

**EXPERT MEETING ON THE HUMAN RIGHT TO PEACE**

Geneva, Palais des Nations, 14 September 2018

Statement by Carlos Villán Durán, President of SSIHRL

Thank you, Madame Chair-person, for giving to me the floor.

**2017 CSO draft declaration on the human right to peace**

You may recall that the General Assembly adopted on 19 December 2016 resolution 71/189 in a divided vote of 131 in favor, 34 against and 19 abstentions. The resolution approved the Declaration on the Right to Peace which in Its substantive part only has two articles, as follows:

- Article 1. Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.
- Article 2. States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies.

**692 world-wide CSO** led by the Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory for the Human Right to Peace (IOHRP), rejected the GA Declaration as insufficient, since it did not recognize the human right to peace nor its essential components. Given its divided vote, the Declaration should have been more ambitious.

In an alternative declaration, updated on 20 September 2017,<sup>1</sup> CSO proposed as essential components of the human right to peace the following:

- The preamble to spell out the legal bases of the right to peace in international human rights law.
- The right-holders are individuals, groups, peoples, minorities and humankind.

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<sup>1</sup> See [Draft United Nations Declaration on the Human Right to Peace \(CSO\)](#), of 20 September 2017.

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- The States' obligations to refrain from the use or the threat of use of force in international relations; and from imposing unilateral sanctions. In addition, States shall strengthen the three foundation pillars of the UN in the fields of international peace and security, human rights and development; facilitate the contribution of women to the peaceful settlement of disputes and the maintenance of peace after conflicts; suppress propaganda of war; respect the right of peoples to self-determination; and reform the Security Council to ensure compliance with its obligations under the Charter of the United Nations.
- The right to disarmament.
- The right to education on peace and human rights. Cultural violence and discrimination against women must be eliminated.
- The right to human security, including freedom from fear and freedom from want.
- The right to resist and oppose oppression from colonialism, foreign occupation, domestic oppression, aggression, genocide, racism, apartheid, war crimes and crimes against humanity. Private military and security companies, as well as UN peacekeepers, shall be accountable for violation of human rights. Victims have the right to know the truth, to obtain redress, justice, reparation and to guarantees of non-recurrence. Refugees shall enjoy refugee status. Migrants should enjoy human rights without discrimination.
- The rights to development and to environment.

At the workshop on the implementation of the GA Declaration on the Right to Peace, held on 14 June 2018, we reiterated the CSO's claim to spell out the elements of the human right to peace. We also invited the HR Council to appoint a Special Rapporteur on the Human Right to Peace, with the mandate of revising the 2016 GA Declaration in consultation with CSO and all interested stake-holders, so that the human right to peace and all its essential components be recognized.<sup>2</sup>

Unfortunately, the workshop only concluded that the international community should reach a consensus on the title and article 1 of the Declaration on the Right to Peace. It also concluded that special procedures should elaborate in their respective mandates the multidimensional notion of peace and the role of dialogue, tolerance, mediation, assistance and cooperation, using the 2030 Agenda in this context. Moreover, the HR Council should

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<sup>2</sup> See [Summary of the intersessional workshop on the right to peace. Report of the United Nations High Commissioner for Human Rights](#). Doc. A/HRC/39/31, 31 July 2018, paragraphs 26, 43 and 64.

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create a biannual forum for education for peace and human rights and the OHCHR should mainstream the right to peace. Finally, human rights education should focus on non-discrimination, religious tolerance, the prohibition of propaganda for war and the right to conscientious objection to military service. All efforts should be gender sensitive and include women, children and persons with disabilities in the work on the right to peace.<sup>3</sup>

With the adoption in 2017 of the *Treaty on the prohibition of nuclear weapons*,<sup>4</sup> the General Assembly probed that it has the majority to approve a new declaration or even a treaty recognizing the human right to peace and its essential components.

In preparation of the 2018 General Assembly session, we call on all interested Governments, International Organizations and CSO to actively reiterate their support to the international codification and progressive development of the human right to peace. The recognition of this right has dramatically become a matter of great urgency in a world dominated by an unbridled arms race. Armed conflicts are increasing in number and importance. Mass exoduses of war victims, refugees and migrants, particularly women and children, reached unprecedented figures since the end of World War II.

The response of the international community has been disappointing. The body trusted by the UN Charter to keep the international peace and security, the Security Council, remains virtually paralysed by the veto right held by its five permanent members. As a result, we are extremely concerned by the widespread impunity of those responsible for international crimes, as well as massive violations of international human rights law and international humanitarian law.

We, therefore, invite both the HR Council and the General Assembly to take duly into consideration the 2017 CSO draft declaration, which represents the genuine aims of civil society, as well as the Declaration on the Right to Peace adopted by the Advisory Committee in 2012.

Finally, the SSIHRL thanks all panellists and participants in the Expert Meeting for their support, to the Chair for her leadership, and to Mr De la Lama for his organizational skills and commitment to ensure the success of this Meeting.

Many thanks.

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<sup>3</sup> *Ibidem*, doc. [A/HRC/39/31](#), 31 July 2018, paragraphs 67-70.

<sup>4</sup> Adopted on 7 July 2017 by 122 votes in favor, one against (Netherlands) and one abstention (Singapore). Doc. [A/CONF.229/2017/L.3/Rev.1](#), of 6 July 2017.