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Advisory Committee

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Item 2 (a) (vi) of the provisional agenda

Requests addressed to the Advisory Committee stemming from

Human Rights Council resolutions:

Promotion of the right of peoples to peace

Joint written statement* submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Association of Soldiers for Peace, Zonta International, the International Federation of Settlements and Neighbourhood Centres (IFS), the International Council Of Women (ICW-CIF), the International Association for Religious Freedom (IARF), the International Youth and Student Movement for the United Nations (ISMUN), the Brahma Kumaris University (BKU), Soroptimist International (SI), the International Institute for Non-aligned Studies (IINAS), the Franciscans International (FI), non-governmental organizations in general consultative status, the World Young Women's Christian Association (World YWCA), **the Dominicans for Justice and Peace (Order of Preachers), the Buddha's Light International Association (BLIA), the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Pax Romana (International the Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), the Temple of Understanding (TOU), the Women's World Summit Foundation (WWSF), the International Federation of University Women (IFUW), the Worldwide Organization for Women (WOW),**

the Union of Arab Jurists (UAJ), Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), the Foundation for the Refugee Education Trust (RET), the International Bridges to Justice (IBJ), the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), the American Association of Jurists (AAJ), Congregation of Our Lady of Charity of the Good Shepherd, the Lassalle-Institut, the UNESCO Centre of Catalonia (UNESCO CAT), the Pan Pacific and South East Asia Women's Association (PPSEAWA), the International Movement for Fraternal Union Among Races and Peoples (UFER), the International Federation of Women Lawyers (FIDA), the International Federation of Women in Legal Careers (FIFCJ), the Canadian Federation of University Women (CFUW), the International Women's Year Liaison Group (IWYLG), the Institute of International Social Development, African Action on AIDS, the International Society for Traumatic Stress Studies (ISTSS), the Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, the Tandem Project, the Solar Cookers International (SCI), the United States Federation for Middle East Peace (USFMEP), the Network Women in Development Europe (KULU, Denmark), North-South XXI, the United Towns Agency for North-South Cooperation, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, the International Forum for Child Welfare, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the Arab Lawyers Union, the General Federation of Iraqi Women, the International Federation of Social Workers (IFSW), the International Association of Peace Messenger Cities (IAPMC), the Committee for Hispanic Children and Families, the Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), the Cairo Institute for Human Rights Studies (CIHRS), the World for World Organisation (WFWO), the Universal Esperanto Association (UEA), the Grail, UNANIMA International, the Association for Democratic Initiatives (ADI), the General Arab Women Federation (GAWF), the International Association of Democratic Lawyers (IADL), the Centre Independent de Recherches et d'Initiatives pour le Dialogue (CIRID), the International Association of Schools of Social Work (IASSW), Peace Boat, the International Fellowship of Reconciliation (IFOR), the Comision Colombiana de Juristas (CCJ), the COJEP International (Conseil de Jeunesse Pluriculturelle), the Association of African Women for Research and Development (AAWORD), the Center for Migration Studies of New York (CMS) (member of the Scalabrini International Migration Network), the World Association for Psychosocial Rehabilitation (WAPR), the Foundation for Subjective Experience and Research, the African Women's Development and Communication Network (FEMNET), the Planetary Association for Clean Energy (PACE), Initiatives of Change

International, Associazione Comunita Papa Giovanni XXIII, the Action internationale pour la paix et le développement dans la région des Grands Lacs, the Indian Movement "Tupaj Amaru", the General Arab Women Federation, National Council of Women in Great Britain, the African Peace Network (APNET), Right to Energy Sos Future, Myochikai (Arigatou Foundation), the Fondation Idole, IUS PRIMI VIRI International Association, the African Women Association (AWA), the Femmes Africa Solidarité (FAS), the International Movement against all Forms of Discrimination and Racism (IMADR), the National Alliance of Women's Organisations (NAWO), African Services Committee (ASC), Guild of Services, European Women's Lobby (EWL), European Union of Women (EUW), International Organization for the Right to Education and Freedom of Education (OIDE), Women's Union of Russia (WUR), Fundación Cultura de Paz, Permanent Assembly for Human Rights (APDH), International Islamic Relief Organization (IIROSA), Japanese Association of International Women's Rights, Japanese Worker's Committee for Human Rights, non-governmental organizations in special consultative status, the Association of World Citizens, the Federation for Peace and Conciliation (IFPC), the World Association for the School as an Instrument of Peace, the International Society for Human Rights (ISHR), the Institute for Planetary Synthesis (IPS), the International Peace Bureau (IPB), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), the Dzeno Association, the Country Women Association of Nigeria (COWAN), the Association Nigerienne des Scouts de l'Environnement (ANSEN), the Asia Pacific Forum on Women, the Law and Development (APWLD), the International Progress Organization (IPO), European Federation of Road Traffic Crash Victims, a nongovernmental organizations on the roster

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

[13 February 2012]

Amendments to the (second) draft declaration on the right to peace prepared by the Advisory Committee drafting group*

* United Nations Association of Denmark, International Lawyers Organization, the Institute for Global Leadership, European Muslim Initiative for Social Cohesion, AMA (asociación Indígena del Perú), PSIVIVA (asociación consultora psicológica viva), Comunidad nativa mariscal caceres, Comité de gestión del barrio la Legua, Operation Peace Through Unity, Federación española de la Orden Masónica Mixta Internacional, Canadian Museum for Human Rights, Global peace building Strategy, Widows for peace through democracy, Instituto de Paz, Derechos Humanos y Vida Independiente (PADEVI), The Global Hand, Fundación María Deraismes, Asociación Soriana para la recuperación de la memoria histórica “Recuerdo y Dignidad”, Una ventana a la Libertad, Asociación Civil Humanity, Sol de Paz-Pachakuti, Center for Global Nonkilling, General Federation of Iraqi Women, Monitoring Net of Human Rights In Iraq (MHRI), The Association of Iraqi POWs, Association of International Humanitarian Lawyers (AIHL), Women's Will Association (WWA), The Association of Iraqi Jurists (AIJ), Conservation Centre of Environmental & Reserves In Iraq (CCERF), Human Rights Division of the Association of Muslims Scholars In Iraq (AMSI), Al-Basaer Media Association (ABMA), Studies Center of Human Rights and Democracy (SCHRD), Association of Human Rights Defenders In Iraq (AHRDI), The Iraqi Commission for Human Rights (Iraqi-CHR), The Organization For Widows And Orphans (OWO), The Iraqi Association Against War (IAAW), Organization for Justice and Democracy In Iraq (OJDI), Association of Iraqi Diplomats (AID), Arab Lawyers Network (UK), Iraqi Human Rights Center, Associació per a la recuperació de la memòria històrica de Catalunya, Japanese Committee for the Human Right to Peace (Japan Lawyers International Solidarity Association, Japan Workers Committee for Human Rights, Japan's Association of Democratic Lawyers, International Women's Year Liaison Group, Japan Young Women's Christian Association, Pan-Pacific and South-East Asia Women's Association of Japan, Japan Federation of Women's Organization, Japanese Society for Developing the Culture of Peace, Global Campaign for Peace Education Japan, Peace Boat and Global Article 9 Campaign), the International Women's Year Liaison Group network (The Japan Young Women's Christian Association, Women's International League for Peace and Freedom, Japan Section, The Pan-Pacific and South-East Asia Women's Association of Japan, The League of Women Voters of Japan, Japanese Association of University Women, National Women's Committee of the UN NGOs, Japan Women's Council I, Japan Medical Women's Association, Japan Women's Bar Association, The Society of Japanese Women Scientists, Business and Professional Women's Club of Japan, The All Japan Network for Equalization of the Gender Education, Japan Federation of Women's Organization, Department of Human Rights and Equality, Japanese Trade Union Confederation, Japanese Nursing Association), Spanish Federation of Associations on Defensa and Promotion of Human Rights (Asociación para la Defensa de la Libertad Religiosa (ADLR), Asociación Pro Derechos Humanos de España (APDHE), Associació per a les Nacions Unides a Espanya (ANUE), Comisión Española de Ayuda al Refugiado (CEAR), Comunidad Bahá'í de España, Federación Catalana d'Organitzacions no Governamentals pels Drets Humans (27 NGOs and CSOs), Fundación Paz y Cooperación, Institut de Drets Humans de Catalunya (IDHC), Instituto de Estudios Políticos para América Latina y África (IEPALA), Justicia y Paz. España (JP. España), Liga Española Pro-Derechos Humanos (LEPDDHH), Movimiento por la Paz, el Desarme y la Libertad (MPDL), Paz y Tercer Mundo – Mundubat (PTM), International Association of Peace Messenger Cities (101 cities, please, see in <http://www.iapmc.org/>), Asamblea Permanente de la Sociedad Civil por la Paz de Colombia (71 colombian NGOs, please see <http://www.asambleaporlapaz.com/>), International Peace Bureau (20 international and 270 national NGOs, please see <http://ipb.org/i/index.html>), Global Network of Women Peacebuilders (48 NGOs and CSOs worldwide, please see in <http://www.gnwp.org/>), European Women's Lobby (88 NGO worldwide, please see <http://www.womenlobby.org/>), Global Network of Women Peacebuilders (32 NGOs worldwide, please see <http://www.gnwp.org/>), European Union of Women (21 european sections, please see <http://www.euw-uk.co.uk/about/history/>), Consortium of women's NGO Associations of Russia (160 russian NGO, please see <http://www.wcons.org.ru/ru/database.php?letter=U>), NGOs without consultative status, also share the views expressed in this statement.

I.

On 17 June 2011, the HR Council adopted resolution 17/16 by which it took note of the progress report of the Advisory Committee (AC) on the right of peoples to peace (A/HRC/17/39) and it supported the need to further promote the realization of the right of peoples to peace. In that regard, it requested the AC, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace, and to report on progress thereon to the Council at its twentieth session" (June 2012).

At its 7th session (8-12 August 2011), the AC also had before it the joint NGO written statement submitted by the SSIHRL and the IOHRP, in association with 778 CSO, proposing numerous amendments to the (first) draft Declaration¹.

On 12 August 2011, the AC adopted recommendation 7/3 entitled "Drafting Group on the promotion of the right of peoples to peace", by which it took note of the second progress report submitted by the drafting group² (paragraph 1); it welcomed "the responses received to the questionnaire sent out in April 2011, and the discussions and statements made during its seventh session" (paragraph 2); and it welcomed "initiatives by civil society to organize discussions on progress reports of the Advisory Committee with Member States and academic experts" (paragraph 3).

On 14 September 2011, the Parliament of Spain adopted a resolution in support of the human right to peace. It urged the Government to support the official codification process of the right to peace at the United Nations, in order to include the right of individuals and peoples to peace; to join the Group of Friend States with the codification process on the human right to peace; and to transmit the resolution to all institutions and International Organizations to which Spain is a State party. The resolution also paid tribute to the SSIHRL World Campaign on the human right to peace³.

On 21 September 2011 Spain and Costa Rica proclaimed their support to the human right to peace at the official commemoration of the International Day of Peace in Geneva. At the same day, the SSIHRL and the Foundation Peace without Borders launched a campaign to collect signatures in support of the World Alliance for the Human Right to Peace and its international codification process, the results of which will be presented to the HR Council and the General Assembly⁴.

On 29 October 2011, the XXI Ibero American Summit held in Asunción (Paraguay) adopted the resolution on the right to peace by which the 22 Member States agreed to support the codification of the right to peace as initiated at the HR Council, paving the way to its progressive development. It also recognized the important contribution of civil society organizations to promote the right to peace; and requested that the resolution be transmitted to the Secretary-General and the High Commissioner for Human Rights, urging the United

¹ Doc. A/HRC/AC/7/NGO/3 of 3 August 2011 and Corr.1 of 5 August 2011.

² A/HRC/AC/7/3 of 19 July 2011, cit.

³ Non-legislative proposal of support to the human right to peace, Cortes Generales, Diario de Sesiones del Congreso de los Diputados. Comisión de Asuntos Exteriores, Año 2011, IX Legislatura Núm. 831, 14 September 2011, pp. 19-22.

⁴ Two international singers (Juanes and Bosé) on behalf of the Foundation Peace Without Borders presented a video providing support from well-known artists, musicians, actresses and sport-men to the human right to peace and inviting people to adhere to the SSIHRL World Alliance on the Human Right to Peace. It can be watched at www.pazsinfronteras.org

Nations to actively contribute to the progressive development of the right to peace in the context of the purposes and principles set up in the Charter of the United Nations⁵.

On 15 November 2011, the Japanese Federation of Bar Associations adopted the Opinion concerning the Declaration on the Right of Peoples to Peace. The 52-member Bar Associations considered that a Declaration on the right of peoples and individuals to peace should include the prohibition of discrimination on the ground of, inter alia, race, colour, sex, language, religion, political or other opinion, nationality, ethnicity or social origin, birth or other status. In addition, the Declaration should be consistent with the human rights standards universally recognized, and should not be interpreted to restrict the exercise of any human right recognized in time of public emergency. Finally, all States should develop the possibilities of judicial remedies in order to realize the right to peace.

On 3 and 10 December 2011, the Japanese civil society organisations in cooperation with the SSIHRL/IOHRP adopted the Nagoya and Tokyo Declarations on the Human Right to Peace, by which civil society organisations acknowledged that the Constitution of Japan was a pioneer in the recognition of peace as a human right; that article 9 is in favour of a complete pacifism, namely, the renunciation of war, the non-possession of war power, and the denial of belligerent rights and recognises the political principle of “pacifism with demilitarization”; that the right to live in peace is not only an expression of a political ideal, but also a legal principle of domestic law; that the right to live in peace is a fundamental right which underlies all other basic human rights and that the rights to human security and to disarmament are essential components of the human right to peace⁶.

The Advisory Committee will have before it at its 8th session (February 2012) the Drafting Group's Declaration on the Right to Peace⁷. Paragraph 6 of the report states that in the original mandate of the HR Council reference is made to “the right of peoples to peace”; the Advisory Committee proposes the term “right to peace”, which was found “to be more appropriate and includes both the individual and collective dimensions”.

II.

The undersigned civil society organizations congratulate the Drafting Group for its (second) draft Declaration on the right to peace. However, we invite the Advisory Committee to consider the following amendments⁸

Preamble: To be completed by the Preamble of the *Santiago Declaration on the Human Right to Peace* (2010)⁹, since it includes relevant universal and regional legal instruments providing background to the codification of the right to peace.

⁵ See the full text of the Summit resolution on the right to peace at <http://segib.org/cumbres/xxi-asuncion-paraguay>.

⁶ See the full text of the Nagoya and Tokyo Declarations on the Human Right to Peace at <http://www.aedidh.org/?q=node/2014>

⁷ Doc. A/HRC/AC/8/2, of 9 December 2011, 10 p.

⁸ The amendments are also supported by 14.000 world citizens that joined the World Alliance for the Human Right to Peace at www.pazsinfronteras.org. They urged the HR Council and its Advisory Committee to take note of the efforts made by international civil society, and to take duly into consideration the Santiago Declaration on the Human Right to Peace, adopted on 10 December 2010.

⁹ Provisions of the Preamble of the Santiago Declaration are as follows:

(1) Considering that, in accordance with the Preamble to the Charter of the United Nations and the purposes and principles established therein, peace is a universal value, the *raison d'être* of the Organisation and a prerequisite for and a consequence of the enjoyment of human rights by all;

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- (2) Considering that the uniform, non-selective and adequate application of international law is essential to the attainment of peace; and recalling that Article 1 of the UN Charter identifies as the fundamental purpose of the Organization the maintenance of international peace and security, which should be achieved inter alia through the economic and social development of peoples and the respect of human rights and fundamental freedoms without any kind of discrimination;
- (3) Recognising the positive dimension of peace which goes beyond the strict absence of armed conflict and is linked to the elimination of all types of violence, whether direct, political, structural, economical or cultural in both public and private sectors, which in turn requires the economic, social and cultural development of peoples as a condition for satisfying the needs of the human being, and the effective respect of all human rights and the inherent dignity of all members of the human family;
- (4) Considering that peace is inseparable from the diversity of life and cultures where identity is the base of life; and thus affirming that the foremost among rights is the right to life, from which other rights and freedoms flow, especially the right of all persons to live in peace;
- (5) Recalling further that Article 2 of the UN Charter stipulates that all Member States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; and further that the Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles contained in the UN Charter;
- (6) Considering that the United Nations system in its entirety shares this vision, since “lasting peace can be established only if it is based on social justice” (Constitution of the International Labour Organisation, ILO); it aims to the improvement of the levels of life and nutrition of all peoples, as well as to the eradication of hunger (Constitution of the Food and Agriculture Organization, FAO); and it states that “the health of all peoples is fundamental to the attainment of peace and security” (Constitution of the World Health Organization, WHO);
- (7) Conscious of the vulnerability and dependence of every human being, and of the fact that certain circumstances render given groups and persons especially vulnerable; and aware of the need and the right of all persons to live in peace and to have established a national and international social order in which peace has absolute priority, so that the rights and freedoms proclaimed in the Universal Declaration of Human Rights can be fully realised;
- (8) Considering that education is indispensable for the establishment of an universal culture of peace and that, pursuant to the Preamble to the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”; and taking into account the Seville Statement on Violence adopted by the General Conference of UNESCO on 16 November;
- (9) Recalling the prohibition of war propaganda and the prohibition of incitement to hate and violence contained in Article 20 of the International Covenant on Civil and Political Rights, which shall be compatible with the full respect for freedom of expression;
- (10) Taking account of the principles and norms enshrined in international human rights law, international labour law, international humanitarian law, international criminal law and international refugee law; and considering that according to these principles and norms human rights are inalienable, universal, indivisible and inter-dependent, and that they reaffirm the dignity and the value of the human person, especially children and young people, as well as the equality in rights of women and men;
- (11) Recalling further the relevant resolutions of the General Assembly, inter alia resolution 2625 (XXV) of 24 October 1970 on friendly relations and cooperation among States; resolution 3314 (XXIX) of 14 December 1974 on the definition of aggression; resolution 3348 (XXIX) of 17 December 1974, in which the Assembly endorsed the “Universal Declaration on the Eradication of Hunger and Malnutrition”; resolution 3384 (XXX) of 10 November 1975, entitled “Declaration on the use of scientific and technological progress in the interests of peace and for the benefit of mankind”; Resolution 33/73 of 15 December 1978, entitled “Declaration on the preparation of societies for life in peace”; resolution 39/11 of 12 November 1984 entitled “Declaration of the right of peoples to peace”; resolution 53/243 A of 13 September 1999 entitled “Declaration and Programme of Action on a Culture of Peace”; resolution 55/2 of 5 September 2000 entitled “United Nations Millennium Declaration”, reaffirmed by resolution 60/1 of 15 September 2005, entitled “2005 World Summit

Outcome”; and resolution 55/282 of 7 September 2001, by virtue of which the 21 of September of each year shall be observed as International Day of Peace;

(12) Concerned about the constant and progressive degradation of the environment and about the need and obligation to ensure to present and future generations a life in peace and in harmony with nature, ensuring their right to human security and the right to live in a safe and healthy environment; and recalling, among other instruments, the Stockholm Declaration of 16 June 1972, adopted by the United Nations Conference on the Human Environment; the World Charter for Nature contained in UN General Assembly Resolution 37/7 of 28 October 1982; the Convention on Biodiversity of 5 June 1992; the United Nations Framework Convention on Climate Change of 9 May 1992 and the Kyoto Protocol of 11 December 1997; the Rio Declaration on the Environment and Development of 14 June 1992; the United Nations Convention of 14 October 1994 to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; the Convention of Aarhus of 25 June 1998 on access to information, public participation in decision-making and access to justice in environmental matters; and the Johannesburg Declaration on Sustainable Development of 4 September 2002;

(13) Observing that the commitment to peace is a general principle of international law, in accordance with Article 38.1.c) of the Statute of the International Court of Justice, as it was recognised by the International Expert Consultation on the Human Right to Peace representing 117 States, held in Paris, in March 1998;

(14) Recalling the Istanbul Declaration adopted by resolution XIX (1969) of the XXI International Red Cross Conference, which states that human beings have the right to enjoy lasting peace; resolution 5/XXXII (1976) of the former UN Commission on Human Rights, which affirms that everyone has the right to live in conditions of peace and international security; and resolutions 8/9 (18 June 2008) and 11/4 (17 June 2009) of the UN Human Rights Council entitled “promotion of the right of peoples to peace”;

(15) Recalling the commitments undertaken by African States pursuant to the Constitutive Act of the African Union, the African Charter of Human and Peoples Rights, the Protocol to the African Charter concerning the Rights of Women in Africa; the commitments undertaken by States in the inter-American framework by virtue of the Charter of the Organization of American States, the American Convention on Human Rights and the Protocol of San Salvador, the Treaty of Institutionalization of the Latin American Parliament and, in the Ibero-American context, the Ibero-American Convention on Young People’s Rights; the Asian instruments concerning peace, including the Declaration of Bangkok, the Charter of the Association of Southeast Asian Nations and the Asian Charter on Human Rights, as well as the terms of reference of the Intergovernmental Commission of Human Rights of the Association of Southeast Asian Nations; the commitment of Arab States in favour of peace, expressed in the Charter of the League of Arab States and the Arab Charter of Human Rights; the commitment of Islamic States in favour of peace, expressed in the Charter of the Organization of the Islamic Conference; as well as the commitments undertaken in the framework of the Council of Europe by virtue of its Statute, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, and other European conventions; and the European Union’s Charter of Fundamental Rights;

(16) Concerned over the manufacture of weapons, the arms race and the excessive and uncontrolled traffic of all kinds of arms, jeopardising international peace and security; over the failure of States to observe the obligations laid down in the relevant treaties in the field of disarmament, and, in particular, the Treaty on the Non Proliferation of Nuclear Weapons; which constitutes an obstacle to the realisation of the right to development;

(17) Considering that the international community requires the codification and progressive development of the human right to peace, as an autonomous right with universal vocation and intergenerational character;

(18) Concerned by gross and systematic violations committed in peace times, and considering that the Assembly of States Parties to the Rome Statute of the International Criminal Court shall define such violations as crimes against the human right to peace;

(19) Acknowledging the contribution of women to peace processes and emphasizing the importance of their participation at all levels of decision making, as have been recognised by the United Nations General Assembly in its resolutions 3519 of 1975 and 3763 of 1982, and by the Security Council in

Art. 1. Right to peace: principles

Paragraph 1:

To be completed by: Recognition of minorities and humankind as additional right-holders of the right to peace.

its resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009); as well as emphasising the full and effective implementation of the resolution 1325 on women and peace and security;

(20) Further affirming that the achievement of peace is the shared responsibility of women and men, peoples and States, intergovernmental organizations, civil society, corporations and other social actors and, more generally, of the entire international community;

(21) Considering that the promotion of a culture of peace, the world-wide redistribution of resources and the achievement of social justice must contribute to the establishment of more just global economic relations which will facilitate the fulfilment of the purposes of this Declaration, by eliminating the inequalities, exclusion and poverty, because they generate structural violence which is incompatible with peace at both national and international levels;

(22) Affirming that peace must be based on justice, and that therefore all victims have a right to recognition of their status as victims without discrimination, to justice, to truth and to an effective reparation, as provided for in General Assembly resolution 60/147 of 16 December 2005, which proclaims the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, thereby contributing to reconciliation and the establishment of lasting peace;

(23) Conscious that impunity is incompatible with peace and justice; and considering that every military or security institution must be fully subordinated to the rule of law and must be bound by the obligations arising under international law, to the observance of human rights and of international humanitarian law, and to the attainment of peace; and that, therefore, military discipline and the carrying out of orders from superiors must be subordinated to the achievement of those objectives;

(24) Concerned by the impunity and the increasing activities of mercenaries and private military and security companies; the outsourcing to the private sector of inherently security State functions and by the growing privatization of war;

(25) Affirming that peace implies the right of all persons to live in and to remain in their respective countries; conscious that mass exoduses and migratory flows are frequently involuntary and respond to dangers, threats and breaches of peace; and convinced that in order to assure the right to human security and the right of every person to emigrate and settle peacefully in the territory of another State, the international community should establish an international migration regime as a matter of urgency;

(26) Persuaded too that peace has been and continues to be a constant aspiration of all civilizations through all history of mankind, and that therefore all human beings should join their efforts toward the effective realization of peace;

(27) Paying tribute to all peace movements and ideas that have marked over the history of humankind, which have recently crystallized in major contribution including the Hague Agenda for Peace and Justice for the Twenty-first Century which emerged from the Hague Appeal for Peace Conference, 19991; the Earth Charter adopted at The Hague on 29 June 2000; and the Universal Declaration of the Rights of Mother Earth, adopted in Cochabamba (Bolivia) on 22 April 2010, in the framework of the World People's Conference on Climate Change and the Rights of Mother Earth;

(28) Affirming that the human right to peace cannot be achieved without the realization of the equality of rights and respect for gender based differences; without respect for different cultural values and religious beliefs that are compatible with the universally recognized human rights; and without the elimination of racism, racial discrimination, xenophobia and other forms of related intolerance;

(29) Convinced that it is urgent and necessary that all States recognize peace as a human right and that they ensure its enjoyment by all persons under their jurisdiction, without any distinction, independently of race, descent, national, ethnic or social origin, colour, gender, sexual orientation, age, language, religion or belief, political or other opinion, economic situation, heritage, diverse physical or mental functionality, civil status, birth or any other condition;

Paragraph 2:

To be completed by: All international actors have a duty to do everything in their power to ensure these rights and freedoms.

Art. 2. Human security

Add the concept of right in the title of article

Art. 3. Disarmament

Add the concept of right in the title of article

The equality between men and women as a major global strategy for the promotion of equality and human rights should include its relationship with the disarmament.

Paragraph 3

To be completed by: States are invited to consider the establishment and promotion of Peace Zones and of Nuclear Weapon Free Zones and to phase out progressively foreign military bases.

Art. 4. Peace education and training

Add the concept of right in the title of article

Two new paragraphs to be added

“All persons should fully enjoy their freedom of thought, conscience, expression and religion, in conformity with international human rights law”

"All peoples and individuals have the right to be protected against any form of culture violence.

Art. 5. Conscientious objection to military service

The title of article should be replaced by: Right to disobedience and to conscientious objection to military service.

Paragraph 1:

To be replaced by: “Individuals, individually or as members of a group, have the right to civil disobedience and to conscientious objection against activities that entail a threat against peace”.

Three new paragraphs to be added at the end:

“Individuals, individually or as members of a group, have the right not to participate in, and to publicly denounce scientific research for the manufacture or development of arms of any kind”.

“Individuals, individually or as members of a group, have the right to object to participate in a working or professional capacity, and to oppose taxation for military expenditures connected with military operations in support of armed conflicts that violate international human rights law or international humanitarian law. States shall provide acceptable alternatives to tax payers who object to the use of their tax money for military purposes”.

“Individuals, individually or as members of a group, have the right to be protected in the effective exercise of their right to disobedience and conscientious objection”.

Art. 9. Development.

Add the concept of right in the title of article

Art. 11. Rights of victims and vulnerable groups

Six new paragraphs to be added or completed

1. Victims of human rights violations, the members of their families and society in general have the right to know the truth, not subject to statutory limitations.
2. Add the redress precluded by the popular courts or tribunals of conscience and to institutions, methods, traditions or local customs of peaceful settlement of disputes.
3. (To keep Article 12.1 of the Santiago Declaration)¹⁰.
4. (To keep Article 12.4 of the Santiago Declaration)¹¹.
5. (To keep Article 12.5 of the Santiago Declaration)¹²).
6. (To keep Article 12.6 of the Santiago Declaration)¹³).

Art. 12. Refugee and migrants

Add the concept of right in the title of article

Two new paragraphs to be added in the paragraph 2 bis

“All individuals have the right of freedom of movement and to emigrate if their right to human security or to live in a safe and healthy environment, as stipulated in this Declaration, is seriously threatened”.

"All individuals and peoples subjected to forced migration deserve special attention as victims of violations of the human right to peace"

Art. 13. Obligations and implementation

It should be divided into three Articles, namely:

Art. 13. Obligations for the realization of the right to peace

1. (To keep Article 13.4 of the Santiago Declaration¹⁴).

¹⁰ Article 12.1 of the SD states: "All individuals share the same human dignity and have an equal right to protection. Nevertheless, there are certain groups in situations of specific vulnerability who deserve special protection. Among them are women in particular situations, children, victims of enforced or involuntary disappearances, persons with diverse physical or mental functionality, elderly persons, displaced persons, migrants, minorities, refugees and indigenous peoples".

¹¹ Article 12.4 of the SD states: "All individuals deprived of their liberty have the right to be treated humanely; their right to life, dignity and physical and moral integrity shall be respected. In case of children, detention shall be imposed exclusively as a last resort and be limited to exceptional cases. Children deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. States shall ensure conditions of detention that promote rehabilitation and inclusion of persons deprived of their liberty, particularly children and youth, ensuring their education, training and general development".

¹² Article 12.5 of the SD states: "The enforced or involuntary disappearance of individuals constitutes a crime against humanity. Their victims have the rights to the recognition of their detention, to regain their freedom and to obtain complete, effective, fair and adequate reparation".

¹³ Article 12.6 of the SD states: "Indigenous peoples have all the rights guaranteed to them by international human rights law, particularly the right to live on their lands, to enjoy their natural resources and to the effective protection of their cultural heritage".

2. (To keep Article 13.6 of the Santiago Declaration¹⁵).
3. (To keep Article 13.7 of the Santiago Declaration¹⁶).
4. (To keep Article 13.8 of the Santiago Declaration¹⁷).
5. States are encouraged to become parties to the Rome Statute of the International Criminal Court and to the amendments which will enable the ICC to exercise its jurisdiction over the crime of aggression¹⁸.

Art. 14: Establishment of the working group on the human right to peace

1. A Working Group on the Human Right to Peace (hereinafter called “the Working Group”) will be established. It will be composed of ten members who will have the duties set forth in Article 15.
2. The Working Group will be composed of experts from the Member States of the United Nations who will carry out their duties with complete independence and in a personal capacity”.
3. Criteria for the elections of experts (To keep article 14.3 of the Santiago Declaration)¹⁹.
4. (To keep Article 14.4 of the Santiago Declaration²⁰).
5. The experts will be elected for four years and may be re-elected only once.
6. Half of the Working Group will be renewed every two years”.

¹⁴ Article 13.4 of the SD states: “States are also required to adopt measures to build and consolidate peace and have the responsibility to protect humankind from the scourge of war. This, however, shall not be interpreted to imply for any State any entitlement to intervene in the territory of other States”.

¹⁵ Article 13.6 of the SD states: “The United Nations system must engage in a thorough and effective manner, through the United Nations Peace-building Commission, in cooperation with other entities of the United Nations and relevant regional and sub-regional organizations, in the elaboration of integrated strategies for peace and for the reconstruction of affected countries following the end of armed conflicts. Such strategies must ensure stable sources of financing and effective coordination within the United Nations system. In this context, the effective implementation of the Program of Action for a Culture of Peace is underscored”.

¹⁶ Article 13.7 of the SD states: “Any military action outside the framework of the UN Charter is unacceptable, constitutes a most grave violation of the principles and purposes of the UN Charter, and is contrary to the human right to peace. The so-called “preventive war” constitutes a crime against peace”.

¹⁷ Article 13.8 of the SD states: “In order to better guarantee the human right to peace, the composition and procedures of the Security Council shall be reviewed so as to reflect and better ensure the representation of today’s international community. The methods of work of the Security Council must be transparent and allow a meaningful participation in its debates by civil society and other actors”.

¹⁸ The amendments to the Rome Statute to define the crime of aggression and to establish conditions under which the Court could exercise jurisdiction with respect to the crime were adopted at the Review Conference of the Rome Statute, held in Kampala from 31 May to 11 June 2010 .

¹⁹ Article 14.3 of the SD states: “a.-) The experts shall be of high moral standing, impartiality and integrity, and show evidence of long and sufficient experience in any of the spheres stated in Part I of this Declaration; b.-) Equitable geographical distribution and representation of the different forms of civilization and of the main legal systems of the world; c.-) There shall be a balanced gender representation; and d.-) There may not be two experts nationals from the same State”.

²⁰ Article 14.4 of the SD states: “The members of the Working Group will be chosen by secret ballot at a session of the United Nations General Assembly from a list of candidates proposed by the Member States and by civil society organizations. The ten candidates who obtain the highest number of votes and a two thirds majority of the States present and voting will be elected. The initial election will take place at the latest three months after the date of adoption of this Declaration”.

Art. 15. Functions of the working group

(To keep Article 15 of the Santiago Declaration²¹).

Final provisions

(To keep the final provisions contained in the Santiago Declaration²²).

²¹ Article 15 of the SD states: “1. The main function of the Working Group is to promote the observance and implementation of this Declaration. In the exercise of its mandate the Working Group shall have the following competences: a.) To promote worldwide observance and awareness of the human right to peace, acting with discretion, objectivity and independence and adopting an integrated approach which takes account of the universality, interdependence and indivisibility of human rights and the overriding need to achieve international social justice; b.) To promote worldwide observance and awareness of the human right to peace, acting with discretion, objectivity and independence and adopting an integrated approach which takes account of the universality, interdependence and indivisibility of human rights and the overriding need to achieve international social justice; c.) To gather, assemble and respond effectively to any relevant information from States, international organizations and their organs, civil society organizations, national human rights institutions, concerned individuals and any other reliable source; ^{d.}) To address, when it considers it appropriate, recommendations, appeals and urgent actions to the UN Member States, asking them to adopt appropriate measures for the effective realization of the human right to peace, in accordance with Part I of this Declaration. The States shall give due consideration to those recommendations and appeals; e.) To carry out in loco investigations concerning violations of the human right to peace and to report to the pertinent bodies; f.) To draw up, on its own initiative or at the request of the General Assembly, the Security Council or the Human Rights Council, the reports it deems necessary in the event of an imminent threat to or serious violation of the human right to peace, as defined in Part I of this Declaration; g.) To present an annual report of its activities to the General Assembly, the Security Council and the Human Rights Council, in which it will include the conclusions and recommendations it may be considered necessary to the effective promotion and protection of the human right to peace, paying special attention to situations linked to armed conflicts; h.) To prepare for the attention of the General Assembly a draft international convention on the human right to peace with a mechanism for monitoring inter alia States compliance with its full and effective implementation. The future conventional mechanism and the Working Group shall coordinate their mandates to avoid duplicating their activities; i.) To approve by a majority of its members the working methods for the regular functioning of the Working Group, which shall include inter alia rules on the appointment of its Bureau, as well as the procedure for the adoption of decisions and recommendations.

2. The Working Group shall have its seat in New York and hold three ordinary sessions per year, as well as any extraordinary sessions to be determined in accordance with its working methods. The Working Group shall have a permanent Secretariat which will be provided by the UN Secretary General. The expenditures of the Working Group, including those associated with in loco investigations, shall be financed as part of the regular budget of the United Nations”.

²² Final Provisions of the SD are as follows: “1. No provision of this Declaration may be interpreted as meaning that it confers on any State, group or individual any right to undertake or develop any activity, or carry out any act contrary to the purposes and principles of the United Nations.

2. The provisions of this Declaration shall apply without prejudice to any other provision more propitious to the effective realization of the human right to peace formulated in accordance with the domestic legislation of States or stemming from applicable international law.

3. All States must implement in good faith the provisions of this Declaration by adopting relevant legislative, judicial, administrative, educational or other measures necessary to promote its effective realization”.