Human Rights Council
Seventeenth session
Agenda item 5
Human rights bodies and mechanisms


* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2011]
Joint reply of 1795 NGO, CSO and cities to the Advisory Committee questionnaire on elements for a draft declaration on the right to peace

I.

The Human Rights Council has been working since 2008 on the promotion of the right of peoples to peace. On 17 June 2010 it adopted resolution 14/3 which explicitly recognized “... the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right”; and “supported the need to further promote the realization of the right of peoples to peace”. In that regard it requested “the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace, and to report on the progress thereon to the Council at its seventeenth session”.

Pursuant to its recommendation 5/2 of 6 August 2010, the Advisory Committee established a drafting group with the mandate “…to submit a draft progress report on the draft
declaration on the right of peoples to peace to the sixth session of the Advisory Committee (AC)\textsuperscript{3}.

The AC revised progress report submitted to the HR Council (A/HRC/17/39 of 28 March 2011) proposed more than 40 possible standards for inclusion in the draft declaration on the right to peace. It also referred to specific rationale leading to including them and relevant legal standards (paragraph 72). In the light of discussions to be held by the HR Council and of responses from all stakeholders, the drafting group will work at its upcoming meetings on a draft declaration that will be submitted in January 2012 to the Advisory Committee. The ultimate aim of the drafting group is to produce a document helping to promote freedom, peace and security and which will be valuable in the promotion of the human rights agenda and the right to peace (paragraph 74).

As part of the consultations undertaken by the Advisory Committee a questionnaire on possible elements for a draft declaration on the right of peoples to peace was distributed among relevant stakeholders, including NGO and CSO, in order to assist Advisory Committee in furthering its work on the right to peace.

On 2 May 2010 the International Observatory on the Human Right to Peace and the Spanish Society for the International Human Rights Law, acting on behalf of 1.795 CSO, NGO and cities world-wide, submitted to the Advisory Committee their joint reply to the questionnaire. It provided further elements and standards that civil society would like to see included in the AC draft declaration. It was the result of a genuine and transparent international dialogue with peace-loving organizations from the five regions of the world\textsuperscript{3}.

II.

Although the legal standards proposed by the AC revised progress report are welcome, the international civil society requested that the proposed standards be complemented as follows:

1. **Disarmament:** Five additional standards, namely: the impact of illicit small arms and light weapons on human rights standards; the need to monitor and regulate the production and arms trade; the inclusion of the UN Millennium Declaration and the Millennium Development Goals (MDG); recognition of gender mainstreaming as a major global strategy for the promotion of gender equality and disarmament; and the impact of environment in the agreements on disarmament and arms limitations as adopted by the UN Conference on Environment and Development;

2. **Human security:** Reference to the interrelationship between causes of war and the enjoyment of economic, social and cultural rights.

3. **Resistance to oppression:** Alternative wording as proposed by Art. 6 of the Santiago Declaration: “The right to resist and oppose oppression”.

4. **Right to conscientious objection and freedom of religion and belief:** It should be divided in two different standards: the right to disobedience and to conscientious objection and freedom of religion and belief.

5. **Peace education:** Three additional standards, namely: gender approach to the peace education; peace education as means to halt racism or xenophobia and to promote human rights; and relationship between peace education and children, as recognized by the Convention on the Rights of the Child.

\textsuperscript{3} See full text of the NGO joint reply to the questionnaire at www.aedidh.org
6. **Development:** Three additional standards, namely: the right to peace as precondition of the right to development and of the enjoyment of all human rights; gender approach to the right to development; and the interdependence among peace, human rights and development.

7. **Environment, in particular climate change:** Two additional standards, mainly: the 1972 Stockholm Declaration as the starting point of a rights-based approach to environmental protection; and the impact of the environment on women and children’s rights. And

8. **Victims and vulnerable groups:** Gender approach to the right to justice.

In addition, the joint reply referred to **five standards** to be part of the core components of the right to peace, namely:

1. Double dimension of the right to peace -individual and collective-. It should be recognized with a specific standard on right-holders and duty-holders of the right to peace, in line with Article 1 of the Santiago Declaration on the Human Right to Peace (10 December 2010).

2. Strengthening the relationship among the right to peace and women, migrations, indigenous peoples, and the prohibition of racism, racial discrimination, xenophobia and related intolerance.

Regarding the implementation of the right to peace, the joint reply proposed that the following good practices be adopted at national level by all States:

1. To include, elaborate and/or strengthen the right to peace at the national Constitutions;
2. To recognize the right to peace as a justiciable right to be adjudicated by local courts;
3. To set up Ministries and Departments of Peace at local, regional and national level;
4. To promote declarations on the human right to peace by local, regional and national Parliaments and City Councils;
5. To adopt National Plans of Action to implement Security Council resolution 1325 on women, peace and security;
6. To establish international non-violent peace corps;
7. To protect minorities;
8. To support local non-violent conflict resolution; and
9. To set up communities of Peace Academies at the local, regional and national level.

As far as the leading role of civil society to better enhance the right to peace, the joint reply proposed as good practices the Statutes of the International Observatory on the Human Right to Peace (IOHRP) approved on 10 December 2010 by the International Congress on the Human Right to Peace (Santiago de Compostela, Spain). Operative since 10 March 2011 as a part of the SSIHRL, it is benefiting from the wide experience gained throughout the SSIHRL four-year World Campaign on the human right to peace. To preserve its autonomy, the Observatory has its own structure that includes the General Assembly of all its members; it is led by the Executive Committee (15 independent experts) and the Bureau; and its activities are carried out by the permanent International Secretariat (Article V of the Statutes).
The main purposes of the IOHRP are the promotion and implementation of the Santiago Declaration on the Human Right to Peace and to monitor the codification process within the UN competent bodies, ensuring that the General Assembly would adopt a Universal Declaration of the Human Right to Peace taking fully into account the Santiago Declaration and its preparatory work. Furthermore, the IOHRP will prepare field reports; develop reliable indicators to measure States and other international actors’ compliance with the human right to peace in accordance with the normative content of the Santiago Declaration; and publish reports on situations of serious, massive and systematic violations of the human right to peace.

Regarding to the experiences of international and regional organisations in the implementation of the right to peace, the joint reply reminded the following good practices:

1. The Constitutions of UNESCO (culture of peace), ILO (social justice and peace), FAO (eradication of hunger and peace), and WHO (the health of all peoples is fundamental to the attainment of peace and security);

2. The relevant regional human rights and peace instruments adopted in Latin America⁴, Africa⁵, Asia⁶, Arab and Islamic States⁷; and

3. The promotion of new human rights and security systems such as the extension of Nuclear Weapons Free Zone to all regions of the world, the establishment of Zones of Peace all over the world, the adoption of new human rights instruments on peace, security and human rights, the adoption of a Decade to Overcome violence and the observance of the International Day of Peace (global ceasefire and non violence).

With regard to peace education, the joint reply stressed as good practices for primary, secondary and tertiary education the establishment of administrative infrastructures for peace such as Ministries or Departments of Peace, local peace councils or peace commissions; and the promotion of restorative circles as a means to enhance the principles of peace education that are very valuable when looking to address violations of the right to peace.

The work of peace educators and facilitators world-wide is essential to support the right to peace when they are implementing appreciative dialogue processes. The final civil society report on the Decade for a Culture of Peace (2001-2010) is offering a valuable resource on new developments in the field of peace education.

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⁵ Constitutive Act of the African Union, the African Charter of Human and Peoples Rights and Protocol to the African Charter concerning the Rights of Women in Africa
⁶ Declaration of Bangkok, the Charter of the Association of Southeast Asian Nations, the Asian Charter on Human Rights and the Intergovernmental Commission of Human Rights of the Association of Southeast Asian Nations
⁷ Charter of the League of Arab States, the Arab Charter of Human Rights and Charter of the Organization of the Islamic Conference