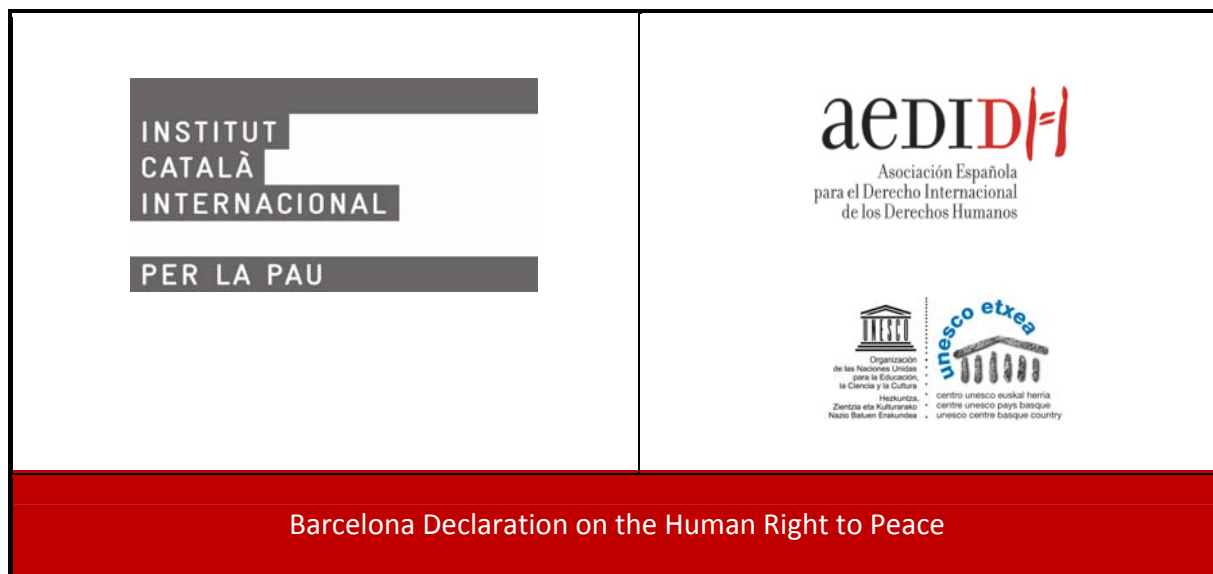


Barcelona Declaration on the Human Right to Peace



We, the undersigned, having convened between 31 May and 2 June at the Parliament of Catalonia, as members of the Expert International Drafting Committee of an universal declaration on the human right to peace, promoted by the Spanish Society for the International Human Rights Law (SSIHRL) and UNESCO Etxea, with the support of the International Catalan Institute for Peace,

Having regard to the 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), Lluçanès (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); on 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 (July 2008); Paris, Toledo, Geneva, Zaragoza and Montevideo (September 2008); Oviedo, Alcalá 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

Barcelona Declaration on the Human Right to Peace

(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), City of Mexico and Morelia (July 2009), San Sebastian (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) (January 2010), Cabildo de Gran Canaria (26 March 2010) and Municipality of Telde (Gran Canaria) (30 April 2010);

Bearing especially in mind the Luarca Declaration on the Human Right to Peace, (30 October 2006) and the Bilbao Declaration on the Human Right to Peace (24 February 2010) adopted by two 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);

Have adopted by consensus on 2 June 2010 in Barcelona, with a view to its adoption by the United Nations General Assembly as soon as possible, the following

BARCELONA DECLARATION ON THE HUMAN RIGHT TO PEACE

— Preamble —

The General Assembly,

(1) *Considering* that, in accordance with the Preamble to the United Nations Charter 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 Charter of the United Nations 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

Barcelona Declaration on the Human Right to Peace

development of peoples and the respect of human rights and fundamental freedoms without any kind of discrimination;

(3) *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 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;

(4) *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);

(5) *Conscious* of the vulnerability and dependence of every human being, and of the fact that certain circumstances render given groups and persons especially vulnerable; 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;

(6) *Recognising* the positive concept 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 the 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;

(7) *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

(8) *Considering* that education is indispensable for the establishment of a 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 recalling

Barcelona Declaration on the Human Right to Peace

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 and in a manner of full respect for freedom of expression;

(9) 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, as well as the equality in rights of women and men;

(10) *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;

(11) *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

Barcelona Declaration on the Human Right to Peace

participation in decision-making and access to justice in environmental matters; and the Johannesburg Declaration on Sustainable Development of 4 September 2002;

(12) *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;

(13) *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 United Nations 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 United Nations Human Rights Council entitled “promotion of the right of peoples to peace”;

(14) *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 Charter for African Cultural Renaissance and the Protocol to the African Charter concerning the Rights of Women; 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 and the terms of reference of the intergovernmental commission of Human Rights of the Association of Southeast Asian Nations; the commitment of member States in favour of peace, expressed in the Charter of the League of Arab States, the Arab Charter of Human Rights and 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;

(15) *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,

Barcelona Declaration on the Human Right to Peace

in particular, the Treaty on the Non Proliferation of Nuclear Weapons; which constitutes an obstacle to the realisation of the right to development;

(16) *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;

(17) *Concerned* by gross and systematic violations committed in peace times, and inviting the Assembly of States Parties to the Statute of Rome establishing the International Criminal Court to define such violations as crimes against the human right to peace;

(18) *Acknowledging* the contribution of women to peace-building and emphasizing the importance of their participation in the strengthening of international peace and security, as it has 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), 1880, 1888 and 1889 (2009); and emphasizing the effective implementation of the resolution 1325 on the occasion of the ten anniversary of its adoption.

(19) *Further affirming* that the achievement of peace is the shared responsibility of women, men, peoples and States, intergovernmental organizations, civil society, enterprises and other social actors and, more generally, of the entire international community;

(20) *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;

(21) *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;

(22) *Conscious* that impunity is incompatible with peace and justice; and considering that every military or security institution must be fully subordinated to the State under the rule of law and must be bound by the obligations arising under international law, to the observance of human rights

Barcelona Declaration on the Human Right to Peace

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;

(23) *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;

(24) *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;

(25) *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;

(26) *Paying tribute* to all peace movements and ideas that have marked over the history of Humankind, which have recently crystallized in the Hague Agenda for Peace and Justice for the Twenty-first Century which emerged from the Hague Appeal for Peace Conference, held at The Hague from 12 to 15 May 1999¹, the Earth Charter (...) 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;

(27) *Affirming* that the human right to peace cannot be achieved without the realization of the equality of rights and the respect to the gender based differences; without the respect to the different cultural values and religious beliefs that are compatible with the universally recognized human rights; or without the elimination of racism, racial discrimination, xenophobia and other forms of related intolerance;

(28) *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, lineage, national, ethnic or social origin, color, gender, sexual orientation, language, religion or

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

Barcelona Declaration on the Human Right to Peace

belief, political or other opinion, economic situation, heritage, physical or mental disability, civil status, birth or any other condition;

Proclaims the following Declaration:

Part I

ELEMENTS OF THE HUMAN RIGHT TO PEACE

Section A. Rights

Article 1

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 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, lineage, national, ethnic or social origin, color, gender, sexual orientation, language, religion or belief, political or other opinion, economic situation or heritage, physical or mental disabilities, 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

Barcelona Declaration on the Human Right to Peace

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 resolution or, failing that, transformation 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. Individuals have the right to demand from their governments that they observe the system of collective security established in the Charter of the United Nations, in particular concerning the 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 and sanitation, health, basic clothing, housing and education;

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, and 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 require 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

Barcelona Declaration on the Human Right to Peace

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 military obligations.

4. Members of any military or security institution have the right not to participate in wars of aggression 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 genocide or crimes against humanity. 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

Barcelona Declaration on the Human Right to Peace

taxation for military expenditures connected with military operations in support of armed conflicts that violate international human rights law and international humanitarian law.

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 and totalitarianism

1. All peoples and individuals have the right to resist and oppose oppressive or totalitarian 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*, crimes against humanity; violations of other universally recognized human rights; any propaganda in favor of war or incitement to violence; and violations of the human right to peace, as defined in this Declaration. The glorification and its justification as necessary to build the future and enable progress shall be prohibited.

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.

2. All peoples and individuals have the right that the resources freed by disarmament be 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 vulnerable groups, in such a way as to put an end to inequalities, social exclusion and extreme poverty.

3. States should restrain from outsourcing inherently state military and security functions to private contractors.

Article 8

Freedom of thought, opinion, expression, conscience and religion

Barcelona Declaration on the Human Right to Peace

1. All peoples and individuals have the right to access and to receive information from diverse sources and 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 freely to participate in peaceful political, social and cultural activities or initiatives for the defense 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 favor of peace and other human rights, or for claiming the right to conscientious objection against war;
 - 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 status;
 - 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 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.

Barcelona Declaration on the Human Right to Peace

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 habitual 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 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 violations of human rights, 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 situation of vulnerability

1. All individuals share the same human dignity and have an equal right to protection. Nevertheless, there are certain groups in situation of particular vulnerability who deserve special protection. Among them are women in particular situations, children, victims of enforced disappearances, persons with diverse physical or mental functionality, elderly persons, displaced persons, migrants, 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

Barcelona Declaration on the Human Right to Peace

right of persons belonging to groups in situation of vulnerability to participate in the adoption of such measures.

3. States, international organizations, in particular the UN, 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 and that their life, dignity, physical and moral integrity 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 integration of persons deprived of their liberty, particularly children and youth, ensuring their education, training and general development.

5. The enforced disappearances of individuals constitutes a crime against humanity. Their victims have a right to the recognition of their detention, and the right 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, enterprises, 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 achieve the purposes and principles proclaimed in the Charter of the United Nations.

Barcelona Declaration on the Human Right to Peace

3. States shall take all the necessary measures for ensuring development and protection of environment, including disaster preparedness strategies as absence poses a threat for 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 for 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 implying 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 double-function of preventing violations and protecting human rights and human dignity, including the human right to peace. In particular, it is for the General Assembly, 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 for better, through the United Nations Peace-building Commission, in cooperation with other entities of the UN and, as relevant, with regional and sub-regional organisations in elaboration of integrated strategies for peace and for the reconstruction of affected countries following the end of armed conflicts, ensuring stable sources of financing and effective coordination of these strategies within the United Nations system. In this context, the effective implementation of the Program of Action for Cultural Peace is underscored.

7. Any military action out of the framework of the Charter of the United Nations is unacceptable, constitutes a most grave violation of the principles and purposes of the 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 is, 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, in order to guarantee the human right to peace. The methods of work of the Security Council must be transparent and allow the participation in its debates of civil society and other actors.

Barcelona Declaration on the Human Right to Peace

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 16.
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 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 non-governmental organizations in consultative status with the UN. 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:

Barcelona Declaration on the Human Right to Peace

- 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, concerned individuals and any other reliable source;
- c) To carry out investigation *in loco* concerning violations of the human right to peace and to report to the pertinent bodies;
- d) To address, when it considers it appropriate, recommendations and urgent appeals to the Member States of the United Nations, 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, Security Council and Human Rights Council, in which it will include the recommendations and conclusions it may be considered necessary to the effective promotion and protection of the human right to peace, paying special attention 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 and States compliance for its full and effective implementation. The future mechanism and the Working Group shall coordinate their mandates and avoid duplicating their activities;
- h) To contribute to the elaboration of definitions and norms concerning the crime of aggression and the limits of legitimate defense;
- i) To submit to the Prosecutor of the International Criminal Court or other competent international penal tribunals, reliable information about any situation in which it appears that crimes which fall within the jurisdiction of the International Criminal Court or of another international penal tribunal have been committed;
- j) To approve by a majority of its members the working methods for the ordinary functioning of the Working Group, which shall include *inter*

Barcelona Declaration on the Human Right to Peace

alia rules governing the appointment of the Bureau and the adoption of its 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 shall be provided by the Secretary General of the United Nations. The expenditures of the Working Group, including those associated with investigations *in loco*, 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, international human rights law or international humanitarian 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.

Barcelona Declaration on the Human Right to Peace

The International Drafting Committee

Mr. ROMAN WIERUSZEWSKI is Professor of Legal Sciences. Employee of the Institute of Legal Studies of Polish Academy of Sciences since 1975. Current positions: director of the Poznan Human Rights Centre, vice-chairman of Scientific Council of the Institute of Legal Studies, professor of Warsaw School of Social Sciences and Humanities, member of the Polish Refugee Board, research fellow at the Polish Institute of International Affairs, OSCE Human Rights Expert, member of the Legal Advisory Board of the Minister of Foreign Affairs, lecturer at the Diplomatic Academy in Warsaw, member of the Editorial Board of the Netherlands Quarterly of Human Rights, member of the Editorial Board of the Polish quarterly "Legal Studies". Visiting professor and lecturer at Marbourg, Mainz and Bochum universities in Germany and numerous Polish universities (Warsaw, Krakow, Poznan, Torun). From 1992 to 1995 Head of the Former Yugoslavia unit in the UN Centre for Human Rights in Geneva, from 1996 to 1998 Chief of Mission of the UN High Commissioner for Human Rights Field Operation in the Former Yugoslavia in Sarajevo, from 1998 to 2000 and from 2003 to 2006 Member of the UN Human Rights Committee (Vice-chairman from 2002 to 2004).

Ms. JASMINKA DŽUMHUR is the current Ombudsperson of Bosnia and Herzegovina graduated on the Faculty of Law University of Sarajevo, and past qualifying examination for judges. During her professional carrier she has attended many trainings and seminars, with particular focus on human rights, women rights and gender rights. She did as a lawyer in many enterprises and also was the judge and the president of the Minor Offence Court in Zenica. Her previous and current work is related to elimination of gender-based violence; trafficking in human beings and human rights protection. In this area of work she did as consultant to many international and local organizations, such as the Danish Refugee Council, the International Crises Group, OSCE, OECD, UNDP, UNICEF, UNIFEM, USAID and the Soros Foundation. She was one of the founders of Women Association "Medica", Zenica, and the Women Legal Aid Center and the member of the Coordination Board of the BiH Women's Economic Network, established in January of 2001 and the Executive Board of the Bosnian Women's Initiative (The first Women's Foundation in BiH). Particular important focus of the work of Ms. Džumhur was drafting of BiH Gender Law; lecturing on international human rights standards, constitutional and domestic legal framework to the IPTF, the EUPM staff, local police, judges and prosecutors, and the incorporation of human rights principles and standards into BiH legislation covering protection of trafficking victims. Se has participated in writing of a number of publications on women's rights which

Barcelona Declaration on the Human Right to Peace

where published by Women Legal Aid Center Zenica. She fluently speaks English and Russian. She is current member of the UN Working Group of Enforced or Involuntary Disappearances.

Mr. JOSE LUIS GÓMEZ DEL PRADO is a member of the UN Working Group on the Use of Mercenaries, servicing in his personal capacity as a human rights independent expert (2005-2011). He also chaired the Group for the period 2007-2008 and presented a number of reports to the UN Human Rights Council and the General Assembly. Besides, he is a member of the Advisory Group of the Geneva Centre for Democratic Control of Armed Forces (DCAF) Private Security Regulation Net. He also served as a member of the U.N. Advisory Group of the Voluntary Fund in the First International Decade of the World's Indigenous Peoples. As former senior UN human rights officer (1981-1997) in charge of advisory services and human rights field presences of the Office of the UN High Commissioner for Human Rights, he has been responsible and innovator of the UN Human Rights Advisory and Technical Cooperation Program, establishing field offices and elaborating cooperation programs in Colombia, Ecuador, Guatemala, Paraguay, Cambodia, Mongolia, Palestine, the Region of the Great Lakes of Central Africa, Romania and Georgia. He has been Senior Coordinator of the World Conference against Racism (Durban 2001) assisting the former UN High Commissioner for Human Rights, Ms. Mary Robinson. He received the Venezuelan Order of J. Francisco de Leon.

Mr. DOUGLASS CASSEL is Professor of Law and Director of the Center for Civil and Human Rights of the University of Notre Dame. He has also been named by the University as a Notre Dame Presidential Fellow. He has filed several *amicus curiae* briefs in the United States Supreme Court, involving the rights of prisoners at Guantanamo, and accountability for human rights violations under the Alien Tort Claims Act. He represents victims of human rights violations in Colombia, Guatemala, Peru and Venezuela, in cases before the Inter-American Commission and Inter-American Court of Human Rights. He is also an award-winning commentator. His regular commentaries on human rights are broadcast on Chicago Public Radio, published in the *Chicago Daily Law Bulletin*, and accessible on the website of the Center for Civil and Human Rights. Professor Cassel has served as Legal Advisor to the United Nations Commission on the Truth for El Salvador; Executive Council member of the American Society of International Law; co-chair of the International Committee of the Board of Directors of the Lawyers' Committee for Civil Rights Under Law; Chair of the Independent International Panel on Alleged Collusion in Sectarian Killings in Northern Ireland; and consultant to the Department of State, Department of Justice, Ford Foundation, the President of the American

Barcelona Declaration on the Human Right to Peace

Bar Association, and non-governmental human rights organizations. In 2000 and again in 2003, he was nominated by the US Government, and elected by the Organization of American States, to serve on the Board of the Justice Studies Center of the Americas, of which he was elected President. Since 2000 he has been President of the Due Process of Law Foundation, based in Washington, D.C., which promotes judicial reform throughout the hemisphere.

Ms. FATIMATA-BINTA VICTOIRE DAH was a career diplomat with the rank of Minister Plenipotentiary of exceptional class. As Head of the Africa Department of the Ministry of Foreign Affairs of Burkina Faso, she worked for all African issues and participated in both regional and continental meetings, particularly in the birth of West African organizations of integration such as the Economic Community of West Africa (ECOWAS) and the Economic Community of West African States (ECOWAS) or environmental protection programmes such as the Inter-State Committee to Fight Drought in the Sahel (CILSS). She was 3rd Vice-President of the African Women Committee for Peace and Development (1998-2002) set up jointly by the Secretary General of the Organization of the African Unity (OAU) and the Executive Secretary of the United Nations Economic Commission for Africa (ECA). This independent advisory body has as mandate to encourage African women in the promotion and resolution of conflicts and the improvement of conditions for achieving a sustainable development in Africa. Between February 2004 to January 2008 she was elected (first term) to the UN Committee on the Elimination of Racial Discrimination (CERD) as independent expert; elected Vice Chair-person (2006-2008) and Chair-person (2008-2010). She is now in her second term as member of the Committee.

Ms. ZONKE ZANELE MAJODINA is current member of the UN Human Rights Committee and former Deputy Chair-person and Commissioner at the South African Human Rights Commission. She was responsible for the right to equality as well as the rights of non-nationals, focusing on refugees, asylum-seekers and migration policy. She has professional membership to the International Society for Health and Human Rights, African Institute of South Africa, African Township Health Advocacy Group, South African Refugee Relief Fund, Black Management Forum South Africa and Institutional and Social Development Foundation. She represented the SAHRC at the 2005 meeting of the UN Human Rights Commission, 2005 UN Social Forum meeting, 2005 Migration Roundtable, 2004 Conference of the International Coordination Committee for National Human Rights Institutions. She has also attended African Union Conference of National Human Rights Institutions as well as meetings, seminars and workshops organized by the Coordinating Committee of African National Human Rights Institutions.

Barcelona Declaration on the Human Right to Peace

Mr. ANWARUL KARIM CHOWDHURY served as the United Nations Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States in New York from 2002 to 2007. Prior to that appointment he completed his assignment (1996-2001) as Permanent Representative of Bangladesh to the United Nations in New York. He also served as Bangladesh's Ambassador to Chile, Nicaragua, Peru and Venezuela, as well as Bangladesh's High Commissioner to the Bahamas and Guyana. During his tenure as Permanent Representative, Mr. Chowdhury served as President of the Security Council, President of the United Nations Children's Fund (UNICEF) Executive Board, Vice-President of the Economic and Social Council of the UN in 1997 and 1998 and Chairman of the UN General Assembly's Administrative and Budgetary Committee in 1997-98. He is the recipient of the U Thant Peace Award, UNESCO Gandhi Gold Medal for Culture of Peace and Spirit of the UN Award. He is an Honorary Patron of the Committee on Teaching About the UN (CTAUN), New York. In March 2003, the Soka University of Tokyo, Japan conferred to Ambassador Chowdhury an Honorary Doctorate for his work on women's issues, child rights and culture of peace as well as for the strengthening of the United Nations. He is the Chair of the NGO Committee on International Day of Peace at the UN, New York.

Mr. KINHIDE MUSHAKOJI is the current Director of the Centre for Asia-Pacific Partnership at the Osaka University of Economics and Law; Vice-President of the International Movement Against All Forms of Discrimination and Racism (IMADR), President of the Asia-Pacific Human Rights Information Centre (Hu-Rights Osaka), President of the Osaka International Peace Centre (Peace Osaka) and member of the Board of the Asian Cultural Forum on Development (ACFOD). In his academic carrier he has worked as lecturer at the Political Science Department of the Gakushuin University, Professor at the Department of Foreign Languages of the Sophia University, Senior Specialist of the East West Center (Hawaii), Director of the Institute of International Relations, Vice-Rector for Programmes of the United Nations University, Professor of the Department of International Studies at the Meiji-Gakuin University, Professor of the Department of Global and Inter-cultural Studies at the Ferris University (Yokohama) and Professor of the Department of International Relations at the Chubu University and Chubu Institute of Advanced Studies.

Mrs. BELELA HERRERA SANGUINETTI is a teacher and Uruguayan politician. Former Deputy Foreign Minister of the Republic of Uruguay (2005-008). She studied sociology at the University of Chile. She became protection officer of the UNHCR in 1973 and worked in countries such as Argentina, Mexico, Spain, Peru, Brazil, Chile and also in countries from Central America and the

Barcelona Declaration on the Human Right to Peace

Caribbean. She served as Deputy Director of the Human Rights Division of the UN mission in El Salvador, as a human rights observer at the joint UN-OAS mission in Haiti and observer in the electoral process of South Africa. When the democracy returned to Uruguay, she took the Chair of the International Relations Committee of the “Frente Amplio” political party. On February 2005 she served as Director of Cooperation and International Relations at the Municipality of Montevideo. On March 1, 2005 the President of Uruguay, Mr. Tabare Vazquez, appointed her Vice Chancellor for International Relations of the Republic of Uruguay.

Mr. ALEJANDRO TEITELBAUM is a lawyer, graduated by the Faculty of Law at the University of Buenos Aires and diploma in international economic relations by the Institute of Economic and Social Development at the University of Paris I (France). He was representative of the International Federation of Human Rights and the American Association of Jurists before the office of the United Nations in Geneva from 1985 to 2006. He is the author of numerous papers and publications on human rights in general, but in particular the economic, social and cultural rights and documents about the invasion of Panama, the Gulf War, the Balkan wars, Iraq and Yugoslavia. His latest book is entitled “La armadura del capitalismo. El poder de las sociedades transnacionales en el mundo contemporáneo” (The armor of capitalism. The power of transnational corporations in the contemporary world). Icaria Editorial, Barcelona, January 2010, 334 p.