

Santiago Declaration on the Human Right to Peace

10 December 2010

 <p>Asociación Española para el Derecho Internacional de los Derechos Humanos</p>		
  		
		
		
		
		

The International Congress on the Human Right to Peace,

Meeting on 9 and 10 December 2010 in Santiago de Compostela on the occasion of the 2010 Forum or World Social Forum on Peace Education,

Having regard to the declarations, conclusions and recommendations formulated at the conferences and regional seminars of experts held in Geneva (World Conference of NGO for the Reform of International Institutions, November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa, Ethiopia (March 2007); Caracas and Santo Domingo (April 2007); Morelia (Mexico), Bogotá, Oviedo and Santa Fe, New Mexico (United States) (May 2007); Washington, D.C., Nairobi (Kenya) and Geneva (June 2007); Feldkirch, Austria (August 2007); Geneva (11, 12 and 21 September 2007), Luarca, Asturias (28 September 2007), Madrid (23 October 2007), Monterrey (1st of November 2007); Mexico, D.F., Geneva, Las Palmas de Gran Canaria, Zaragoza and Navia, Asturias (December 2007); at the occasion of the 52nd session of the UN Commission on the Status of Women in New York (February 2008); Parliament of Catalonia (Barcelona), Geneva, Dakar, Madrid, Valencia (April 2008); Rome and Gwangju, Republic of Korea (May 2008); Geneva and Bilbao (June 2008); Geneva and Cartagena, Spain (July 2008); Paris, Toledo, Geneva, Zaragoza and Montevideo (September 2008); Oviedo, Alcala de Henares, Turin, New York, Basque Parliament (Vitoria) (October 2008); La Plata and Buenos Aires (Argentina), Bosco Marengo (Italy) (November 2008); Luxembourg, Geneva and Barcelona (December 2008); Geneva and Barcelona (January 2009); Yaoundé, Cameroon (February 2009); 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 D.F. and Morelia (July 2009); San Sebastian, Spain (August 2009); Geneva and Valdes (Asturias) (September 2009); Caso and Cangas de Onis (Asturias), Alcala de Henares and Sarajevo (October 2009); Las Palmas de Gran Canaria, Berkeley University (United States) and University of Geneva (November 2009); Alexandria (Egypt) and Geneva (December 2009), Havana, Cuba and Geneva (January 2010); Geneva and Bilbao, Spain (February 2010); Geneva and New York (March 2010); Luarca (Asturias) and Mexico D.F. (April 2010); New York, Parliament of Spain, Madrid, Bilbao and Barcelona (May 2010); Barcelona, Geneva, Kampala and Santiago de Compostela (June 2010); Las Palmas de Gran Canaria (July 2010); Geneva, Buenos Aires and Montevideo (August 2010); Toledo, Geneva, New York and Barcelona (September 2010); Cyprus, Oviedo, Alcala de Henares and Lanzarote (October 2010); Soria, Bilbao, Berriz (Basque Country) and Caracas (November de 2010),

Highlighting the report on the results of the expert workshop on the right of peoples to peace (Geneva, 15-16 December 2009); the resolution 14/3, of 17 June 2010, by which the Human Rights Council requested the Advisory Committee to prepare a draft declaration on the right of peoples to peace, and the recommendation 5/2, of 6 August 2010, by which the Advisory Committee established a drafting group of four members,

Noting also the adhesions to the process of international codification of human right to peace received from the Parliament of Catalonia (26 February 2009); the Asturias Federation of Councils which comprises 78 Municipalities of Asturias (Sariego, 10 July 2009); the General Assembly of the Principality of Asturias (9 October 2009), the Cabildo of Gran Canaria (26 March 2010), the Municipalities of Telde and Santa Lucia (Gran Canaria, April and May 2010), the Argentina Assembly of Ombudspersons (Buenos Aires, 11 August 2010); the International Association of Peace Messenger Cities (Limassol, Cyprus, 7 October 2010); the Lanzarote Declaration on the Human Right to Peace (29 October 2010); the Basque Municipalities gathered in Berriz (12 November 2010) and the Central University of Venezuela (Caracas, 18 November 2010),

Bearing especially in mind the Luarca Declaration on the Human Right to Peace (30 October 2006), the Bilbao Declaration on the Human Right to Peace (24 February 2010), and the Barcelona Declaration on the Human Right to Peace (2 June 2010), adopted by three different drafting committees composed of independent experts; as well as regional Declarations on the human right to peace which have been adopted by civil society experts in La Plata, Argentina (November 2008); Yaoundé, Cameroon (February 2009); Bangkok, Thailand (April 2009); Johannesburg, South Africa (April 2009); Sarajevo, Bosnia and Herzegovina (October 2009); Alexandria, Egypt (December 2009); and Havana, Cuba (January 2010);

1.- Agrees, by consensus, to approve the Santiago Declaration on the Human Right to Peace, as set out in the Annex to this resolution, with a view to its adoption by the General Assembly of the United Nations as soon as possible,

2.- Calls on all civil society organisations, including NGOs and partner institutions to disseminate, expound and publicize widely the *Santiago Declaration on the Human Right to Peace* around the world.

Santiago de Compostela, 10 December 2010

Annex

Santiago Declaration on the Human Right to Peace

— Preamble —

The General Assembly,

(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 Organisation 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) *Recognising* 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 Labour Organisation, 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 realised;

(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 defences of peace must be constructed”; and taking into account the Seville Statement on Violence adopted by the General Conference of UNESCO on 16 November;

(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 labour 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 Programme 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 recognised 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 favour 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 favour of peace, expressed in the Charter of the Organization of the Islamic Conference; 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, jeopardising 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 realisation 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 peace times, 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 recognised 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 emphasising 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 fulfilment 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, 1999¹; 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, colour, 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;

Proclaims the following Declaration:

¹ Doc. A/54/98, of 20 May 1999, *Annex*.

Part I

Elements of the human right to peace

Section A. Rights

Article 1

Right holders and duty-holders

- 1.- Individuals, groups, peoples and all humankind have the inalienable right to a just, sustainable and lasting peace. By virtue of that right, they are holders of the rights and freedoms proclaimed in this Declaration.
- 2.- States, individually, jointly or as part of multilateral organisations, are the principal duty-holders of the human right to peace. This right shall be implemented without any distinction or discrimination for reasons of race, descent, national, ethnic or social origin, colour, gender, sexual orientation, age, language, religion or belief, political or other opinion, economic situation or heritage, diverse physical or mental functionality, civil status, birth or any other condition.
- 3.- All individuals and peoples subjected to aggression, genocide, racism, racial discrimination, xenophobia and other related forms of intolerance, as well as *apartheid*, colonialism and neo-colonialism, deserve special attention as victims of violations of the human right to peace.

Article 2

Right to education on and for peace and all other human rights

- 1.- Education and socialization for peace is a condition *sine qua non* for unlearning war and building identities disentangled from violence.
- 2.- Individuals have the right to receive, under conditions of equal treatment, an education on and for peace and all other human rights. Such education should be the basis of every educational system; generate social processes based on trust, solidarity and mutual respect; incorporate a gender perspective; facilitate the peaceful settlement of conflicts; and lead to a new way of approaching human relationships within the framework of a culture of peace.
- 3.- Individuals have a right to demand and to obtain the competences needed to participate in the creative and non-violent transformation or prevention and resolution of conflicts throughout their life. These competencies should be accessible through formal and informal education.

Article 3

Right to human security and to live in a safe and healthy environment

- 1.- Individuals have the right to human security, including freedom from fear and from want, both being elements of positive peace.
- 2.- All peoples and individuals have the right to live in a private and public environment that is safe and healthy, and to be protected against any act or threat of physical or psychological violence, whether originating from State or non-State actors.
- 3.- All peoples and individuals have the right to demand from their governments the effective observance of the collective security's system established in the UN Charter, in particular its principle of peaceful settlement of disputes, with full respect of the norms of international law, international human rights law and international humanitarian law.
- 4.- Freedom from want implies the enjoyment of the right to sustainable development and of economic, social and cultural rights, in particular:
 - a.-) The right to food, drinking water, sanitation, health, clothing, housing, education and culture;
 - b.-) The right to work and to enjoy fair conditions of employment and trade union association; the right to equal remuneration among persons who perform the same occupation or function; the right to access to social services on equal terms; and the right to leisure.

Article 4

Right to development and to a sustainable environment

- 1.- The realization of the human right to peace and the eradication of structural violence requires that all individuals and peoples enjoy the inalienable right to participate in economic, social, cultural and political development in which all human rights and fundamental freedoms may be fully exercised, as well as to contribute to, and enjoy that development.
- 2.- All peoples and individuals have the right to the elimination of obstacles to the realization of the right to development, such as servicing of unjust or unsustainable foreign debt burden and its conditionalities, or the maintenance of an unfair international economic order, because they generate poverty and social exclusion.
- 3.- All peoples and individuals have the right to live in a sustainable and safe environment as a foundation for peace and for the survival of mankind.
- 4.- The use of weapons that damage the environment, in particular radioactive weapons and weapons of mass destruction, is contrary to international humanitarian law, the right to the environment and the human right to peace. Such weapons must be urgently prohibited, and States that utilize them have the obligation to restore the previous condition of the environment by repairing all damage caused.

Article 5

Right to disobedience and to conscientious objection

- 1.- All peoples and individuals have the right not to be regarded as enemies by any State.
- 2.- 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.
- 3.- Individuals, individually or as members of a group, have the right to obtain conscientious objection status towards their military obligations.
- 4.- Members of any military or security institution have the right not to participate in wars of aggression, international military operations not authorised by the United Nations, or other armed operations, whether international or internal, which violate the principles and norms of international human rights law or international humanitarian law. Furthermore, they have the right to disobey orders that are manifestly contrary to the above mentioned principles and norms. In addition, they have the obligation to disobey orders to commit or participate in genocide, crimes against humanity or war crimes. The duty to obey military superior orders does not exempt from the observance of these obligations, and disobedience of such orders shall not in any case constitute a military offence.
- 5.- 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.
- 6.- 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.
- 7.- 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 .

Article 6

Right to resist and oppose oppression

- 1.- All peoples and individuals have the right to resist and oppose all regimes that commit international crimes or other grave, massive or systematic violations of human rights, including the right of peoples to self-determination, in accordance with international law.
- 2.- All peoples and individuals have the right to oppose war; war crimes, genocide, aggression, *apartheid* and other crimes against humanity; violations of other universally recognized human rights; any propaganda in favour of war or incitement to violence;

and violations of the human right to peace, as defined in this Declaration. The glorification of violence and its justification as necessary to build the future and enable progress shall be prohibited by law.

Article 7

Right to disarmament

1.- All peoples and individuals have the right to demand from all States that they proceed in a joint and coordinated manner and within a reasonable period of time to general and complete disarmament, under comprehensive and effective international supervision. In particular, States shall urgently eliminate all weapons of mass destruction or of indiscriminate effect, including nuclear, chemical and biological weapons. In addition, States shall adopt effective and coordinated measures in order to progressively phase out their armies and foreign military bases.

2.- All peoples and individuals have the right to have the resources freed by disarmament allocated to the economic, social and cultural development of peoples and to the fair redistribution of natural wealth, responding especially to the needs of the poorest countries and of the groups in situations of vulnerability, aiming to put an end to inequalities, social exclusion and extreme poverty.

3.- States shall prohibit and refrain from outsourcing inherently state military and security functions to private contractors.

Article 8

Freedom of thought, opinion, expression, conscience and religion

1.- All peoples and individuals have the right to access and to receive information from diverse sources without censorship, in accordance with international human rights law, in order to be protected from manipulation in favour of warlike or aggressive objectives.

2.- All peoples and individuals have the right to denounce any event that threatens or violates the human right to peace, and to freely participate in peaceful political, social and cultural activities or initiatives for the defence and promotion of the human right to peace, without interference by governments or by the private sector.

3.- All peoples and individuals have the right to be protected against any form of cultural violence. To this end, persons should fully enjoy their freedom of thought, conscience, expression and religion, in conformity with international human rights law.

Article 9

Right to refugee status

1.- All individuals have the right to seek and to enjoy refugee status without discrimination, in the following circumstances:

a.-) If the person suffers persecution for engaging in activities in favour of peace and other human rights, or for claiming the right to conscientious objection against war or military service;

b.-) If the person has a well-founded fear of persecution by State or non-State agents, on grounds of race, sex, religion, nationality, sexual orientation, membership in a particular social group or political opinions, family status, or any other condition;

c.-) If the person flees his/her country or place of origin or residence because his/her life, security or liberty has been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that gravely perturb public order.

2.- Refugee status should include, *inter alia*, the right to voluntary return to one's country or place of origin or residence in dignity and with all due guarantees, once the causes of persecution have been removed and, in case of armed conflict, it has ended.

Article 10

Right to emigrate and to participate

1.- 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 Article 3 of this Declaration, is seriously threatened.

2.- In order to promote social inclusion and prevent structural violence ensuing from discrimination in the enjoyment of human rights, migrants have the right to participate, individually or collectively, in the public affairs of the country in which they have their residence, and to benefit from specific mechanisms and institutions that facilitate such participation, in accordance with international human rights law.

Article 11

Rights of all victims

1.- All victims of human rights violations have the right, without discrimination, to recognition of their status as such and to an effective remedy to protect them against violations of human rights, particularly of the human right to peace.

2.- All individuals have an inalienable right, not subject to statutory limitations, to obtain justice in respect of gross violations of human rights, including the investigation and determination of the facts, as well as the identification and punishment of those responsible.

3.- The victims of human rights violations, the members of their families and society in general have the right to know the truth, not subject to statutory limitations.

4.- Every victim of a human rights violation has the right, in accordance with international human rights law, to the restoration of the violated rights; to obtain effective and complete redress, including the right to rehabilitation and compensation; measures of symbolic redress or reparation as well as guarantees that the violation will not be repeated. Such redress shall not preclude recourse to popular courts or tribunals of conscience and to institutions, methods, traditions or local customs of peaceful settlement of disputes, which may be acceptable to the victim as adequate reparation.

Article 12

Groups in situations of vulnerability

1.- 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.

2.- States shall ensure that the specific effects of the different forms of violence on the enjoyment of the rights of persons belonging to groups in situations of vulnerability are assessed. States also have the obligation to ensure that remedial measures are taken, including the recognition of the right of persons belonging to groups in situations of vulnerability to participate in the adoption of such measures.

3.- States, international organizations, in particular the United Nations, and civil society shall facilitate the specific contribution of women to the prevention, management and peaceful settlement of disputes, and promote their contribution to building, consolidating and maintaining peace after conflicts. To this end, the increased representation of women shall be promoted at all levels of decision-making in national, regional and international institutions and mechanisms in these areas.

4.- All individuals deprived of their liberty have the right to be treated humanely; their right life, dignity and physical and moral integrity shall be respected. In case of children, detention shall be imposed exclusively as a last resort and be limited to exceptional cases. States shall ensure conditions of detention that promote rehabilitation and inclusion of persons deprived of their liberty, particularly children and youth, ensuring their education, training and general development.

5.- 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.

6.- 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.

Section B. Obligations

Article 13

Obligations for the realization of the human right to peace

- 1.- The effective and practical realization of the human right to peace necessarily entails duties and obligations for States, international organizations, civil society, peoples, individuals, corporations, the media and other actors in society and, in general, the entire international community.
- 2.- The fundamental responsibility for preserving peace and protecting the human right to peace lies with the States and also with the United Nations as the most universal body which harmonizes the concerted efforts of the nations to realise the purposes and principles proclaimed in the UN Charter.
- 3.- States shall take all the necessary measures for ensuring development and protection of the environment, including disaster preparedness strategies, as their absence poses a threat to peace. States have the obligation to cooperate in all necessary fields in order to achieve the realization of the human right to peace, in particular by implementing their existing commitments to promote and provide increased resources to international cooperation for development.
- 4.- 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.
- 5.- Effectiveness of the United Nations should be further enhanced in its dual functions of preventing violations and protecting human rights and human dignity, including the human right to peace. In particular, it is for the General Assembly, the Security Council, the Human Rights Council and other competent bodies to take effective measures to protect human rights from violations which may constitute a danger or threat to international peace and security.
- 6.- 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 organisations, 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 Programme of Action for a Culture of Peace is underscored.
- 7.- 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.

8.- 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.

Part II

Implementation of the Declaration

Article 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.- 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.
- 4.- 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 organisations. 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.
- 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.

Article 15

Functions of the Working Group

- 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-defence;

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.

Final provisions

1.- No provision of this Declaration may be interpreted as meaning that it confers on any State, group or individual any right to undertake or develop any activity, or carry out any act contrary to the purposes and principles of the United Nations, or likely to negate or violate any of the provisions of this Declaration, as well as in international human rights law, international labour law, international humanitarian law, international criminal law and international refugee law.

2.- The provisions of this Declaration shall apply without prejudice to any other provision more propitious to the effective realization of the human right to peace formulated in accordance with the domestic legislation of States or stemming from applicable international law.

3.- All States must implement in good faith the provisions of this Declaration by adopting relevant legislative, judicial, administrative, educational or other measures necessary to promote its effective realization.