



National Human Rights Commission



20 August 2021

The High Commissioner on Human Rights
Geneva, Switzerland

Your Excellency,

Comments on the Draft Convention on the Right to Development

The National Human Rights Commission of the Federal Republic of Nigeria (the Commission) of the Federal Republic of Nigeria presents its compliments to the High Commissioner on Human Rights and wishes to make the following responses to the call for comments and textual suggestions on the Draft Convention on the Right to Development:

1.0 Introduction

1.1 The Commission commends the Office of the High Commissioner for Human Rights, the Working Group on the Right to Development and the Drafting Group for the important work in drafting the Convention and for the ground-breaking provisions contained in the draft.

1.2 The Commission further commends Office of the High Commissioner for Human Rights and the Working Group on the Right to Development for initiating the consultative process on the draft Convention which has necessitated our inputs.

1.3 The Commission welcomes the inclusion of an implementation and reporting mechanism in the draft convention.

1.4 The Commission further welcomes:

a. The recognition of the inter-relatedness and indivisibility of the right to development and other human rights.

b. The inclusion of gender equality as a cardinal foundation to achieving the right to development.

c. The recognition of vulnerability and historical injustices in some States and hopes that this will be fully implemented to ensure accountability and address human rights violations occasioned by colonialism, multinational corporations and other state and non-state actors.

2.0 Achieving the right to development is dependent on economic, social and cultural rights:

The Commission notes that there cannot be right to development in the absence of responsibility to implement economic, social and cultural rights (ESC rights). We propose that article 6 or article 11 should have an additional paragraph enjoining state parties to make the right to development, and ESC rights enforceable through domestic legal and institutional frameworks.

3.0 Achieving the right to development for persons with disabilities and other vulnerable populations.

The Commission notes the importance of an inclusive development framework on persons with disabilities, older persons and other vulnerable groups. To this end, the Commission is proposing a draft article which calls on state parties to:

- a. Promote inclusive development where persons with disabilities, the key populations and other vulnerable groups shall be involved in decision making, policy formulation, leadership etc.
- b. Ensure that Persons with disabilities and other vulnerable groups live a life of dignity and not subjected to structural or institutional discrimination and poor living conditions.
- c. Eliminate all forms of discrimination and harmful practices against women, children and other vulnerable groups.

4.0 Achieving the right to development requires an environment of peace and security

The Commission notes that peace and security are essential drivers of development and key to implementing and achieving the right to development. The right to development is impeded when insecurity does not allow women, girls and vulnerable populations to enjoy their right to dignity, education and health. To this end, the Commission notes that article 21 does not address key concerns on the obligations of states to ensure peace and security of lives and properties within their territories and their responsibility to protect civilians and other vulnerable populations in conflict and peace time. We propose that there should be an additional paragraph to article 21 to address these concerns.

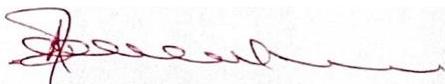
5.0 Conclusions

5.1 The Commission calls on the Drafting Group to ensure that comments and concerns expressed by National Human Rights Institutions and other non-state actors are addressed to the maximum possible.

5.2 The Commission further calls the attention of the Drafting Group to definitive issues which needs to be addressed in the text of the draft. These include poverty, inequalities and sustainable development.

5.3 The Commission wishes to use this opportunity to assure the Office of the High Commissioner on Human Rights, the assurances of its highest regards.

Yours sincerely,



Tony Ojukwu Esq
Executive Secretary