

Mandate of the United Nations Special Rapporteur on the right to development

Conceptual note

Regional consultation on the practical implementation of the right to development: Identifying and Promoting good practices

Background

The Human Rights Council, in its Resolution 33/14 of 29 September 2016, established the mandate of the Special Rapporteur on the right to development. Mr. Saad Alfarargi was appointed Special Rapporteur for a period of three years and took up his functions on 1 May 2017. In September 2017, the UN Human Rights Council adopted Resolution 36/9, which mandated the Special Rapporteur to conduct Regional Consultations.

When establishing the mandate of the Special Rapporteur, the Human Rights Council emphasized the urgent need to make the right to development a reality for everyone also in light of the continuing political debates and controversies surrounding the interpretation and implementation of the 1986 Declaration on the Right to Development.

More than 30 years after the adoption of the Declaration on the Right to Development, billions of people in all parts of the world have been left behind and are yet to see their right to development realised. The 2015 Millennium Development Goals' report indicated that 800 million¹ people still lived in extreme poverty and suffered from hunger. In 2015, over 160 million children under age five still suffered the consequences of malnutrition. 57 million children of primary school age were not in school. Almost fifty percent of global workers were still working in vulnerable conditions, rarely enjoying the benefits associated with decent work. About 16,000 children died each day before reaching their fifth birthday, mostly from preventable causes. The maternal mortality ratio in the developing regions was 14 times higher than in the developed regions. In 2015, 2.4 billion were still using unimproved sanitation facilities, including 946 million people still practicing open defecation. Today, over 880 million people are estimated to be living in slum-like conditions in cities across the developing world.

While the discussions on the right to development have long been framed within the paradigm of the North-South divide, globalisation and global economic crisis have highlighted that the right to development is relevant to all countries regardless of their level of development. In fact, in countries where human rights records have been generally positive, mounting inequalities and social precariousness have jeopardised the realisation of the right to development for many. Globalization has been identified as the paradox of growing wealth accompanied by growing inequality, both a force of inclusion and exclusion.²

Business as usual will not be sufficient to achieve progress. The right to development cannot remain a declaration of good intent and the mere subject of long lasting political debates. The Special Rapporteur considers that there is an urgent need to reinvigorate the advocacy for the effective implementation of the right to development.

¹ The Millennium Development Goals Report 2015, United Nations, p8.

² E/CN.4/Sub.2/2003/14, para 5.

The right to development is the right of every human being to participate in, to contribute to, and to benefit from economic, social, cultural and political development. The right to development is a right that expands the capabilities (freedom to achieve) and choices of the individual. It provides a comprehensive approach to the realisation of human rights by according attention to structures, processes and outcomes; recognising the entitlements of individuals as well as collectives including future generations. It puts equity, equality and justice as primary determinants of development, and promotes the full realisation of fundamental freedoms.

In 2015, a series of consensual international commitments reasserted the right to development including the 2030 Sustainable Development Agenda, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement on climate change. These new commitments have provided a momentum for the protection, promotion and fulfilment of the right to development at national and international levels.

As part of his mandate, the Special Rapporteur wishes to contribute to the efforts made to provide practical guidance for the effective realisation of the right to development at local, national, regional and international levels. He also hopes to participate in integrating human rights in development work as well as mainstreaming the right to development in the implementation of the 2030 sustainable development agenda.

It is in this connection that the Special Rapporteur intends to convene a series of regional consultations³ to identify good practices in designing and implementing policies and programs to advance human development through the human rights based approach. Looking at local level human development initiatives and experiences would help bring light on context-specific indicators and monitoring methodologies.⁴

Documenting experiences, successes and shortfalls will help define a methodology for the design, implementation, monitoring and assessment of policies and processes. It will also provide an opportunity to discuss to what extent successful initiatives could be adapted to various local settings. This will contribute to the formulation of general guidelines in implementing policies and programs to promote and fulfil the right to development. Furthermore, this exercise will contribute to the efforts of the Working Group on the Right to Development.

The Special Rapporteur believes that his work can only be carried out in a participatory and open manner. He wishes to cooperate with all relevant stakeholders including States, intergovernmental organisations, non-governmental organisations, civil society and other relevant stakeholders including the business community. The consultations will provide opportunities to exchange with a wide range of development practitioners.

Objectives and expected outcome of the consultations

The objectives of the consultation are to:

- ❖ Share good practices and experiences in designing and implementing human development policies and programs that contribute to the realisation of human rights. The discussion will be focused on integrating human rights in development. Particular attention will be given to experiences in upholding participatory and inclusive approaches – addressing prohibited grounds of discrimination which include race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status
- ❖ Share methodologies to monitor and assess structure, processes and outcomes of said programs

³ Mandated by the UN Human Rights Council in A/HRC/RES/36/9, para.16.

⁴ Realizing the right to development, chapter 24, p.352.

and policies

- ❖ Share recurring obstacles and challenges to the effective implementation and integration of human rights in development programs; as well as successes and innovative approaches in overcoming these obstacles

The expected outcome of the consultations is the development of **a set of practical guidelines and recommendations drawn from empirical evidence. The guidelines will serve as a tool in** designing, monitoring, and assessing the structures, processes and outcomes of human rights motivated development policies. They will also promote indicators and measurements that have proven successful in specific contexts.

In order to facilitate meaningful participation in the discussions, the Special Rapporteur wishes to propose the following tentative elements to characterise good practices in advancing the right to development:

***Comprehensive, holistic** human development policies and programs that are aiming at advancing the **realisation of human rights for everyone**. Designed, implemented, monitored and assessed **through an approach** that is **participatory, accountable, transparent, and inclusive**. These policies and programs have to be **grounded on the principles of non-discrimination and equality** and ensure that those who are lagging behind are given special attention to effectively participate in and benefit from said policies and programs. It would also require **the allocation of appropriate** financial and economic **resources** from both domestic and international sources (if needed) in such a way that reflects genuine **political commitment and accountability**. Furthermore, individuals and communities should also be effective actors in the **equal sharing of the benefits** of said policies and programs. Any such policies and programs should include **mechanisms of accountability** including judicial and/or quasi-judicial mechanisms for conflict resolutions and recourse in case of violations. Finally, good practices have to **deliver outcomes i.e.,** to achieve the primary aim of improving equity, justice and well-being for all through the realisation of their human rights.*

Modalities

In each region, the two-day consultations will bring together relevant experts and practitioners, representatives of Member States, United Nations agencies, intergovernmental organizations, regional economic commissions, the private sector, civil society, — including non-governmental organizations — communities' leaders, and independent experts. To fully implement a participatory and inclusive approach due consideration will be given to specific groups as well.

Ideally, participants should have expertise/experience in elaborating/implementing/monitoring and/or assessing governmental policies and programs in one or several of the following areas: sustainable development, social development and social justice, poverty alleviation, food sustainability, public health, sustainable growth and employment, management of natural resources, environmental protection, management and prevention of natural disasters, international cooperation, trade and finance.

In order to enable coherent and thorough discussions on different agenda items, meetings will be organised in small working group sessions followed by presentations of outcomes and interactive discussions in plenary. Detailed information on modalities as well as an agenda of meetings will be shared in due course.

The meetings will be conducted in English and simultaneous translation in the UN official languages- as relevant to each regional consultation- will be provided subject to resources.