

Submission to the Special Rapporteur on the right to development

Sexual Rights Initiative

June 2023

I. Introduction

1. This is a submission by the Sexual Rights Initiative (SRI), a coalition of national and regional organisations based in Canada, Poland, India, Egypt and Argentina that work together to advance human rights related to sexuality at the United Nations.¹
2. We welcome the opportunity to provide inputs to the Special Rapporteur’s upcoming reports and priorities for his mandate. This submission primarily responds to questions 1 and 2 of Section C of the questionnaire regarding thematic priorities and challenges in realising the right to development. It draws on relevant recommendations previously made to other Special Procedures mandates² and expands upon the following recommendations:
 - a. Recommendations regarding overall approach and cross-cutting themes**
 - i. Recommendation 1: Adopt an intersectional approach to the right to development, which requires engaging with gender, racial and economic justice, among others;
 - ii. Recommendation 2: Adopt an economic justice approach to the right to development and its contribution to a human rights-based economy;
 - iii. Recommendation 3: Prioritise civil society participation and collaboration with other Special Procedures mandates
 - b. Recommendations regarding thematic reports**
 - i. Thematic recommendation 1: Gender perspectives on the right to development
 - ii. Thematic recommendation 2: Degrowth and just transition
 - iii. Thematic recommendation 3: Right to development and self-determination in contexts of (neo-)colonialism, imperialism, occupation, and indebtedness
 1. Reparations for colonialism, slavery, Apartheid and environmental degradation

¹ For more information about the Sexual Rights Initiative, please visit <http://www.sexualrightsinitiative.com/>

² Including joint submissions by the Sexual Rights Initiative, International Women’s Rights Action Watch Asia Pacific and the Association for Women’s Rights in Development to the Working Group on Discrimination against Women and Girls for its report on “Human Security of Women and Girls in the Context of Poverty and Inequality.” (October 2022), available at <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>, and to the Independent Expert on foreign debt for her report on multiple crises, fiscal systems and human rights (May 2023), available at <https://www.sexualrightsinitiative.org/resources/joint-submission-independent-expert-foreign-debt-multiple-crises-fiscal-systems-and-human>, as well as the SRI submission to the Special Rapporteur on unilateral coercive measures: sanctions and the right to health (March 2023) available at <https://www.sexualrightsinitiative.org/resources/sri-submission-special-rapporteur-unilateral-coercive-measures-sanctions-and-right-health>

II. Recommendations regarding overall approach and cross-cutting themes

Recommendation 1: Adopt an intersectional approach to the right to development, which requires engaging with gender, racial and economic justice, among others;

3. We welcome the Special Rapporteur's commitments to an intersectional perspective to his mandate and to civil society participation in that context, which is essential to any intersectional analysis of human rights.³ In this regard, we encourage the Special Rapporteur to build upon the previous work by this mandate,⁴ the Expert Mechanism on the Right to Development,⁵ and other mandates⁶ to address inequalities and the right to development from an intersectional perspective. As detailed below in the Thematic recommendations section below, we also believe that a thematic report specifically dedicated to gender and the right to development, using this intersectional approach, would contribute to filling a current gap on this topic in Special Procedures thematic reports, and in the broader human rights system.
4. Intersectionality offers us a radical critique of patriarchy, capitalism, white supremacy and other forms of domination, and it complicates any sense of gender, sex, class, race, caste or disability as singular and discrete identities.⁷ It rejects any hierarchy of one categorical determination over others and brings us to the conclusion that no form of oppression or subordination ever stands alone.⁸
5. Therefore, we encourage the Special Rapporteur to issue intersectional analysis and recommendations that clearly outline the oppressive structures leading to some people,

³ Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

⁴ Including in the Report of the Special Rapporteur on the right to development focusing on inequality and the right to development (2018). <https://undocs.org/en/A/HRC/39/51>

⁵ Inequality, social protection and the right to development: Study by the Expert Mechanism on the Right to Development. [A/HRC/EMRTD/7/CRP.4](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2023; Racism, racial discrimination and the right to development - Thematic study by the Expert Mechanism on the Right to Development. [A/HRC/51/37](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2022.

⁶ Including in the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2022; Gendered inequalities of poverty: feminist and human rights-based approaches - Report of the Working Group on discrimination against women and girls. [A/HRC/53/39](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2023; Cephas Lumina: "Chapter 21: Sovereign debt and human rights" in Office of the United Nations High Commissioner for Human Rights (OHCHR) "Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development." <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter21.pdf>, etc.

⁷ Intersectionality and intersectional discrimination has been recognised as part of the international human rights framework by several UN bodies and experts, including the Committee on the Elimination of Discrimination against Women. See, for example, General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, para. 18, available at: <https://www.refworld.org/docid/4d467ea72.html>.

⁸ SRI Submission to the Working Group on Discrimination Against Women and Girls, focusing on sexual and reproductive rights in situations of crisis. September 2020. <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ReproductiveHealthRights/CSOs/srisubmission/submission.docx>

communities and countries being particularly affected and further marginalised by the denial of the right to development. While these are often presented as “vulnerable groups,” that vulnerability is not inherent to them, their identity or their belonging to a specific group. Instead, it is the product of structural discrimination and deliberate policies by States and other actors, including international financial institutions and investors. Naming and examining the structural factors shaping people’s experience is also essential in outlining the corresponding State obligations to redress the situation.⁹

6. Key to that intersectional analysis is a deeper and more systematic engagement with class and class-based discrimination.¹⁰ The broader UN human rights system has occasionally but insufficiently¹¹ named and engaged with class,¹² despite its severe and wide-ranging impacts and despite the prohibition against discrimination based on social origin, property or birth in the

⁹ This is a call frequently made to Special Procedures in their analysis of human rights issues, including recently in an SRI submission to the Special Rapporteur on unilateral coercive measures, focusing on sanctions and the right to health. <https://www.sexualrightsinitiative.org/resources/sri-submission-special-rapporteur-unilateral-coercive-measures-sanctions-and-right-health>, para. 37.

¹⁰ See for instance the last report of the Special Rapporteur on extreme poverty, which calls for a systemic approach to discrimination on grounds of socioeconomic disadvantage, encompassing both direct and indirect forms of discrimination. Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter: Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty. A/77/157, 2022.

¹¹ See for instance the section “Linguistic lenses that can obscure the plight of the poor” in Report of the Special Rapporteur on extreme poverty and human rights, A/72/502, 2017, including para. 56; Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. A/HRC/29/31, 2015, para. 55; Raymond A. Atuguba: “Equality, non-discrimination and fair distribution of the benefits of development.” Chapter 7 in *Realizing the Right to Development*. OHCHR ebook, 2013. <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf>, pages 110-111.

¹² Among treaty bodies, see for instance the CEDAW Committee in its General Recommendations 25 on temporary special measures (para. 12), 28 on core obligations (para. 18), and 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness (paras 6 and 16); the CRC General Comment No. 7 (2005): Implementing child rights in early childhood (2006), [CRC/C/GC/7/Rev.1](https://www.unhcr.org/refugees/crc/gc/7/rev.1), para. 11(b)(iv).

Among Special Procedures, see for instance the Report of the Working Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](https://www.unhcr.org/refugees/women/44/51), para. 30; Position paper of the Working Group on discrimination against women and girls: [Gender equality and gender backlash](https://www.unhcr.org/refugees/women/gender-equality) (2020), para. 4; the report of the Special Rapporteur on violence against women focusing on multiple and intersecting forms of discrimination (2011), [A/HRC/17/26](https://www.unhcr.org/refugees/violence-against-women/17/26), paras 28, 40, 58, 59, 67; the Report of the Special Rapporteur on violence against women, focusing on gender-related killings (2012), [A/HRC/20/16](https://www.unhcr.org/refugees/violence-against-women/20/16), paras 15, 26, 62, Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions, [A/HRC/36/60](https://www.unhcr.org/refugees/african-descent/36/60), 2017, para. 58; the Report of the Special Rapporteur on extreme poverty and human rights, focusing on women and unpaid care work, [A/68/293](https://www.unhcr.org/refugees/poverty/68/293), 2013, paras 67, 96; the Report of the Special Rapporteur on racism, focusing on racial discrimination and emerging digital technologies (2020), [A/HRC/44/57](https://www.unhcr.org/refugees/racism/44/57), paras 9, 31, 41; the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings (2017), [A/HRC/35/23](https://www.unhcr.org/refugees/extrajudicial/35/23), para. 97(c); the Report of the Special Rapporteur on the human rights of migrants, focusing on the impact of migration on migrant women and girls: a gender perspective (2019), [A/HRC/41/38](https://www.unhcr.org/refugees/migrants/41/38), paras 14, 37; the Report of the Special Rapporteur on the right to health: Violence and its impact on the right to health (2022), [A/HRC/50/28](https://www.unhcr.org/refugees/right-to-health/50/28), paras 4, 69, 70; Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, [A/HRC/47/28](https://www.unhcr.org/refugees/right-of-everyone/47/28), 2021, para. 15; Report of the Special Rapporteur on the right to health, focusing on informed consent, [A/64/272](https://www.unhcr.org/refugees/right-to-health/64/272), 2009, para. 17; Report of the Special Rapporteur on extreme poverty, focusing on the persistence of poverty: how real equality can break the vicious cycles (2021), [A/76/177](https://www.unhcr.org/refugees/poverty/76/177), paras 56-60; Report of the Special Rapporteur on human rights defenders, focusing on the situation of women human rights defenders (2019), [A/HRC/40/60](https://www.unhcr.org/refugees/human-rights-defenders/40/60), para. 35; Report of the Special Rapporteur on contemporary forms of racism, focusing on citizenship, nationality and immigration, [A/HRC/38/52](https://www.unhcr.org/refugees/racism/38/52), 2018, para. 30; Report of the Special Rapporteur on the right to health, focusing on sexual and reproductive health rights during COVID-19, [A/76/172](https://www.unhcr.org/refugees/right-to-health/76/172), 2021, para. 4.

UDHR,¹³ ICESCR,¹⁴ and ICCPR¹⁵ - prohibitions which have been “virtually ignored by Governments, United Nations human rights bodies and commentators.”¹⁶

7. We believe it important for the Special Rapporteur, other Special Procedures mandates¹⁷ and the broader human rights system to adopt a class analysis of poverty, inequality, resource distribution and the right to development. Such an analysis articulates poverty not as the result of individual attributes,¹⁸ or as an “unfortunate by-product” of a certain system, but rather as an inherent feature of a society economically structured around class and exploitation by powerful actors invested in maintaining poverty,¹⁹ which is an essential condition for the realisation of their interests.²⁰ This also means that analyses of poverty on the international stage must recognize the central historical and contemporary role of colonial exploitation, extraction and impoverishment of the Global South in the construction of ‘welfare states’ in the north,²¹ and the vested interest of Northern states and privileged classes across the world in maintaining an unjust and discriminatory economic status quo.²² The Expert Mechanism on the Right to

¹³ Article 2 of the Universal Declaration of Human Rights. UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>

¹⁴ Article 2(2) of the International Covenant on Economic, Social and Cultural Rights. UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html>

¹⁵ Article 2(1) of the International Covenant on Civil and Political Rights. UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html>

MacNaughton Gillian. “Untangling Equality and Non-Discrimination to Promote the Right to Health Care for All.” *Health and Human Rights* 2009 pp. 47–63. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/07/5-MacNaughton.pdf>, pages 49-50.

¹⁶ Report of the Special Rapporteur on extreme poverty and human rights. A/72/502, 2017, para. 62.

This is despite the fact that the inclusion of the word “property” is widely accepted to refer to economic status, which is confirmed by the Spanish and French versions of these provisions. In Spanish the provision refers to “posición económica” (economic position) and in French, to “fortune” (wealth).

(MacNaughton Gillian. “Untangling Equality and Non-Discrimination to Promote the Right to Health Care for All.” *Health and Human Rights* 2009 pp. 47–63. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/07/5-MacNaughton.pdf>, pages 49-50).

¹⁷ This was a recommendation also made in joint submissions by AWID, IWRAW and SRI to the Working Group on discrimination against women and girls in October 2022, available at <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and> and to the Independent Expert on foreign debt in May 2023, available at <https://www.sexualrightsinitiative.org/resources/joint-submission-independent-expert-foreign-debt-multiple-crises-fiscal-systems-and-human>

¹⁸ The Special Rapporteur on extreme poverty has pointed to “meritocracy” as a common but inadequate response to classism. Report of the Special Rapporteur on extreme poverty, focusing on the persistence of poverty: how real equality can break the vicious cycles (2021), A/76/177, paras 56-60.

¹⁹ Wright, Erik Olin. “The class analysis of poverty.” *International Journal of Health Services*, vol. 25, no. 1, 1995, pp. 85–100. JSTOR, <http://www.jstor.org/stable/45130193>, pages 85, 90.

²⁰ *Ibid.*, page 90.

²¹ As Jessica Whyte’s account of the allied history of neoliberalism, colonialism and human rights puts it, “[i]t was Kwame Nkrumah who grasped most clearly that the colonies were not simply an exception to the extension of social welfare and rights. Colonial exploitation, he argued, constituted the condition of possibility for economic rights in the metropolis. [...] The colonies were not simply latecomers to the welfare world. If there was no ‘rights cascade’ when it came to social and economic rights, this was, not least, because the exploitation of the colonies made these rights possible in the metropolis.” Whyte, Jessica. *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. London: Verso, 2019. Pages 121-122.

²² Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.hrc.org/DocumentLibrary/A/HRC/50/60), 2022, para. 88.

Development's recent naming of the devastating impacts of "neoliberal hyper-globalisation and the shift toward market fundamentalism"²³ can be built upon for this analysis.

8. Along with class-based discrimination, the operation of racial discrimination is sometimes erased in UN human rights spaces,²⁴ but as the Special Rapporteur on Racism has noted, in many contexts, "class discrimination is also racial discrimination."²⁵ We encourage the Special Rapporteur to use a racial justice lens in his analysis of the right to development and its denial, and to build upon the work of the Special Rapporteur on racism and the Expert Mechanism on the right to development in that area.²⁶
9. Finally, continued analysis on the disability dimensions of the right to development would also be important.²⁷ While the mandate of the Special Rapporteur on the rights of persons with disabilities has issued a report on international cooperation, that report did not use the frame of the right to development.²⁸

Recommendation 2: Adopt an economic justice approach to the right to development and its contribution to a human rights-based economy and an equitable global economic order

10. We welcome the Special Rapporteur's emphasis on the contribution of the right to development to a human rights-based economy.²⁹ In this regard, we encourage the Special Rapporteur to locate the right to development within a broader economic justice approach,³⁰ and to make recommendations towards a more equitable global economic order.
11. Feminist propositions for economic justice have centred principles such as participation; intersectionality; sustainable, self-determined development from the local to the global; an

²³ Inequality, social protection and the right to development: Study by the Expert Mechanism on the Right to Development. [A/HRC/EMRTD/7/CRP.4](#), 2023, para. 10.

²⁴ For more information on the dilution and 'capture' of intersectionality in the UN system, please see the SRI submission to the Special Rapporteur on the right to health, focusing on racism and the right to health. June 2022, para. 2.

²⁵ Report of the Special Rapporteur on racism, focusing on racial discrimination and emerging digital technologies (2020), [A/HRC/44/57](#), para. 41.

²⁶ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022; Racism, racial discrimination and the right to development - Thematic study by the Expert Mechanism on the Right to Development. [A/HRC/51/37](#), 2022.

²⁷ See for instance the Report on Response and recovery plans and policies on the coronavirus disease (COVID-19) pandemic from the perspective of the right to development at the national level. [A/HRC/51/30](#), 2022.

²⁸ Report of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar. [A/75/186](#), 2020.

²⁹ Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

³⁰ The recommendations for an economic justice approach outlined in this section were also made in a joint submission by AWID, IWRAW and SRI to the Working Group on discrimination against women and girls. See <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>

economy centred around human rights, substantive equality, justice and the well-being of the planet; just (re-)distribution of wealth and resources for all, without monopolisation; feminist and cross-movement solidarity; a shift away from the disproportionate emphasis on a “productive economy” into a feminist decolonial green new economy; an equitable and just global trade order; debt justice; and a democratic global economic governance architecture.³¹ The Bailout Manifesto for a Global Feminist Economic Recovery in the wake of the COVID-19 pandemic contains core principles and concrete recommendations to that effect.³²

12. Such an approach recognises that economic justice is essential for the realisation of gender justice - just as it is for racial, disability or climate justice - and treats these issues as inextricably linked. It is rooted in a feminist and human rights analysis of power and resource distribution and an intersectional understanding of substantive equality. It advocates for an expansive conception of poverty, a focus on economic inequality, and directly addresses the harms and logic of capitalism that permeate current conceptions of poverty, development and economics, including regarding care work. It challenges the unequal and unfair distribution of resources within and among countries, and makes the case for their redistribution through the right to development, progressive taxation, debt cancellation,³³ and reparations for colonialism and environmental degradation. Finally, an economic justice approach necessarily challenges privatisation of natural resources and basic services, public and private partnerships, and multi stakeholder approaches as ‘solutions’ to end poverty and advance development. Rather, it requires dismantling corporate power, impunity and capture and holding states, international institutions and corporations accountable for laws, policies and practices that are extractive and exacerbate inequality.

³¹ See for instance “A Feminist Agenda for People and Planet: Principles and Recommendations for a Global Feminist Economic Justice Agenda.” Feminist Blueprint for Action, 2021. Feminist Economic Justice for People & Planet Action Nexus. https://wedo.org/wp-content/uploads/2021/06/Blueprint_A-Feminist-Agenda-for-People-and-Planet.pdf; AWID: Our Vision: Economic Justice in a Feminist World. <https://www.awid.org/our-vision-economic-justice-feminist-world>

³² The Manifesto’s principles are: 1. Social infrastructure and systems of care for people and the environment are the foundations of thriving economies. Invest in them; 2. Recognize the plurality of economic models, including community economies, informal economies, and solidarity economies; 3. Redefine wealth as a community asset that is created through our collective unpaid and paid labour; 4. Eliminate structural discrimination; and 5. Work towards the transformation and restructuring of the global economy.

The manifesto’s recommendations are: 1. Restructure the labour market; 2. Reform global tax and trade systems; 3. Set up systems of care; 4. Provide resources to feminist movements and community-led organisations; 5. Design human-centred digital policies; 6. Guarantee and secure the right to health; 7. Address root causes of gender-based violence and create alternatives to policing and criminal justice systems; 8. Place gender justice and human rights at the core of climate emergency response and policy; 9. Protect food and seed sovereignty; 10. Build local, national and peoples’ feminist COVID-19 response and recovery plans.

https://www.awid.org/sites/default/files/2022-03/Feminist_bailout_manifesto_EN.pdf (also available in [Spanish](#) and [French](#)).

³³ Global Action for Debt Cancellation: “Open Letter to All Governments, International Institutions and Lenders.” <https://debtgwa.net/#open-letter>

2.1. Debt justice

13. Debt is a major barrier to the realisation of the right to development. As Gail Hurley pointed out, “[t]he right to development also implies the full realisation of the right of peoples to self-determination. In many contexts, however, onerous debt service obligations and related conditionalities often undermine country ownership of national development strategies, thereby threatening the right to development.”³⁴ 60% of low-income countries are currently in, or at high risk, of debt distress.³⁵ A recent UNAIDS report warns against the “pandemic triad” of HIV, COVID-19 and debt in developing countries,³⁶ while a new UNDP report warns that 54 countries, which are “home to more than half of the world’s poorest people,” are facing a quickly escalating debt crisis and are in need of debt relief.³⁷
14. Among those countries is Sri Lanka, whose current economic crisis is a clear example of the devastating consequences of international financial institutions’ neocolonial and neoliberal loan conditionalities: following 17 IMF loans, and with debt repayments reaching new heights, Sri Lankans are bearing the brunt of shortages in medicines, food and essential products.³⁸ In Kenya, for the first time debt repayment has recently surpassed the government’s recurrent expenditure on items such as civil servant salaries.³⁹ In March 2020, Egypt’s annual debt service amounted to three times its education budget, or five times its health budget.⁴⁰ The impacts of debt and related austerity on the population have only worsened since then, in the context of a new IMF loan agreement,⁴¹ currency devaluation and economic crisis.⁴² This has important

³⁴ Hurley, Gail, 'Sovereign Debt and the Right to Development', in Ilias Bantekas, and Cephas Lumina (eds), *Sovereign Debt and Human Rights* (Oxford, 2018; online edn, Oxford Academic, 24 Jan. 2019),

<https://doi.org/10.1093/oso/9780198810445.003.0014>

³⁵ *Financing for Sustainable Development Report 2022* (United Nations publication, 2022, Sales No. E.22.I.6), as cited in the Report of the Independent Expert on foreign debt “Towards a global fiscal architecture using a human rights lens,” July 2022, A/77/169, available at www.undocs.org/A/77/169, para. 50.

³⁶ UNAIDS: “A pandemic triad: HIV, COVID-19 and debt in developing countries.” UNAIDS, 2022.

https://www.unaids.org/sites/default/files/media_asset/pandemic-triad-HIV-COVID19-debt-in-developing-countries_en.pdf

³⁷ UNDP: “Avoiding Too Little Too Late on International Debt Relief.” 11 October 2022.

<https://www.undp.org/publications/avoiding-too-little-too-late-international-debt-relief>

³⁸ Thamil Venthan Ananthavinayagan: “Sri Lanka and the Neocolonialism of the IMF.” *The Diplomat*, 31 March 2022:

<https://thediplomat.com/2022/03/sri-lanka-and-the-neocolonialism-of-the-imf/>; Niyanthini Kadirgamar: “How the Economic Crisis Hit “home” for Sri Lanka.” *RESURJ Reflections on our countries*, 26 April 2023.

<https://resurj.org/reflection/how-the-economic-crisis-hit-home-for-sri-lanka/>

³⁹ “Debt payments surpass State running expenses.” *Constant Munda, Business Daily*, 25 April 2023.

<https://www.businessdailyafrica.com/bd/economy/debt-payments-surpass-state-running-expenses--4211528>

⁴⁰ The Egyptian Initiative for Personal Rights (EIPR) reported that “during the 12-month period ending in March 2020, Egypt had to repay a record-shattering \$28.6 billion, exceeding the total value of exports, and amounting to around quintuple the revenues from the Suez Canal over the same period.” EIPR: “External debt increases during first year of COVID-19 pandemic, each Egyptian indebted by \$900.” 31 March 2022.

<https://eipr.org/en/publications/external-debt-increases-during-first-year-covid-19-pandemic-each-egyptian-indebted-900>

Please also see EIPR’s other publications on debt, including its [commentary](#) on the announcement of a new IMF loan agreement with Egypt (30 October 2022) and its series of reports “Eye on Debt” at <https://eipr.org/en/tags/eye-debt>

⁴¹ EIPR commentary on the announcement of a new IMF loan agreement with Egypt, 30 October 2022.

<https://eipr.org/en/press/2022/10/six-years-imf-treatment-exacerbates-disease>

⁴² “Inflation, IMF austerity and grandiose military plans edge more Egyptians into poverty.” Ruth Michaelson and Menna Farouk, *The Guardian*. 8 May 2023.

gendered consequences and forces women and other marginalised people to step into the gaps left by the State, including through unpaid and underpaid care work.⁴³

15. We call on the Special Rapporteur to echo the calls to unconditionally cancel illegitimate debts by all lenders and provide reparations for the damages caused to countries, peoples and nature, due to the contracting, use and payment of unsustainable and illegitimate debts and the conditions imposed to guarantee their collection.⁴⁴ Support for this recommendation is also found in the demands of the Campaign of Campaigns, which among other things call for a New Global Economic Architecture under the auspices of the UN and a Debt Cancellation and Workout Mechanism at the UN - eliminating the debt crisis while shifting power to the UN, where member States share equal decision-making roles and are mandated to act in service of human rights, international cooperation, and protection of the planet.⁴⁵

2.2. Tax justice and illicit financial flows

16. In addition to addressing tax injustice from a national perspective, including through progressive taxation policies, it is important to engage with the international economic structures enabling tax and economic injustice at the international level and allowing “proceeds of global tax abuse [to] almost always flow in the direction of the old empires, continuing the enriching of the global north by the global south.”⁴⁶ We encourage the Special Rapporteur to join the Independent Expert on Foreign Debt⁴⁷ and the UN Secretary-General⁴⁸ in calling for a reform of the global tax

<https://www.theguardian.com/global-development/2023/may/08/inflation-imf-austerity-and-grandiose-military-plans-edge-more-egyptians-into-poverty>

Please see also “Egypt and the IMF: A Floating Currency and Submerged Prisoners.” Nana Abuelsoud, RESURJ. 26 April 2023.

<https://resurj.org/reflection/egypt-and-the-imf-a-floating-currency-and-submerged-prisoners/>

⁴³ “Global Recognition of Care Work as a Human Right Urged by Feminists and Human Rights Defenders on May 1st.” ESCR-Net, 1 May 2023.

<https://www.escr-net.org/news/2023/global-recognition-care-work-human-right-urged-feminists-and-human-rights-defenders-may>

As noted by the Independent Expert on foreign debt, cuts to public spending and privatisation of health and other services “have a higher impact on women and low-income earners and adds to deepening inequalities between and within countries and regions.” Report of the Independent Expert on foreign debt: Towards a global fiscal architecture using a human rights lens. July 2022. A/77/169, para. 11, available at www.undocs.org/A/77/169,

⁴⁴ Global Action for Debt Cancellation: “Open Letter to All Governments, International Institutions and Lenders.”

<https://debtgwa.net/#open-letter> This recommendation was also made in the SRI submission to the Special Rapporteur on the right to health, to inform her report on racism and the right to health in June 2022.

<https://www.sexualrightsinitiative.org/resources/sri-submission-special-rapporteur-right-health-racism-and-right-health>, and in a joint submission by AWID, IWRAW AP and SRI to the Independent Expert on foreign debt for her report on multiple crises, fiscal systems and human rights (May 2023), available at <https://www.sexualrightsinitiative.org/resources/joint-submission-independent-expert-foreign-debt-multiple-crises-fiscal-systems-and-human>, para. 17.

⁴⁵ <https://campaignofcampaigns.com/index.php/en/>; UNCTAD Secretary-General Rebeca Grynspan has also lamented the lack of an effective global system to deal with debt and called for an independent sovereign debt authority that would also engage with debtor interests, rather than the current procedures often sabotaged by creditors refusing to engage, and in which “crisis resolutions are often too little, too late.” <https://unctad.org/news/blog-world-lacks-effective-global-system-deal-debt>

⁴⁶ Tax Justice Network: “Empire and decolonisation.” <https://taxjustice.net/topics/empire-and-decolonisation/>

⁴⁷ Report of the Independent Expert on foreign debt “Towards a global fiscal architecture using a human rights lens,” July 2022, [A/77/169](http://www.undocs.org/A/77/169), para. 52.

⁴⁸ “UN Secretary General signals support for UN tax convention.” Tax Justice Network, 27 September 2022.

system, including through a new global tax convention and body, in the recognition that the gaps and shortcomings of the international financial architecture allows for “unequal revenue collection within and between countries, [...] uneven wealth distribution and the pervasive increase in poverty and exclusion around the world.”⁴⁹

17. We also encourage the Special Rapporteur to continue building upon the analysis and recommendations on illicit financial flows from a right to development perspective,⁵⁰ and to engage with feminist perspectives on this issue.⁵¹

2.3. Call for corporate accountability, including through the adoption of a strong binding treaty on transnational corporations, businesses and human rights.

18. While we welcome the Special Rapporteur’s attention to the private sector in his 7P approach,⁵² it is important to go beyond “creating incentives” for responsible business conduct and instead affirming strong taxation and regulation for the private sector, including through the adoption of a strong binding treaty on TNCs, as a central prerequisite for the realisation of the right to development.
19. The rising power and extended reach of corporations is an urgent challenge confronting women and oppressed peoples. Concentration of wealth and power within the hands of multinational and transnational corporations distorts economic, political and social structures in favour of the interests of corporations; and entrenches the extraction and exploitation of labour and natural resources. At the international level, human rights abuses in the Global South by transnational corporations based in the Global North are a form of neo-colonialism overwhelmingly rewarded by impunity. As noted by the Special Rapporteur on racism, “the dominance in the extractivism economy of countries in the global North and hegemonic countries from the global South benefits such countries and their transnational corporations at the continuing expense of most

<https://taxjustice.net/press/un-secretary-general-signals-support-for-un-tax-convention/>

⁴⁹ Report of the Independent Expert on foreign debt “Towards a global fiscal architecture using a human rights lens,” July 2022, A/77/169, available at www.undocs.org/A/77/169, para. 2.

This recommendation was also made in a joint submission by the Sexual Rights Initiative, International Women’s Rights Action Watch Asia Pacific and the Association for Women’s Rights in Development to the Working Group on Discrimination against Women and Girls for its report on “Human Security of Women and Girls in the Context of Poverty and Inequality.” (October 2022), available at

<https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>

⁵⁰ See for instance The Right to Development and Illicit Financial Flows: Realizing the Sustainable Development Goals and Financing for Development. Bhumika Muchhala. [A/HRC/WG.2/19/CRP.3](https://www.undocs.org/A/HRC/WG.2/19/CRP.3), 2018; as well as the Special Rapporteur on development's report on Financing for development - international level: [A/75/167](https://www.undocs.org/A/75/167) (2020)

⁵¹ See for instance “Illicit Financial Flows: Why we should claim these resources for gender, economic and social justice.” Attiya Waris for AWID, 2017. <https://www.awid.org/publications/illicit-financial-flows-why-we-should-claim-these-resources-gender-economic-and-social>

⁵² Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

countries of extraction in the global South"⁵³ and cannot be understood as separate from its colonial origins.⁵⁴ At the national level, large corporations are exerting their economic power by demanding massive bailouts from governments to weather the global recession.⁵⁵

20. In this context, we call on the Special Rapporteur to challenge approaches increasing corporate power and capture, often presented as 'solutions' to underdevelopment, such as privatisation and public-private partnerships. We believe this mandate should call for corporate accountability and State support for the adoption of a strong binding treaty on transnational corporations, other business enterprises and human rights, a process which has seen corporate and northern States' attempts to block the treaty and dilute its obligations.⁵⁶

2.4. Call for accountability from international financial institutions

21. Economic inequalities between countries and the denial of the right to development are also enabled by the governance and priorities of international financial institutions such as the World Bank and IMF, whose human rights-adverse policies are primarily shaped by men from economic elites and wealthy countries. As Jason Hickel outlines, the heads of both the IMF and the World Bank are nominated by Europe and the US respectively; the G7 and the EU control a large majority of the votes in the two multilateral institutions, and the ratio of per capita voting allocations reveals that "the votes of people of colour are worth only a fraction of their

⁵³ Global extractivism and racial equality: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. [A/HRC/41/54](#), 2019, para. 42.

⁵⁴ *Ibid.*, para. 22.

⁵⁵ Joint submissions by AWID, IWRAW AP and AWID to the Working Group on Discrimination against Women and Girls for its report on "Human Security of Women and Girls in the Context of Poverty and Inequality." (October 2022), available at <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>, para. 38.

⁵⁶ "Feminist realities must be reflected in corporate accountability mechanisms." Feminist for a Binding Treaty, 25 October 2022. <https://www.cambridge.org/core/blog/2022/10/25/feminist-realities-must-be-reflected-in-corporate-accountability-mechanisms/>

See also the video dispatch from the last round of negotiations in Geneva by Sanyu Awori for AWID: <https://twitter.com/AWID/status/1585547279158497280?s=20&t=UGym4M0Pd39PrgyZbrVXXQ>

counterparts.”⁵⁷ In RESURJ’s recent publication on the IMF,⁵⁸ which examines debt from a feminist perspective, Sanyu Awori and Marta Music remind that “[t]he IMF can never deliver gender justice, because it is not designed to do so: it is at the centre of a global economic system that extracts and exploits in explicitly colonial, gendered, racial and classist ways.”⁵⁹

22. Macroeconomic policies and mainstream economics are often androcentric, leading to the imposition of neoliberal policies, such as those mandating austerity, privatisation, structural adjustment or fiscal consolidation, without due regard for their negative human rights or gendered impacts – or for the expertise and recommendations of feminist economists and women’s rights advocates.⁶⁰ This has been especially destructive in countries across the Global South, where the concept of structural violence has been used to describe the effects of neoliberalism, austerity and structural adjustment programmes, combined and compounded with the enduring impacts of colonial dispossession and domination.⁶¹
23. From a gender perspective, macroeconomic policies “have led to rocketing inequality, austerity measures and the undermining of care services,”⁶² reduced social protection floors, and

⁵⁷ Jason Hickel: “Apartheid in the World Bank and the IMF.” Al Jazeera, 26 November 2020.

<https://www.aljazeera.com/opinions/2020/11/26/it-is-time-to-decolonise-the-world-bank-and-the-imf>

This is a reality long called out by civil society, UN experts and Southern states, and even the object of a specific SDG target (SDG Target 10.6 on ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions). See e.g. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, paras 8, 88; Balakrishnan Radhika et al. Rethinking Economic Policy for Social Justice : The Radical Potential of Human Rights. Routledge 2016, page 45; “Analysis: World Bank and IMF failure to address the global polycrisis makes systemic reform even more urgent.” European Network on Debt and Development, 19 October 2022.

https://www.eurodad.org/world_bank_and_imf_failure_to_address_the_global_polycrisis_makes_systemic_reform_even_more_urgent; etc.

⁵⁸ The IMF and Our Bodies. Reflections on Our Countries | 1st Edition, 2023. RESURJ, 26 April 2023.

<https://resurj.org/reflection/reflections-on-our-countries-1st-edition-2023/>

⁵⁹ “Why the International Monetary Fund is Fundamentally Incompatible with Our Demands for Intersectional Feminist Economic Justice.” Sanyu Awori, Marta Music. RESURJ, 26 April 2023.

<https://resurj.org/reflection/why-the-international-monetary-fund-is-fundamentally-incompatible-with-our-demands-for-intersectional-feminist-economic-justice/>

A parallel can be made with the World Trade Organization, intellectual property regimes, and their impacts on human rights. As Alan Rossi stated during a recent Human Rights Council side event on health, human rights and capitalism, commenting on the failure to get a meaningful TRIPS waiver for access to COVID-19 vaccines: “the IP system and the World Trade Organization have not failed. They are not failing. They are working as they were supposed to be working.” Please see Alan Rossi’s intervention during the Sexual Rights Initiative HRC 52 Side Event: Health, Human Rights, and Capitalism.

<https://www.youtube.com/watch?v=iJdWQLtnmY&t=138s>

⁶⁰ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: Impact of economic reforms and austerity measures on women’s human rights, [A/73/179](#), 2018, paras. 7, 10, 89.

⁶¹ Macassa G, McGrath C, Rashid M, Soares J. Structural Violence and Health-Related Outcomes in Europe: A Descriptive Systematic Review. International Journal of Environmental Research and Public Health. 2021; 18(13):6998.

<https://doi.org/10.3390/ijerph18136998>, page 10.

⁶² Report of the Working Group on the issue of discrimination against women in law and in practice: Reasserting equality, countering rollbacks. [A/HRC/38/46](#), 2018, para. 39.

exacerbated economic disadvantage for women.⁶³ We encourage the Special Rapporteur to critique austerity, privatisation and other neoliberal policies, and to reject them as invariably classist, sexist, racist and ableist in effect.⁶⁴

24. We also encourage the Special Rapporteur to continue contributing to the increasing human rights scrutiny on international financial institutions⁶⁵ and to condemn the economic, racial, colonial and gender injustice in their policies, loan conditionalities, and governance structure.⁶⁶

2.5. Unilateral coercive measures as a violation of the right to development

25. We encourage the Special Rapporteur to elaborate on previous analysis of unilateral sanctions as violations of the right to development, as they “make it harder for entire populations to stay healthy and hamper the transportation of goods needed for economic development.”⁶⁷ The Expert Mechanism on the Right to Development has also questioned the humanitarian impacts of sanctions⁶⁸ and their repercussions on inequalities within and between countries.⁶⁹

⁶³ Report of the Working Group on the issue of discrimination against women in law and in practice: Eliminating discrimination against women in economic and social life, with a focus on economic crisis, [A/HRC/26/39](#), 2014, para. 28.

⁶⁴ On this topic, see for instance the Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: Responsibility for complicity of international financial institutions in human rights violations in the context of retrogressive economic reforms. [A/74/178](#), 2019.

⁶⁵ Joint communication to the International Monetary Fund by the Mandates of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the right to development; the Special Rapporteur on extreme poverty and human rights and the Working Group on discrimination against women and girls. OL OTH 16/2022. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27128>

See also “Feminists Reject International Monetary Fund’s Strategy Toward Mainstreaming Gender” at <https://www.campaignofcampaigns.com/index.php/en/our-work/actions/354-rejection-of-international-monetary-fund-s-strategy-toward-mainstreaming-gender-2>

⁶⁶ This recommendation was also made in a joint submission by SRI, AWID and IWRAP to the Working Group on discrimination against women and girls. See <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>, para. 20.

⁶⁷ “Unilateral sanctions impinge on right to development - UN experts.” 11 August 2021.

<https://www.ohchr.org/en/press-releases/2021/08/unilateral-sanctions-impinge-right-development-un-experts>

⁶⁸ Fifth Session of the Expert Mechanism on the Right to Development: Concluding remarks by Mr. Koen De Feyter, Chair. 11 March 2022.

<https://www.ohchr.org/en/statements/2022/03/fifth-session-emrtd-concluding-remarks-mr-koen-de-feyter-chair>

⁶⁹ Ongoing studies by the Expert Mechanism on the Right to Development: Inequalities and the right to development. 31 October 2022.

<https://www.ohchr.org/en/documents/ongoing-studies/inequalities-and-right-development>

Recommendation 3: Prioritise civil society participation and collaboration with other Special Procedures mandates

26. We encourage the Special Rapporteur to take a collaborative and participatory approach to his mandate. In this regard, we would like to refer to the joint submission made by 17 civil society organisations to the 2023 Annual meeting of Special Procedures on good practices and recommendations regarding civil society participation in the work of Special Procedures.⁷⁰
27. We also encourage the Special Rapporteur to work with other Special Procedures mandates so that they integrate the right to development in their own work and from the perspective of their respective mandates. This is essential for the policy coherence emphasised by the Special Rapporteur,⁷¹ and to counter the marginalisation of the right to development and economic, social and cultural rights in UN human rights spaces.

III. Recommendations regarding thematic reports

Thematic recommendation 1: Gender perspectives on the right to development

28. The Special Rapporteur is uniquely positioned to put forward analysis showing the inherent links between gender equality, resource distribution and the right to development. This is essential, especially in a multilateral context where powerful wealthy northern states continue to sideline, dismiss and marginalise the right to development and its challenge to inequalities between countries,⁷² and treat it as a separate issue from gender and women's human rights, when most women in the world who live in poverty do so as a result of a systematic and deliberate disregard by northern states and corporations for Global South countries, peoples and people's

⁷⁰ Joint submission to the 29th Annual Meeting of Special Procedures: Good practices and recommendations: Civil society participation in the work of Special Procedures (June 2023). Endorsed by the #EmptyChairs Campaign, Action Canada for Sexual Health and Rights, Al-Haq, Law in the Service of Man, Asian Pacific Resource and Research Centre for Women (ARROW), Association for Progressive Communications (APC), Association for Women's Rights in Development (AWID), Center for Reproductive Rights, Centro de Estudios Legales y Sociales (CELS), CREA, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), International Planned Parenthood Federation (IPPF), International Service for Human Rights, RFSL - The Swedish Federation for LGBTIQ Rights, Sexual Rights Initiative, CHOICE for Youth and Sexuality, UN Program, Occidental College, USA, and Urgent Action Fund for Women's Human Rights (UAF).

⁷¹ Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

⁷² Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2022, para. 88.

right to development.⁷³ Recent negotiations on a draft convention on the right to development⁷⁴ were no different, with Global North countries continuing to resist the codification of the right to development,⁷⁵ several States opposing the concept of gender and the Expert Drafting Group following suit in its commentary and revisions of the draft instrument.⁷⁶

29. The marginalisation and dismissal of issues of redistribution of resources⁷⁷ is not gender-neutral; just as the marginalisation of economic, social and cultural rights is not gender-neutral. It is part and parcel of a patriarchal system positioning civil and political rights as the “real” human rights - and their violations, expressed in narrow (overwhelmingly male) terms, as the “real” human rights violations deserving of scrutiny.⁷⁸ It is also indicative of a broader Northern commitment to a racially discriminatory status quo.⁷⁹

⁷³ Sexual Rights Initiative: “A review of key trends in relation to SRHR in Geneva-based human rights spaces in 2020.” <https://www.sexualrightsinitiative.org/resources/review-key-trends-relation-srhr-geneva-based-human-rights-spaces-2020>, pages 2-3.

This is despite the ICESCR’s assertion of the obligation for wealthier countries to assist poorer countries in the realisation of economic, social and cultural rights (See ICESCR article 2(1); and CESCR General Comment 3, para. 13.) and SDG Goal 10 on reducing inequalities within and among countries.

⁷⁴ The latest discussions took place during the 24th session of the Working Group on the Right to Development, in May 2023: <https://www.ohchr.org/en/events/events/2023/24th-session-working-group-right-development>

⁷⁵ “Among the hurdles [Mihir Kanade, Chair of the Expert Drafting Group on the Legally Binding Instrument on the Right to Development] described were the political divergence among states split across North-South lines on whether the right to development should be realized through soft law instruments or through an international treaty and disagreements on the precise contents of the treaty.” <https://www.ohchr.org/en/stories/2023/05/new-treaty-would-codify-right-development>

⁷⁶ See Articles 8.1 and 16 and its commentaries in the Second revised text of the draft of the convention on the right to development, with commentaries, [A/HRC/WG.2/24/2/Add.1](https://www.ohchr.org/en/hrdoc/wg2/2023/01/A_HRC_WG.2/24/2/Add.1), January 2023. Regarding Article 16, the Expert Drafting Group noted “that the objective of this draft article, as reflected in the substantive provisions, is addressing discrimination against women and girls specifically, and not gender inequality in a broader sense.” In the first revised draft convention on the right to development, with commentaries, [A/HRC/WG.2/23/2/Add.1](https://www.ohchr.org/en/hrdoc/wg2/2022/05/A_HRC_WG.2/23/2/Add.1) (May 2022), the Expert Drafting Group had “noted the deeply contested status of these grounds of discrimination [“gender”, “gender identity” and “sexual orientation”] in international human rights law, and their current omission from international human rights treaties due to the extensive differences among states on these alleged bases of discrimination. Due to the contested nature of these terms and their legal status, they will not be introduced in this Revised Draft Convention to expand the prohibited grounds of discrimination under this provision.” The first draft of the convention included gender in the discrimination grounds in article 8.1, and its article 16 was dedicated to gender equality (as opposed to “Equality between men and women” in the revised drafts):

https://www.ohchr.org/sites/default/files/Documents/Issues/Development/Session21/3_A_HRC_WG.2_21_2_AdvanceEditedVersion.pdf

For more information and analysis, please see IWRAW AP: “[Feminists should put the Right to Development back on their agenda](#)”

⁷⁷ The following statement made by the Special Rapporteur on extreme poverty in 2015 remains true today: “The artificial marginalization of questions of resources and distribution from the main human rights debates has also been reinforced by the determination of many States to keep the areas of international economics, finance and trade quarantined from human rights. The World Bank can simply refuse to engage with human rights in the context of its policies and programmes, IMF does the same, and the World Trade Organization is little different. When such issues are raised in the Human Rights Council the argument is invariably heard that it is not the appropriate forum and these matters should be dealt with elsewhere. But when efforts are made to raise human rights in such forums, the refrain is that they should rather be dealt with by the Human Rights Council.” Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](https://www.ohchr.org/en/hrdoc/wg2/2015/01/A_HRC/29/31), 2015, para. 56(b).

⁷⁸ See for instance Parisi, L. Feminist Perspectives on Human Rights. *Oxford Research Encyclopedia of International Studies*. <https://oxfordre.com/internationalstudies/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-48>

⁷⁹ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.ohchr.org/en/hrdoc/wg2/2022/01/A_HRC/50/60), 2022, para. 88.

30. The Working Group on discrimination against women and girls' recent report on feminist and human rights- based approaches to poverty⁸⁰ and its recognition of the links between gendered socioeconomic inequality and the right to development is a welcome advance in this regard. The Special Rapporteur would be uniquely placed to further elaborate on the central role of the right to development and resource distribution for the realisation of gender, racial, economic and climate justice.

Thematic recommendation 2: Degrowth and just transition

31. We welcome the Special Rapporteur's inclusion of Planet and the environment within his 7P approach,⁸¹ and encourage him to build upon the mandate's previous work on climate action and a just transition, and to examine this within a degrowth framework that challenges capitalism, its central role in entrenching poverty and inequality, and its focus on economic growth at any human and environmental cost. This focus would be in line with the Special Rapporteur's acknowledgement that "the right to development should not be equated or confused with a mere focus on economic growth."⁸²

32. In this context, a critical stance on capitalism and its focus on economic growth as the be-all and end-all of development, without regard for human or environmental costs, is needed.⁸³ As we stated in a joint submission with AWID and IWRAP Asia Pacific to the Working Group on discrimination against women and girls,⁸⁴ a focus on economic justice recognizes that poverty is not a 'fact of life'; rather, it is an inherent feature and requisite of capitalism,⁸⁵ and a form of structural violence.⁸⁶

⁸⁰ Gendered inequalities of poverty: feminist and human rights-based approaches - Report of the Working Group on discrimination against women and girls. [A/HRC/53/39](#), 2023

⁸¹ Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023. <https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

⁸² Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023. <https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

⁸³ On moving away from this focus on economic growth, see for instance AWID: "Challenging the economic growth model." <https://www.awid.org/challenging-economic-growth-model>; Wouter Vandenhoele in "De-Growth and Human Rights Law;" Barbara Magalhães Teixeira: "Underdevelopment, extractivism, and conflict in the Global South and the role of systemic alternatives." *Rev. Conj. Aust.* | v.12, n.59 | jul./set. 2021, DOI: <https://doi.org/10.22456/2178-8839>.

⁸⁴ Joint submission by SRI, AWID and IWRAP to the Working Group on discrimination against women and girls (2022), <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>

⁸⁵ See for instance Harriss-White, Barbara. "Poverty and Capitalism." *Economic and Political Weekly*, vol. 41, no. 13, 2006, pp. 1241–46. *JSTOR*, <http://www.jstor.org/stable/4418024>.

⁸⁶ See for instance Report of the Special Rapporteur on the right to health: Violence and its impact on the right to health (2022), A/HRC/50/28, para. 69.

33. Capitalism cannot exist without poverty; yet much of the UN work being done to address poverty does not fundamentally question capitalism - in line with a “collective inability to imagine the end of capitalism.”⁸⁷ The 2030 Agenda for sustainable development also assumes “the need for never-ending economic growth” as part of development and poverty alleviation.⁸⁸ However, as Ntina Tzouvala notes, “[t]he promise of international law that capitalism, or nowadays aggressive neoliberalism, will pave the way for legal status and equality is one that always hangs on a thread. Playing this game involves trying to adapt to a model of producing and consuming that is fundamentally unsustainable.”⁸⁹ The Expert Mechanism on the Right to Development's recent naming of the devastating impacts of "neoliberal hyper-globalisation and the shift toward market fundamentalism"⁹⁰ is an important recognition in that regard.
34. Many have argued for human rights law to go “beyond growth assumptions,” require stronger material equality,⁹¹ and focus more strongly on redistribution,⁹² including the Working Group on discrimination against women and girls,⁹³ the Special Rapporteur on extreme poverty,⁹⁴ the Special Rapporteur on racism,⁹⁵ and the Expert Mechanism on the Right to Development.⁹⁶

⁸⁷ Ntina Tzouvala: “Capitalism As Civilisation: A History of International Law.” Cambridge University Press: 2020. Page 220.

⁸⁸ Vandenhoe, Wouter. "De-Growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation " *Law and Development Review*, vol. 11, no. 2, 2018, pp. 647-675. <https://doi.org/10.1515/ldr-2018-0033>, pages 648-9.

⁸⁹ Ntina Tzouvala: “Capitalism As Civilisation: A History of International Law.” Cambridge University Press: 2020. Page 220.

⁹⁰ Inequality, social protection and the right to development: Study by the Expert Mechanism on the Right to Development. [A/HRC/EMRTD/7/CRP.4](https://www.unhcr.org/refugees/inequality-social-protection-and-the-right-to-development-study-by-the-expert-mechanism-on-the-right-to-development), 2023, para. 10.

⁹¹ Petel, M., & Putten, N. V. (2021). Economic, social and cultural rights and their dependence on the economic growth paradigm: Evidence from the ICESCR system. *Netherlands Quarterly of Human Rights*, 39(1), 53–72. <https://doi.org/10.1177/0924051921994753> pages 70-71.

⁹² For instance, Vandenhoe, Wouter. "De-Growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation " *Law and Development Review*, vol. 11, no. 2, 2018, pp. 647-675. <https://doi.org/10.1515/ldr-2018-0033>; Petel, M., & Putten, N. V. (2021). Economic, social and cultural rights and their dependence on the economic growth paradigm: Evidence from the ICESCR system. *Netherlands Quarterly of Human Rights*, 39(1), 53–72. <https://doi.org/10.1177/0924051921994753>

⁹³ “A narrow focus on economic growth and profitability in dominant economic models, at the expense of human well-being, decent work and environmental sustainability, is at odds with the realization of women’s human rights. Women who experience multiple and intersecting forms of discrimination are particularly marginalized. Current economic models exploit and thrive on women’s unpaid care and domestic work. Such work undergirds the entire economy yet remains undervalued and invisible, while depleting women’s time and economic security. Yet, there are policy alternatives, which require reimagining the economy to focus on redistributing power and resources, generating decent work and placing value on the well-being and care of people and the planet.” Report of the Working Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](https://www.unhcr.org/refugees/women-human-rights-in-the-changing-world-of-work), para. 58.

⁹⁴ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](https://www.unhcr.org/refugees/extreme-inequality-and-human-rights), 2015, para. 56.

The Special Rapporteur also stated that “[p]olicies premised on the assumption that effective poverty elimination strategies need not involve resource redistribution are at odds with empirical realities.” (Report of the Special Rapporteur on extreme poverty and human rights, 2014, [A/69/297](https://www.unhcr.org/refugees/extreme-poverty-and-human-rights), para. 54.)

⁹⁵ “There is an urgent need to decolonize the study and operationalization of international economic theory. An approach to economics that puts the free market at the centre of the process for determining questions of production and distribution has come to dominate the field of economics and the major international institutions that comprise the international development framework. This approach has enabled the deprivation of human rights and racial discriminatory outcomes by the international economic system and has increasingly replaced the study and consideration of alternative economic theories. The call for decolonization necessarily implies transformations of academic disciplines that undergird global policy outcomes.”

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F60&Language=E&DeviceType=Desktop&LangRequested=Faalse> para. 89.

⁹⁶ In its recent study on inequality, the Expert Mechanism stated that "the dominant discourse with respect to SDG 10 and related goals largely focuses on those marginalised and living below the poverty line. In contrast, little attention is given to the

35. De-growth movements have also contested the centrality of economic growth, measured in GDP increase, to argue for “a shift towards a lower and sustainable level of production and consumption” including the reduction of “resource-, energy- and emission-intensive superfluous production, particularly in the North.”⁹⁷ From a feminist perspective this would also entail a redefinition, redistribution and revalidation of labour, including unpaid care work.⁹⁸
36. The UN human rights framework would benefit from engaging more deeply with degrowth arguments, including in opposing "green capitalism" or "green growth" approaches to the climate crisis.⁹⁹ Degrowth would also benefit from a right to development perspective, in line with its roots in anti-colonial politics.¹⁰⁰ Where growth or production is required, we invite the Special Rapporteur to ask growth and production of what, for what purpose, by whom, and to whose benefit?¹⁰¹

Thematic recommendation 3: Right to development and self-determination in contexts of (neo-)colonialism, imperialism, occupation and indebtedness

37. We welcome the 7P approach proposed by the Special Rapporteur, particularly the attention to the ongoing impacts of colonisation.¹⁰² A thematic report specifically dedicated to the right to

very wealthy at the top of the distribution, the rich and powerful. Addressing the problem of extreme poverty requires consideration of the wealth distribution within and among States as well as the historical and present-day conditions that have concentrated wealth among certain groups and regions of the world. Wealth redistribution and deconcentration must therefore be integral to conversations about poverty and inequality reduction."

https://www.ohchr.org/sites/default/files/documents/issues/development/emd/session7/A_HRC_EMRTD_7_CRP.4.pdf, paras 13-14.

⁹⁷ AWID: "Challenging the economic growth model." <https://www.awid.org/challenging-economic-growth-model>

⁹⁸ AWID: "Challenging the economic growth model." <https://www.awid.org/challenging-economic-growth-model>

⁹⁹ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](https://www.ohchr.org/en/press-releases/2022/07), para. 62.

¹⁰⁰ In "The anti-colonial politics of degrowth", Political Geography, vol. 88, supplement (June 2021), Jason Hickel states "Degrowth calls for rich nations to scale down throughput to sustainable levels, reducing aggregate energy use to enable a sufficiently rapid transition to renewables, and reducing aggregate resource use to reverse ecological breakdown. This demand is not just about ecology; rather, it is rooted in anti-colonial principles. Degrowth scholars and activists explicitly recognize the reality of ecological debt and call for an end to the colonial patterns of appropriation that underpin Northern growth, in order to release the South from the grip of extractivism and a future of catastrophic climate breakdown. Degrowth is, in other words, a demand for decolonization. Southern countries should be free to organize their resources and labor around meeting human needs rather than around servicing Northern growth." (as cited in para. 62 of the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice ([A/77/2990](https://www.ohchr.org/en/press-releases/2022/07)))

¹⁰¹ A distinction must be made between extractive growth and production organised around maximising profits for corporations, shareholders, investors, and other elites, and growth and production (or dismantling) of sectors, services, and goods that enable human rights, enhance well-being, and protect non-human beings, land and water. Moreover, the historical and ongoing role of the Global North in extractive and unrestrained growth must be taken into account. As some in the degrowth movement have called for, 'degrowth for the Global North, sustainable development for the Global South.'

¹⁰² Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

development, including self-determination and other collective components of the right, and its meaning in a context of (neo-)colonialism, imperialism and occupation would be a very welcome addition to the mandate. Indeed, so far the mandate's thematic work has only very rarely explicitly named colonialism and its impacts on the right to development.¹⁰³

38. This is especially important given the roots of the right to development in anti-colonial struggles¹⁰⁴ and its potential "to enable claims for the transfer of resources and self-determination as urgent precursors of all human rights obligations."¹⁰⁵ The continued opposition by wealthy states to the adoption of an instrument on the right to development, signals the North's "commitment to an unjust and discriminatory status quo"¹⁰⁶ and to the largely voluntary commitments and Northern priorities dominating the international development framework.¹⁰⁷ Indeed, the Special Rapporteur on Racism has found that the 2030 Agenda is "incapable of fundamentally disrupting the dynamic of racially discriminatory underdevelopment embedded in the international economic order" and "preserves colonial injustice, perpetuates the domination of powerful nations over peoples and territories that were subject to historical colonial extraction and preserves structural racial discrimination within nations."¹⁰⁸
39. As part of the analysis on self-determination and sovereignty, we encourage the Special Rapporteur to include economic sovereignty and the right to development within what the Working Group on people of African descent called a "liberatory agenda for a human rights economic framework [which] should prioritise economic sovereignty, sovereign control of currency, and availability of a state's resources for its own development."¹⁰⁹

¹⁰³ The main reference in thematic reports by the mandate so far is that "Disproportionate impacts stem from the historical circumstances that have led to inequality, including colonization that depleted the resources of indigenous peoples and created global wealth disparities, as well as trade systems put in place after the Second World War. Dominant economic models fail to support the transformation of production and consumption patterns to sustainable and equitable levels, impede States from adopting their own development objectives and fail to ensure human rights within the constraints of our global borders." (Report on Climate action and the right to development- international level. [A/76/154](#), para. 9).

¹⁰⁴ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, para. 88.

See also Raymond A. Atuguba: "Equality, non-discrimination and fair distribution of the benefits of development." Chapter 7 in *Realizing the Right to Development*. OHCHR ebook, 2013. <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf>, page 109:

"Throughout history, the global South has consistently raised its artificially hushed voice, now in plea, now in anger, to the North and either begged or demanded the recognition of a global commons. They have insisted that both the North and the South are more intimately connected than some would care to acknowledge, and that they must rise or fall together. The Universal Declaration of Human Rights, the Declaration on the Establishment of a New International Economic Order and the Declaration on the Right to Development are examples of the few instances in which the global South (the "Rest"), supported by some allies in the North, was able to script the story."

¹⁰⁵ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, para. 88.

¹⁰⁶ *Ibid.*, para. 88.

¹⁰⁷ *Ibid.*, para. 88.

¹⁰⁸ *Ibid.*, para. 13.

¹⁰⁹ United Nations Working Group of Experts on People of African Descent: 32nd session on "Economic empowerment of people of African descent" (1-5 May 2023): Conclusions and recommendations.

40. The rights to development and to self-determination are central claims for peoples subjected to ongoing settler colonialism and occupation, including in Palestine. As noted by the former Special Rapporteur on the oPt¹¹⁰ and Al-Haq,¹¹¹ among others, the right to development is crucial "for the occupied Palestinian people to access their natural wealth and resources, which is systematically and routinely denied by the Israeli occupation, colonisation and annexation of the territory."¹¹²
41. A thematic report on this topic would also allow for continued analysis on the collective components of the right to development, and its meaning for Indigenous peoples and other "similarly situated peoples that are not accommodated by dominant development paradigms."¹¹³ This is especially important in a multilateral context in which collective rights tend to be dismissed by powerful States and actors.

3.1. Reparations for colonialism, slavery, Apartheid and environmental degradation

42. We welcome the Special Rapporteur's recognition that States and people benefitting from colonialism have a responsibility to contribute to the right to development.¹¹⁴ However, this responsibility is not merely moral; the Special Rapporteur on racism has articulated the human rights legal obligations to provide reparations for racially discriminatory violations of human rights, including colonialism and slavery, in her 2019 report on reparations.¹¹⁵ This obligation has also been asserted and affirmed by several other Special Procedures mandates,¹¹⁶ and we encourage the Special Rapporteur to treat it as such and to further elaborate on that analysis as part of his mandate.

<https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/session32/32ndsession-WGEPAD-Conclusions-Recommendations-5May.pdf>, page 7.

¹¹⁰ "Israel breaching Palestine's right to development, UN human rights expert finds."

<https://www.ohchr.org/en/2016/10/israel-breaching-palestines-right-development-un-human-rights-expert-finds>

¹¹¹ "Al-Haq's Reasons in Support of an International Treaty on the Right to Development." Al-Haq, 3 May 2019.

<https://www.alhaq.org/advocacy/6059.html>

¹¹² Ibid.

¹¹³ Expert Mechanism on the Right to Development: Commentary on article 1 (1) of the Declaration on the Right to Development. [A/HRC/EMRTD/7/CRP.1](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), paras 15-16.

¹¹⁴ Statement by Mr Surya Deva, United Nations Special Rapporteur on the right to development, during the 24th Session of the Working Group on the Right to Development, 15 May 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx>

¹¹⁵ Report of the Special Rapporteur on racism on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, A/74/321, 2019, <https://undocs.org/A/74/321>,

¹¹⁶ See for instance the Report of the Expert Mechanism on the Rights of Indigenous Peoples: Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation, [A/HRC/EMRIP/2019/3](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2019; Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli: Transitional justice measures and addressing the legacy of gross violations of human rights and international humanitarian law committed in colonial contexts (2021). [A/76/180](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx); Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Racism and the right to health. [A/77/197](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-05-15-stm-interactive-dialogue-24thsession.docx), 2022, para. 63.

43. We encourage the Special Rapporteur to draw from the work in this area by the Special Rapporteur on racism¹¹⁷ and the Expert Mechanism on the right to development.¹¹⁸ However, while the Expert Mechanism’s study on racism and the right to development rightly contextualises contemporary manifestations of racism as legacies of colonialism and slavery and an undeniable barrier to the right to development, it is important to heed the Special Rapporteur on racism’s recommendations on reparations as an essential step towards racial justice within and among states,¹¹⁹ which the Expert Mechanism unfortunately did not elaborate upon.¹²⁰ Countries that have amassed enormous wealth through the subjugation of entire peoples and exploitation of their natural resources, and continue to do so with the support of international financial institutions, owe a debt that must be paid.¹²¹
44. Reparations for slavery and colonialism include the eradication of persisting structures of racial discrimination built under colonialism,¹²² which encompasses the transformation of a global economic order “ridden with systemic racism”¹²³ and set up to benefit wealthy, Global North countries¹²⁴ and corporations, including through its debt architecture.¹²⁵ This economic control by the Global North over the Global South also takes place through its dominance in the

¹¹⁷ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022.

¹¹⁸ Racism, racial discrimination and the right to development - Thematic study by the Expert Mechanism on the Right to Development. [A/HRC/51/37](#), 2022.

¹¹⁹ Report of the Special Rapporteur on racism, <https://undocs.org/A/74/321>.

¹²⁰ SRI Statement during the HRC51 interactive dialogue with the Expert Mechanism on the Right to Development. September 2022.

<https://www.sexualrightsinitiative.org/news/2022-sep/hrc-51-statement-interactive-dialogue-expert-mechanism-right-development>

¹²¹ Ibid.

¹²² Report of the Special Rapporteur on racism, <https://undocs.org/A/74/321>, paras 7-8.

¹²³ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, para. 9.

¹²⁴ Report of the Special Rapporteur on racism, <https://undocs.org/A/74/321>, para. 26; Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](#), para. 78.

In addition, the Special Rapporteur noted that “[development aid] initiatives cannot do the necessary work of repairing structures of racial inequality and discrimination rooted in historic injustice [and] fail to fulfil specific international human rights obligations relating to the contemporary manifestations of historic racial discrimination and injustice.” (Report of the Special Rapporteur on racism on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, A/74/321, 2019, <https://undocs.org/A/74/321>, para. 54)

¹²⁵ “Sovereign Debt as a Mode of Colonial Governance: Past, Present and Future Possibilities.” James Thuo Gathii, African Sovereign Debt Justice Network. Just Money, 13 May 2022.

<https://justmoney.org/james-thuo-gathii-sovereign-debt-as-a-mode-of-colonial-governance-past-present-and-future-possibilities/>

governance of the IMF and the World Bank,¹²⁶ as also noted by the Special Rapporteur on racism.¹²⁷

45. In addition, reparations must be provided for the racially discriminatory causes and consequences of environmental degradation and climate change, which directly result from capitalism, colonialism and racism, and are most acutely felt by countries and communities subjected to racial and economic discrimination and exploitation,¹²⁸ with demonstrated gendered impacts.¹²⁹ This unpaid environmental debt has led us to a climate emergency in which, additionally, “almost 75% of climate finance comes in the form of debt, preying on disaster and on the most impacted countries from the Global South.”¹³⁰
46. We call on the Special Rapporteur to echo the call made by other UN human rights bodies, and to urge States having inflicted and benefited from colonialism to pay their own colonial debt and provide full reparations for colonialism, slavery, Apartheid and racial discrimination, as well as for their role in the climate crisis and environmental degradation.¹³¹

¹²⁶ As Jason Hickel highlights, the heads of both the IMF and the World Bank are nominated by Europe and the US respectively; the G7 and the EU control a large majority of the votes in the two multilateral institutions, and the ratio of per capita voting allocations reveals that “the votes of people of color are worth only a fraction of their counterparts.” Jason Hickel: “Apartheid in the World Bank and the IMF.” Al Jazeera, 26 November 2020. <https://www.aljazeera.com/opinions/2020/11/26/it-is-time-to-decolonise-the-world-bank-and-the-imf>

¹²⁷ The Special Rapporteur on racism has commented that “the Bretton Woods institutions essentially universalized the mandate system, at least insofar as they institutionalized a system wherein “developed” countries, the successors of colonial States, sit at the top of the economic hierarchy and intervene on their own terms in the economic, political and social systems of “underdeveloped” nations and indigenous peoples.” Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.unhcr.org/refugees/50/60), 2022, para. 28 (see also paras 8, 88); This is a reality long called out by civil society, UN experts and Southern states, and even the object of a specific SDG target (SDG Target 10.6 on ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions). See e.g. Balakrishnan Radhika et al. Rethinking Economic Policy for Social Justice : The Radical Potential of Human Rights. Routledge 2016, page 45; “Analysis: World Bank and IMF failure to address the global polycrisis makes systemic reform even more urgent.” European Network on Debt and Development, 19 October 2022. <https://www.eurodad.org/world-bank-and-imf-failure-to-address-the-global-polycrisis-makes-systemic-reform-even-more-urgent>; Debt Justice: “Colonialism and debt: How debt is used to exploit and control.” <https://debtjustice.org.uk/wp-content/uploads/2022/08/Colonialism-and-Debt-briefing.pdf>

¹²⁸ See for instance the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](https://www.unhcr.org/refugees/77/2990), including paras 12, 78; Report of the Working Group of Experts on People of African Descent: Environmental justice, the climate crisis and people of African descent. [A/HRC/48/78](https://undocs.org/A/HRC/48/78), <https://undocs.org/A/HRC/48/78>, 2021.

¹²⁹ The recent floods in Pakistan have painfully illustrated this point; as noted by the UN Secretary-General, as Pakistan is responsible for less than one percent of global greenhouse emissions but paying a “supersized price for man-made climate change.” (“Pakistan’s ‘climate carnage beyond imagination’, UN chief tells General Assembly.” UN News, 7 October 2022. <https://news.un.org/en/story/2022/10/1129337>, also referred in the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](https://www.unhcr.org/refugees/77/2990), para. 5).

¹³⁰ “Centering Care in a Feminist Intersectional Approach to Loss and Damage.” ESCR-Net, 19 May 2022. <https://www.escr-net.org/news/2022/centering-care-feminist-intersectional-approach-loss-and-damage>

¹³¹ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](https://www.unhcr.org/refugees/77/2990).

47. We also call on the Special Rapporteur to position debt cancellation as an essential step towards racial justice on the global stage, as also reasserted by the Working Group of Experts on People of African Descent, who called for “debt cancellations in response to both historical and contemporary discriminatory practices.”¹³²

¹³² United Nations Working Group of Experts on People of African Descent: 32nd session on “Economic empowerment of people of African descent” (1-5 May 2023): Conclusions and recommendations. <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/session32/32ndsession-WGEPAD-Conclusions-Recommendations-5May.pdf>, page 10.