

Universal Declaration on the Human Right to Peace

Luarca (Spain), 30 January 2023

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, United Nations Economic and Social Council, and Human Rights Council resolutions, the Constitutions of specialized agencies (United Nations Educational, Scientific and Cultural Organization, International Labor Organization, Food and Agriculture Organization and World Health Organization), as well as the Universal Declaration of Human Rights and in the core international human rights treaties, in particular 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 included in the African Charter on Human and Peoples' Rights (1981) and in its Protocol on the Rights of Women in Africa (2003); in the Ibero-American Convention on Young People's Rights (2005); and in 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 Program of Action, the Declaration on the Right to Development, the UN Millennium Declaration (2000), the World Summit Outcome Document (2005), the 2030 Sustainable Development Goals (2015) and the Declaration by the Nelson Mandela Peace Summit, of 24 September 2018,

Welcoming the advisory opinion OC-23/17 by the Inter-American Court of Human Rights, since it implicitly recognized the right to peace as an inherent right of the human being, in accordance with Article 29.c) of the American Convention on Human Rights,

Taking into account that the constitutive components of the human right to peace are already contained in the International Covenants on Human Rights and are justiciable under their Optional Protocols procedures, 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,

Recalling that both the General Assembly (resolution 76/300 of 28 July 2022) and the Human Rights Council (resolution 48/13 of 8 October 2021), have recognized “the right to a clean, healthy and sustainable environment as a human right important for the enjoyment of human rights”, which requires in addition, the full implementation of the multilateral agreements related to the environment; and that the Human Rights Council has established the mandates of the special rapporteur on human rights and the environment (resolution 37/8 of 22 March 2018) and the special rapporteur on the promotion and protection of human rights in the context of the climate change (resolution 48/14 of 8 October 2021),

Reaffirming also that all human rights are universal, indivisible, and interdependent and are interrelated to each other,

Recalling 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); the Declaration on the Right to Peace (2016); the General Assembly resolutions 73/170, 75/177, and 77/216, 15 December 2022 on the promotion of peace as a vital requirement for the full enjoyment of all human rights by all, and the observance of 21 September of each year as the International Day of Peace,

Recalling that the General Assembly has adopted resolution 76/262 of 26 April 2022, which establishes a permanent mandate to hold a debate within 10 days when a veto is issued in the Security Council,

Recalling also the resolutions of the Human Rights Council 20/15 of 5 July 2012, 23/16 of 13 June 2013, 27/17 of 25 September 2014, 30/12 of 1 October 2015, 35/4 of 22 June 2017 and 41/4 of 11 July 2019, entitled “Promotion of the right to peace”; 47/17 of 13 July 2021, on the impact of the arms trafficking in human rights; 50/12 of 7 July 2022, on human rights and regulation of the acquisition, possession and use of firearms by civilians; 51/6 of 6 October 2022, on conscientious objection to military service; and 51/22 of 7 October 2022, on human rights implications of new and emerging technologies in the military domain,

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

Emphasizing the obligation of all Member States to negotiate and resolve their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered (Charter of the United Nations, Article 2, paragraph.3) and refrain from the threat or use of force against the territorial integrity or political independence of any state (Article 2, paragraph 4),

Recognizing the usefulness of mediation in social relations, understood as an alternative and voluntary dispute resolution mechanism, which helps to promote social peace and in which the

parties concerned seek and reach a satisfactory solution through the assistance of an impartial third person, who facilitates dialogue between them, acting without decision-making power,

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

Welcoming the entry into force in 2021 of the *Treaty on the Prohibition of Nuclear Weapons*, which prohibits States from developing, testing, producing and possessing nuclear weapons, as well as the use or threat of use of such weapons; and the holding in 2022 of the first meeting of States Parties, which adopted a political declaration and plan of action,

Welcoming General Comment No. 36 (2018) on article 6 of the *International Covenant on Civil and Political Rights*, on the right to life, in which the Human Rights Committee stated *inter alia* that the threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to an international crime,

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 State security 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, in accordance with the *Global Compact for Safe, Orderly and Regular Migration*, adopted in Marrakech on 11 December 2018, *Welcoming* the adoption by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families of its General Comment No. 5 (2021) on the rights of migrants to liberty, freedom from arbitrary detention and their connection to other human rights (Articles 16 and 17 of the Convention),

Condemning propaganda of war and incitement to hate and violence, as stipulated in article 20, paragraph 1 of the ICCPR,

Taking note with appreciation of the *Declaration on the Right to Peace*, adopted by the Human Rights Council Advisory Committee 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 also 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 implemented uniformly and without discrimination,

Welcoming the holistic vision of peace proposed by the UN Secretary General in the new peace agenda, in the framework of the report *Our Common Agenda* (doc. A/75/982 of 5 August 2021, paras. 88-89),

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, women, men, children, persons with diverse sexual orientation, persons with physical or mental disabilities, and elderly persons, are the foundation of freedom, justice and peace in the world,

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 freedom of 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, without prejudice to courts of conscience and local traditions or customs of peaceful conflict resolution, which are assumed by the victims as acceptable means of redress.

Recognizing that the asymmetries of trade, new forms of economic colonialism and exploitation, sanctions regimes and other forms of structural violence impede the full 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,

Recalling also that sport facilitates sustainable development and contributes to peace, as the Olympic Truce promotes tolerance and respect; furthermore, sport enhances the empowerment of women, youth, people with functional diversity or belonging to other vulnerable groups and communities, as well as health, education and social inclusion goals, in accordance with paragraph 37 of the 2030 Agenda for Sustainable Development,

Acknowledging that peace, development and human rights have a symbiotic relationship, since peace is a necessary condition for development and the full realization of human rights, and when human rights and development are fulfilled, the outcome is peace,

Recalling that the General Assembly has declared 2023 the International Year of Dialogue as a Guarantee of Peace (resolution 77/32 of 6 December 2022), as it is a value that promotes sustainable development, peace and security, and human rights,

Inviting international and regional human rights protection bodies to further develop the human right to peace within the scope of their respective competencies,

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. Peace 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* and other international human rights treaties.
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.
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 all peoples to self-determination.
9. The Security Council should be reformed in its composition and operation, in order to

ensure compliance with its obligations under the Charter of the United Nations in the field of collective security.

Article 4. Right to disarmament

1. Individuals and peoples have the right to demand that their national States commit themselves to an effective process of gradual international disarmament, verified by the United Nations.
2. All States have an obligation to gradually disarm under the control of the United Nations. States shall eliminate stockpiles of weapons of mass destruction or of indiscriminate effect, including nuclear, chemical and biological weapons.
3. 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.
4. States shall establish peace zones and zones free of weapons of mass destruction, ratifying the *Treaty on the Prohibition of Nuclear Weapons* and other treaties relating to the prohibition of weapons of mass destruction.
5. The United Nations shall convene periodic peace conferences to prevent, reduce and eliminate existing armed conflicts, with the objective of achieving universal peace.
6. 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 Program 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 as well as gender-based violence or violence due to sexual orientation.

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, in accordance with article 18 of the *International Covenant on Civil and Political Rights* and General Comment 22 (1993) of the Human Rights Committee.
2. Members of any military or security institution have the right to disobey orders that are contrary to the Charter of the United Nations, the international human rights law and the

international humanitarian law. The disobedience of such orders shall in no case constitute military offenses.

3. States shall refrain from subrogating 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 that are attributable to them.
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. United Nations peacekeepers must be held accountable in cases of criminal conduct or violations of international law. States contributing national contingents must investigate complaints against members of such 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. Right to development

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. The resources released by effective disarmament measures shall be used for global development, particularly in developing countries.
3. The human right to sport and physical activity will be promoted as a facilitator of sustainable development and a culture of peace, empowering especially women and youth. It will also favor the fight against racism and racial discrimination, as well as the social inclusion of migrants and refugees, among other people belonging to vulnerable groups.

Article 9. Right to a sustainable environment

1. Everyone has the right to live in a safe, clean, healthy and sustainable environment, and to international action to mitigate environmental destruction, especially climate change.
2. States shall transfer technology in the field of climate change, following the principle of common but differentiated responsibilities.
3. In accordance with the *United Nations Framework Convention on Climate Change*, developed States shall provide appropriate financing to States with inadequate resources for adaptation to climate change.
4. States shall develop legislation and public policies for the protection of the environment, in accordance with the 16 *Framework Principles on Human Rights and the Environment* proposed by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (doc. A/HRC/37/59, Annex, dated 24 January 2018).

Article 10. Implementation

1. States, the United Nations and its specialized agencies, funds and programs, 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. The United Nations human rights treaty bodies, the special procedures of the Human Rights Council and relevant regional bodies shall incorporate the present Declaration in their protection activities.
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