



ARGENTINA
DEFENSORÍA DEL PUEBLO DE LA NACIÓN
NATIONAL HUMAN RIGHTS INSTITUTION

Second revised text of the draft convention on the right to development

Responding to the OHCHR call upon national human rights institutions and regional human rights mechanisms to submit comments and textual suggestions on the second revised text of the draft convention on the right to development (A/HRC/WG.2/24/2), our contribution is set out below:

Preamble

Paragraph 24 of the Preamble should, in our view, be rephrased so as to include an explicit reference to the contributions that civil society organizations dealing with human rights issues as well as NHRIs and regional human rights mechanisms can make for the creation of national and international conditions favourable to the realization of the right to development.

This is especially true given that they work closely with the States and guarantee that collective and individual measures for promoting higher standards of living, creating conditions for progress and development and complying with the provisions set forth in all international and regional human rights treaties be effectively taken by the States.

Particularly, when it is established therein, as a general principle, that institutions and non-governmental organizations are responsible for contributing to the promotion of a social and international order in which the right to development can be fully realized [Article 3 (I)].

Accordingly, the draft Convention offers, in our opinion, an opportunity to strengthen obligation for States to interact with NHRIs and NGOs within a cooperation framework, at national and international levels.

Therefore, it is suggested that preambular paragraph 24 be reworded as follows:

*"Acknowledging that States have the primary responsibility, through cooperation, including engagement with civil society **together with NHRIs that collaborate actively and also critical**, for the creation of national and international conditions to the realization of the right to development".*

Part II

Article 11

While legal persons, in particular those engaged in commercial activities, including international corporations, may contribute to the realization of the right to development, they may also affect it. Bearing in mind that States have the responsibility to take all necessary, appropriate and reasonable measures to monitor, regulate and impose controls on the conduct of companies, it should be recalled that a guiding framework based on the *United Nations Guiding Principles on Business and Human Rights* has already been established.

Article 13

It is suggested to recall that States should make joint efforts to eliminate tax havens [paragraph j)].

Article 17

Yes, but without prejudice to the fact that current public order laws could come into conflict with those disapproved by indigenous peoples.

Part IV

Article 25

After the Conference of States Parties, the NHRIs may submit, within a period of two months, alternative reports to the country report, or others based on statements given at the Conference of States Parties.

The creation of instances of critical participation amounts to building interest in an attempt to ensure that States are not alone in measuring milestones, progress and results on the right to development. This one-sided perspective could prove extremely positive in the face of realities that are not.

All that with a view to strengthening the role of the UN system's programmes, funds and specialized, regional human rights bodies, NHRIs and non-government organisations in consultative status so that they can be key, active participants and critics and not merely observers.