**24th Session of the Open-Ended Working Group on the Right to Development**

**15-19 May 2023, Palais des Nations, Geneva**

**Oral statement delivered by Associazione Comunità Papa Giovanni XXIII (APG23) on behalf of the Working Group of Catholic Inspired NGOs on the Right to Development[[1]](#footnote-1)**

**Item 4.3 – Consideration of the draft convention on the right to development**

**Item 4.3.1 – Overview of the comments and textual suggestions on the draft convention**

Mr Chair-Rapporteur, Excellences, distinguished Delegates,

I am speaking on behalf of APG23 and the working group on the right to development of the Catholic Inspired NGOs Forum in Geneva (CINGO).

We take notes of the second revised text of the draft convention and congratulate the drafting committee for the efforts made that resulted in an improved text.

We thank for the document containing commentaries on the second revised text that clearly explains the choices made by the drafting committee on incorporating the different suggestions and thank Prof. Kanade for his clear explanations.

##### We are glad that the European Union, several National Human Rights Institutions, the Special Rapporteur on freedom of religion and belief, the Special Rapporteur on the right to development and quite a number of Civil Society Organizations sent their contributions to the third call for comments and textual suggestions that was out after the 23rd session of the Working Group.

We reiterate our support for naming the final legally binding instrument as the “International Covenant on the Right to Development”, hoping that it will foster its inclusion in the Bill of Human Rights.

We are ready to engage in the discussion of this revised text bringing our contributions for its refinement and will intervene according to the parts of the draft taken into consideration.

***Item 4.3.2. Title and Preamble***

Concerning the title of the draft convention, CINGO would like to express again its preferential option to name the legally binding instrument « International Covenant on the Right to Development”. In this way, it hopes that the instrument could be included in the International Bill of Human Rights.

In the second paragraph of the Preamble, we support the changes made at the end of the paragraph to add “without distinction of any kind”.

The CINGO Forum supports also the changes made in the preambular paragraph 5, 7 and 9.

Furthermore, we believe that the addition made in the 14th preambular paragraph mentioning the “inherent dignity of all members of the human family” has improved the text with respect to the previous versions.

As CINGO, we suggest maintaining the wording used in the previous draft text: “human person(s)”, instead of “individual(s)”. Indeed, “human person” is the wording used in the Declaration on the Right to Development, and it is in line with the consideration previously given to the human dignity inherent to each person. Moreover, the Forum believes it better reflects that development should be person/people-centred.

Finally, we agree with the suggestions made by Mr. Deva, the Special Rapporteur on the RTD to include in the preamble, if possible at this stage, the critical role of businesses in realising the right to development as well as risks to the right related to unsustainable or irresponsible business activities and also recognise the importance of an affordable and equitable access to technologies to realise the right to development as well as how new technologies, if not properly regulated, might disrupt the enjoyment of this right.

***Item 4.3.2 (cont’d). Part I (articles 1-3)***

In regard to article 1 and 3, notwithstanding the explanation given by the drafting group in the commentaries to the second revised text, we again suggest to maintain the wording “human person” instead of “individuals” for the same reasons given in our previous comments on the preamble.

We agree with the removal of the two final points in Article 2, especially the reference to the High-level Political Forum on sustainable development that is not a permanent monitoring mechanism.

In article 3, para b) we have no objections regarding the change made in enlisting the principles and are glad that the principle of subsidiarity has been retained.

In article 3, para (J), even if the CINGO Forum is aware that such language is taken from previous consensual agreements, considering the rapid evolution of our world and the possible change of the international scenario, it believes it would be better to underline that all kinds of cooperation have the same importance.

We propose to rephrase the sentence as follows: **J) South-South and triangular cooperation, as well as North-South cooperation, contribute to the realization of the right to development.**

**Items 4.3.2 (cont’d) Part II (articles 4-7), Part III (articles 8-12)**

In Part II (articles 4-7) CINGO supports the changes made by the drafting group apart the wording “individuals” in article 4.**Concerning Part III (articles 8-12), we suggest adding “*inter alia*” to the highlighted list in article 8, in order to make it more inclusive.**

**Items 4.3.2 (cont’d) Part III: articles 13-15 and Articles 16-18**

In article 13 “The duty to cooperate”, CINGO supports the title and the changes made with the deletion of the last part, including the word “gender”. We believe that such changes to the article have improved the text. We strongly welcome the new paragraph k) and the addition of a reference to human trafficking in paragraph (m).

We support the proposal made by Egypt to add in article 16 or in other parts of the draft text, the following language *2(h): "to strengthen community and family-centred programmes, policies and measures, and to increase cooperation on family issues at all levels to ensure equality between women and men, as part of an integrated and comprehensive approach to the realization of the right to development."*

**Items 4.3.2 (cont’d) Part III, (articles 19-21) ; (articles 22-24)**

The CINGO Forum has no objection to make regarding the changes made in articles 21. 23 and 24.

**Items 4.3.2 (cont’d) Part IV, (articles 25-27); Part V (articles 28-38)**

In article 25, we highlight the need to insert a specific reference to a time-framework of the reports made by the State Parties, while also explicitly stating their compulsory nature. We suggest adopting a quadrennial process of reporting.

While we agree with the deletion of the reference to the Working group on RTD and the HLPF in para 8 of article 25, we suggest keeping the reference to the Human Rights Council. Indeed, it is very important that the Conference of State Parties reports also to this body, avoiding that the UNHRC is not anymore involved in this process.

Concerning article 27 on the establishment of an implementation mechanism, we would have liked our previous suggestion of a stronger and more defined implementation mechanism to be considered. We have provided the language in our 2nd and 3rd CINGO contribution at the following link: <https://www.ohchr.org/en/hrc-subsidiaries/iwg-on-development/comments-and-textual-suggestions-received-after-22nd-session-working-group-right-development>

Thank you!

1. The NGOs belonging to the Working Group on the Right to Development of the Forum of Catholic-Inspired NGOs (CINGO) are as follows: Associazione Comunità Papa Giovanni XXIII (APG23), Association Points-Cœur, AVSI, Caritas Internationalis (International Confederation of Catholic Charities), Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace (Order of Preachers), International Institute of Mary Our Help of the Salesians Sisters of Don Bosco (IIMA), International Organization for the Right to Education and Freedom of Education (OIDEL), OIEC, MIAMSI, New Humanity, Teresian Association, and VIDES International (International Volunteerism Organization for Women, Education, Development) [↑](#footnote-ref-1)