



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR

Case postale 2500
1211 Genève 2
Suisse

Tel.: +41 22 739 8111
Fax: +41 22 739 7377

Draft Convention on the Right to Development and corresponding commentaries

3 September 2021

Dear Sir/Madam

Pursuant to the request of the Chair-Rapporteur of the Intergovernmental Working Group on the Right to Development, UNHCR is pleased to respond to OHCHR's invitation of 18 June 2021 for comments and textual suggestions on the draft Convention, in preparation of the 22nd session of the Working Group.

This is an important Convention, addressing a right that has appropriately gained increased attention in international discussions in recent years, including in relation to human mobility and displacement. We wish to highlight the following specific further observations on the text:

- a. One of the pillars of the Global Compact on Refugees (GCR)¹ is achieving durable solutions for refugees through development. We accordingly welcome the acknowledgment of forced displacement in the second preambular paragraph as one of the obstacles to realizing the right to development. In this regard, the Intergovernmental Working Group may wish to consider making reference to the GCR in preambular paragraph 14, where relevant international declarations, resolutions and agendas concerning the right to development are listed.
- b. Furthermore, we appreciate the dual framing of the right to development, i.e. as an individual and collective right for everyone. While the text of the draft Convention is clear that the obligations for States Parties to respect, protect and fulfil the right to development relates to everyone without discrimination, including displaced and stateless persons, UNHCR would encourage the Intergovernmental Working Group to consider referring explicitly to displaced and stateless persons, being UNHCR's persons of concern, in this broad manner.
- c. Finally, the draft Convention anticipates recognizing international organizations as duty bearers and allows them to sign on to the Convention and become a party. UNCHR will further reflect and may provide additional comments on this component at a later stage.

UNHCR looks forward to continued involvement with the Intergovernmental Working Group as its work continues towards the development of the Convention. To continue advancing our collaboration, I encourage you to be in contact with our Human Rights Liaison Unit in the Division of International Protection (Valerie Svobodova, svobodov@unhcr.org).

Best regards,

Madeline Garlick
Chief, Protection Policy and Legal Advice
Division of International Protection

¹ Global compact on refugees (A/73/12 – Part II), available at: www.unhcr.org/gcr/GCR_English.pdf