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### Human Rights Council

Advisory Committee

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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 Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Women's Federation for World Peace International (WFWPI), International Association of Soldiers for Peace, Zonta International, International Council of Women (ICW CIF), non-governmental organizations in general consultative status, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), International Association of Peace Messenger Cities (IAPMC), Worldwide Organization for Women (WOW), Canadian Federation of University Women (CFUW), International Association of Lawyers Against Nuclear Arms (IALANA), Solar Cookers International (SCI), Maryknoll Fathers and Brothers (CMFSA), Maryknoll Sisters of St. Dominic, Inc., Pax Christi International, International Catholic Peace Movement, Badil Resource Center for Palestinian Residency and Refugee Rights, African Peace Network (APNET), United States Federation for Middle East Peace (USFMEP), Network Women in Development Europe (WIDE), UNESCO Centre of Catalonia**

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

**(UNESCOCAT), International Women’s Year Liaison Group, International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Nord-Sud XXI – North-South XXI, Universal Peace Federation, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), International Movement for Fraternal Union among Races and Peoples (UFER), Union of Arab Jurists (UAJ), Lama Gangchen World Peace Foundation (LGWPF), General Arab Women Federation, Indian Movement “Tupaj Amaru”, non-governmental organizations in special consultative status, World Association for the School as an Instrument of Peace, International Society for Human Rights (ISHR), Institute for Planetary Synthesis (IPS), International Peace Bureau (IPB), UNESCO Etxea (UNESCO Centre Basque Country), 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), Arab NGO Network for Development, Fondation Idole, non-governmental 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 January 2011]

## Commentaries to the progress report on the right of peoples to peace prepared by the drafting group of the Human Rights Council Advisory Committee<sup>1</sup>

### I.

*The Spanish Society for the International Human Rights Law (SSIHRL)* welcomed on 30 October 2006 the adoption of the *Luarca Declaration on the Human Right to Peace*, which was drafted by a Committee of 15 independent experts. It was the culmination of a process of extensive consultations within the Spanish civil society.

Since then, the SSIHRL has developed its four-year World Campaign on the Human Right to Peace (2007-2010) organizing workshops and expert meetings on the human right to peace in all regions of the world, sharing the content of the *Luarca Declaration*, and receiving inputs from different cultural sensibilities.

The *Luarca Declaration* was reviewed in the light of the contributions received from various regional expert meetings on the human right to peace. Consequently, a new drafting committee of 14 independent experts approved on 24 February 2010 the *Bilbao Declaration on the Human Right to Peace*<sup>2</sup>.

The *Bilbao Declaration on the Human Right to Peace* was also reviewed by the *International Drafting Committee* (ten experts from the five geographical groups), which approved on 2 June 2010 the *Barcelona Declaration on the Human Right to Peace* based on the interests and aspirations of the international civil society as a whole<sup>3</sup>.

On 9-10 December 2010, the *Barcelona Declaration* was discussed by the *International Congress on the Human Right to Peace* held in Santiago de Compostela (Spain). This

<sup>1</sup> NGOs without consultative status that also share views expressed in this statement: The Egyptian Association for Civic Engagement, the Sudanese Civic Forum, the Transparency Association in Bahrain, the Human Right Information and Training Center in Yemen, the Espace Associatif from Morocco, 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-Basaeer 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, 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, Federació Catalana d'Organitzacions no Governamentals pels Drets Humans, 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), Lawyers' Committee on Nuclear Policy (LCNP), Hague Appeal for Peace (157 NGOs worldwide, please see in <http://www.haguepeace.org>), International Peace Bureau (20 international and 270 national NGOs, please see <http://ipb.org/i/index.html>)

<sup>2</sup> The full text of the *Bilbao Declaration* is accessible in several languages in <http://www.aedidh.org>

<sup>3</sup> The full text of the *Barcelona Declaration* is accessible in several languages in <http://www.aedidh.org>

Congress was co-organised by the SSIHRL, the World Council of Churches and the Institute for Peace Studies of Alexandria<sup>4</sup>. On 10 December 2010, the *Santiago Declaration on the Human Right to Peace* was unanimously approved<sup>5</sup>. This text, which represents the aspirations of the international civil society aiming at the codification of the human right to peace, is submitted for consideration of the Advisory Committee at its sixth session.

Finally, on 10 December 2010 the Santiago Congress also approved unanimously the Statutes of the *International Observatory of the Human Right to Peace*<sup>6</sup>. The Observatory will be operative on 10 March 2011 as a part of the SSIHRL, but enjoying its own structure (General Assembly, Executive Committee and International Secretariat). The objectives of the Observatory are, inter alia, to promote the *Santiago Declaration* and to ensure that the international process of codification of the human right to peace, already initiated by the United Nations, be fulfilled by the General Assembly adopting the *Universal Declaration of the Human Right to Peace*, which shall take into account the *Santiago Declaration* and its preparatory work.

## II.

Since 2008 the Human Rights Council has been working on the “**Promotion of the right of peoples to peace**”. On 17 June 2010 it adopted resolution 14/3 on the right of peoples to peace, 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”<sup>7</sup>; 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”<sup>8</sup>.

Therefore, the Advisory Committee adopted on 6 August 2010 the recommendation 5/2 on the promotion of the right of peoples to peace, establishing a *drafting group* of four members to prepare a draft declaration on the right of peoples to peace.

## III.

The Advisory Committee has before it the progress report on the right of peoples to peace as prepared by its *drafting group*<sup>9</sup>. Following the debate within the Advisory Committee, a questionnaire will be distributed to Member States, civil society, academia and all relevant stakeholders. In the light of the comments received, the Advisory Committee will approve a

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<sup>4</sup> The Congress was organised at the occasion of the “Forum 2010” (World Social Forum on Education for Peace), held in Santiago de Compostela, Spain on 3-17 December 2010. The Congress was also sponsored by the Friedrich Ebert Stiftung Foundation, Nord Sud XXI, Universitat Abat Oliba, Peace without Borders, International Catalan Institute for Peace, Canary Fund for International Cooperation, Catalan Agency for Development Cooperation, Office for Promotion of Peace and Human Rights of the Generalitat of Catalonia, Asturian Agency for Development Cooperation, UNESCO Etxea and the International Movement against Discrimination and Racism (IMADR). It was also supported by the Parliament of Catalonia, Junta General (Parliament) of the Principality of Asturias, the Cabildo de Gran Canaria, 3HO Foundation, Peace Boat and Campaign article 9.

<sup>5</sup> Vid. The full text of the *Santiago Declaration* in [www.aedidh.org](http://www.aedidh.org)

<sup>6</sup> The Statutes of the Observatory are also available in [www.aedidh.org](http://www.aedidh.org)

<sup>7</sup> Last preambular paragraph of the res. 14/3 cit.

<sup>8</sup> *Ibidem id.*, operative § 15.

<sup>9</sup> A/HRC/AC/6/CRP.3, of 22 December 2010

draft declaration as balanced and inclusive as possible<sup>10</sup>. The draft declaration will then be submitted to the Human Rights Council at its seventeenth session<sup>11</sup>.

The *drafting group* recognises in its progress report the important contribution of civil society to the international codification of the right to peace within the United Nations, paying tribute particularly to the World Campaign on the human right to peace carried out by the SSIHRL with the support of more than 800 NGO<sup>12</sup>, which concluded on 10 December 2010 with the approval of the *Santiago Declaration on the Human Right to Peace* in the context of the International Congress on the Human Right to Peace of civil society, held on 9-10 December 2010 in Santiago de Compostela (Spain)<sup>13</sup>. Additionally, the *Asian Human Rights Charter* of 1998<sup>14</sup> and the *Hague Appeal* of 1999<sup>15</sup> are also mentioned. Furthermore, the drafting group recalls the role played by UNESCO in this field, including the *Oslo Declaration on the human right to peace* of 1997<sup>16</sup>.

The progress report suggests to conceive peace as both the absence of organised violence, the effective protection of human rights, gender equality and social justice, economic well being and free expression of different cultural values, without discrimination<sup>17</sup>. Consequently, the drafting group proposes nine guiding dimensions which should be included in the future draft declaration on the right of peoples to peace, namely: peace as a right of all peoples; disarmament; human security and respect of our environment; resistance to oppression; conscientious objection; private military and security forces; education; development; the rights of victims and vulnerable groups; the obligations of States; and the monitoring and implementation of the right of peoples to peace<sup>18</sup>.

The report then identifies the legal basis for each of the proposed dimensions and makes proposals of standards providing a frame to the right of peoples to peace<sup>19</sup>. The report reaffirms that the right to peace has its legal basis in the Charter of the United Nations, the international human rights law and numerous resolutions approved by the General Assembly, the Human Rights Commission and the Human Rights Council<sup>20</sup>. Additionally, it recognises that the right to peace has a double dimension -individual and collective-, and that the duty-holders of the right are both peoples and individuals<sup>21</sup>. Besides, it notes that the establishment, maintenance and strengthening of the right to peace requires the application and respect of all human rights for all, namely: civil, political, economic, social, cultural, the right to development and the right of peoples to self-determination<sup>22</sup>.

The progress report also recognises that the contribution of women to the cause of peace is fundamental for a full and complete development of a country and the welfare of the world<sup>23</sup>. Therefore, States, international organizations, in particular the United Nations, and civil society should empower women so that they can contribute to building, consolidating and maintaining peace after conflicts and can participate at all levels of decision-making on

<sup>10</sup> Ibidem id., paragraph 75

<sup>11</sup> Ibidem id., paragraph 74

<sup>12</sup> Ibidem id., paragraph 14

<sup>13</sup> Vid. the of the *Santiago Declaration* at [www.aedidh.org](http://www.aedidh.org)

<sup>14</sup> Ibidem id., paragraph 15. Vid. also Annex VI

<sup>15</sup> Ibidem id., paragraph 16

<sup>16</sup> Ibidem id., Annexes IV and V

<sup>17</sup> Ibidem id., paragraph 21

<sup>18</sup> Ibidem id., paragraph 22

<sup>19</sup> Ibidem id., sections IV to XV

<sup>20</sup> Ibidem id., paragraphs 5-12 and 23-27

<sup>21</sup> Ibidem id., Annex III

<sup>22</sup> Ibidem id., paragraph 27.e

<sup>23</sup> Ibidem id., paragraph 9

peace and security issues<sup>24</sup>. To reach this aim, the gender perspective should be incorporated in a comprehensive peace education<sup>25</sup>. Furthermore, national laws and policies that are discriminatory against women should be revised, and legislation addressing domestic violence, the trafficking of women and girls and gender-based violence should be adopted<sup>26</sup>.

## RECOMMENDATIONS

The SSIHRL and associated NGOs welcome that the proposals contained in the progress report are also found in the *Santiago Declaration on the Human Right to Peace* as adopted by the international civil society on 10 December 2010, as well as in the previous Declarations approved in Lueca, Bilbao and Barcelona.

However, the *Santiago Declaration* also addresses other issues that should be included in a future declaration on the right to peace. In particular,

- To consolidate the human right to peace in its double dimension -individual and collective- as a means to foster the right to self determination of peoples and all human rights, including the right to development.
- To recognize the strong relationship between human rights to peace and the rights to life, integrity, liberty and security of the person and the refugees law; *physical and mental health and well-being*; the need to protect victims from uncontrolled weapons of mass destruction, genocide, crimes against humanity and war crimes and ensure redress for the victims; the need to examine the possibility of disarming all weapons; the right to emigrate and to not emigrate; the right to know the truth about human rights violations; the need to protect the rights of the most vulnerable, in particular, women and children; and the exercise of civil, political, economic, social, cultural and linguistic rights to enhance social justice, equity and gender equality, and the elimination of extreme poverty, since it will enable solidarity, peace and friendly relations among all nations, races, ethnicities or religions.
- To stress that the human right to peace includes the right to education on and for peace and all other human rights, as well as the construction of democratic, egalitarian and multicultural societies; and to defend the dialogue and peaceful coexistence among cultures, civilizations and religions as a means to combat racism, racial discrimination, xenophobia and related intolerance.
- To identify further measures to implement the human rights to peace in accordance with the Charter of the United Nations, the UDHR and the international and regional human rights instruments. And,
- To recognise women contribution in the field of peace-building and to stress the importance of their participation at all levels of decision-making, as affirmed by the General Assembly in its resolutions 3519 of 1975 and 3763 of 1982; and by the Security Council in its resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009); and to claim a full and effective implementation of the Security Council resolution 1325 on women and peace and security.

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<sup>24</sup> Ibidem id., paragraph 67.c

<sup>25</sup> Ibidem id., paragraph 57.a

<sup>26</sup> Ibidem id., paragraph 57.f.3