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Human rights and international solidarity

Written statement* submitted by New Humanity, a non-governmental organization in general consultative status

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

[20 July 2012]

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

Comments on draft final paper on Human Rights and International Solidarity (A/HRC/AC/9/4)

New Humanity welcomes and appreciates the Draft Final Paper on Human Rights and International Solidarity (A/HRC/AC/9/4) and wishes to contribute to the work of the Advisory Committee on this matter.

1. In Part III the Draft Final Paper (DFR) refers to the normative framework of international solidarity as a human right. We consider pertinent to include also some relevant articles of the Universal Declaration of Human Rights which have not been developed sufficiently in international human rights law.

Article 1: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”.

Article 28: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized”.

Article 29: “Everyone has duties to the community in which alone the free and full development of his personality is possible”.

These articles are, from our point of view, the fundament of the right to solidarity as a human right.

2. We can find some reference (implicitly) to the content of the articles mentioned supra in paragraphs 7 and 10 of the DFR. Paragraphs 7 affirms that “right to solidarity is a human right by virtue of which every human person and all peoples are entitled to equally enjoy the benefit from a harmonious international society with just and fair international political and economic order in which all human rights and fundamental freedoms can be fully realized in a spirit of international solidarity and harmony”. Paragraph 10 says that “promotion of international solidarity is a common duty for all peoples and states”.

3. At the 18th session, the HRC adopted a resolution in relation to article 28 of UDHR (A/HRC/18/L.13) in which it affirms that: everyone is entitled to a democratic and equitable international order and that a democratic and equitable international order fosters the full realization of all human rights for all. Also, affirms that a democratic and equitable international order requires, inter alia, the realization of some rights, included (f) International solidarity, as a right of peoples and individuals. Consequently, the HRC decides to establish, for a period of three years, a new special procedures mandate of independent expert on the promotion of a democratic and equitable international order.

4. It seems clear that third generation rights (in general) and the right to international solidarity (in particular) are linked to the right to a democratic and equitable international order. As we consider human rights as an historical process (first and second generation of human rights were born in specific historical circumstances), third generation rights are those related to an interdependence world; those related to a new paradigm in international relations and an emerging area of human rights law; those that allow the full realization of other human rights (first and second generations) in a changing and complex world.

5. We appreciate that in Part V (Norms and Principles) the DFR adopts a wide approach to the right to solidarity, in the sense that it is not limited to elimination of poverty and the realization of the right to development. The economic dimension of the right to solidarity is obviously relevant, but it is important also to refer, inter alia, to the question of international security (in broader sense). The lack of solidarity in international relations can be in the origin of international and regional conflicts. On the contrary, the establishment of

“relationships of solidarity” among human beings, peoples and States are at the basis of peaceful and fair international relations.

6. However, neither Part V (Norms and principles) nor Part VI (Basic Guidelines) mentions States obligations in relation to international solidarity. We understand that it is not the task of the Advisory Committee to create new human rights obligations of States, but it can be possible to reinforce the so called extraterritorial State obligations, which are based in the international solidarity principle.

7. In sum, we suggest:

- a) To consider the relationship between the right to solidarity and the right to a democratic and equitable international order from a normative point of view
 - b) To adopt a “States obligation approach” in human rights context, reinforcing the extraterritorial obligations of States and other actors
 - c) To explore the security dimension of the right to international solidarity.
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