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人权理事会

第三十三届会议

议程项目 2 和 3

联合国人权事务高级专员的年度报告以及
高级专员办事处的报告和秘书长的报告

增进和保护所有人权——公民权利、政治权利、
经济、社会和文化权利，包括发展权

发展权*

秘书长和联合国人权事务高级专员的报告

概要

本报告简要综述联合国人权事务高级专员办事处为促进和保护实现发展权所开展的活动。报告涵盖 2015 年 5 月至 2016 年 6 月这段时期的情况，是对秘书长和高级专员向人权理事会第三十届会议提交的关于发展权问题报告 (A/HRC/30/22) 的补充。

* 附件仅以收到的原文分发。

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一. 导言

1. 大会第 48/141 号决议规定设立联合国人权事务高级专员一职，决定高级专员除其他外，应促进和保护实现发展权，并增强联合国系统各相关机构为此目的提供的支持。大会还决定，高级专员应承认必须促进全体人民均衡和可持续发展，并确保实现《发展权利宣言》所列的发展权。
2. 人权理事会第 30/28 号决议请联合国人权事务高级专员办事处(人权高专办)继续向人权理事会提交一份年度报告，说明办事处在增进和实现发展权方面的活动，包括在联合国系统内的机构间协调。
3. 在第 70/155 号决议中，大会重申请高级专员在发展权主流化方面有效开展活动，加强会员国、发展机构及国际发展、金融和贸易机构之间为促进发展而建立的全球伙伴关系，并在其提交人权理事会的下次报告中详细介绍这些活动。
4. 在同一决议中，大会请秘书长向大会第七十一届会议提交一份报告并向人权理事会提交一份临时报告，说明该决议的执行情况，包括国家、区域和国际各级为促进和实现发展权所作的努力。
5. 本报告系根据上述要求提交，阐述了 2015 年 5 月至 2016 年 6 月期间人权高专办和联合国各人权机制开展的活动情况。

二. 联合国人权事务高级专员办事处的活动

6. 人权高专办在落实促进和保护实现发展权的任务时遵循《发展权利宣言》、《维也纳宣言和行动纲领》及大会、人权委员会和人权理事会的相关决议，以及发展权工作组的议定结论和建议。
7. 人权高专办关于实现发展权的业务方案载于秘书长 2016-2017 年战略框架及人权高专办 2014-2017 年管理计划。¹

A. 为发展权工作组提供的支持

8. 人权高专办为发展权工作组 2015 年 9 月 1 日至 4 日举行的第十六届年度会议² 和 2016 年 4 月 25 日至 5 月 3 日举行的第十七届年度会议³ 提供了支持。人权高专办还在闭会期间支持主席兼报告员举行非正式磋商及向人权理事会和大会提交工作组报告。

¹ 见 A/69/6/Rev.1, 第 465-466 页；人权高专办 2014-2017 年管理计划；争取你的权利，第 63-71 段；和 A/HRC/27/27, 第 6-13 段。

² 见 A/HRC/30/71。

³ 见 A/HRC/33/45。

9. 工作组在第十六届会议上审议了前主席兼报告员编写的提高发展权问题工作组效力 and 效率的框架草案。⁴ 在第十七届会议上，工作组审议了主席兼报告员编写的落实发展权标准。⁵ 工作组还完成了发展权标准和次级实施标准的二读工作。⁶

10. 工作组就《2030 年可持续发展议程》与 2015 年后发展议程政府间谈判前共同主持人、爱尔兰常驻联合国代表及肯尼亚常驻联合国代表举行了互动对话。⁷

B. 与促进和实现发展权有关的活动

11. 在报告所述期间，人权高专办开展了若干活动，其中许多是纪念《发展权利宣言》通过三十周年的活动。下文概述了这些活动。⁸ 此外，人权高专办在支持人权机制方面还适当重视发展权。

12. 在哥伦比亚，人权高专办倡导将基于人权的办法纳入国家发展计划，以此作为手段实现发展权与和平。特别注重制定指标，以衡量实现经济、社会及文化权利的情况。人权高专办还致力于促进和保护土著人民和非洲裔哥伦比亚人的发展权，并支持创建主张其集体权利的 14 个土著人民的网络。

13. 在乌干达，人权高专办侧重于建设促进和保护发展权的机构能力。人权高专办就将基于人权的办法纳入规划国家发展计划向该国政府提供了技术援助，包括将人权指标纳入其监测和评估框架。人权高专办加强非政府组织有效参与发展进程的能力，监控计划的实施并支持启动公益诉讼律师网络，重点是经济、社会和文化权利。与此同时，人权高专办还就判决侵犯经济、社会和文化权利案件对最高法院、上诉法院和宪法法院法官进行了培训。最后，人权高专办乌干达办事处支持民间社会组织 and 法律网络联盟组织的第二次经济、社会和文化权利问题全国会议，主题是“应对社会排斥，获得社会经济产品和服务，争取可持续发展”。

14. 在南美洲，人权高专办从基于人权的角度出发，支持落实可持续发展目标，重点是宣传人权高专办有关《2030 年可持续发展议程》的人权关键信息，培训 and 能力建设。在非洲，人权高专办继续与非洲经济委员会合作，通过一项范围界定研究，开展“非洲大陆自由贸易区”协定人权影响评估工作。⁹ 确定了一些与

⁴ A/HRC/WG.2/16/2。

⁵ A/HRC/WG.2/17/2。

⁶ A/HRC/15/WG.2/TF/2/Add.2。

⁷ 见 A/HRC/33/45。

⁸ 关于这些活动和其他活动的更多资料，可查阅 www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx。

⁹ 见“设计非洲大陆自由贸易区：一种非洲人权观”（2012 年 5 月），可查阅 www.fes-globalization.org/geneva/documents/2016/2016_05_HRIA%20of%20the%20CFTA_Publication.pdf。

该协定谈判相关的风险，并就粮食安全、就业和流动自由提出了初步建议。评估为各谈判国提供了证据基础和政策建议，据以制定符合人权及发展承诺和优先事项的有效和一致的贸易政策。

15. 在全球一级，人权高专办倡导将发展权纳入发展融资、气候变化和可持续发展进程，在贸易和投资、知识产权和获得药品等领域提供了技术咨询，并支持这些领域的特别程序任务负责人。

16. 人权高专办还为世界经济论坛和国际贸易和可持续中心协调的关于加强全球贸易和投资制度促进可持续发展的 E15 倡议编写了一份构想文件，涉及负责责任的合同和利用人权变革投资等问题¹⁰。该文件旨在在国家-投资者合同中注入道德和规范考虑，并将人权纳入这些合同。此外，人权高专办公布了《负责任的合同原则：将人权风险管理纳入国家-投资者合同谈判：谈判人员指南》的报告，¹¹进行了研究，并发布了一份报告和一个附加文件，就与工商业有关的侵犯人权行为提出了加强企业问责、改善受害者获得司法补救的指导意见。¹²

17. 人权高专办编写了秘书长提交大会的关于全球化及其对充分享受所有人权的影响的报告。¹³ 报告中确定了共同关心的问题，并就如何应对全球化对充分享受人权的负面影响提出了建议。人权高专办发布了一份关于健康权背景下获取药品的说明报告，¹⁴ 概述了人权理事会 2015 年社会论坛关于同一主题的主要结论和建议。人权高专办最终确定了一份关于人权和预算的出版物，将于 2016 年提供。

18. 为了纪念《发展权利宣言》三十周年，人权高专办发布了一份概况介绍，题为“关于发展权的常见问题”，并制作了短片“发展权——发展是一项人权”。¹⁵ 人权高专办还出版了一个小册子，《2015-2024，非洲人后裔国际十年：承认——正义——发展》，其中有一个关于发展权和消除贫困措施的章节¹⁶。

19. 2015 年 5 月，人权高专办与克劳斯亲王讲座、(鹿特丹伊拉斯姆斯大学)国际社会研究所和海牙全球正义研究所共同组织了一个主题为“超前思维：发展权近

¹⁰ 可查阅 www.ohchr.org/Documents/Issues/Globalization/E15-Investment-OHCHR.pdf。

¹¹ 见 A/HRC/17/31/Add.3; also 可查阅 www.ohchr.org/Documents/Publications/Principles_ResponsibleContracts_HR_PUB_15_1_EN.pdf。

¹² 见 A/HRC/32/19 和 Add.1。

¹³ A/70/154。

¹⁴ 可查阅 www.ohchr.org/Documents/Issues/SForum/SForum2015/OHCHR_2015-Access_medicines_EN_WEB.pdf。

¹⁵ 可查阅 www.ohchr.org/Documents/Publications/FSheet37_RtD_EN.pdf 和 www.youtube.com/watch?v=pdKfypBTdI#t=16, respectively。

¹⁶ 可查阅 www.un.org/en/events/africandescentdecade/pdf/African%20Descent%20Booklet_WEB_English.pdf。

30 年”的高级别圆桌会议。圆桌会议的目的是，审议发展权的持续相关性及其如何振兴和实施，以便公平地满足今世后代在发展与环境方面的需求。在讨论中，人权高专办强调了发展权的持续相关性，特别是作为实现可持续发展的一个框架。¹⁷

20. 2015 年 9 月，人权高专办组织了人权理事会首次每两年一次的关于单方面强制性措施与人权问题的小组讨论会。讨论会的目的是提高关于单方面强制性措施对目标国和非目标国享有人权的不良影响的认识。¹⁸

21. 在人权理事会 2016 年 3 月的会议上，人权高专办组织了关于将人权纳入主流问题的小组讨论会，侧重于《2030 可持续发展议程》与人权，侧重于发展权。联合国人权事务高级专员强调，发展权提供了一个有利的环境，以确保切实实现《2030 年议程》的目标，确保发展过程具有包容性和公正性。关于《2030 年议程》和《宣言》进一步趋同问题，高级专员指出，《宣言》涉及不利于穷人和妨碍人人从发展中受益的结构性障碍。¹⁹

22. 人权高专办还与和平大学和受天主教精神启示的非政府组织论坛一道主办了题为“为所有人寻找尊严和可持续发展”的会边活动。活动的目的是审议落实发展权如何能够创造一个有利于实现《2030 年议程》的环境，以及《2030 年议程》如何能够支持实现发展权。与会者还讨论了当地社区纳入、主张和建立有关发展权的能力、以及研究和教育方案的手段问题。²⁰

23. 人权事务副高级专员在非洲集团关于发展权的会边活动上发表了讲话。她强调了《2030 年可持续发展议程》、《第三次发展筹资问题国际会议亚的斯亚贝巴行动议程》以及关于气候变化的《巴黎协定》对实现发展权的重要性。她还强调，必须消除国家内部和国家之间的不平等，以不让任何人掉队，只要可能，首先从落后最远者开始。她说，持续贫困和不断加深的的不平等是对人权与发展的重大威胁，从而是对和平与安全的直接威胁。²¹

24. 人权高专办支持了有关政府间进程，促使通过《关于发展筹资问题的亚的斯亚贝巴行动议程》、《2030 年议程》，包括可持续发展目标和关于气候变化的《巴黎协定》。人权高专办发布了宣传工具“关于人权与发展融资的关键信息”（见附件一）。高级专员向各国发出了有关发展融资议程中人权问题的公开信，²²

¹⁷ 见 www.ohchr.org/Documents/Issues/Development/PrinceClausReport27May2015.pdf。

¹⁸ 见 A/HRC/31/82。

¹⁹ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17109&LangID=E。

²⁰ 见 www.ohchr.org/EN/Issues/Development/Pages/SearchOfDignity.aspx。

²¹ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17126&LangID=E。

²² 公开信见 www.ohchr.org/Documents/Issues/MDGs/Post2015/20150617_HC_open_letter_HR_FFD.pdf。

呼吁各国采取具体措施，确保发展融资议程具有包容性和参与性，有利于最脆弱者，使所有各方和利益攸关者负责，履行人权承诺，共同努力争取更加美好的世界。

25. 人权高专办还组织了一次会边活动，并以高级专员的名义在第三次发展筹资问题国际会议全体会议上作了发言。高级专员在发言中强调，在一个不缺乏手段、但未表现出意愿的世界上，发展筹资必须满足所有人的需求，使其最基本的需求得到满足，使人权对所有人成为现实。他呼吁各国确保为《2030 年可持续发展议程》提供资金的努力反映人们的需要和需求，充分纳入相关的人权承诺，包括政策必须协调一致基于人权。²³

26. 在人权高专办和其他机构的倡导下，《亚的斯亚贝巴行动议程》中载有各种人权方面的考虑，如《工商业与人权指导原则》、关于环境、社会 and 治理的影响报告，以及在工商业和开发银行活动方面必须考虑环境和社会保障等。成员国同意促进金融包容性、减少不平等现象、努力消除极端贫困、确保两性平等和为所有人提供社会保护和基本公共服务，重点是贫困线以下的最贫困者。民间社会组织越来越多地采用基于权利的分析，以便为发展筹资。

27. 人权高专办主张所有人权、包括发展权在《2030 年可持续发展议程》中具有核心地位，呼吁更公平的发展，包括在全球层面。人权高专办一直强调，《2030 年议程》明确地以《联合国宪章》的宗旨和原则为指导，包括充分尊重国际法，以《世界人权宣言》、各项国际人权条约为依据，包括参照《发展权利宣言》等其他文书。²⁴ 人权高专办在制定可持续发展目标的各项指标方面发挥了积极的作用，主张有关数据按照公认的歧视理由分类，以了解在消除不平等、不公平和歧视方面的进展情况。人权高专办发布了一份关于数据收集和分类的指导说明，题为“基于人权的数据方法：《2030 年议程》不让一个人掉队”。²⁵

28. 人权高专办安排了“在气候行动中促进人权的日内瓦承诺”的签字仪式，该承诺是由哥斯达黎加常驻联合国日内瓦办事处和其他国际组织代表团发起的。承诺呼吁国家人权代表与气候变化进程开展有意义的合作，为气候行动提供信息。人权高专办参与了 2015 年 12 月在巴黎举行的联合国气候变化框架公约缔约方会议第二十一届会议的谈判。人权高专办主张尽可能最有力度的气候变化减缓目标，要求加速采取公平的气候行动，并呼吁所有此类行动尊重和保护人权，包括发展权。人权高专办“关于人权与气候变化的关键信息”(见附件二)就是此宣传的基础。

²³ 说明见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16246。

²⁴ 见大会第 70/1 号决议，第 10 段。

²⁵ 见 www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf。

29. 高级专员发表了专稿和新闻稿，除其他外，高级专员呼吁将温升限制在工业化前水平的 1.5°C 以内，加强国际合作应对气候变化，以及在《巴黎协定》执行部分中纳入强有力的人权措辞。人权高专办向巴黎缔约方会议第二十一届会议提交了一份题为“理解人权与气候变化”的文件，²⁶ 支持了数个特别程序任务负责人参与谈判，参加了多个会外活动并在人权日举行了一场关于人权与气候变化的记者招待会。在人权理事会第二十九届会议期间，人权高专办安排了关于气候变化对享有健康权的影响问题的小组讨论。小组成员包括世界卫生组织总干事和人人有权享有能达到的最高标准身心健康问题特别报告员，强调气候行动必须采用基于权利的办法。²⁷

30. 由于这一工作和其他宣传，《巴黎协定》是明确提到人权的首个此类多边气候协定。该《协定》还载有将温升控制在 2°C 以内、并努力达到控制在 1.5°C 以内的宏大目标。其他积极因素包括提到共同但有区别的责任和公平原则、气候融资承诺、一个新的透明框架、一个监测机制、逐步提高气候承诺、加强有关损失和损害的合作、以及关于最不发达国家、小岛屿发展中国家和弱势群体、性别平等和妇女赋权的特别规定。

C. 机构间合作与发展权主流化

31. 使包括发展权的各项人权成为联合国系统发展规划各项政策、业务活动、准则和工具的主流，是高级专员任务的一个固有组成部分，也是高专办工作方案的一个主要支柱。

32. 人权高专办通过其国家和区域办事处，以及通过联合国发展集团人权工作组，就采用基于人权的办法编制共同国家方案，向联合国国家工作队提供了支持和技术援助，包括人权顾问，支持其工作，以协助成员国执行《2030 年议程》，包括与执行手段相关的工作。人权高专办努力将人权和发展权纳入联合国系统主流，包括通过领导对话和驻地协调员上岗培训方案加强驻地协调员和联合国领导人的人权领导能力。人权高专办还为联合国发展集团 2015 年出版物“对驻地协调员和联合国国家工作队的人权指导说明”做出了贡献。²⁸

33. 15 年来，在争取实现千年发展目标的努力中，多边开发银行提供的赠款、优惠和非优惠贷款、风险分担工具、担保和股本投资支助，从每年 500 亿增长到

²⁶ 见 www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf.

²⁷ 见 A/HRC/32/24 and A/HRC/32/23, also www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwix94Pc_obOAhUBECwKHZVXDeEQFggIjMAE&url=http%3A%2F%2Fwww.ohchr.org%2FEN%2FHRBodies%2FHRC%2FRegularSessions%2FSession31%2FDocuments%2FClimateChange.doc&usg=AFQjCNFCFELeQzIQ8zwDseu8SZ8xY_yC8A.

²⁸ 可查阅 <https://undg.org/wp-content/uploads/2015/12/UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf>, 。

1270 亿。²⁹ 然而，将需要数万亿美元来资助实现可持续发展目标，包括在大型基础设施等高风险行业。自 2014 年以来，人权高专办与多边开发银行协作，按照《发展权利宣言》的原则，倡导更公平的发展和更严格的投资贷款保障政策，确保支持的项目不会导致或促成侵犯人权的事项。2015 年，人权高专办主要侧重于世界银行和亚洲基础设施投资银行的环境和社会框架协商进程。

34. 人权高专办继续协调和支持联合国和机构间举措，如关于将人权、包括发展权纳入联合国各项政策和业务方案主流的“切合目的”、以及“主流化、加速、政策支持”举措。在多捐助者信托基金的资金支持下，联合国发展集团人权工作组主张将人权纳入联合国在所有国家的发展工作。人权高专办还支持联合国发展系统落实“人权先行”倡议的责任和要求。

35. 2016 年 3 月，联合国系统行政首长协调理事会通过了一份承诺书，旨在将必须消除不平等、不公平和歧视置于联合国支持会员国实施《2030 年可持续发展议程》努力的最前列。承诺书以方案问题高级别委员会关于平等和不歧视问题的一份立场文件为基础。³⁰ 作为这一主动行动的一部分，人权高专办正在与联合国促进性别平等和增强妇女权能署(妇女署)一道，制定一个关于消除不平等和歧视行动的共同框架。

三. 《2030 年可持续发展议程》与落实发展权

36. 正如高级专员在将人权纳入主流问题高级别小组讨论会上所说，《2030 年议程》与《发展权利宣言》联系紧密。通过以人为核心，《2030 年议程》可能形成实现发展权的政治势头，而发展权则提供了重要的扶持环境，确保《2030 年议程》的目标切实得到实现，发展进程具有包容性和公正性。³¹

37. 高级专员强调，《宣言》和《2030 年议程》实质趋同，总体目标是消除歧视和不平等，需要国际合作和援助，以及需要同样重视免于恐惧的自由和免于匮乏的自由。他还强调了问责制以及人权指标或这方面数据的重要性，强调人权监测必须与落实可持续发展目标的后续和审查工作相联系。

38. 《2030 年议程》参考了《发展权利宣言》。³² 《2030 年议程》以《联合国宪章》的宗旨和原则为指导，包括尊重国际法，以《世界人权宣言》和各项国际人权条约为依据。《2030 年议程》确认，需要建立和平、公正和包容的社会，

²⁹ 见 www.worldbank.org/en/news/speech/2015/07/13/third-international-conference-financing-development。

³⁰ 见 CEB/2015/6, annex III。

³¹ 见 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17107&LangID=E。

³² 见大会第 70/1 号决议，第 10 段。

这个社会能够提供平等诉诸司法机会，建立在尊重人权、包括发展权的基础上。³³

39. 除了明确承认发展权以外，通过援引《千年宣言》为其来源，《2030 年议程》间接重申并承认其基于发展权。各国家元首和政府首脑在《宣言》中决心使每一个人实现发展权，并使全人类免于匮乏。³⁴ 《2030 年议程》还重申《里约环境与发展宣言》³⁵ 的原则，其原则 3 规定，必须落实发展权，以便公平地满足今世后代在发展与环境方面的需求。

40. 除了直接和间接承认《2030 年可持续发展议程》与发展权之间的联系外，还有实质性的趋同。根据《发展权利宣言》第 4 条第 1 款，各国有义务单独地和集体地采取步骤，制订国际发展政策，以期促成充分实现发展权。毫无疑问，《2030 年可持续发展议程》构成了这样一个国际发展政策。

41. 《宣言》和《2030 年议程》均设想一个以人本的发展进程，所有人权都能在其中得到充分实现。它们都寻求消除国家内部和国家之间的贫困、歧视和不平等，以期改善人类福祉，解决不利于穷人和妨碍人人从发展中受益的结构性障碍。例如，《2030 年议程》承诺不让一个人掉队，重点首先是落后最远者。两个目标都致力于平等，承诺结束对妇女和女童的歧视和排斥。

42. 《2030 年议程》承认，免于匮乏的自由和免于恐惧的自由问题需要同时解决，—响应发展权有关人类福祉、所有人权不可分割和每个社会成员充分和自由地参与决策的重点。《发展权利宣言》宣布发展是一项权利，人人有权积极、自由和有意义地参与发展，并公平分享发展的惠益。

43. 各国有义务彼此合作，消除发展的障碍，并促进基于主权平等的经济秩序。《2030 年议程》通过每个目标下的具体执行目标，通过目标 17 之下的合作伙伴关系，落实这一承诺。

44. 《宣言》处理根源问题、系统性问题和结构性挑战，并为各个层级的发展寻求一种新的秩序。它承认需要一种有助于和平、人权、社会和生态可持续发展的扶持环境。同样，《2030 年议程》承认，需要超越注重经济发展的传统发展模式，代之以一个全面的、转型的愿景，涵盖发展的所有三个方面：经济、社会和环境。

45. 与《亚的斯亚贝巴行动纲领》一道，可持续发展目标 17 为实现发展权提供了势头。目标 17 的各项具体目标宣布了各项承诺，涉及调动必要的资金；开展合作获得科学、技术和创新及知识共享；加强对进行有效和有针对性能力建设的

³³ 同上，第 35。

³⁴ 见大会第 55/2 号决议，第 11 段。

³⁵ 见大会第 70/1 号决议，第 12 段。

发展中国家的国际支持；促进一个普遍、基于规则、开放、非歧视和公平的多边贸易体系。

46. 《2030 年议程》和《亚的斯亚贝巴行动纲领》还承认私营部门在发展方面的积极贡献和作用，同时强调，必须按照有关国际标准、协议和其他倡议，保护劳工权利和环境与卫生标准，如《工商企业与人权：实施联合国“保护、尊重和补救”框架指导原则》。³⁶

47. 《2030 年可持续发展议程》与《发展权利宣言》之间也有差异。最重要的是，发展权是一项人权。表述为一项权利，发展超越了志愿和慈善；是一项具有相应义务和责任的权力。而可持续发展目标则是一项国际发展政策和政治承诺。落实这些目标有助于实现发展权。

48. 发展权工作组以发展权为背景讨论了《2030 年议程》。其两项建议与这一主题特别相关。工作组建议，在今后的审议中，工作组应研究各国按照可持续发展目标的相关机制，在国家、区域和国际层面对落实发展权的贡献。工作组还建议人权高专办考虑促进专家参加工作组第十八届会议，提出咨询意见，以协助讨论落实和实现发展权和《2030 年议程》的相关影响问题。³⁷

49. 这些建议指出了工作组工作的未来方向，落实这些建议可能有助于使有关工作较少政治化，更适于目前落实可持续发展目标的政府间进程。

四. 结论和建议

50. 《2030 年可持续发展议程》可被视为实现发展权的良好国际发展政策和行动纲领。该议程借鉴并依据了发展权；的确，发展权、更广泛而言所有人权都处于《2030 年议程》的核心地位。

51. 《2030 年议程》的实施必须符合国际法，包括国际人权法。所有人权、包括发展权，必须指导各个层级的实施过程。

52. 落实不让任何人掉队的承诺需要联合国全系统采取一致和综合的方法。因此，联合国系统与落实《2030 年议程》有关的所有政策和方案，都应明确地植根于所有人权，包括发展权，并与其一致。人权原则和标准，包括发展权的原则和标准，应当日益纳入支持可持续发展目标的金融、贸易和投资政策。

53. 落实可持续发展目标的后续和审查工作为评估逐步实现发展权提供了一个坚实的基础。制定指标，以衡量和协助实现有关目标，尤其是数据的收集和分类，必须以人权原则和标准为基础。

³⁶ A/HRC/17/31。

³⁷ 见 A/HRC/33/45。

54. 评估《2030 年议程》的实施进展情况能够为各人权机制、包括发展权工作组提供补充信息，协助其评估实现人权、包括发展权的进展情况。与此同时，工作组和其他人权机制提出的建议能够为发展筹资后续工作、为高级别政治论坛评估《2030 年议程》的实施进展情况提供有用的信息。

55. 《工商业与人权指导原则》和负责任的公司原则³⁸ 为指引和指导私营部门参与落实《2030 年议程》和《亚的斯亚贝巴行动纲领》提供了一个坚实的基础。

56. 应鼓励和支持民间社会和国家人权机构努力确保在落实《2030 年议程》中尊重所有人权、包括发展权。

³⁸ 见 A/HRC/17/31/Add.3。

Annex I

Key messages on human rights and financing for development of the Office of the United Nations High Commissioner for Human Rights

1. The following obligations and responsibilities should be reflected in efforts to finance development in order to foster policy coherence and to ensure equitable, inclusive development that benefits all persons without discrimination.

To expend maximum available resources

2. Under core human rights treaties, States acting individually and collectively, are obligated to mobilize and allocate the maximum available resources for the progressive realization of economic, social and cultural rights, as well as the advancement of civil and political rights and the right to development. To eradicate poverty, achieve the Sustainable Development Goals and fulfil their human rights commitments, States must endorse a financing framework that equals these ambitions. To mobilize the unprecedented amount of resources needed for the implementation of the 2030 Agenda for Sustainable Development, all stakeholders will need to effectively mobilize all available resources, including through new and innovative sources of finance (such as financial transaction taxes and carbon taxes) that are additional to traditional official development assistance (ODA), predictable and stable, and distribute global income to reduce inequalities.

International cooperation

3. States have committed to international cooperation for the realization of human rights. Meeting existing ODA commitments fully and in a timely manner will be critical to achieve the goal of ending extreme poverty by 2030 and represents one key step towards the fulfilment of State human rights commitments to mobilize maximum available resources for the promotion, protection and fulfilment of human rights. Pursuant to relevant human rights principles, ODA should be effective and transparent, it should be administered through participatory and accountable processes, and it should be targeted towards the people and groups most in need, including within those States where the ability to mobilize domestic resources is weakest.

To ensure participatory, human rights-based development

4. National Governments bear the primary responsibility for development in their own countries. National financing strategies, fiscal policies, tax systems, subsidies, development plans, and budgets should benefit the poorest and most marginalized and be the product of transparent and participatory processes. Effective governance for sustainable development demands that public institutions in all countries and at all levels conform to international human rights standards and principles and thus that they be non-discriminatory, inclusive, participatory and accountable to people. Laws and institutions must protect human rights under the rule of law, including in the economic sphere.

To create an international order in which all human rights can be realized

5. All countries bear responsibilities for international cooperation and to create an enabling international environment for development. The new global partnership for sustainable development must tackle global inequities, including in trade, finance and investment, as well as combating corruption, illicit flows of funds, trade mispricing and tax evasion.

To guarantee equal access and non-discrimination

6. States have committed to guarantee equality and non-discrimination. They should strive to ensure universal and transparent access to affordable and appropriate financial services across income, gender, geography, age and other groups. This implies establishing effective regulation, recourse mechanisms and consumer protection agencies to prevent predatory lending and ensure greater financial literacy of consumers.

To ensure empowerment of excluded groups

7. Specific barriers to women's access to finance must be eliminated. Women and girls must have equal access to financial services and the right to own land and other assets. Indigenous peoples' rights should be fully reflected in line with the United Nations Declaration on the Rights of Indigenous Peoples. In particular, their rights to their lands, natural resources and territories, and to the benefits from their traditional knowledge should be protected. Actions likely to impact their rights should not be taken without their free, prior and informed consent. Indigenous peoples have the right to participate in decision-making related to and to benefit from the use of their knowledge, innovations and practices. The human rights of migrants should be protected, regardless of their status. Discriminatory barriers to their development should be removed. Migrants should not be treated as an economic commodity. Policies on remittances should take into account that remittances are private sources of finance and seek to reduce their costs.

To respect human rights and do no harm

8. As businesses assume an ever-expanding role in the development and economic spheres their adherence to the human rights responsibilities outlined in the Guiding Principles on Business and Human Rights becomes increasingly critical. Businesses must respect human rights and do no harm. These responsibilities apply in the context of public private partnerships, blended finance instruments, foreign direct investment and all private business activities. With regard to public-private partnerships and blended finance, the risks and benefits of investments should be shared equitably between public and private investors. Both private and public sector partners must meet their respective human rights responsibilities and obligations. In working together, States and businesses should incorporate social, environmental, labour, human rights and gender equality considerations into their activities and subject public private partnerships to human rights safeguards and rigorous due diligence, including human rights impact assessments.

To protect persons from human rights abuses committed by private actors

9. States have an obligation to actively prevent private activities, including investments, from undermining human rights. States should establish appropriate regulations and oversight mechanisms to protect human rights from the potentially negative impacts of public-private partnerships and blended finance instruments. Measures should be taken to ensure that the provisions of international trade and investment agreements do not protect investor interests at the expense of State policy space to promote the realization of human rights.

To ensure accountability

10. All States should adopt policies and institutional, legal and regulatory frameworks to encourage responsible and accountable investment in sustainable development. Such frameworks should include human rights and sustainability criteria and align investor incentives with sustainable development. They should go beyond voluntary reporting and require all companies to undertake mandatory economic, environment, social and

governance reporting commensurate with the level of risk posed by their activities. This will help to identify, prevent and mitigate any risk of adverse human rights impacts.

To guarantee all persons enjoy the rights to food and health as well as the benefits of science and its applications

11. States must take steps to ensure that global intellectual property regimes do not obstruct the realization of the right to food, hinder access to medicines, or impede the benefits of development from reaching the poor and marginalized, including through application of the trade-related aspects of intellectual property rights flexibilities, while at the same time ensuring that intellectual property regimes create appropriate incentives to help meet sustainable development objectives. Environmentally clean and sound technologies should be accessibly priced and broadly disseminated. The cost of their development should be equitably shared, and their benefits should be equitably distributed between and within countries.

To ensure sovereign debt arrangements do not undercut the realization of human rights

12. States have committed to cooperate to mobilize maximum available resources for the progressive realization of human rights. Unsustainable debt burdens should not be permitted to threaten State efforts to fulfil their human rights obligations. All States would benefit from a permanent, fair and effective sovereign debt workout mechanism. All States, international financial institutions, relevant United Nations agencies, funds and programmes and the private sector, should cooperate to avoid sovereign debt crises by agreeing to guidelines that ensure sustainable, transparent lending and borrowing that benefits and is accountable to people, taking into consideration the guiding principles on foreign debt and human rights endorsed by the Human Rights Council.

To address climate harms to human rights

13. Climate change affects people everywhere. Yet, the poorest and most marginalized individuals, communities and countries that have contributed the least to greenhouse emissions often bear the greatest burden. Efforts to mitigate and adapt to the impacts of climate change should therefore meet the special needs and circumstances of developing countries and of vulnerable and marginalized persons everywhere. For example, harmful fossil fuel and agricultural subsidies, both direct and indirect, should be phased out with safeguards that minimize the impact on the poorest and most vulnerable. Conversely, carbon taxes, with appropriate safeguards to minimize impacts on the poorest and most vulnerable, could be designed to internalize environmental externalities and finance sustainable development efforts.

To align economic policies and institutions with human rights standards

14. A road map should be put in place for economic governance reforms that ensure fair representation of emerging and developing countries in international financial and economic decision making, prevent future economic crises and promote sustainable, inclusive economic progress. Policy coherence, particularly human rights policy coherence, will be critical for the successful implementation of the 2030 Agenda. This will entail taking measures to ensure coherence between current international legal regimes for trade, finance, and investment on the one hand and norms and standards for labour, the environment, human rights, equality and sustainability on the other hand.

To monitor human rights progress

15. A people-centred and planet-sensitive post-2015 human rights and development agenda must adopt a broader measure of progress than the gross domestic product. It must take into account the three dimensions of sustainable development and be rooted in a human rights-based approach to development. The objective should be to capture the degree to which the strength of an economy meets the needs and rights of people, and how sustainably and equitably it does so. By monitoring progress toward fulfilment of human rights objectives, States can make informed decisions regarding the effective use of resources for the progressive realization of human rights.

To ensure accountability of all duty bearers to rights holders

16. States should regularly review and monitor the global partnership for sustainable development based on specific, measureable, time-bound targets to ensure the accountability of all States for their commitments. The review of the global partnership for sustainable development should draw upon and feed into existing monitoring mechanisms, including by integrating in a structured manner the work of relevant human rights bodies. The monitoring of financing for development needs to go beyond the tracking of financial flows and also assess the development results of such financial flows as well as progress on addressing systemic issues. Monitoring efforts must be underpinned by a human rights-based data revolution that makes information more available, accessible and more broadly disaggregated to track development impacts for all people in all countries.

Annex II

Key messages on human rights and climate change of the Office of the United Nations High Commissioner for Human Rights

1. In order to foster policy coherence and help ensure that climate change mitigation and adaptation efforts are adequate, sufficiently ambitious, non-discriminatory and otherwise compliant with human rights obligations, the following considerations should be reflected in all climate action.

To mitigate climate change and to prevent its negative human rights impacts

2. States have an obligation to respect, protect, fulfil and promote all human rights for all persons without discrimination. Failure to take affirmative measures to prevent human rights harms caused by climate change, including foreseeable long-term harms, breaches this obligation. The fifth assessment report of the Intergovernmental Panel on Climate Change confirms that climate change is caused by anthropogenic emissions of greenhouse gases. Among other impacts, climate change negatively affects people's rights to health, housing, water and food. These negative impacts will increase exponentially according to the degree of climate change that ultimately takes place and will disproportionately affect individuals, groups and peoples in vulnerable situations including, women, children, older persons, indigenous peoples, minorities, migrants, rural workers, persons with disabilities and the poor. Therefore, States must act to limit anthropogenic emissions of greenhouse gases (e.g. mitigate climate change), including through regulatory measures, in order to prevent to the greatest extent possible the current and future negative human rights impacts of climate change.

To ensure that all persons have the necessary capacity to adapt to climate change

3. States must ensure that appropriate adaptation measures are taken to protect and fulfil the rights of all persons, particularly those most endangered by the negative impacts of climate change such as those living in vulnerable areas (e.g. small islands, riparian and low-lying coastal zones, arid regions and the poles). States must build adaptive capacities in vulnerable communities, including by recognizing the manner in which factors such as discrimination, and disparities in education and health affect climate vulnerability, and by devoting adequate resources to the realization of the economic, social and cultural rights of all persons, particularly those facing the greatest risks.

To ensure accountability and effective remedy for human rights harms caused by climate change

4. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other human rights instruments require States to guarantee effective remedies for human rights violations. Climate change and its impacts, including sea-level rise, extreme weather events and droughts have already inflicted human rights harms on millions of people. For States and communities on the frontline, survival itself is at stake. Those affected, now and in the future, must have access to meaningful remedies, including judicial and other redress mechanisms. The obligations of States in the context of climate change and other environmental harms extend to all rights holders and to harm that occurs both inside and beyond boundaries. States should be accountable to rights holders for their contributions to climate change, including for failure to adequately regulate the emissions of businesses under their jurisdiction, regardless of where such emissions or their harms actually occur.

To mobilize maximum available resources for sustainable, human rights-based development

5. Under core human rights treaties, States acting individually and collectively are obligated to mobilize and allocate the maximum available resources for the progressive realization of economic, social and cultural rights, as well as for the advancement of civil and political rights and the right to development. The failure to adopt reasonable measures to mobilize available resources to prevent foreseeable human rights harms caused by climate change breaches this obligation. The mobilization of resources to address climate change should complement and not compromise other efforts of Governments to pursue the full realization of all human rights for all, including the right to development. Innovative measures such as carbon taxes, with appropriate safeguards to minimize negative impacts on the poor, can be designed to internalize environmental externalities and mobilize additional resources to finance mitigation and adaptation efforts that benefit the poorest and most marginalized.

International cooperation

6. The Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments impose upon States the duty to cooperate to ensure the realization of all human rights. Climate change is a human rights threat with causes and consequences that cross borders; thus, it requires a global response, underpinned by international solidarity. States should share resources, knowledge and technology in order to address climate change. International assistance for climate change mitigation and adaptation should be additional to existing official development assistance commitments. Pursuant to relevant human rights principles, climate assistance should be adequate, effective and transparent, it should be administered through participatory, accountable and non-discriminatory processes, and it should be targeted toward persons, groups, and peoples most in need. States should engage in cooperative efforts to respond to climate-related displacement and migration and to address climate-related conflicts and security risks.

To ensure equity in climate action

7. The Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action and The Future We Want all call for the right to development, which is articulated in the Declaration on the Right to Development, to be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The United Nations Framework Convention on Climate Change calls for States to protect future generations and to take action on climate change “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”. While climate change affects people everywhere, those who have contributed the least to greenhouse gas emissions (i.e. the poor, children and future generations) are those most affected. Equity in climate action requires that efforts to mitigate and adapt to the impacts of climate change should benefit people in developing countries, indigenous peoples, people in vulnerable situations and future generations.

To guarantee that everyone enjoys the benefits of science and its applications

8. The International Covenant on Economic, Social and Cultural Rights states that everyone has the right to enjoy the benefits of science and its applications. All States should actively support the development and dissemination of new climate mitigation and adaptation technologies including technologies for sustainable production and consumption. Environmentally clean and sound technologies should be accessibly priced, the cost of their development should be equitably shared, and their benefits should be fairly distributed between and within countries. Technology transfers between States should take place as needed and appropriate to ensure a just, comprehensive and effective international response to climate change. States should also take steps to ensure that global intellectual property regimes do not obstruct the dissemination of mitigation and adaptation technologies while at the same time ensuring that these regimes create appropriate incentives to help meet sustainable development objectives. The right of indigenous peoples to participate in decision-making related to and benefit from the use of their knowledge, innovations and practices should be protected.

To protect human rights from business harms

9. The Guiding Principles on Business and Human Rights affirm that States have an obligation to protect human rights from harm by businesses, while businesses have a responsibility to respect human rights and to do no harm. States must take adequate measures to protect all persons from human rights harms caused by businesses; to ensure that their own activities, including activities conducted in partnership with the private sector, respect and protect human rights; and where such harms do occur to ensure effective remedies. Businesses are also duty bearers. They must be accountable for their climate impacts and participate responsibly in climate change mitigation and adaptation efforts with full respect for human rights. Where States incorporate private financing or market-based approaches to climate change within the international climate change framework, the compliance of businesses with these responsibilities is especially critical.

To guarantee equality and non-discrimination

10. States have committed to guarantee equality and non-discrimination. Efforts to address climate change should not exacerbate inequalities within or between States. For example, indigenous peoples' rights should be fully reflected in line with the United Nations Declaration on the Rights of Indigenous Peoples and actions likely to impact their rights should not be taken without their free, prior and informed consent. Care should also be taken to ensure that a gender perspective, including efforts to ensure gender equality, is included in all planning for climate change mitigation and adaptation. The rights of children, older persons, minorities, migrants and others in vulnerable situations must be effectively protected.

To ensure meaningful and informed participation

11. The International Covenant on Civil and Political Rights and other human rights instruments guarantee all persons the right to free, active, meaningful and informed participation in public affairs. This is critical for effective rights-based climate action and requires open and participatory institutions and processes, as well as accurate and transparent measurements of greenhouse gas emissions, climate change and its impacts. States should make early-warning information regarding climate effects and natural disasters available to all sectors of society. Adaptation and mitigation plans should be publicly available, transparently financed and developed in consultation with affected

groups. Particular care should be taken to comply with relevant human rights obligations related to participation of persons, groups and peoples in vulnerable situations in decision-making processes and to ensure that adaptation and mitigation efforts do not have adverse effects on those that they should be protecting. Human rights impact assessments of climate actions should be employed to ensure that they respect human rights. Further, States should develop and monitor relevant human rights indicators in the context of climate change, keeping disaggregated data to track the varied impacts of climate change across demographic groups and enabling effective, targeted and human rights compliant climate action.
