

## Nine Congolese soldiers held accountable for mass rape



*Mass rape has often been used as a weapon of war in the Democratic Republic of Congo*

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21 February 2011 – A military court in the Democratic Republic of Congo (DRC) convicted nine Congolese soldiers, including a senior army official - Commanding Officer Lt. Col. Kibibi Mutware, for the mass rape of more than 30 women in the

eastern region, according to Reuters Africa. The troubled eastern region of the DRC has been the scene of widespread sexual violence over the years.

The attacks are reported to have occurred on 1 January 2011 in the town of Fizi, in the mineral-rich but unstable province of South Kivu, where human rights violations and abuses are rife amid clashes between the army, local and foreign forces and militia fighters.

At least 35 women were raped and 32 people were injured by Congolese troops in early January according to a report by UN human rights officials and the UN peacekeeping mission in the DRC.

The trial by a military court in the town of Baraka was seen as a test of the readiness of the DRC's judicial system to hold perpetrators of violations accountable for their acts and to punish them accordingly.

Margot Wallstrom, the UN Special Representative of the Secretary-General on sexual violence in conflict, welcomed the sentences as a step toward serious efforts to curb sex as a weapon of war. "The sentences send a strong signal to all perpetrators in the DRC and beyond that conflict-related sexual violence is not acceptable and will not be tolerated. It also shows that accountability for sexual violence is pos-

sible," she said in a statement.

In the trial that lasted more than 10 days in the nearby town of Baraka, Commanding Officer Lt.Col. Kibibi Mutware, a former rebel, was expelled from the army and sentenced to 20 years in prison for the violations committed. He is the first Commanding Officer to be sentenced for rape in eastern DRC. Eight members of his unit were also dismissed and received prison sentences between 10 and 20 years. One soldier was acquitted and another, who is 16, will be tried in a juvenile court.

"He did not prevent his soldiers from carrying out these acts so in consideration of the treaty of Rome and the Congolese military penal code, Colonel Kibibi and all the other soldiers have committed crimes against humanity by rape, by terrorism and by inhuman acts," senior judge Col. Freddy Mukendi said.

Mukendi added that "overall responsibility" lay with the Government for recruiting people who were "untrained and uneducated," and he said the victims should receive up to \$10,000 in compensation each from the authorities.

The trial has been described as a "litmus test of official preparedness to end a culture of impunity in Congo", where violence simmers eight years after the last war officially ended and in prelude to a presidential election due later this year.

Therese Kulungu, the lawyer who represented the victims, said the case was an important step. "The untouchable has been touched," she said, although she added that the local population had been hoping Kibibi would be handed a death sentence.

On Thursday 3 March 2011, a high level panel convened by the UN High Commissioner for Human Rights presented the findings of its study on the needs of victims of sexual violence in the DRC. (See page 3 for details).

*By UNCHRD with reports from Reuters Africa*

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## Lutte contre l'impunité

### Gabon : Vers l'abolition de la peine de mort

« Dans les pays où la peine de mort n'a pas été abolie, une sentence de mort ne peut être prononcée que pour les crimes les plus graves, conformément à la législation en vigueur au moment où le crime a été commis et qui ne doit pas être en contradiction avec les dispositions du présent Pacte ni avec la Convention pour la prévention et la répression du crime de génocide. Cette peine ne peut être appliquée qu'en vertu d'un jugement définitif rendu par un tribunal compétent ». Article 6.2 du Pacte Internationale relatif aux droits civils et politiques.

La dernière exécution capitale au Gabon est survenue en 1979 et la dernière condamnation à mort a eu lieu en 1988. Depuis plusieurs années, le pays a entamé des réflexions en vue de l'abolition de la peine de mort. Cette réflexion a été concrétisée par la tenue à Libreville en décembre 2007, d'une conférence internationale sur l'abolition de la peine de mort organisé par l'ONG «Ne touchez pas à Caïn ». Le 13 décembre de la même année, le Gouvernement avait pris la décision d'abolir formellement la peine de mort et de soutenir la résolution sur le moratoire. Cet engagement a été renforcé par la présence du Ministère des Affaires étrangères, de la Coopération, de la Francophonie et de l'Intégration régionale, les membres du Gouvernement gabonais, les ministres et parlementaires de plusieurs pays africains ainsi que les membres du corps diplomatique accrédités au Gabon à cette conférence.



*Le Président Ali Bongo Ondimba déterminé à abolir la peine de mort au Gabon*

**17 Février 2011-** Selon le journal *Burkinabé Faszine*, le Gouvernement gabonais a annoncé, le 11 février 2011, que le Conseil des Ministres avait décidé d'adopter un projet de loi portant sur l'abolition de la peine de mort qui n'est plus appliquée dans ce pays depuis plus de vingt ans. Ce projet de loi sera soumis au vote du Parlement à qui reviendra la décision d'entériner l'abrogation de la peine capitale dans la législation.

"C'est un pas fondamental que le Gabon s'appête à franchir en abolissant la peine de mort. Le gouvernement doit aller jusqu'au bout de ce processus et les parlementaires gabonais ont l'occasion d'écrire une nouvelle page de l'Histoire" a déclaré Souhayr Belhassen, présidente de la Fédération Internationale des Droits de l'Homme FIDH.

"Après le Togo et le Burundi en 2009 et nous espérons le Gabon prochainement, nous appelons le Mali et le Bénin, qui ont exprimé des intentions abolitionnistes, à franchir le pas rapidement et rejoindre le camp, toujours plus nombreux, des pays qui reconnaissent que la peine capitale est inutile et contraire à nos valeurs", a déclaré Me Sidiki Kaba, Président d'honneur de la FIDH.

Le Gouvernement a par ailleurs annoncé qu'il soutiendrait en tant que "co-auteur" le projet de résolution sur l'abolition de la peine de mort qui sera présenté au cours de la 61<sup>ème</sup> session de l'Assemblée Générale des Nations Unies en septembre 2011 et qui a déjà bénéficié du soutien de 109 États membres en 2010.

#### **La situation des exécutions capitales sur le continent, une évolution positive**

Depuis l'entrée en vigueur du deuxième Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques, visant à abolir la peine de mort en 1991, l'Afrique a connu une évolution positive. En 2004, le continent a créé la surprise. Alors que 56 exécutions capitales y étaient signalées en 2003, il n'y en avait plus que 9 en 2006 notamment en Egypte, au Soudan

et en Somalie. En 2009, les exécutions ont été enregistrées au Botswana, en Lybie, au Soudan et en Egypte, et puis en Guinée Équatoriale en 2010. Mais la plupart des Etats évolue vers l'abolition de la peine de mort légalement ou dans la pratique.

Lors de la 44<sup>ème</sup> session ordinaire de la Commission africaine des droits de l'homme tenu le 24 novembre 2008, les Etats Africains qui maintiennent encore la peine ont été invité à observer un moratoire sur les exécutions en vue d'abolir la peine de mort conformément aux résolutions ACHPR/Res 42 (XXVI) de la Commission africaine et 62/149 de l'Assemblée Générale des Nations Unies. La commission a également appelé les Etats à ratifier le deuxième Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques, visant à abolir la peine de mort.

10 de 53 pays Africains ont déjà signé ce protocole facultatif contre 8 ratifications (le Cap Vert, Djibouti, le Liberia, le Mozambique, la Namibie, le Rwanda, les Seychelles, et l'Afrique du Sud). La ratification par la Guinée Bissau et Sao Tome et Principe qui ont tous signé l'instrument en septembre 2000, est toujours attendue. 9 pays ont effectivement aboli la peine de mort dans leur législation.

Parlant des mesures prises au niveau national pour abolir la peine de mort, la République Démocratique du Congo a annoncé devant la Commission des Droits de l'Homme à Genève en 2001, la décision de son Gouvernement de suspendre les exécutions capitales par signature d'un décret. Mais la recrudescence de la criminalité a conduit à la levée de ce moratoire quand bien même aucune exécution n'a été enregistrée.

Au Mali, le gouvernement vient d'élaborer un projet de loi portant abolition de la peine de mort que l'Assemblée nationale pourrait entériner.

Enfin, la République du Rwanda a adopté, il y a trois ans une loi d'abolition de la peine de mort. Le Rwanda demeure le seul Pays en Afrique centrale à avoir ratifié le deuxième Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques, visant à abolir la peine de mort

Pour ce qui est de Djibouti, la peine de mort a été abolie en janvier 1995 faisant de cet Etat le premier pays musulman à le faire avant même de ratifier le protocole facultatif y relatif.

D'autres pays Africains, en l'occurrence l'Angola, le Burundi, l'Île Maurice, la Côte d'Ivoire, Sao Tomé et Principe et le Sénégal ont déjà aboli la peine de mort. Reste attendues la signature et la ratification par ces pays du protocole facultatif.

*CNUDHD avec les éléments de Faszine et info plus Gabon*



## Lutte contre l'impunité

### PRESS RELEASE: UN report outlines stark situation of victims of sexual violence in the Democratic Republic of Congo

GENEVA – A new UN report, based on testimonies by some of the hundreds of thousands of victims of sexual violence in the Democratic Republic of the Congo, paints an extremely stark picture of the at best inadequate, and at worst non-existent, resources and efforts to meet their needs, ranging from medical and psychological treatment, to their socio-economic situation, and lack of access to justice, compensation and other forms of remedies and reparations.

The 55-page report, published Thursday by a special high-level panel appointed by the UN High Commissioner for Human Rights Navi Pillay, is the product of a 17-day field visit by the panel's three members and their support team to seven locations in three different provinces and the capital Kinshasa.

During their visit, the panel heard directly from 61 survivors of sexual violence, ranging from a girl raped when she was three years old to a 61-year-old grandmother, about what they perceived their actual needs to be, and what they felt about the remedies and reparations currently available to them. Many of them also described in graphic detail to the panel members what had happened to them and to other victims in their neighbourhoods. In each location, the panel held talks with provincial and local government officials, and convened roundtables with officials in the justice sector, members of civil society and UN representatives.

The panel met with some individuals and groups, the report says, "including victims who had contracted HIV/AIDS as a result of rape, victims who had become pregnant and had children as a result of rape, victims whose husbands had rejected them following their rape, child victims of rape, victims of rape who had taken their cases to court seeking justice, and victims of rape by civilian perpetrators. Among the victims with special needs whom the panel met were a girl with sensory disabilities, a young woman who is blind, and four men, two of whom were raped and two of whom were sexually assaulted in other ways."

Peace and security are seen as the precondition to any restoration of normal life, the report says, noting that "victims expressed concern that whatever they are given now to restore their lives can be again destroyed if there is no peace."

Health care and education were among the highest priorities conveyed to the panel by victims. "They are determined, but in many cases unable, to send their children to school. Those who have contracted HIV/AIDS are deeply troubled by concern over what will happen to their children when they die. Many victims who met with the panel have been displaced from their homes. They expressed the need for socio-economic reintegration programmes."

"The panel was struck by the difference between the urban centres and the villages it visited," the report says. "In remote areas there is so little infrastructure that access to any form of assistance or reparation is virtually non-existent. Most women outside the cities are unable to get medical assistance within 72 hours of rape. Nor are there prisons and courts within reachable distance, making detention and trial of perpetrators very challenging and rendering justice unattainable."

Even in Bukavu, the main city in South Kivu, the panel noted that "the police officer responsible for sexual violence investigations has only a motorcycle, which makes it impossible for her to transport arrested persons to detention facilities."

Many women never report the rapes, either due to fear of stigmatization or lack of faith in the judicial system. "There is no point in making an accusa-

tion," one woman said. "I learned by example from most people raped before me that there is no justice."

The panel also met victims who have been able to overcome the many challenges of bringing a case to court and getting a judgment that condemns the perpetrators and awards them reparations in the form of damages and interest.

However the report says "these victims expressed great frustration because their perpetrators have escaped from prison while they have not been paid the damages...even in those cases where the state has been held liable."

"This is a matter of widespread concern to judicial officers and provincial government authorities, as well as civil society and the victims themselves. The failure to pay these awards is undermining the judiciary and the confidence of victims in the justice system," the report states, calling for immediate action to pay awarded damages.

The report notes, however, that most victims interviewed were unable to seek justice through the courts because they cannot identify their perpetrators, or in some cases, because perpetrators have not been arrested. "Victims have a right to reparations, which include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. There is a need to highlight the responsibility of the government in this regard, with support from the international community."

The panel heard many views on the relative benefits and drawbacks of individual vs. collective reparations, and repeatedly the suggestion was made that both collective and individual reparations should be provided for. The panel recommends that a fund to support reparations be established as a matter of priority, with the governance of the fund to include representatives of the Government of the DRC, the United Nations, donors, civil society, and survivors themselves. Such a fund should benefit victims of sexual violence in all parts of the country.

"Shifting the stigma from the victims to the perpetrators would have a great impact on the ability of victims to reclaim their dignity and rebuild their lives," the report says. "Breaking the silence and mobilizing public support for these victims could be the single most important form of reparation."

The organization of the hearings, including the identification and selection of victims who met with the panel, was undertaken jointly by the Office of the High Commissioner for Human Rights and the Panzi Hospital, in consultation with the Joint Human Rights Office of the UN mission in DRC (MONUSCO). The potential security risks to each victim were assessed, and measures were taken to ensure their safety and confidentiality. Psychologists were hired to pre-screen each witness and to be available to the witnesses before, during and after the hearings.

The panel was composed of Kyung-wha Kang, UN Deputy High Commissioner for Human Rights, Elisabeth Rehn, former Minister of Defense of Finland and co-author of the UNIFEM report on Women, War and Peace, and Dr. Denis Mukwege, Medical Director of Panzi Hospital in Bukavu, South Kivu.

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The full report can be accessed on: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/ZRIndex.aspx>



## Promotion de la Démocratie

### République Centrafricaine: La Cour Constitutionnelle confirme les résultats de l'élection présidentielle

12 février 2011 - C'est officiel depuis le 12 février 2011. La Cour constitutionnelle de la République Centrafricaine a déclaré le Président sortant vainqueur de l'élection présidentielle du 23 janvier dernier avec 64,37% de voix, annulant ainsi les recours introduits par trois candidats malheureux à cette élection.

Selon des informations publiées par Africa Info, le conseil des trois candidats vaincu a déposé les 6, 9 et 10 février 2011 auprès du Greffe de la Cour constitutionnelle, une plainte contre le ministère de l'administration du territoire et la Commission électorale indépendante (CEI) en vue de l'annulation de ce scrutin. La Cour constitutionnelle a rejeté ces plaintes qu'elle a jugées non fondées, après avoir entendu une série d'observations orales faites par le conseil des requérants et le conseil du candidat François Bozize le 12 février 2011.

#### Résultats définitifs

1 117 447 ont participé effectivement à l'élection présidentielle contre 1 825 735 inscrits. Ce qui donne un taux de participation de 61,16%. 4049 bureaux de votes ont été compilés par la cour constitutionnelle soit un taux de compilation de 87,67%. Un total de 1 116 661 suffrages ont été exprimés, récapitulé ainsi qu'il suit ;

Réf	Nom du Candidat	Nombre de voix	Pourcentage
1	François Bozizé	718 801	64,37%
2	Ange Felix Patassé	239 279	21,43%
5	Ziguélé Martin	75 939	6,80%
4	Nakombo Emile Gros Raymond	51 469	4,61 %
3	Démafouth Jean Jacques	31 184	2,79%

« Considérant que le candidat François Bozizé a obtenu la majorité absolue des suffrages exprimés en conséquence décide le candidat François Bozize est élu Président de la République », a déclaré le président de la Cour constitutionnelle, Monsieur Marcel Malonga.

La publication définitive des résultats de l'élection présidentielle du 23 janvier 2011 par la Cour constitutionnelle a été faite en présence de certains représentants des candidats.

*CNUDHD avec les éléments de [allafrica.com](http://allafrica.com)*

#### CORRIGENDUM

*In the last edition of Rights & Democracy Focus, we mistakenly indicated that local elections in Chad were to hold on 27 March and Presidential elections in May 2011. Presidential Elections will rather take place on 3 April while local elections have been scheduled for June on a date yet to be confirmed. We apologise for any inconveniences this might have caused.*

#### News Release

#### UN torture-prevention body shift to a higher gear with increased capacity

GENEVA – A key UN torture-prevention body met this week for the first time after a significant increase from 10 to 25 members, which will enable it to expand its activities ranging from unannounced visits to places of detention to the provision of technical advice in the establishment of national independent preventive mechanisms.

The Subcommittee on Prevention of Torture (SPT) expansion is the result of increased ratification of the Optional Protocol to the Convention against Torture\*, which currently has 57 State parties. This landmark step also makes of the SPT the largest body in the UN human rights treaty system.

The international body composed of independent experts in the area of torture prevention was established in accordance with the Optional Protocol of June 2006. The treaty creates a two-pillar system, at the international and national levels, designed to prevent torture and other forms of ill-treatment in all places of detention. The SPT functions at the international level while, at the national level, States must put in place one or several national, independent preventive mechanisms.

"The combination of international and national preventive mechanisms, as provided for by the Optional Protocol, offers a powerful tool to address the central human rights concern of torture and ill-treatment," said Friday Mr. Malcolm Evans, newly-elected Chairperson of the SPT after closing in Geneva their first session with expanded membership.

"States should consider ratifying the Optional Protocol at the earliest possible opportunity as a tangible manifestation of their commitment to the values of human rights and the rule of law in general and to the prevention of torture and ill-treatment in particular," Mr. Evans stressed.

"As it concludes this historic session," he said, "the SPT is conscious of the momentous changes occurring in parts of the world and of the need to best protect the human rights of all affected by them."

(\* Check the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: <http://www2.ohchr.org/english/law/cat-one.htm>



## Cooperation with International Human Rights Mechanisms

## Human Rights Council welcomes Sao Tomé's UPR participation, recommends ratification of key international instruments

All 31 delegations recommended immediate ratification of the International Covenant on Civil and Political Rights (ICCPR) as a show of the Government's commitment to promoting human rights in the country.



A session of the Human Rights Council

Yaoundé  
09/02/2011

– During the 10<sup>th</sup> session of the United Nations Human Rights Council's Working Group on the Universal Periodic Review (UPR) held

from 24 January to 4 February 2011, in Geneva, Switzerland, Sao Tomé and Príncipe was praised for its participation in the UPR process by all 31 Government delegations present at the session. During its review at the 11<sup>th</sup> meeting of the session on 31 January, the Sao Tomé and Príncipe delegation led by its Minister of Justice H.E. Mr. Elisio Osvaldo do Espirito Santo d'Alva Teixeira presented the country's human rights situation, noting progress in several areas including but not limited to economic, social and cultural rights (access to potable water, housing, educational infrastructure, public hygiene, social protection schemes), and civil and political rights (integration of international human rights norms into the Constitution, the law on electoral rights and electoral registration, the law on nationality, the law on political parties, the law on electoral commissions, the statute governing holders of political office, the press law and the law on High Council of the Press). The delegation also responded to advance questions from Germany, Latvia, and Sweden focusing on access to education, invitations to special procedures, prison conditions, press freedom and the ratification of the International Covenant on Civil and Political Rights (ICCPR) which Sao Tome and Principe signed in October 1995, without having ratified so far.

While significant efforts were noted in the area of education such as the improvement of access to primary and secondary school for all children, the enhancement of educational opportunities for juveniles and adults, the sensitization of families about the importance of education, the creation of new infrastructure, the expansion of education to early childhood, the adoption of measures to ensure mandatory education of at least 9 years, the creation of non-formal education spaces in partnership with NGOs, the improvement of the quality of training provided to teachers, and the creation of scholarships, other human rights challenges remained, especially in relation to promoting and protecting the rights of children, the improvement of prison conditions and those of other detention facilities, freedom of the press and of association, and empowerment of women.

Amongst the recommendations made in addition to the ratification of the ICCPR and its first Optional Protocol (eliminating the death penalty), the ratification of other key international human rights instruments such as the International Covenant on Economic Social and Cultural Rights as well as its Optional Protocol, the Convention Against Torture and Cruel, Inhumane or Degrading Treatment or Punishment, and its Optional Protocol, the Optional Protocols to the Convention on the Rights of the Child, the Optional Protocol to the Convention of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention for the Protection of All Persons from Enforced Disappearance was also recommended. The Government of Sao Tome and Principe was also strongly encouraged to establish an independent national human rights institutions (in accordance with the Paris Principles governing the functioning, independence and mandate of national human rights institutions), to implement measures to promote and protect the human rights of vulnerable groups or marginalized including children, persons with disabilities and older persons. The Government was asked to take actions to promote and protect human rights of women, to extend a standing invitation to Human Rights Council special procedures mandate holders, to prohibit corporal punishment by law, to assure protection of victims and punishment of perpetrators and to undertake a review of national legislation to conform with Sao Tome and Principe's support for the General Assembly joint statement on human rights, sexual orientation and gender identity and its international human rights obligations by repealing the provisions which criminalize sexual activity between consenting adults of the same sex.

Sao Tome and Principe is expected to inform the Human Rights Council by June 2011, which of the recommendations made during the UPR process it stands ready to accept and to implement. In the UPR follow-up process, the United Nations system partners present in Sao Tome and Principe, under the leadership of the United Nations Resident Coordinator and the United Nations Centre for Human Rights and Democracy in Central Africa (based in Yaoundé, Cameroon), stand ready to provide technical assistance, advice and facilitation of Government action in the implementation of these wide-ranging recommendations addressed to the Government of Sao Tome and Principe. This is why the HRC Working Group on UPR specifically recommended that the Government of Sao Tome and Principe seek technical and financial assistance from the UN system in implementing some of these recommendations. It should be recalled that the United Nations Secretary-General Ban Ki-Moon and the United Nations High Commissioner for Human Rights Navi Pillay have reiterated the importance of the UPR mechanism as a means of improving the human rights situation at the country level, globally. For more information on the Human Rights Council UPR mechanism, including the detailed recommendations made to the Government of Sao Tome and Principe, please check : <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

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## UN Declaration on the Right to Development at 25

## OHCHR'S INFORMATION NOTE ON THE RIGHT TO DEVELOPMENT

**Development is a human right**

Widening poverty gaps, food shortages, climate change, economic crises, armed conflicts, rising unemployment, popular unrest, and other pressing challenges confront our world today. To respond effectively, we need the United Nations Declaration on the Right to Development that unequivocally establishes development as a right and puts people at the centre of the development process.

"[E]very human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized," the groundbreaking Declaration first proclaimed this inalienable right on 4 December 1986, when it was adopted by the United Nations General Assembly.

This year marks the Declaration's 25th anniversary. Yet many children, women and men – the very subjects of development – still live in dire need of the fulfillment of their innate desire for a life of dignity, freedom and equal opportunities and face denial of their fundamental human rights. The lack of development directly affects the realization of a wide range of civil, political, economic, social and cultural rights.

High Commissioner for Human Rights Navi Pillay calls on governments and all concerned to seize the opportunity of this anniversary to move beyond political debates and focus on practical steps to implement the Declaration. "I am duty-bound to raise this anniversary call. Not for South or North. Not in rote recitation of my mandate. Not for political correctness or for ceremony. But rather for the 500,000 preventable deaths of women in childbirth every year, for the millions of children suffering from hunger in a world of plenty, and for the more than one billion desperate souls around the world locked in the jaws of poverty, not in an accident of nature, but as a result of the denial of their fundamental human right to development," says the UN human rights chief.

**It belongs to all individuals and peoples**

The pursuit of economic growth is not an end in itself. The Declaration clearly states that development is a comprehensive process aiming to improve "the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation... and the fair distribution" of the resulting benefits.

Like all human rights, the right to development belongs to all individuals and peoples, everywhere, without discrimination and with their participation. It recognizes the right to self-determination and to full sovereignty over natural wealth and resources.

According to the latest UN Human Development Report, the number of malnourished people has increased from 850 million in 1980 to about 1 billion worldwide today. Despite over thirty years of technological progress and ever-increasing exploitation of natural resources, 150 million more people are now malnourished.

Rampant poverty and stark inequalities, both within and across countries,

serve as a constant reminder that the 1948 Universal Declaration of Human Rights, the fundamental principles of international human rights law it subsequently inspired, and indeed the 1986 Declaration on the Right to Development remain empty words for far too many people, especially those belonging to marginalized groups.

**It responds to contemporary challenges**

Born at the end of the colonial era, the Declaration on the Right to Development remains highly relevant today. Its underlying requirements (see box) can guide our responses to a series of contemporary challenges, including climate change and the quest for sustainable development, the stalled Doha Development Round of trade negotiations, development cooperation, Aid for Trade, debt relief, technology transfer, foreign direct investment, the democratic deficit, weak governance, Millennium Development Goals and the need to reform international financial institutions.

The right to development is not about charity, but enablement and empowerment. The Declaration identifies obstacles to development, empowers individuals and peoples, creates an enabling environment and good governance at both national and international levels for development, and enhances accountability of both duty bearers and rights-holders. They include governments, donors and recipients, international organizations, transnational corporations, and civil society. This right is tangible, justiciable and can be enforced. For example, in 2010, the African Commission on Human and People's Rights found that the way in which the Endorois community in Kenya was dispossessed of its traditional lands and denied access to resources constituted a violation of their rights, including the right to development.

**Act together now, not later**

The right to development embodies the human rights principles of equality, non-discrimination, participation, transparency, accountability as well as international cooperation in an integrated manner.

"States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development," says the Declaration. While there are hard-won development gains, the international community has yet to fully utilize the potential of the Declaration, partly due to politicization and polarization.

In 2011, the United Nations Human Rights office (OHCHR) seeks to enhance understanding and dialogue on the right to development through a series of events and public information activities. More information including the programme of commemorative events is available on the OHCHR website <http://www2.ohchr.org/english/issues/development/right/index.htm>

"The Right to Development can be realized only when there is a solid national and international accountability framework for development that respects social justice and human rights. Let us return to the hopeful and principled message of the Declaration itself – in a spirit of reasoned compromise and with a sense of the vital mission at hand, and focus our efforts on making the right to development a reality for all," says High Commissioner Pillay. For further information, please contact [R2D@ohchr.org](mailto:R2D@ohchr.org)

For more information on the work of the United Nations High Commissioner for Human Rights please click on [www.ohchr.org](http://www.ohchr.org)

