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


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

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

[15 February 2010]

1. The Spanish Society for 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 independent experts. It was the culmination of a process of extensive consultations within the Spanish civil society, with the support of the Catalonian Agency for Cooperation to Development.

Following the adoption of the Luarca 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 peace\footnote{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 2007).} It will be finalized on 9-10 December 2010 when international civil society will...

2. The four conferences have taken place in the following locations: Bilbao and Geneva (November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa (March 2007).
meet at the International Congress on the Human Rights to Peace to be held in Santiago de Compostela, Spain, 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 Council.

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 Navia, 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), Case, Cangas de Onis, Alcala 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 NGOs 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 organised 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 Rights 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 all. 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 reinforcing.

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 all.

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 reinforcing. 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”; 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- recognized the individual approach to the right to peace by affirming

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5 Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948
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 Geneva.12

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.
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.