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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 World Council of Churches (CCIA/WCC), International Council Of Women (ICW-CIF), non-governmental organizations in general consultative status, Associazione Comunita Papa Giovanni XXIII, Women's Union of Russia (WUR), Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), International Association of Peace Messenger Cities (IAPMC), Universal Esperanto Association (UEA), the BADIL Resource Center for Palestinian Residency and Refugee Rights, the International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), North-South XXI, Union of Arab Jurists (UAJ), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation (GWAFF), Arab Lawyers Union (ALU), Peace Boat, International Women's Year Liaison Group, Japanese Worker's Committee for Human Rights, Nonviolent Peaceforce, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE), Lama Gangchen World Peace Foundation (LGWPF), International Association of Democratic Lawyers (IADL), American Association of Jurist (AAJ), Initiatives of Change, Worldwide Organization for Women (WOW) and Pan Pacific South East Asia Women's Association International (PSEAWA), non-governmental organizations in special consultative status, Institute for Planetary Synthesis (IPS), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), International Society for Human Rights (ISHR), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), International Peace Bureau (IPB), 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.

[30 July 2012]

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

The AC draft declaration on the right to peace**

Pursuant to HR Council resolution 17/16 of 17 June 2011 and Advisory Committee (AC) recommendation 8/4 of 24 February 2012, the AC submitted to the HR Council its (third) draft declaration on the right to peace¹ and the joint CSO written statement entitled *A working group to continue the codification process of the human right to peace*², sponsored by 1,041 CSO and cities worldwide.

In preparation and during the 20th session of the HR Council, the Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory of the Human Right to Peace (IOHRP), with the support of many CSO and Governments, organized and/or participated in Geneva at the following meetings:

Firstly, on 7 May 2012 the Permanent Mission of the European Union (UE) invited the Deputy Permanent Representative of Costa Rica and the representative in Geneva of both the SSIHRL and the IOHRP, to brief the UE Member States on the on-going codification process of the right to peace at the UN.

Secondly, on 6 June 2012 the Second Dialogue Forum on the *Regional contributions to the Codification of the Right to Peace* was held at the Palais des Nations, co-organised by several CSO³ and co-sponsored by the Group of the Non-Aligned Movement (NAM), the Organisation of the Islamic Cooperation (OIC) and the African Group (AG). Both representatives of States and CSO requested the HR Council to establish an open-ended working group to continue the codification process of the right to peace, taking duly into account both the AC draft declaration and the CSO main contribution, i.e. the *Santiago Declaration on the Human Right to Peace*, which was adopted on 10 December 2010.

Thirdly, on 22 June 2012 the Permanent Mission of Cuba organized the first informal consultation meeting on the draft resolution on the right to peace. All States and CSO were invited to discuss the draft resolution entitled *UN Declaration on the Right to Peace*. The meeting was attended by representatives of 29 States⁴, 1 International Organisation⁵ and 12 CSO⁶.

** NGOs without consultative status, also share the views expressed in this statement: Geneva international Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association (UK), General Federation of Iraqi Women (GFIW), Iraqi Commission for Human rights (Iraq-CHR), Japanese Committee on the Human Right to Peace (composed by the 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), 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), Consortium of women's NGO Associations of Russia (160 russian NGO, please see <http://www.wcons.org.ru/ru/database.php?letter=U>), International Association of Peace Messenger Cities (101 cities, please, see in <http://www.iapmc.org/>), International Peace Bureau (20 international and 270 national NGOs, please see : <http://ipb.org/i/index.html>), US Coalition on the Human Right to Peace

Fourthly, on 25 June 2012 the Expert Meeting on the *Challenges of the future open-ended working group on the right to peace* was held at the Palais des Nations. It was jointly organized by the WCC and the JCHRP⁷. Both speakers and participants examined the ongoing codification process of the right to peace and reviewed action to be taken by the HR Council at its 20^o session, in particular the establishment of an OEWG on the right to peace.

Fifthly, on 27 June 2012 the side event on *Fighting violence against women through promoting the right to peace* was held at the Palais des Nations jointly organized by the Women's UN Report Network (WUNRN), with the support of the Worldwide Organization for Women (WOW) and the JCHRP and the sponsorship of the Permanent Mission of the People's Republic of Bangladesh to the United Nations in Geneva. The side event considered how the human right to peace needs advocacy of women from high level to grass roots and examined women's contribution to the future work of the OEWG on the right to peace. And.

Sixthly, on 29 June 2012 the plenary of the HR Council discussed the (third) AC draft declaration on the right to peace. In the general debate representatives of 9 States⁸, 3 International Organisations⁹ and 10 CSO¹⁰ took the floor. On 5 July 2012 the HR Council took action on draft resolution L.16 ("The promotion of the right to peace") as orally revised by Cuba on behalf of the co-sponsors. It was adopted by a registered vote of 34 votes in favour¹¹, 12 abstentions¹² and one against¹³.

The resolution welcome the important work being carried out by civil society organizations for the promotion of the right to peace and their contribution to the development of this issue. It also established an open-ended working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals.

The resolution further decided that the working group shall hold its first session for four working days in 2013, before the twenty-second session of the HR Council (March 2013); and requested the President of the HR Council to invite the Chairperson of the Advisory Committee's drafting group to participate in the first session of the working group.

Finally, it invited Member States, civil society and all relevant stakeholders to contribute actively and constructively and requested the working group to submit a report on progress made to the HR Council for consideration at its twenty-third session (June 2013).

II.

As stated, the HR Council had before it at its 20th session the (third) AC draft declaration on the right to peace¹⁴, as well as the joint CSO written statement entitled *A working group to continue the codification process of the human right to peace*¹⁵, sponsored by 1.041 CSO and cities worldwide. The undersigned CSO acknowledged the AC draft declaration, which included some 85% of the standards proposed by civil society in the *Santiago Declaration on the Human Right to Peace* (2010).

Moreover, CSO and cities invited the new HR Council's working group to consider the following amendments to the AC draft declaration on the right to peace¹⁶:

Title: "Draft Declaration on the Human Right to Peace"

Preamble: To be completed following the Preamble of the *Santiago Declaration on the Human Right to Peace* (2010)¹⁷, since it included relevant universal and regional legal instruments providing background to the codification of the right to peace.

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.

Art. 2. Human security.

Add the concept of right to the title of the article

Art. 3. Disarmament.

Add the concept of right to the title of the article

Paragraph 3

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

Art. 4. Peace education and training

Add the concept of right to the title of the article

A new paragraph to be added: *All peoples and individuals have the right to be protected against any form of cultural 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. 8. Peacekeeping

A new paragraph to be added:

All UN peace-keeping operations should integrate unarmed civilian forces to the appropriate protection of civilians.

Art. 9. Development.

Add the concept of right to the title of the article

Art. 11. Rights of victims and vulnerable groups

Five new paragraphs to be added or completed, as follows:

1. 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*.
2. To keep Article 12.1 of the Santiago Declaration¹⁸.
3. To keep Article 12.4 of the Santiago Declaration¹⁹.
4. To keep Article 12.5 of the Santiago Declaration²⁰.
5. To keep Article 12.6 of the Santiago Declaration²¹.

Art. 12. Refugees and migrants

The title should be replaced by: *Right to refugee status and to emigrate*

Two new paragraphs to be added after paragraph 2:

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

Title to be replaced by: *Obligations for the realization of the human right to peace*

To be completed by the following paragraphs:

1. To keep Article 13.4 of the Santiago Declaration²².
2. To keep Article 13.6 of the Santiago Declaration²³.
3. To keep Article 13.7 of the Santiago Declaration²⁴.
4. To keep Article 13.8 of the Santiago Declaration²⁵.
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 aggression*²⁶.

Article 13.6. (Implementation)

To be replaced by two new articles, as follows:

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 Declaration²⁷.
4. To keep Article 14.4 of the Santiago Declaration²⁸.
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.*

Art. 15. Functions of the Working Group.

To keep Article 15 of the *Santiago Declaration*²⁹.

Article 14. Final provisions

To be replaced by: ***Final provisions.***

Notes

¹ A/HRC/20/31, of 16 April 2012, Annex

² A/HRC/20/NGO/59, of 15 June 2012

³ The Foundation for Dialogue among Civilizations (FDC), the World Council of Churches (WCC), Nord-Sud XXI, Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), the Japanese Committee on the Human Right to Peace and the International Association of Peace Messenger Cities

⁴ Algeria, Argentina, Australia, Austria, Bangladesh, Bolivia, China, Costa Rica, Cuba, Czech Republic, Denmark, Ecuador, European Union, Federation of Russia, Finland, Iran, Japan, Sweden, Switzerland, Maldives, Mexico, Netherland, Peru, Portugal, Singapur, South Africa, United States of America, Thailand, Uruguay and United Kingdom and Northern Ireland.

⁵ Denmark (on behalf of the European Union) and the Permanent Mission of the European Union

⁶ Japanese Committee on the Human Right to Peace, International Association of Democratic Lawyers, International Association of Peace Messenger Cities, Spanish Society for International Human Rights Law, the International Observatory of the Human Right to Peace, Rencontre Africaine de Défense des Droits de l'Homme, Dominicans International for Justice and Peace, International Movement against Discrimination and Racism, Nord-Sud XXI, International Fellowship of Reconciliation, Worldwide Organization for Women and Associazione Comunita Papa Giovanni XXIII.

⁷ The Japanese Committee on the Human Right to Peace is composed by the 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.

⁸ Algeria, Bolivia, China, Cuba, Costa Rica, Ecuador, Sudan, Viet Nam and Venezuela (Bolivarian Republic of)

⁹ Denmark (on behalf of the European Union), Senegal (on behalf of the African Group) and the representative of the Organization of the Islamic Cooperation

¹⁰ International Association of Peace Messenger Cities (in association with SSIHRL and the IOHRP), Associazione Comunità Papa Giovanni XXIII, International Association of Democratic Lawyers, International Buddhist Relief Organisation, Rencontre Africaine de Défense des Droits de l'Homme, Worldwide Organization for Women, Commission africaine des promoteurs de la santé et des droits de l'homme, Verein Sudwind Entwicklungspolitik, Nord Sud XXI and Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et de Peuples

¹¹ Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroun, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda and Uruguay.

¹² Austria, Belgium, Czech Republic, Hungary, India, Italy, Norway, Poland, Republic of Moldova, Romania, Spain and Switzerland.

¹³ United States of America

¹⁴ A/HRC/20/31 of 16 April 2012, Annex.

¹⁵ A/HRC/20/NGO/59 of 15 June 2012

¹⁶ The amendments were also supported by some 14.000 world citizens that joined the World Alliance for the Human Right to Peace at www.pazsinfronteras.org. They joined CSO to urge 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 (2010).

¹⁷ The Preamble of the Santiago Declaration states:

- (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 Organization and a prerequisite for and a consequence of the enjoyment of human rights by all;
- (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) Recognizing 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 Labor Organization, 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 realized;
- (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 defenses of peace must be constructed”; and taking into account the Seville Declaration on Violence of 1986, accepted by the UNESCO General Conference in 1989;
- (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 labor 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 Program 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 recognized 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 favor 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 favor of peace, expressed in the Charter of the Organization of the Islamic Cooperation; 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, jeopardizing 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 realization 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 time of peace, 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 recognized by the United Nations 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); as well as emphasizing 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 fulfillment 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, 1999; 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, color, 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;
- ¹⁸ 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".
- ¹⁹ Article 12.4 of the SD (as revised in accordance with the SPT 2012 amendments) states: "All persons deprived of their liberty have the right to be treated humanely and to save conditions of living, under judicial supervision. They should always be considered as right-holders. Detention of children should be imposed exclusively as a last resort and be limited to exceptional cases. Detention of persons awaiting trial should be limited to necessary cases and for a reasonable period of time".
- ²⁰ 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".
- ²¹ 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".
- ²² 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".
- ²³ 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".
- ²⁴ 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".
- ²⁵ 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".
- ²⁶ New paragraph following the amendments to the Rome Statute of the International Criminal Court on definition of the crime of aggression, establishing conditions under which the Court could exercise jurisdiction with respect to the crime of aggression. Adopted at the Review Conference of the Rome Statute held in Kampala from 31 May to 11 June 2010.
- ²⁷ Article 14.3 of the SD states: "The following criteria shall be taken into account for their election: 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".
- ²⁸ 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".
- ²⁹ 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 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; c) To carry out in loco investigations concerning violations of the human right to peace and to report to the pertinent bodies; 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 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; f.) 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; g.) 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; h) To contribute to the elaboration of definitions and norms concerning the crime of aggression and the limits of legitimate self-defense; i.) To submit to the Prosecutor of the International Criminal Court or other competent international criminal tribunals, reliable information about any situation in which it would appear that crimes which fall within the jurisdiction of the International Criminal Court or of another international criminal tribunal, have been committed; j) 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”.
