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| The Human Rights Commission in Mexico City (Comisión de Derechos Humanos de la Ciudad de México, CDHCM per its acronym in Spanish) is a public and autonomous institution, with the purpose of protecting, defending, monitoring, promoting, studying, educating, and disseminating the human rights in Mexico City. In the above context and with the view to facilitating the negotiations of the draft convention sends the next comments and textual suggestions on the draft convention. |
| **Articles** | **Comments /Textual suggestions** |
| **Article 3 – General principles** | 1. **Recognition of local government as the most suitable for enabling participation towards true realization of human rights might be crucial for a true State engagement on their obligations to fulfil right to development and a “human rights city”.**

“8. Local government is commonly defined as the lowest tier of public administration within a given State. In unitary States, local government usually comprises the second or third tier of government, whereas in federal States, it is constituted as the third or sometimes fourth tier of government. Local government aims at bringing government to the grass roots and **enabling citizens to participate effectively** in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is, in principle, in a much better position than central government to deal with matters that require local knowledge and regulation based on local needs and priorities.”[[1]](#footnote-1)Therefore, local focus could be included as a general principle. |
| **Article 4 – The right to development**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, 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 and in the fair distribution of benefits resulting therefrom. | **2. Non-discrimination and progressive realization as a concrete obligation should be mentioned in this article even though the first one is considered in article 3b.**The right to development has a particular ground on the progressive realization of economic, social, cultural and environmental rights (ESCER).Therefore, Governments, no matter what level of resources they have at their disposal, must take immediate steps within their means towards the fulfilment of these rights.In many cases ESCER are violated not because resources are not available, but rather because they have been misallocatedAccordingly, the most urgent step to be taken in order to achieve development is to prioritize most discriminated communities and people in terms of participation. Thus, when talking about indigenous people and people with disabilities, right to consultation and free prior and informed consent about actions that could compromise their collective right to development becomes a priority to protect that right. (frth. Art. 17)Hence, this aspect of non-discrimination principle must be clear since it imposes to prioritize and an obligation for states, as well as progressive realization. |
| **Article 6 – Relationship with other human rights**1. States Parties reaffirm that all human rights, including the right to development, are universal, interrelated, interdependent, indivisible and equally important.2. States Parties agree that the right to development is an integral part of human rights and should be realized in conformity with the full range of civil, cultural, economic, political, and social rights. | 1. Progressive realization as a queue relationship with other human rights.

In order to achieve development, human rights satisfaction must guarantee no regression. Also, development is a notion in time that looks forward general and individual wellbeing. Hence, there are specific obligations for States that have to be accomplished in to achieve human rights mainstreaming.Also, explicit relationship should be stablished between other Conventions |
| Article 15 – Special or remedial measures 1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may A/HRC/WG.2/21/2 11 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 or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures 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: (a) Recognition of common but differentiated responsibilities, taking into account different national circumstances; (b) The provision of special and differential treatment; (c) Preferential terms on trade, investment and finance; (d) The creation of special funds or facilitation mechanisms; (e) The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building or other assistance; (f) Other mutually agreed measures consistent with the provisions of the present Convention. | 1. Misuse of terms.

Much has been told and stated about the use of terms such as vulnerability and indigeneity to identify persons and groups of them that have to be put first when enforcing human rights obligations.Therefore, these terms should not be used since they could lead to confusion about the cause of the vulnerability and indigeneity and the link between the cause and states obligations toward equality.Accordingly, other words should be used so that it could make sense with concepts such as special or remedial measures from a human rights perspective.This should also be considered when translating the text. |
| **General Comment**One article about people with disabilities should be added in order to guarantee right to consultation. |

1. Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee, 7 August 2015, Human Rights Council

Thirtieth sesión, [↑](#footnote-ref-1)