**UNITED NATIONS
HUMAN RIGHTS COUNCIL**

**24th session of the Working Group on the Right to Development**

**(15 – 19 May 2023)**

**EU General Statement, 15 May 2023**

Mr. Chairperson-Rapporteur,

Distinguished Delegates,

Dear Colleagues,

The European Union and its Member States remain strongly committed to achieving sustainable and inclusive development and to implementing the 2030 Agenda. We believe that the full and non-discriminatory realisation of all human rights – be they civil, cultural, economic, political or social – is a pre-condition to achieving inclusive and sustainable development. Such an approach is in line with international human rights law.

Therefore, the EU’s position on the right to development is anchored in the universality, indivisibility, interrelatedness, interdependence, and mutually reinforcing nature of all human rights. We agree that development is a right and that its realisation contributes to the enjoyment of other human rights. However, – as the Vienna Declaration and Program of Action recalls – the pursuit of development can never justify human rights violations: one right cannot be promoted and can never be achieved by violating other rights. Lack of development cannot be invoked to justify human rights violations.

Furthermore, we believe that the responsibility to respect, protect, and fulfil the right to development cannot be shifted from States and gain an inter-state nature. Indeed, international human rights treaties define States as duty-bearers and individuals as rights-holders. Nonetheless, this does not rule out that individuals also have a responsibility to respect the rights of other persons.

Mr Chairperson-Rapporteur, the EU has engaged in a constructive spirit with this Working Group to further the right to development. The 2030 Agenda is the most important document in this regard, providing the roadmap agreed by States for sustainable and inclusive development. In that regard, we have raised the issue of whether a legally binding instrument is the most appropriate manner to achieve inclusive and sustainable development. Despite this position, and in a continuous spirit of constructiveness, last December, the EU shared an input to the draft convention with the Chair of the Working Group as well as OHCHR after completing a legal analysis. Upon our request, the OHCHR made this document publicly available to all on the website of this 24th Session.

Mr Chairperson-Rapporteur, we believe that this process must be as inclusive and consensual as possible. This is the only way to ensure universality and that all States take ownership of the process. We reiterate, therefore, that the decision to submit the final draft text of the convention to the Human Rights Council must be collegial and respectful of UN members’ different stances. The validity of a legally binding instrument depends on the State Parties that express their consent to be bound by it.

We are willing to continue pursuing a consensual approach. To this effect, we have again shared written comments to the revised version of the draft legally binding instrument. The document highlights some of our main concerns. It must be made clear that achieving development is not a necessary condition to respect human rights. Individuals must be defined as rights-holders and States as duty-bearers with primary responsibility for respecting, protecting, and fulfilling human rights, and individuals as rights-holders. Creating responsibilities of an inter-state nature is not appropriate nor consistent with international human rights law. Furthermore, we are also concerned that some provisions may undermine existing States’ obligations under existing treaties, including the two International Covenants.

Mr Chairperson-Rapporteur, although we see the positive effect that development can have on the promotion and protection of human rights law, the EU believes it is still premature to consider the current draft text as final. We call for the draft convention to comply with international law. We need these discussions to advance in an inclusive and consensual spirit. We kindly ask for our views to be duly reflected in the conclusions and recommendations of this 24th session.

I thank you.