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## Human Rights Council

### Forty-eighth session

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Annual report of the Expert Mechanism on the Right to Development**

*Chair-Rapporteur:* Klentiana **Mahmutaj** (Albania)



## I. Introduction

1. The Human Rights Council, in its resolution 42/23 of 27 September 2019, decided to establish a subsidiary expert mechanism to provide the Council with thematic expertise on the right to development in searching for, identifying and sharing best practices with Member States and to promote the implementation of the right to development worldwide.
2. The Expert Mechanism meets twice annually, for three days at a time, in Geneva and in New York. The present report contains the summary of the work carried out at the second and third sessions of the Expert Mechanism, including recommendations concerning its future work and mandate for consideration and approval by the Human Rights Council. Both sessions were held in virtual settings owing to the coronavirus disease (COVID-19) pandemic.
3. The members of the Expert Mechanism are Koen De Feyter (Belgium), Armando Antonio De Negri Filho (Brazil), Bonny Ibhawoh (Nigeria), Mihir Kanade (India) and Klentiana Mahmutaj (Albania).

## II. Organization of the sessions

4. At its first session, held in 2020, the Expert Mechanism agreed to have one Chair, who would also be the rapporteur of the annual report; one Vice-Chair; and rapporteurs for the thematic studies. The Vice-Chair would automatically become the next Chair, and rotation would occur every six months. Accordingly, Mr. Ibhawoh and Ms. Mahmutaj served as Chair of the second and third sessions, respectively.
5. The Expert Mechanism convened its second session, which was shortened because of restrictions related to the pandemic, on 11 and 12 November 2020.
6. In his opening statement at the second session, the Chair recalled that the Expert Mechanism had agreed to be guided by two overarching objectives: to mainstream, reinvigorate and operationalize the right to development; and to enhance the ability of grass-roots organizations to understand and support implementation of the right to development. It was important to go beyond rhetoric, to identify obstacles to the realization of the right to development and to make concrete policy recommendations on how to overcome them. He referred to the three levels of responsibility that should be addressed in the work of the Expert Mechanism: (a) States acting collectively in global and regional partnerships; (b) States acting individually as they adopted and implemented policies that affected persons not strictly within their jurisdiction; and (c) States acting individually as they formulated national development policies and programmes affecting persons within their jurisdiction.
7. The Chair explained that the Expert Mechanism had identified five topics for thematic studies<sup>1</sup> to be submitted for consideration to the Human Rights Council. He stressed that the COVID-19 pandemic had exacerbated existing poverty and inequalities within and between nations and that the right to development was premised on international cooperation and solidarity. Therefore, the right to development had to play a fundamental role in the post-pandemic recovery, in order to help reverse long-standing cycles of poverty and inequality in the world. The right to development called for the active, free and meaningful participation of all in development and in the fair distribution of benefits resulting therefrom. In order to achieve a rights-based recovery, international cooperation, solidarity and multilateralism should be underscored.
8. The Expert Mechanism convened its third session from 30 March to 1 April 2021. The session was divided into private and public segments, the latter of which included remote simultaneous interpretation.
9. In his opening remarks, delivered by video message, the Director of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in New York highlighted that the 2030 Agenda for Sustainable Development was explicitly informed by the right to development, was based on the full range of human rights and was aimed at addressing

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<sup>1</sup> For more information about the studies, see A/HRC/45/29, paras. 23–27.

inequalities both within and between countries. The world was witnessing an unfair distribution of the impact of and the hardships caused by the global COVID-19 pandemic, with older persons, minorities and the poor disproportionately affected. Vaccine nationalism was becoming an ugly reality, leaving millions of people behind. Despite the call for a temporary waiver to the Agreement on Trade-Related Aspects of Intellectual Property Rights, including from the Expert Mechanism and from human rights advocates around the world, some of the wealthiest countries and companies had blocked efforts by poorer nations to gain speedy access to COVID-19 vaccines and treatments by temporarily lifting World Trade Organization rules protecting intellectual property. The Director called for solidarity and a cooperative approach to the production and distribution of vaccines, which should be seen as a global public good.

10. In her opening statement at the third session, the Chair explained that the Expert Mechanism planned to submit the five thematic studies to the Council over the course of the first three years of its mandate. The participants of the third session would consider the first study and a synopsis of the second study, with a view to adopting the first study ad referendum so that it could be submitted for consideration by the Council at its forty-eighth session, together with the second annual report of the Expert Mechanism. As part of its outreach efforts, the Expert Mechanism issued, together with other human rights experts, a press release to mark the thirty-fourth anniversary of the Declaration on the Right to Development, and initiated a press release on COVID-19 and vaccine nationalism, in which it urged members of the World Trade Organization to cooperate on waivers to the Agreement on Trade-Related Aspects of Intellectual Property Rights and on access to vaccines to protect global public health.<sup>2</sup> The Chair highlighted that the COVID-19 pandemic and its consequences had only compounded inequalities and added to the existing crises of climate, environment and biodiversity. These issues clearly showed the world's interconnectedness; no country was able to address these challenges alone. She also recalled the Secretary-General's call for reinforced and re-imagined governance of critical global commons and the reiteration of his call for a new global deal among countries to ensure that power, benefits and opportunities were shared more broadly and fairly.

11. The Expert Mechanism subsequently adopted the agendas for its second and third sessions<sup>3</sup> and its programme of work.

12. All five members of the Expert Mechanism attended both sessions. The Chair of the Working Group on the Right to Development and the Special Rapporteur on the right to development attended the second session. The second and third sessions were also attended by representatives of States, United Nations bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and United Nations mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on development issues, and non-governmental organizations in consultative status with the Economic and Social Council.

### III. Summary of proceedings

#### A. General statements

13. At the second session, general statements were delivered by Azerbaijan, speaking on behalf of the Movement of Non-Aligned Countries, Bangladesh, China, Cuba, Egypt, India, Iran (Islamic Republic of) and Venezuela (Bolivarian Republic of). Statements were also delivered by representatives of Associazione Comunità Papa Giovanni XXIII, the European Union, the International Human Rights Council, the Organization for Defending Victims of Violence and the South Centre.

14. Speakers expressed their support for the Expert Mechanism, many explicitly affirming that the right to development was a universal and inalienable human right. Many referred to

<sup>2</sup> OHCHR, "COVID-19: UN experts urge WTO cooperation on vaccines to protect global public health", 1 March 2021.

<sup>3</sup> A/HRC/EMRTD/2/1 and A/HRC/EMRTD/3/1.

the COVID-19 pandemic, which had exacerbated existing poverty and inequalities, affecting people in the most vulnerable situations, especially those living in developing countries. The pandemic had negatively affected the progress made towards the achievement of the Sustainable Development Goals. Many underlined that the right to development should play an important role in the recovery from the pandemic and in the realization of the Goals. It was noted that international solidarity was needed more than ever today, including through technology transfer and financial cooperation, to fill the economic gap between countries. The Addis Ababa Action Agenda should be implemented by all States in that regard. Some delegations denounced the practice of unilateral coercive measures, which hindered the right to development of people living in the sanctioned countries. One delegation, while supporting the right to development itself, expressed caution with regard to its over-conceptualization and politicization.

15. Speakers expressed their support for the themes selected for the thematic studies, welcoming the approaches adopted by the Expert Mechanism. Some suggested a close collaboration with other Human Rights Council mechanisms and special procedure mandate holders, including the Special Rapporteur on the right to development and the Working Group on the Right to Development. Several speakers underscored the necessary cooperation with the Working Group, especially on the elaboration of the legally binding instrument. One delegation was concerned about the multiplication of mandates. Many delegations requested that OHCHR continue mainstreaming the right to development.

16. At the third session, general statements were delivered by Algeria, Azerbaijan, Cameroon, China, Cuba, Egypt, India, Iran (Islamic Republic of), the Russian Federation and Venezuela (Bolivarian Republic of). Statements were also delivered by representatives of Associazione Comunità Papa Giovanni XXIII, the Centre for Human Rights, CEU Pela Vida, the European Union, the International Human Rights Association of American Minorities, the International Human Rights Council and the University of Pennsylvania.

17. Many speakers expressed their support for the Expert Mechanism, highlighting the importance of the right to development as a human right, both in the individual and collective sense. Corresponding duties of States included, most importantly, the duty of international cooperation. Speakers also noted that the COVID-19 pandemic highlighted inequalities existing around the world and that it was exacerbated by those inequalities. An adequate response to the pandemic and an adequate recovery would only be possible if human rights-based development was promoted. It was noted that global recovery from the COVID-19 pandemic called for compassion towards people in the most vulnerable situations, and it was also noted that vaccines should not be used as an instrument for exerting pressure. Some delegations stressed the importance of adopting a legally binding instrument on the right to development and urged the Expert Mechanism to support efforts in that regard.

18. Many delegations also highlighted that the right to development could not be achieved universally if unilateral coercive measures continued to be applied. Unilateral coercive measures were incompatible with generally accepted human rights principles and had a negative impact on cooperation in areas such as combating terrorism, disarmament, security and social development. Existing practice showed that unilaterally imposed sanctions undermined the sovereignty of States and interfered with their internal affairs. The Expert Mechanism should pay particular attention to that practice.

19. Some speakers stressed the importance of a human rights-based approach to development, reiterating that the right to development was grounded in the indivisible nature of human rights. While one delegation understood the right to development as an individual right, many delegations underscored the importance of perceiving it as both an individual and a collective right. One delegation expressed hope that discussions undertaken during the sessions of the Expert Mechanism would not be used to politicize and promote the view that development was a precondition for human rights. Some speakers stressed that the right to development implied the full realization of the right to self-determination and the full sovereignty over natural resources of indigenous peoples and other minorities in particular. Many speakers encouraged the Expert Mechanism to undertake research and study visits to countries and to carry out extensive consultations with civil society on the ground.

## **B. Interactive dialogue with the Chair-Rapporteur of the Working Group on the Right to Development and the Special Rapporteur on the right to development**

20. The Chair-Rapporteur of the Working Group on the Right to Development informed the Expert Mechanism that the work of the Working Group had stagnated owing to the divergence of views among Member States on the right to development. From 2019, the Working Group had shifted its focus to the drafting of a legally binding instrument on the right to development. The Chair-Rapporteur concluded by calling upon all Member States to demonstrate the necessary political will for cooperation and compromise. The Special Rapporteur on the right to development informed the Expert Mechanism about the recent thematic reports that he had submitted to the Human Rights Council and the General Assembly, in which he addressed the national and international levels of financing for development, respectively. In his report to the Council, the Special Rapporteur recommended the allocation of resources for people in the most vulnerable situations, improvement of data collection, establishment of progressive taxation, and the placing of rights holders at the centre of decision-making. In the report to the General Assembly, he recommended a human rights-based response to COVID-19, and he addressed the issue of public-private partnerships and principles of participation, consent and access to information.

## **C. Thematic studies**

21. During the third session, prior to the consideration of each of the proposed thematic studies, some participants took the floor to make general observations. They included representatives of Algeria, Cuba, Namibia and the Russian Federation, and representatives of Associazione Comunità Papa Giovanni XXIII, CEU Pela Vida, the International Human Rights Association of American Minorities, the International Human Rights Council, the Sikh Human Rights Group and the South Centre.

22. Speakers suggested themes for future studies by the Expert Mechanism, including the effect of foreign debt and unilateral coercive measures on the enjoyment of the right to development, increased involvement of civil society and discrimination against minorities. One delegation expressed its concern that several studies seemed to be based on a priori assumptions, placing too much emphasis on States' obligations and the duty to cooperate. The delegation suggested that the Expert Mechanism focus on human rights questions at the national level.

23. The Chair drew attention to the call from the Expert Mechanism for inputs concerning the third and fourth thematic studies on the right to development in international investment law and on the duty to cooperate and non-State actors.

### **1. Operationalizing the right to development in achieving the Sustainable Development Goals**

24. At the second session, Mr. Kanade gave a brief presentation on the study on operationalizing the right to development in achieving the Sustainable Development Goals. Underscoring that the right to development should not be limited to achieving the Sustainable Development Goals, he explained that the Goals could be seen as an intention by States to fulfil their obligations under the Declaration on the Right to Development. The current deceleration in achieving the Goals is an inevitable consequence of regarding the right to development as charity, privilege or generosity. The means of implementation targets established in the Goals indicated that duties were reciprocal for the recipient countries and assisting countries, and that neither should interfere with the right to development of the rights holders. During the interactive exchange of views with participants, Mr. Kanade stressed the importance of collecting data to support an objective analysis and to move away from possible biases that could be imposed by those who wanted to avoid a result that confirmed an unsuccessful performance in achieving the Goals. The needs of the rights holders should be duly taken into account when determining a development policy, and the duty for international cooperation was a legal obligation that derived from the Charter of the United Nations and customary international law.

25. At the third session, Mr. Kanade introduced the draft of the study<sup>4</sup> and invited participating delegates, civil society organizations and other stakeholders to provide further comments so that he could refine and finalize it for consideration by the Human Rights Council at its forty-eighth session. The alarming lack of results achieved in realizing the Sustainable Development Goals prior to and during the COVID-19 pandemic – and which would, most likely, also continue after the pandemic – was the inevitable consequence of the lack of operationalizing the right to development in implementing the 2030 Agenda, especially the means of implementation. If the 2030 Agenda was to bear any prospect of success, its implementation needed to be based on the normative framework of the right to development, in which development was viewed as a human right of all persons and peoples with corresponding duties imposed upon States with respect to the means of implementation, including the duty of international cooperation. Mr. Kanade explained that the study was aimed at providing guidance to States and other stakeholders on how the right to development could be mainstreamed and operationalized in implementing the 2030 Agenda to ensure a course correction. The study was focused on the means of implementation through the normative lens of the duty of international cooperation and highlighted the heightened importance and urgency of doing so, both during and in the aftermath of the COVID-19 pandemic. States must pay full attention to their collective obligations to realize the right to development in global and regional partnerships, and to their individual obligations not to impair or nullify the realization of the right of those not strictly within their jurisdiction.

26. In the ensuing discussion, one delegation welcomed the fact that the study spelled out the duty of States to ensure that their development policies were developed through consultation with those affected. However, the delegation also expressed concern that there was too much focus on the international dimension of the right to development as compared with the national dimension. Mr. Kanade responded that the Expert Mechanism was acting within the mandate given to it by the Human Rights Council in its resolution 45/6. One delegation expressed concern that some parts of the study could be understood as suggesting that donors had a duty to fund projects identified by the recipient country, even if they were not in fact based on human rights. In responding to the concern, Mr. Kanade replied that the study did not say that donors had the obligation to provide assistance to everyone, but that if they provided international assistance, they had to do so in line with international cooperation. One delegation highlighted that the study did not refer to corruption, the rule of law and good governance. Some delegations disagreed with the reference made in the study to a human rights-based approach, since development could not be the result of, or result in, violations of other human rights. In response, Mr. Kanade explained that the human rights-based approach to development was the dominant framework within the United Nations. One delegation suggested that the study made reference to a legally binding instrument on the right to development.

## **2. Racism, racial discrimination and the right to development**

27. At the second session, Mr. Ibhawoh gave a brief presentation on the study on racism, racial discrimination and the right to development. The study would address how racism and racial discrimination hindered the operationalization of the right to development in the context of State obligations, and examine systemic and institutional racism as they manifested themselves in State policies affecting persons outside the State's jurisdiction. Because of the current global movement for racial justice and the disproportionate impact of the COVID-19 pandemic on communities affected by these issues, the study was timely and necessary. He underlined that a key component of the right to development was the elimination of domestic and international obstacles to the realization of the right to development. Under the Declaration on the Right to Development, the obstacles to development include massive and flagrant violations of the human rights affected by situations such as those resulting from racism and racial discrimination. Following an exchange of views with participants, Mr. Ibhawoh stressed the importance of intersectionality and non-discrimination in the work of international organizations. He clarified that the Expert Mechanism worked from an academic perspective and that it therefore did not have an

<sup>4</sup> See

[www.ohchr.org/Documents/Issues/Development/EMD/Session3/A\\_HRC\\_EMRTD\\_3\\_CRP.1.pdf](http://www.ohchr.org/Documents/Issues/Development/EMD/Session3/A_HRC_EMRTD_3_CRP.1.pdf).

advanced assumption that would precondition its conclusions. The Expert Mechanism adopted a holistic approach to analyse issues with multiple dimensions.

28. At the third session, Mr. Ibhawoh presented the synopsis of the study,<sup>5</sup> focusing on racism and racial discrimination, which are violations of fundamental human rights. He highlighted that anti-racism, non-discrimination and equality of development were central pillars of the right to development. The objectives of the study were (a) to examine racism and racial discrimination as barriers to the operationalization of the right to development in the context of State obligations; (b) to examine systemic racism as it manifested in policies affecting persons outside the State's jurisdiction, in the context of the right to development; and (c) to examine the obstacles that racism and racial discrimination pose to international cooperation and global partnerships on the right to development. As a preliminary finding, he highlighted that the principle of the equality of opportunity for development provided a road map to promoting justice and dignity for all and for combating racism in all its manifestations. The principle of equality of development was central to the right to development. The links between extreme poverty and racial discrimination had been well established, with racial discrimination affecting communities in vulnerable situations at both national and international levels. The submissions of States, civil society organizations and other stakeholders to the study questionnaires indicated that several stakeholders considered racism to be an obstacle to international cooperation and partnerships on the right to development. Finally, Mr. Ibhawoh invited States, international organizations and civil society organizations to share good practices, shortcomings and lessons learned in addressing racism in the context of operationalizing the right to development.

29. In the ensuing discussion, one delegation expressed satisfaction that the text started with the premise that individual human beings were rights holders. However, the delegation also asked whether the study did not constitute a replication of previous initiatives in that regard. Mr. Ibhawoh replied that there existed a renewed tension regarding questions of racism and that the Expert Mechanism believed that the right to development brought a unique dimension to the issue of racism. One delegation suggested that the definition of racial discrimination contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination should be used in the study. Mr. Ibhawoh said that at some point it might be necessary to clarify the concept of racism and that the starting point would be article 1. However, he believed that there was an opportunity for the study to go beyond the definition of racism, since the key driver of the study was how victims themselves experienced racism. One delegation stressed that the current reference to sexual orientation in the study should be avoided. Mr. Ibhawoh replied that racial discrimination did not exist by itself, but together with sexual orientation, class and ethnicity, among others. It would therefore be practically impossible to completely ignore the dimension of sexual orientation. One delegation suggested placing greater emphasis on racial discrimination related to the phenomenon of migration and discrimination against persons with disabilities. One delegation highlighted the importance of combating institutionalized racism and conceptual barriers against group rights, in particular against minorities. One speaker suggested that more attention should be paid to the rights of indigenous peoples and the right to self-determination.

### **3. Inequalities and the right to development**

30. At the second session, Mr. De Negri Filho gave a brief presentation on the study on inequalities and the right to development. The study would contain an analysis of the relationship between the right to development, inequalities and social protection, which is an effective tool to reduce inequalities. Inequities, which are unfair inequalities, could be dealt with in appropriate public policies, as was demonstrated by the response to the COVID-19 pandemic. The realization of the right to development could eliminate inequities. Because of the low level of commitment by public authorities, civil society had an important role to play. The gap between the standard of the global economy set by the global North and the reality in the global South, together with the increasing debt pressure, resulted in reduced

<sup>5</sup> See

[www.ohchr.org/Documents/Issues/Development/EMD/Session3/A\\_HRC\\_EMRTD\\_3\\_CRP.2.pdf](http://www.ohchr.org/Documents/Issues/Development/EMD/Session3/A_HRC_EMRTD_3_CRP.2.pdf).

expenditures for social protection. Subsequent to a vivid exchange of views with participants, Mr. De Negri Filho said that the study might embolden States in their will to introduce the right to development as an effective tool to address inequalities. It would also demonstrate the importance of participation in decision-making processes that determined the international economic order.

31. At the third session, Mr. De Negri Filho provided an update on the study. He underlined that as a result of the pandemic, various reform processes had been hampered. Instead of leading to a reorganization of social protection, austerity policies that had dominated the scene prior to the pandemic had in fact been stepped up, which made countries even more indebted. The study would entail positive examples, success stories and policies that had given priority to protecting people's rights in the context of the pandemic and social protection systems, as well as processes that had only amplified inequalities in the context of the pandemic and weakened social protection systems. Finally, he invited participants to disseminate both the study, when it was ready, and the work of the Expert Mechanism, within their networks. Mr. Kanade asked Mr. De Negri Filho to share his thoughts on the concepts of a universal basic income and universal health coverage within the broader subject of social protection. Mr. De Negri Filho replied that the idea of a universal basic income was an interesting one but entailed some problems. He stressed that the ongoing discussion on universal health coverage and a universal basic income had to be seen in a broader context, looking at guidance from the World Bank and the International Monetary Fund. In Brazil there existed a constitutional right to health care. Potentially changing the system would be regressive since it might lead to the imposition of insurance systems.

#### **4. Right to development in international investment law**

32. At the second session, Ms. Mahmutaj gave a brief presentation on the study on the right to development in international investment law. The study would explore the current and potential relevance of the right to development in international investment law, in the context of national and international obligations and the responsibility to protect human rights and achieve the Sustainable Development Goals. The study would analyse three dimensions of human rights obligations, namely: (a) domestic obligations of each State to protect human rights, including the right to development; (b) the role of investors both as duty bearers in complying with human rights obligations but also as rights holders; and (c) the obligations of international cooperation and of advancing sustainable development and the Goals when entering into international investment treaties or agreements. The study would examine whether foreign investment treaties unduly restricted the regulatory capacity of a State protecting the interests of its population, the conflict between investor rights and human rights of the local population, and whether investment cooperation and facilitation treaties increased or diluted the prominence of human rights and sustainable development. Ms. Mahmutaj concluded that a multisectoral approach proved to be effective, as human rights and international economic law were interrelated.

33. At the third session, Ms. Mahmutaj explained that insofar as the study was concerned, she was in the process of organizing research and study visits and had already received positive responses from academics. However, she would like to see more engagement from non-State actors and was interested in their contributions.

#### **5. Non-State actors and the duty to cooperate**

34. At the second session, Mr. De Feyter gave a brief presentation on the study on non-State actors and the duty to cooperate. The study would focus on the duty to cooperate in overcoming obstacles to the implementation of the right to development on the ground. Given that the duty to cooperate dealt with States acting collectively and with cooperation between States and non-State actors, the duty was only partially inscribed in the current international human rights treaty law. The duty is owed to the rights holders, who are individuals and peoples. The study would examine good practices that take into account the rights of the communities affected by those actions, including a degree of cooperation among actors, the domestic State, foreign States, foreign investors, international organizations and grass-roots organizations. The study would analyse the extent to which cooperation among the actors was successful in realizing the right to development for the community and how the results



could have been improved further. Mr. De Feyter concluded by referring to the examples of South-South cooperation, which were inspiring, and underscored the importance of involving civil society and consulting them in this study.

35. At the third session, Mr. De Feyter provided an update on the study. He explained that the global dimension of the right to development required that States cooperate to mobilize appropriate resources for the realization of human rights. While the duty to cooperate applied first and foremost among States, it also implied a broader partnership with non-State actors. The purpose of the study was to investigate how constructive engagement among Member States and relevant actors could lead in practice to the realization of the right to development of local communities, that is, by ensuring their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. On the basis of this investigation, recommendations would be formulated on a further clarification and operationalization of the duty to cooperate as an instrument for the realization of the right to development. The study would involve both a desk review and field work, consisting of a site visit to the local community at the heart of the relevant situation. With respect to the upcoming field work, Mr. De Feyter said that expressions of interest from both States and civil society actors would be welcome. Responding to a question by Mr. Kanade, Mr. De Feyter explained that an example of good practices would be to determine whether lessons had been learned in international arbitration cases in which the investor decided to remain in the country afterwards and undertake a new investment.

#### **IV. Conclusions and recommendations**

36. In concluding the third session, the Chair pointed out how much the Expert Mechanism had achieved in less than one year of its existence, namely holding 19 informal intersessional meetings and 3 formal sessions; adopting a joint statement on COVID-19 and vaccine nationalism; and adopting one thematic study, its second annual report and the programme for the remainder of its first term. She said that the right to development was born in the same period in which the iconic picture “Earthrise” had been taken, and that it bore a similar message: one of shared humanity, solidarity, cooperation and shared responsibility.

37. At the final meeting of its third session, held on 1 April 2021, the Expert Mechanism adopted the thematic study on operationalizing the right to development in achieving the Sustainable Development Goals ad referendum, and it decided to submit it to the Human Rights Council at its forty-eighth session for its consideration. The Expert Mechanism expressed its gratitude to Mr. Kanade, who served as rapporteur for the preparation of the study, and to all those who submitted inputs and provided comments in the course of the preparation of the study.

38. The Expert Mechanism also noted with appreciation the synopsis of the ongoing study on racism, racial discrimination and the right to development, prepared by Mr. Ibhawoh, the rapporteur for the study, and expressed its gratitude to all those who submitted inputs and provided comments in the course of the preparation of the study. The Expert Mechanism looks forward to considering the first draft of the report of the study at its fourth session, with a view to its adoption at that session.

39. The Expert Mechanism recalled the important value added of the right to development and its mandate to the work of other human rights mechanisms and decided to engage actively with those mechanisms in order to discuss possible cooperation, including the possibility of making joint statements, studies or other activities.

40. The Expert Mechanism recognized the important contribution of civil society organizations to its work and decided to hold informal consultations with civil society organizations, including at regional levels, subject to the availability of funding. The Expert Mechanism also decided to hold a dedicated meeting, as part of its next session, with interested civil society organizations.

41. With a view to elaborating a long-term programme of work, the Expert Mechanism decided to call for proposals for thematic studies, which it might take up in the future.

42. The Expert Mechanism decided to hold a panel discussion at each of its sessions on a topic relevant to its work, with a view to promoting the right to development in the context of critical areas beyond the scope of its thematic studies.

43. The Expert Mechanism also adopted the following recommendations for consideration and approval by the Human Rights Council at its forty-eighth session:

(a) The Human Rights Council enables the Expert Mechanism to webcast its public sessions and to authorize the use of international sign interpretation and real-time captioning in English;

(b) The Human Rights Council authorizes the Expert Mechanism to expand the participation of civil society organizations in sessions of the Mechanism by allowing it to extend invitations to non-governmental organizations that do not have consultative status with the Economic and Social Council.

## Annex I

### List of participants at the second session of the Expert Mechanism on the Right to Development

#### States Members of the Human Rights Council

Bahrain, Bangladesh, Fiji, Germany, India, Italy, Nepal, Poland and Venezuela (Bolivarian Republic of)

#### States Members of the United Nations

Algeria, Azerbaijan, Belgium, Brazil, Cabo Verde, Canada, Chad, China, Colombia, Croatia, Cuba, Djibouti, Egypt, France, Greece, Haiti, Iran (Islamic Republic of), Kenya, Lao People's Democratic Republic, Liechtenstein, Madagascar, Malaysia, Mongolia, Morocco, Nauru, North Macedonia, Portugal, Republic of Moldova, Russian Federation, Slovenia, South Africa and Switzerland

#### Non-member observer State

State of Palestine

#### United Nations

Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights; and United Nations Conference on Trade and Development

#### Intergovernmental organizations

European Union, Ibero-American General Secretariat and Organization of Islamic Cooperation

#### International organizations

South Centre and World Trade Organization

#### National human rights institutions and other relevant national bodies

Comité interministériel des droits de la personne, Commission on Human Rights (Philippines), National Human Rights Council (Morocco), National Youth Organization of Pakistan, People's Advocate (Albania) and Westminster Foundation for Democracy

#### Experts on development issues

Denisson D'Angiles, Cristiana Carletti, Fernanda Carvalho, Philippe Cullet, Serge Kanga and Emma Strobell

#### Non-governmental organizations in consultative status with the Economic and Social Council

Associazione Comunità Papa Giovanni XXIII; Bureau pour la croissance intégrale et la dignité de l'enfant; Centre for Gender Justice and Women Empowerment; Conselho Indigenista Missionário; Genève pour les droits de l'homme: formation internationale; Grupo de Mujeres de la Argentina – Foro de VIH, Mujeres y Familia; International Accountability Project; International Human Rights Council; Organisation pour la communication en Afrique et de promotion de la coopération économique internationale; Organization for Defending Victims of Violence; Public Organization "Public Advocacy"; Rencontre africaine pour la défense des droits de l'homme; Servas International; Sikh Human Rights Group; Sociedade Maranhense de Direitos Humanos; and Young Global Leadership Foundation, Inc.

## **Annex II**

### **List of participants at the third session of the Expert Mechanism on the Right to Development**

#### **States Members of the Human Rights Council**

Armenia, Austria, Bangladesh, Brazil, Cameroon, China, Côte d'Ivoire, Cuba, Germany, India, Indonesia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Republic of Korea, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of)

#### **States Members of the United Nations**

Algeria, Angola, Azerbaijan, Belarus, Burundi, Cambodia, Chad, Chile, Colombia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guyana, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Lesotho, Madagascar, Malaysia, Maldives, Mongolia, Nauru, Nicaragua, Paraguay, Peru, Portugal, Qatar, Switzerland, Syrian Arab Republic, Thailand and United Republic of Tanzania

#### **Non-member observer States**

Holy See and State of Palestine

#### **United Nations**

United Nations Conference on Trade and Development; United Nations Educational, Scientific and Cultural Organization; United Nations High Commissioner for Refugees; and United Nations Office for Disaster Risk Reduction

#### **Intergovernmental organizations**

Council of Europe; European External Action Service; European Union; Organization of Islamic Cooperation; and South Centre

#### **National human rights institutions and other relevant national bodies**

Independent Commission for Human Rights (State of Palestine); National Commission on Human Rights (Indonesia); and Office of the Human Rights Advocate (Guatemala)

#### **Non-governmental organizations in consultative status with the Economic and Social Council**

Association nationale de promotion et de protection des droits de l'homme; Associazione Comunità Papa Giovanni XXIII; Centre for Human Rights; Club Ohada Thies; Franciscans International; Genève pour les droits de l'homme: formation internationale; International Accountability Project; International Human Rights Association of American Minorities; International Human Rights Council; New Humanity; Organization for Defending Victims of Violence; Public Organization "Public Advocacy"; Rahbord Peimayesh Research & Educational Services Cooperative; Sikh Human Rights Group; and Soka Gakkai International

#### **Other non-governmental organizations**

Centre de recherches internationales et stratégiques; Centre for Human Rights, University of Pretoria; CEU Pela Vida; Committee for Justice; Defend Defenders; Democratic Youth Foundation; Fundación InteRed; International Disability Alliance; Instituto CEU Estrela Guia; K'ahsho Got'ine Government Negotiations Secretariat; and We Are Forces of Nature, Inc.

**Academia**

Aix-Marseille University; Oslo University; Roma Tre University; University for Peace;  
University of Geneva; and University of Pennsylvania

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