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Joint written statement* submitted by International Alliance of Women (IAW), Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Brahma Kumaris World Spiritual University (BKWSU), International Association of Soldiers for Peace, Zonta International, International Federation of Settlements and Neighbourhood Centres (IFS), International Council Of Women (ICW-CIF), International Federation of Business and Professional Women (BPWI), International Youth and Student Movement for the United Nations (ISMUN), Women's Federation for World Peace International (WFWPI), Soroptimist International (SI), Asian Legal Resource Centre (ALRC), Buddha's Light International Association, non-governmental organizations with general consultative status, Dominicans for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana (International the Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), Temple of Understanding (TOU), Women's International League for Peace and Freedom (WILPF), Women's World Summit Foundation (WWSF), International Society for Human Rights (ISHR), International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), Lutheran World Federation (LWF), Worldwide Organization for Women (WOW), Union of Arab Jurists, Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), American Association of Jurists (AAJ),

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

Lassalle-Institut, the UNESCO Centre of Catalonia, Anti-Racism Information Service (ARIS), Pan Pacific and South East Asia Women's Association (PPSEAWA), Permanent Assembly for Human Rights (APDH), International Movement for Fraternal Union Among Races and Peoples (UFER), International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), Canadian Federation of University Women (CFUW), International Association for Women's Mental Health (IAWMH), International Women's Year Liaison Group (IWYLG), African Services Committee, Inc., International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), Institute of International Social Development, African Action on AIDS, International Society for Traumatic Stress Studies (ISTSS), Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, Tandem Project, Canadian Voice of Women for Peace (VOW), Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), World Federation for Mental Health (WFMH), United States Federation for Middle East Peace, Network Women in Development Europe (KULU), North-South XXI, United Towns Agency for North-South Cooperation, World Association for the School as an Instrument of Peace, International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Latin American Committee for the Defense of Women's Rights (CLADEM), African Women's Association (AWA), United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, International Forum for Child Welfare, BADIL Resource Center for Palestinian Residency and Refugee Rights, Arab Lawyers Union, General Federation of Iraqi Women, International Federation of Social Workers (IFSW), International Association of Peace Messenger Cities (IAPMC), Committee for Hispanic Children and Families, Peter Hesse Stiftung Foundation, Action Internationale pour la Paix et Developpement dans la Region des Grands Lacs (AIPD-GL), Federation for Peace and Conciliation (FPC), National Council of Women of the United States of America, Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), Cairo Institute for Human Rights Studies (CIHRS), World for the World Organisation (WFWO), Education International (Global Federation of Unions), Universal Esperanto Association, Associated Country Women of the World (ACWW), International Grail, Council of American Overseas Research Centres, European Women's Lobby, Zenab for Women in Development, The Grail, UNANIMA International, Association for Democratic Initiatives (ADI), Congregation of our Lady of Charity of the Good Shepherd, Centre for Development Studies and Action, Deniz Feneri Association (Light House Aid and Solidarity Association), Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP), Commission for the Defense of Human

Rights in Central America (CODEHUCA), International Association of Democratic Lawyers (IADL), General Arab Women Federation (GAWF), National Alliance of Women's Organisation (NAWO), MADRE, inc, National Council of Women of Great Britain, Centre Independent des Recherches et d'Initiatives pour le Dialogue (CIRID), African Commission of Health and Human Rights Promoters (CAPSDH) , World Organisation against Torture (OMCT), Guild of Service, Universal Peace Federation, International Association of Schools of Social World (IASSW), International Fellowship of Reconciliation (IFOR), Comision Colombiana de Juristas, COJEP International (Conseil de Jeunesse Pluriculturelle), Association of African Women for Research and Development (AAWORD), Scalabrini International Migration Network, World Association for Psychosocial Rehabilitation (WAPR), Droit a l'Energie SOS Futur, Asociación Civil Consorcio y Desarrollo, non-governmental organizations with special consultative status, Institute for Planetary Synthesis (IPS), International Peace Bureau (IPB), UNESCO Centre for the Basque Country (UNESCO ETXEA), 3HO Foundation (Healthy, Happy, Holy Organization), Dzeno Association, Country Women Association of Nigeria (COWAN), Association Nigerienne des Scouts de l'Environnement (ANSEN), International Peace Research Association (IPRA), Asia Pacific Forum on Women, Law and Development (APWLD), International Progress Organization (IPO), Gray Panthers, European Federation of Road Traffic Crash Victims (FEVR), World Christian Life Community, International Association of Gerontology and Geriatrics, Servas International, International Movement Against Racial Discrimination (IMARD) 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.

[15 February 2010]

Codification of the Human Right to Peace¹

I.

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

Following the adoption of the Luarda Declaration, the SSIHRL has developed its four-year World Campaign on the Human Right to Peace in all regions of the world organizing consultations with international civil society on the contents and scope of the human right to peace². It will be finalized on 9-10 December 2010 when international civil society will

¹ Fundación Mi Sangre, Academy Africaine por la Paix, Coordination de ONG africaines de Droits de l'Homme et du Development, Haitin Women Network in Rural, Nepal International Consumers Union, Phoenix Women Take Back the Night, Comisión Mexicana y Promoción de los DH, International Institute for Entrepreneurship, International Federation "Collaborations", Birmania por la Paz, comité des Observateurs des Droits de l'Homme, International Peace Studies, Seminar for Peace Research Association, APRED, Altermundo, Intermigra, Instituto de DH de la Facultad de C^a J^a de la Universidad de la Plata, Forward-Germany, Renaissance Africaine, Asociación Hegoak, Association Alumni of the Centre for Interdisciplinary Studies, Conservative Centre Environmental & Reserves in Iraq, Association of Iraqi Diplomats, Monitoring of Human Rights in Iraq, Association of Arab Lawyers, World Peace Forum, Altermundo, Seminario Galego de Educación para la Paz, Federación Internacional Pacifista, MASPAAZ, Instituto de Investigación de la Paz y los Conflictos, Spanish Federation of Associations on Defense 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)), Foro 2010 de Santiago de Compostela (AIPAZ, SOIPAZ, Fundación Seminario de Investigación por la Paz de Zaragoza, Red de Escuelas de Paz de Andalucía, Fundación Cultura de Paz en Barcelona, Baketik, Instituto de Paz y Conflictos de la Universidad de Granada, Fundación per la Pau, Càtedra Unesco de la Universidad Jaume I de Castellón, Igadi, Centro de Estudios Sociais de la Universidad de Coimbra en Portugal, Fundación Galiza Sempre, Altermundo, IGESIP, Institut Català Internacional per la Pau, Coordinadora Gallega de ONGD, Consejo Internacional del Foro Mundial de Educación, Confederación de STE, Colegio de Psicólogos de Galicia, CIP Ecosocial de Madrid, Sociedad Iberoamericana de Pedagogía, Ospaal Galicia, Seminario Galego de Educación para a Paz, Médicos del Mundo), Global Network of Women Peacebuilders (Afghan Women's Network, Asia Circle 25, Association of War Affected Women, Center for Women in Governance, Femlik Pacific, Global Partnership for the Prevention of Armed Conflict, IFOR Women Peacemakers Programme, IFOR Women Peacemakers Programme Africa, Institute of HR Communication, Kitgum Women's Peace Initiative, Liga de las Mujeres Desplazadas, Liberia Women Media Action Committee, Lira Women Peace Initiative, Lira Rural Women, Luwero Women's Development Association, Mano River Women's Peace Network, National Women Security Watch, National Organisation of Women, Permanent Peace Movement, Réseau Femme et Développement, Rural Women Peace Link, Rwanda Women's Network, Saathi, Teso Women Peace Activists, Voice of the Voiceless, West Africa Network for Peace Building, Women in peace-building program, Women for Justice in Africa, Women's Forum, Women's NGO Secretariat of Liberia also share the views expressed in this statement.

² Conferences and expert meetings have already taken place in the following places: Bilbao and Geneva (November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa (March

meet at the International Congress on the Human Rights to Peace to be held in Santiago de Compostela, Spain³, to discuss inputs received from regional consultations, with a view to adopt a final text of the Universal Declaration of the Human Right to Peace. It will then be submitted to the HR Council, urging its Member States to initiate the official codification of the human right to peace.

On 15 March 2007 the Luarca Declaration on the Human Right to Peace was firstly presented to the fourth session of the HR Council in an oral statement delivered by UNESCO Etxea on behalf of SSIHRL. Since then many parallel meetings have taken place at the Palais des Nations in Geneva during the subsequent sessions of the HR Council⁴.

2007); Caracas and Santo Domingo (April 2007); Morelia, Mexico (12 May 2007), Bogotá (12 May 2007), Oviedo and Santa Fe (New Mexico, USA, 16-17 May 2007); Washington (14 June 2007), Nairobi (15 June 2007), Geneva (28 June 2007); Feldkirch (Austria, 31 August 2007); Geneva (11, 12 and 21 September 2007), Luarca (28 September 2007); Madrid (23 October 2007); Monterrey, Mexico (1st November 2007), Mexico DF, Geneva, Las Palmas de Gran Canaria, Zaragoza and Navía, Asturias (December 2007); on the occasion of the UN Commission on the Status of Women, New York (February 2008); Geneva (March 2008); Parliament of Catalonia, Barcelona, Geneva, Dakar, Madrid and Valencia (April 2008); Rome and Gwangju, Republic of Korea (May 2008); Geneva and Bilbao (June 2008); Cartagena, Spain, and Geneva (July 2008); Paris, Geneva and Montevideo (September 2008); Oviedo, Turin, New York and Basque Parliament, Vitoria (October 2008); La Plata and Buenos Aires, Argentina, and Bosco Marengo, Italy (November 2008); Luxembourg, Geneva and Barcelona (December 2008); Geneva and Barcelona (January 2009); Yaoundé, Cameroon (February 2009); Figaredo, Asturias, Geneva and New York (March 2009), Johannesburg, Seville, Madrid, Santiago de Compostela and Bangkok (April 2009), Trevi, Italy, Mexico and Seville (May 2009), Geneva (June 2009), Mexico City and Morelia (July 2009), Donostia-San Sebastián (August 2009), Geneva and Valdes (September 2009), Cangas de Onís, Alcalá de Henares and Sarajevo (October 2009), Las Palmas de Gran Canaria, University of Berkeley (USA) and Geneva (November 2009), Alexandria, Egypt (with IPS) and Geneva (December 2009), Havana, Cuba and Geneva (January 2010). For more information on these meetings, please see <http://www.aedidh.org>

³ On the occasion of the "Forum 2010" (World Social Forum on Education for Peace), Santiago de Compostela, Spain, to be held on 6-13 December 2010, <http://www.foro2010.org>

⁴ On 15 March 2007 both the SSIHRL and the International Society of Human Rights (Frankfurt) convened an open Information Meeting on the Luarca Declaration; on 16 March 2007, the SSIHRL organized a Technical Meeting with NGO and human rights experts with a view to building a common strategy for a world-wide campaign on the human right to peace; on 11 June 2007, both UNESCO Etxea and SSIHR organized an additional parallel meeting on the relationship between peace and solidarity rights; on 12 September 2007, the SSIHRL in collaboration with the UNESCO Liaison Office in Geneva organised a Roundtable on the legal content of the human right to peace; on 21 September 2007, the SSIHRL organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 7 March 2008, the SSIHRL, the International Society of Human Rights (Frankfurt) and UNESCO Etxea organised a Roundtable on the relationship between extreme poverty and the human right to peace; on 4 June 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the right to education on peace and human rights; on 12 September 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the human right to peace and indigenous peoples; on 19 September 2008, the SSIHRL, UNESCO Etxea and the NGO Liaison Office of UNOG organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 17 March 2009 the SSIHRL and UNESCO Etxea organized a roundtable on the human right to peace and racism, racial discrimination, xenophobia and related intolerance; on 3 June 2009 the SSIHRL, Women's United Nations Report Network and UNESCO Etxea organized a roundtable on migration and peace; on 17 September 2009 the SSIHRL and UNESCO Etxea organized a roundtable on peace and disarmament as solidarity rights.

II.

The Charter of the United Nations (1945) recognised in its Preamble that to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, is necessary inter alia “to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security”. In addition, Article 55 c) stressed that to achieve peace and stability in the world the Organisation shall promote the universal respect for and observance of, human rights and fundamental freedoms for all without distinctions as to race, sex, language or religion.

The Universal Declaration of Human Rights⁵ also recognized that the inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world (paragraph 1 of its Preamble). Moreover, its article 28 states that everyone is entitled to a social and international order in which the rights and freedoms can be fully realized.

The 2005 World Summit Outcome decided that the HR Council be responsible for promoting universal respect for the protection of human rights and fundamental freedoms for all⁶. It also stressed its commitment to work towards a security consensus based on the recognition that many threats are interlinked, that development, peace, security and human rights are mutually reinforcing⁷.

In addition, resolution 60/163 of the General Assembly entitled “Promotion of peace as a vital requirement for the full enjoyment of all human rights by all” stressed that peace is a vital requirement for the promotion and protection of all human rights for all⁸.

When establishing the HR Council, the GA acknowledged that peace and security, development and human rights are the pillars of the UN system and the foundations for collective security and well-being, and recognized that development, peace and security and human rights are interlinked and mutually reinforcing⁹. It follows that the mandate of the HR Council shall include inter alia the promotion and protection of all human rights for all, including the right to development and peace, as a means to strengthen the three UN pillars.

Consequently, the HR Council adopted in 2008 and 2009 resolutions entitled “Promotion of the right of peoples to peace”, inspired by previous resolutions on this issue approved by the GA and the former Commission on Human Rights, particularly GA resolution 39/11 of 12 November 1984, entitled “Declaration on the Right of Peoples to Peace”, and the UN Millennium Declaration (2000).

Both HR Council’s resolutions reiterated traditional positions according to which “peoples of our planet have a sacred right to peace”¹⁰; and that preservation and protection of this right constitutes a fundamental obligation of each State (paragraph 2).

In addition, the 2009 Council resolution -with the vote in favor of Latin American, African and Asian countries-¹¹ recognized the individual approach to the right to peace by affirming

⁵ Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

⁶ Paragraphs 157-160 of A/RES/60/1, adopted on 15 September 2005.

⁷ Ibidem, paragraph 172

⁸ A/RES/60/163, adopted on 16 December 2005, operative paragraph 1

⁹ A/RES/60/251, adopted on 3 April 2006, preambular paragraph 6

¹⁰ Operative paragraph 1 of HR Council resolution 8/9, adopted on 18 June 2008 by 32 votes in favour, 13 against and 2 abstentions (India and Mexico)

¹¹ HR Council resolution 11/4 of 17 June 2009, adopted by 32 votes in favour (Angola, Saudi Arabia, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon,

that “human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights” (preambular paragraph 15); that, pursuant to article 28 of the UDHR, everyone is entitled to a social and international order in which the rights and freedoms can be fully realized (preambular paragraph 17); and that a life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the human rights and fundamental freedoms proclaimed by the United Nations” (preambular paragraph 19).

Consequently, the HR Council reiterated that “peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well being” (operative paragraph 5).

Moreover, the HR Council requested the OHCHR to convene an expert workshop on the right of peoples to peace, which was held on 15-16 December 2009 in Geneva¹².

The mandate of the expert workshop on the right of peoples to peace was threefold:

- a) To further clarify the content and scope of this right;
- b) To propose measures that raise awareness of the importance of realizing this right; and
- c) To suggest concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace (operative paragraph 11 of the resolution 11/4).

The SSIHRL actively collaborated with the OHCHR and the sponsors of the resolution in the organization of the workshop, and encouraged the active participation of other NGO¹³.

The expert workshop on the right of peoples to peace concluded that on the basis of the most recent studies of the doctrine and latest developments within civil society, one could identify the contents and scope of the human right to peace as an emerging right. Consequently, the expert workshop recommended that the HR Council establish an open-ended working group (representatives of States), with the task of initiating the official codification of the human right to peace. Civil society representatives shall be invited to participate actively in the working group. A report by the High Commissioner on the outcome of the expert workshop shall be submitted to the HR Council at its fourteenth session (June 2010).

We support the relevance of the human right to peace as stated in the Luarca Declaration on the Human Right to Peace of 30 October 2006, since it emphasizes that both collective (peoples) and individual dimensions of peace are equally important. This assumption leads to the emerging human right to peace whose holders are both peoples and individuals.

Chile, China, Cuba, Djibouti, Egypt, Russian Federation, Philippines, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Qatar, Senegal, South Africa, Uruguay and Zambia), 13 against (Germany, Bosnia and Herzegovina, Canada, Slovakia, Slovenia, France, Italy, Japan, the Netherlands, United Kingdom of Great Britain and Northern Ireland, Republic of Korea, Switzerland and Ukraine) and one abstention (India)

¹² Experts from countries of all regional groups, representatives of States, international organizations and NGO were invited to participate actively into the workshop, in accordance with paragraph 8 of the OHCHR concept note on the expert meeting

¹³ The SSIHRL participated with five experts and submitted six working papers to the workshop (please, see <http://www.aedidh.org/?q=node/1284>)

The Advisory Committee's recommendation 3/5, adopted on 7 August 2009 and entitled "Promotion of the Right of Peoples to Peace", proposed to the HR Council that Mr. Miguel Alfonso Martinez be designated "to prepare an initial working paper on the need to initiate a study with the purpose, inter alia, to: a) further clarify the content and scope of this right; b) propose measures to raise awareness of the importance of realising this right; and c) suggest concrete actions to mobilise States, intergovernmental and non-governmental organisations in the promotion of the right of peoples to peace".

The working paper will be submitted to the consideration of the Advisory Committee at its fifth session (August 2010). Furthermore, the expert shall take duly into account "the conclusions and recommendations that may be reached in the workshop on this issue referred to in operative paragraph 11 of Council resolution 11/4".

Recommendations

1. We invite the HR Council to consider the conclusions and recommendations of the **expert workshop on the right of peoples to peace**, particularly those related to the establishment within the HR Council of an **Open-Ended Working Group on the codification of the human right to peace**.
2. The Working Group should endeavour to:
 - Consider the human right to peace as a means to foster the right to self determination of peoples and all human rights, including the right to development.
 - Recognize the relationship between human right to peace and rights to life, integrity, liberty and security of the person; physical and mental health and well-being; the need to protect victims of uncontrolled weapons of mass destruction in armed conflict; the need to examine the possibility of disarming all weapons, including small arms, light weapons and nuclear weapons; the right to emigrate; the right to know the truth of human rights violations; and the exercise of civil, political, economic, social, cultural and linguistic rights to enhance social justice, equity, gender equality and the elimination of extreme poverty, thus making possible solidarity, peace and friendly relations among all nations, races, ethnicities or religions.
 - Stress solidarity rights, peace education, and the construction of democratic, interactive and egalitarian multiculturalism, as well as the promotion of dialogue and peaceful coexistence among cultures, civilizations and religions, as a means to achieve the human right to peace and to discourage arms race.
 - Affirm the realization of the human right to peace as contained in the UN Charter, the UDHR, the International Covenants on Human Rights, the 2000 UN Millennium Declaration, the 2005 World Summit Outcome, the Declaration on the preparation of societies to live in peace, the Declaration on the Right of Peoples to Peace, the Charter of the Organization of American States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Asian Human Rights Charter, the African Charter on Human Rights and Peoples' Rights, the Arab Human Rights Charter and the Charter of the Organization of Islamic Conference.
 - Take into account the Luarca Declaration on the Human Right to Peace, adopted by the Spanish civil society in 2006, and the results of the Global Campaign for the Human Right to Peace, which the SSIHRL is carrying out with the support of UNESCO Etxea since 2007 in all regions of the world and in the international organizations. In particular, the reports of the expert meetings organized by the SSIHRL in the five regions of the world and the regional Declarations on the human

right to peace adopted by experts of civil society in La Plata, Yaoundé, Bangkok, Johannesburg, Sarajevo, Alexandria and Havana. Furthermore, it should take into account joint NGO written and oral statements on the content and scope of the human right to peace prepared by the SSIHRL with the support of more than 200 NGO and submitted to the successive sessions of the HR Council (see www.aedidh.org); and

- Further recognize the need to enhance gender mainstreaming in the field of peace-building as requested by the Beijing Declaration and Platform of Action, adopted by the Fourth World Conference on Women of 1995 and to promote women's participation at all levels of decision-making on peace, disarmament and security issues, as provided for in Security Council resolution 1325 (2000), 1880 and 1888 (2009), as well as the need to perform a gender analysis in all situations of armed conflict.

3. We also invite the HR Council to authorize the **Advisory Committee's expert's** study. In particular, the expert should be asked to identify the elements which will contribute to the elaboration of a draft Universal Declaration on the Human Right to Peace, and further to formulate guidelines, criteria, standards and principles aimed at promoting and protecting this right.
