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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Secretary-General and the High Commissioner
for Human Rights on the right to development***

Summary

This report contains a summary of the activities undertaken by the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development. Particular attention is given to the activities in support of the open-ended Working Group on the Right to Development and the high-level task force on the implementation of the right to development, and other activities that could contribute to the implementation of the right to development.

* Late submission.

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I. INTRODUCTION

1. In resolution 63/178, the General Assembly reaffirmed its request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council. The General Assembly also requested the Secretary-General to submit a report at its sixty-fourth session and an interim report to the Council on the implementation of resolution 63/178, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invited the Chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-fourth session. At its eleventh session, the Human Rights Council was notified that pursuant to the above-mentioned resolution, the Secretary-General and the High Commissioner would submit a consolidated report to the twelfth session of the Council.

2. The present report is submitted in accordance with the above-mentioned requests.

II. ACTIVITIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT

3. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has continued to provide organizational, substantive and analytical support to the open-ended Working Group on the Right to Development, which is mandated to monitor and review progress made in the promotion and implementation of the right to development, providing recommendations and further analysing obstacles to its full enjoyment.

4. OHCHR has also continued to provide similar support to the high-level task force on the implementation of the right to development, established in resolution 2004/7 of the Commission on Human Rights and decision 2004/249 of the Economic and Social Council. The objective of the task force is to provide the necessary expertise to the Working Group to enable it to make appropriate recommendations to various actors on the issues identified for the implementation of the right to development. The task force comprises five experts nominated by the Chairperson of the Working Group on the Right to Development.

5. The criteria adopted by the Working Group in 2006 for the periodic evaluation of global partnerships for development, as identified in Millennium Development Goal 8, from the perspective of the right to development (the right to development criteria) and their subsequent application, refinement and progressive development constitute important steps in the operationalization of the right to development, reflecting the concrete and pragmatic approach taken by the Working Group in its deliberations. The efforts to operationalize the right to development through the progressive development of the criteria have contributed to the creation of an environment conducive to undertaking activities aimed at strengthening global partnerships for development between Member States, development agencies and international development, financial and trade institutions.

A. Implementation of the recommendations of the Working Group on the Right to Development at its ninth session

6. In accordance with Human Rights Council resolution 9/3, which endorsed the recommendations of the ninth session of the Working Group on the Right to Development, OHCHR has assisted the task force in the implementation of the relevant recommendations.

7. The Working Group recommended that under phase II (2008) of its three phase workplan, the task force continue dialogue with the African Peer Review Mechanism, the joint Economic Commission for Africa/Organization for Economic Cooperation and Development-Development Assistance Committee (ECA/OECD-DAC) Mutual Review of Development Effectiveness, the Paris Declaration on Aid Effectiveness, and the Cotonou Agreement; give priority to access to essential medicines in developing countries and for this purpose conduct a desk review of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property (IGWG); and apply the criteria to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund) and the Special Programme for Research and Training in Tropical Diseases (TDR). The task force was also requested to invite the Common Market of the South (MERCOSUR) to consider entering into a dialogue, subject to an agreement on the scope of such a dialogue.

8. For phase III (2009), the Working Group recommended that the task force consider the thematic issues of debt relief and transfer of technology. On debt relief, the task force was requested to engage in a dialogue with the institutions responsible for the Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative, subject to their agreement, and on technology transfer, to examine the Clean Development Mechanism of the United Nations Framework Convention on Climate Change (UNFCCC) and the Development Agenda of the World Intellectual Property Organization (WIPO).

9. OHCHR provided organizational, research and analytical support to the technical missions conducted by the high-level task force to open a dialogue with IGWG, the Global Fund and TDR. OHCHR also supported the technical mission to follow-up on its dialogue on the Cotonou Agreement with the Directorates-General for Trade and Development of the European Commission and the Secretariat of the African, Caribbean and Pacific Group of States. In the context of these dialogues, OHCHR commissioned and directed research on the application of the right to development criteria to the partnerships concerned.

B. Fifth session of the high-level task force on the implementation of the right to development

10. The fifth session of the high-level task force was held from 1 to 9 April 2009 in Geneva. The task force has continued to facilitate a constructive dialogue amongst all participants, including task force members, experts who have prepared commissioned studies, representatives of institutional members of the task force, and representatives of organizations involved in the selected partnerships. Member States and non-governmental organizations participated as observers. The task force considered the status of implementation of its workplan for the period 2008-2010 endorsed by the Human Rights Council in resolution 9/3 and in this context, reviewed

the global partnerships mentioned in paragraph 7 above. The task force also held a preliminary discussion on the global partnerships in the thematic areas of debt relief and transfer of technology mentioned in paragraph 8.

11. Building on lessons learned through the dialogues with several global partnerships, the task force substantively reviewed and substantially refined the right to development criteria, conceptualized around the key attributes of (a) comprehensive human-centred human development; (b) the enabling environment; and (c) social justice and equity. The interim draft list of criteria was shared with the Working Group as work in progress in order to benefit from views of Member States.

12. The task force recommended a continued dialogue with partnerships already reviewed and specific activities related to additional development partnerships.

13. The report of the task force (A/HRC/12/WG.2/TF/2), including its conclusions and recommendations, was submitted to the tenth session of the Working Group on the Right to Development.

C. Tenth session of the Working Group on the Right to Development

14. The tenth session of the Working Group on the Right to Development was held from 22 to 26 June 2009. The Working Group considered the report of the fifth session of the high-level task force, including the assessments of the selected global development partnerships and their linkage with the revised right to development criteria, while providing comments on the revised criteria submitted by the task force.

15. In its conclusions and recommendations the Working Group requested the task force to focus on the refinement of the criteria and the elaboration of corresponding operational subcriteria to be submitted to the Working Group at its next session in 2010. It also recommended that in further refining the criteria and preparing the sub-criteria, the task force undertake some activities relating to global partnerships in the area of technology transfer, such as consultations to gather information on the WIPO Development Agenda and a review of the UNFCCC Clean Development Mechanism, including in connection with mitigation of and adaptation to climate change. The Working Group also recommended that at its next session, the task force devote time to examine the experience of the institutions and procedures that address the issue of debt relief, including the Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative.

16. The report of the Working Group (A/HRC/12/28), including its conclusions and recommendations, will be submitted to the twelfth session of the Human Rights Council.

D. Assessment criteria for the implementation of the right to development

17. OHCHR, together with the Program on Human Rights in Development at the Harvard School of Public Health and the Measurement and Human Rights Program at the Harvard Kennedy School of Government, coorganized, in January 2009, an expert meeting on methodological issues of qualitative and quantitative tools for measuring compliance with the right to development. The meeting provided an opportunity for academics, international experts

and practitioners to debate political and methodological challenges in measuring compliance with the right to development. It also facilitated expert assessments of the existing right to development criteria with a view to revising them and making them operational and reflective of standards of qualitative and quantitative evaluation used in international institutions and recognized by leading social scientists. Thus the outcome of this meeting fed into the work of the high-level task force in the refinement of the criteria.

E. Financing for development

18. OHCHR, in cooperation with the Center for Concern and ESCR-Net (International Network for Economic, Social & Cultural Rights), facilitated civil society consultations from 15 to 17 September 2008 to discuss and debate the main themes in the financing for development agenda from the perspective of human rights. The consultations aimed at integrating human rights, including the right to development, in financing for development against the backdrop of challenging development issues given the volatility and crises in the world economy, that have tended to overshadow the Doha development agenda and the need for a new economic and social framework that not only prevents future crises, but provides for fairness in their resolution. The meeting brought together a number of participants, including human rights and development experts and civil society groups from different regions, and resulted in a set of consolidated comments on the draft outcome document for the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, held in Doha from 29 November to 2 December 2008.

F. Aid effectiveness, human rights and gender equality

19. Aid effectiveness, with its emphasis on ownership, harmonization, alignment, managing for results and mutual accountability, aims to increase the impact of aid in reducing poverty and inequality and accelerating the achievement of the Millennium Development Goals. In collaboration with the United Nations Development Fund for Women (UNIFEM) and the United Nations Children's Fund (UNICEF), OHCHR has developed a joint working paper to provide strategic input to the Third High Level Forum on Aid Effectiveness in Accra to articulate advocacy strategies and messages for the aid effectiveness agenda from the perspective of human rights and gender equality.

G. Millennium Development Goals and poverty reduction

20. OHCHR has continued to work closely with development partners at the international and national levels to explore how human rights, including the right to development, can support the efforts of Member States to achieve inclusive development processes and equitable and sustainable poverty reduction outcomes. OHCHR has developed a conceptual framework to assess poverty reduction strategies from a human rights perspective which should contribute to further operationalizing the links between human rights and the achievement of the Millennium Development Goals. A publication "Claiming the Millennium Development Goals: A human rights approach" was produced in 2008, which aimed to provide guidance for policymakers and practitioners to strengthen policies based on the Millennium Development Goals and United Nations programming from a human rights perspective, and promoting a wider understanding on the linkages between the Goals and human rights, including the close relationship between Goal 8 and the right to development. Based on the approach set out in

this publication, OHCHR jointly with other development partners within and outside the United Nations has organized two regional dialogues in Johannesburg and Bangkok during the second half of 2008, which helped to define various rights-based approaches to national development strategies based on the Millennium Development Goals with forward-looking follow-up implications. OHCHR also contributed to the work of other United Nations agencies and to publications on the Millennium Development Goals and poverty reduction strategies, emphasizing how both international and national human rights responsibilities are critical for poverty reduction.

H. Trade and human rights

21. Exploring the impact of trade policies on the realization of human rights could contribute to the integration of the promotion and protection of the right to development in global development partnerships, including trade agreements. During the World Trade Organization Public Forum in October 2008, OHCHR co-sponsored and participated in a panel discussion entitled “The New ‘Geneva Consensus’ Defining People-Centred and Development-Oriented Trade Policy: Can a Human Rights Approach Help?” The discussion explored conceptual issues at the intersection of trade and human rights, including the right to development, and values of the human rights framework in helping countries define people-centred trade policies.
