

Draft UN Declaration on the Human Right to Peace

SSIHRL, 20 September 2017

The General Assembly,

Guided by the Purposes and Principles of the United Nations Charter and by the commitment of all Member States to promote peace, human rights and development,

Recognizing that the legal bases of the human right to peace are formulated in the Charter of the United Nations, Security Council, General Assembly, ECOSOC and Human Rights Council resolutions, the Constitutions of specialized agencies (UNESCO, ILO, FAO and WHO), as well as in international treaties including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing also that the right to peace is part of the African Charter on Human and Peoples' Rights (1981) and its Protocol on the Rights of Women in Africa (2003); the Ibero-American Convention on Young People's Rights (2005); and the ASEAN Declaration on Human Rights (2012),

Acknowledging that the legal bases of the human right to peace are further strengthened by other universal documents and instruments, including the Vienna Declaration and Programme of Action, the Declaration on the Right to Development, the UN Millennium Declaration (2000), the World Summit Outcome Document (2005) and the 2030 Sustainable Development Goals (2015),

Taking note that the constitutive components of the human right to peace are already contained in the Human Rights Covenants and are justiciable under the Optional Protocols Procedures of the ICCPR and the ICESCR, among others the rights to life, liberty, integrity and security of the person, the right to freedom of expression and peaceful assembly and association, the right to an adequate standard of life including food, drinking water, sanitation, clothing and housing and to the continuous improvement of living conditions, and rights to health, education, social security and culture,

Endorsing the General Assembly Declaration on the Preparation of Societies for Life in Peace (1978), the Declaration on the Right of Peoples to Peace (1984), the Declaration and Programme of Action on a Culture of Peace (1999) and the observance of 21 September of each year as the International Day of Peace ,

Calling for the proactive implementation of General Assembly resolution 2625 which contains the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the UN Charter (1970),

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Emphasizing the obligation of all Member States to negotiate and settle all disputes through peaceful means (UN Charter Art. 2(3)) and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State (Art. 2(4)),

Recalling the commitment to nuclear disarmament contained in Article 6 of the Non Proliferation Treaty; recalling also the Arms Trade Treaty (2013) and endorsing the work of the Conference on Disarmament in the spirit of promoting development through disarmament and reallocation of resources,

Welcoming the Treaty on the Prohibition of Nuclear Weapons, adopted by the UN Conference on 7 July 2017, which bans States from developing, testing, producing, and possessing nuclear weapons, and from using and threatening to use such weapons,

Considering that every military or security institution must be fully subordinated to the rule of law,

Concerned by the impunity of mercenaries and private military and security companies, as well as the outsourcing to the private sector of inherently security State functions,

Conscious that mass exoduses and migratory flows respond to dangers, threats and breaches of peace, and that the international community should establish an international migration regime as a matter of urgency,

Condemning propaganda of war and incitement to hate and violence, as stipulated in article 20(1) of the International Covenant on Civil and Political Rights,

Taking note with appreciation of the Human Rights Council's Advisory Committee Declaration on the Right to Peace, adopted on 16 April 2012,

Paying tribute to peace movements and ideas that have marked over the history of humankind and have crystallized *inter alia* in the Hague Agenda for Peace and Justice for the Twenty-first Century (1999),

Welcoming the important contribution that civil society organizations have made to the development of the human right to peace, in particular the Santiago Declaration on the Human Right to Peace (2010),

Aware that peace is not only the absence of war, but that it means the absence of economic, social and cultural violence and requires a positive, dynamic, participatory process where root causes of conflicts are addressed in a timely fashion and conflict-preventive measures are developed and applied uniformly and without discrimination,

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, women, men, children, disabled and elderly persons, are the foundation of freedom, justice and peace in the world,

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Acknowledging the contribution of women to peace process and the importance of their participation at all levels of decision-making, as recognized by the Security Council resolution 1325 (2000) on women and peace and security,

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,

Recognizing also that peace requires social justice, as spelled out by ILO Constitution and relevant international labor conventions, which provide for the right to a decent work and to enjoy fair conditions of employment and trade union association,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and in the International Human Rights Covenants can be fully realized, and that the rule of law demands the uniform application of norms and rejects selectivity, privilege, impunity and discrimination,

Recalling further the commitment of the international community to eradicate poverty and to promote sustainable development and a clean and peaceful environment for all and the need to address the growing inequalities and exclusion among States and within them,

Affirming the right of all victims of human rights violations to truth, justice, reparation and to guarantees of non-recurrence, in accordance with General Assembly resolution 60/147 of 16 December 2005,

Recognizing that the asymmetries of trade, new forms of economic colonialism and exploitation, sanctions regimes and other forms of structural violence impede the enjoyment of the human right to peace and other human rights,

Recalling that a culture of peace and the education of humanity for peace, justice and liberty are indispensable to the dignity of human beings and constitute a duty that all nations must fulfill in international solidarity,

Acknowledging that peace and human rights have a symbiotic relationship, that peace is a condition to the enjoyment of other human rights and that when human rights are fulfilled the outcome is peace,

Inviting international and regional human rights protection bodies to further develop the human right to peace,

Inviting all stakeholders to embrace the philosophy of peace for development and the sacred commitment to preserve future generations from the scourge of war and continued oppression by endemic economic and structural violence,

Proclaims the following *Universal Declaration of the Human Right to Peace*:

Article 1. Right-holders

1. Individuals, groups, peoples, minorities and humankind have the human right to peace. It is prerequisite to the enjoyment of all universally recognized human rights, including the rights to development and environment.

2. The human right to peace is inalienable, universal, indivisible, inter-dependent and inter-related.

3. The human right to peace shall be implemented without any distinction or discrimination.

Article 2. Elements

1. The constitutive elements of the human right to peace are already stipulated in the Charter of the United Nations and relevant provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
2. Individuals can assert the various elements of the human right to peace by submitting complaints to the UN human rights treaty bodies, the regional human rights courts and the Human Rights Council's relevant special procedures.
3. All individuals, peoples and minority groups subjected to aggression, genocide, racism, racial discrimination, xenophobia and other related forms of intolerance, as well as *apartheid*, colonialism, neo-colonialism and other international crimes, deserve special attention as victims of violations of the human right to peace.

Article 3. Duty-bearers

1. States are the principal duty-bearers of the human right to peace.
2. States shall address root causes of conflicts and develop preventive strategies to ensure that grievances are addressed in a timely fashion and do not lead to violence.
3. States have an obligation to negotiate in good faith and settle disputes by non-violent means.
4. States shall abide by the legal obligation to refrain from the use or the threat of use of force in international relations.
5. States shall refrain from the imposition of unilateral sanctions, and shall suppress propaganda for war.

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6. States shall facilitate the contribution of women to the prevention, management and peaceful settlement of disputes, as well as to the maintenance of peace after conflicts.
7. States shall strengthen the effectiveness of the United Nations' three foundation pillars in the fields of international peace and security, human rights and development.
8. States shall respect the right of peoples to self-determination.
9. The Security Council should be reformed to ensure compliance with its obligations under the UN Charter in the field of collective security.

Article 4. Right to disarmament

1. All States have an obligation to gradually disarm and to eliminate stockpiles of weapons of mass destruction or of indiscriminate effect, including nuclear, chemical and biological weapons.
2. 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 a healthy environment and the right to peace. States that have utilized them have the obligation to restore the environment by repairing all damage caused.
3. States shall establish peace zones and of mass destruction weapons-free zones.
4. Resources released through disarmament shall be devoted to the promotion and fulfillment of human rights treaty obligations, as well as the realization of the rights to development and environment.

Article 5. Right to education on peace and human rights

1. All peoples and individuals have a right to a comprehensive peace and human rights education within the framework of the Declaration and the Programme of Action on a Culture of Peace and Dialogue among Cultures.
2. Education and socialization for peace is a condition *sine qua non* for unlearning war and building identities disentangled from violence.
3. Everyone has the right to denounce any event that threatens or violates the right to peace, and to participate freely in peaceful activities for the defense of the right to peace.
4. States undertake to revise national laws and policies that are discriminatory against women, and adopt legislation to address domestic violence, trafficking of women and girls and gender-based violence.

Article 6. Right to human security

1. Individuals have the right to human security, including freedom from fear and freedom from want.
2. All peoples and individuals have the right to life in a private and public environment that is safe and healthy.
3. Freedom from want implies the enjoyment of the right to sustainable development and of economic, social and cultural rights.

Article 7. Right to resist and oppose oppression

1. Individuals have the right to conscientious objection to military service.
2. Members of any military or security institution have the right to disobey orders that are contrary to the UN Charter, the international human rights law and the international humanitarian law. The disobedience of such orders shall in no case constitute military offences.
3. States shall refrain from outsourcing inherently State military and security functions to private contractors.
4. Private military and security companies and their personnel should be held accountable for violations of international human rights law and international humanitarian law.
5. All peoples and individuals have the right to resist and oppose colonialism, foreign occupation and domestic oppression; aggression, genocide, racism, *apartheid*, war crimes and crimes against humanity.
6. UN peacekeepers shall be accountable in cases of criminal misconduct or the violation of international law. Troop-contributing States shall investigate complaints against members of their national contingents.
7. Victims of human rights violations have the right to know the truth, to obtain redress, justice, reparation and to guarantees of non-recurrence.
8. All individuals have the right to seek and to enjoy refugee status without discrimination, in accordance with international law.
9. States have an obligation to respect, protect and fulfill the human rights of all individuals and vulnerable groups under their jurisdiction, regardless of their nationality or origin and regardless of their immigration status.

Article 8. Rights to development and environment

1. All individuals and peoples have the 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. Everyone has the right to a safe, clean and peaceful environment, to sustainable development and to international action to mitigate environment destruction, especially climate change.
3. States shall transfer technology in the field of climate change, following the principle of common but differentiated responsibilities.
4. In accordance with the UN Framework Convention on Climate Change, States shall provide appropriate financing to States with inadequate resources for adaptation to climate change.

Article 9. Implementation

1. States, the United Nations and its specialized agencies, funds and programmes, shall take appropriate sustainable measures to implement this Declaration. International, regional, national and local organizations and civil society should actively participate in the implementation of this Declaration.
2. 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.
3. The Human Rights Council shall monitor progress in the implementation of this Declaration as a permanent item in its agenda and appointing a Special Rapporteur on the Human Right to Peace.
4. UN human rights treaty bodies and relevant regional bodies are invited to incorporate this Declaration in their protection activities.
