social, ~~cultural, civil and political~~ development that is consistent with and based on all other human rights and fundamental freedoms.*

*2. Every human person and all peoples have the right to active, free and meaningful participation in development* ***processes*** *and in* ***determination of*** *fair distribution of benefits resulting therefrom.*”

5. The right to self-determination is mentioned in the Articles 3 and 5. There is no definite definition of the right to self-determination in international law. Turkey would like to reiterate that the right to self determination should be evaluated in conformity with the principle of territorial integrity and the provisions of the UN Charter.

6. In the Article 8, the phrase "gender" was used alongside the word "sex". Turkey proposes to use only the word “sex” as it is the agreed language in the human rights conventions.

7. Furthermore, Turkey proposes the following wording to the Article 16 (a), (c) and (e):

*“(a) To eliminate, prevent and respond to all forms of violence and harmful practices against all women and girls in the public and private spheres both online and offline;*

*To prevent and combat stereotypes and negative social norms and their manifestations in the public and private spheres;*

*To recognize and value unpaid care and domestic work;*

*(c) To adopt and strengthen policies and enforceable legislation at all levels for the promotion of gender equality and the empowerment of all women and girls;*

*(e) To ensure equal and equitable access to services and economic and productive resources necessary for the full realization of the right to development by women and girls everywhere*.”

8. Articles 10(a) and 11 of the draft include the phrase: “*within or outside their territories*”. Turkey believes, it would be appropriate to clarify the rights and obligations as well as their implementation that may arise outside the territory of the Contracting States.

9. Turkey proposes adding the following to the end of Article 13 of the draft:

“*where appropriate, the UN Technology Bank for Least Developed Countries*”

10. Finally, Article 30 of the draft states that “*The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession*”. Although the right to development has been studied in the UN for some time, we believe there is still no settled understanding of its scope in international law. In this respect, Turkey proposes to stipulate that more instruments of ratification and accession must be deposited with the depositor in order for the Convention to enter into force.