

DOKUMENTY

OŚWIĘCIM DECLARATION ON THE HUMAN RIGHT TO PEACE (16 May 2013)

The Workshop of Eastern European human rights experts convened to consider the Draft UN Declaration on the Right to Peace, at the City of Oswiecim (Poland) on 16 May 2013, hosted by the Cities of Plonsk, Oswiecim and Wielun and organized by the Poznan Human Rights Centre, the Institute of Legal Studies of the Polish Academy of Sciences, the Spanish Society for International Human Rights Law (SSIHRL), the International Observatory of the Human Right to Peace (IOHRP) and the University Abat Oliba (Barcelona), with the support of the International Association of Peace Messenger Cities (IAPMC) and the World Council of Churches (WCC);

Recalling that Auschwitz, a German name for Oswiecim, the town by and around which the Nazi extermination camps were located and operated by the Third Reich during World War II;

Recalling also that Auschwitz II–Birkenau was designated by the Nazi German Minister of the Interior as the place of the so-called “final solution of the Jewish question in Europe”; that from early 1942 to late 1944, rail transportation delivered Jews to the camp’s gas chambers from all over German-occupied Europe. In total number 1,300,000 people were deported of whom at least 1,100,000 people were exterminated or died because of starvation, executions, infectious diseases or exhaustion. In accordance with the result of many years of research, it includes at least 960,000 Jews, 75,000 Poles, 15 000 Soviet prisoner of war, 21,000 Gypsies, 25,000 prisoners from other ethnic groups;

Paying tribute to the victims of World War II that resulted in the genocide of millions of people in German extermination and concentration camps and aiming to preserve the historical memory of the victims of this horrendous crime against humanity and peace.

*Condemning all manifestations of intolerance, including incitement, harassment or violence against persons or communities based on ethnic origin or religious belief; Recalling that General Assembly resolution 33/73 on *Declaration on the Preparation of Societies for Life in Peace*, adopted without opposition on 15 December 1978, states “every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace”. In addition, the General Assembly resolution 39/11 the *Declaration of the Right of Peoples to Peace* of 12 November 1984, by which it “solemnly proclaims that the peoples of our planet have a sacred right to peace”;*

Recalling also that regional instruments explicitly recognise the right to peace, such as the 1982 African Charter on Human and Peoples’ Rights, 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the 2005 Ibero-American Convention on Young People’s Rights, and most recently the 2012 Human Rights Declaration adopted by the Association of Southeast Asian Nations (ASEAN);

Recalling also that the Human Rights Committee recognized in its General Comment No. 14 of 9 November 1984 on the relationship between nuclear weapons and the right to

life (Art. 6 ICCPR) that the “designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life which confront humankind today”. In addition, both the Declaration on the Preparation of Societies for Life in Peace and the Declaration on the Right of Peoples to Peace stated that “the basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, as well as efforts towards general and complete disarmament, under effective international control”. And finally, the need to establish Peace Zones free of nuclear weapons;

Congratulating the SSIHRL, the IOHRP, the WCC, the IAPMC and the 2.000 associated civil society organizations, cities and public institutions for their successful World Campaign on the human right to peace, whose most prominent landmarks have been the *Luarca Declaration* (2006), Bilbao and Barcelona (2010) Declaration on the Human Right to Peace (2010);

Welcoming the SSIHRL and associated CSOs for the organization of the International Congress on Human Right to Peace, held on 9–10 December 2010 in Santiago de Compostela (Spain) at the occasion of the World Social Forum on Education for Peace (“Forum 2010”); and the outcome of the Congress, namely the adoption on 10 December 2010 of the *Santiago Declaration on the Human Right to Peace* and the Statutes of the *International Observatory of Human Right to Peace*, which is closely working since then within the SSIHRL to ensure the promotion and implementation of the *Santiago Declaration*;

Welcoming the regional and international contributions to the *Luarca Declaration* made by the regional declarations on the human right to peace adopted by experts of civil society 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); Havana, Cuba (January 2010); Morphou, Cyprus (October 2010); Caracas, Venezuela (November 2010); Nagoya and Tokyo, Japan (December 2011); Slovenj Gradec, Slovenia (October 2012); San José, Costa Rica (February 2012 and 2013);

Welcoming the Human Rights Council resolution 14/3, adopted on 17 June 2010, which explicitly recognized “... the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right”; and “supported the need to further promote the realization of the right of peoples to peace”; and also requested “the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration *on the right of peoples to peace*, and to report on the progress thereon to the HR Council at its seventeenth session”;

Welcoming the resolution in support of the human right to peace as adopted by the Parliament of Spain on 14 September 2011, by which it urged the Government to support the official codification process of the right to peace at the United Nations, in order to include the right of individuals and peoples to peace; join the Group of Friend States with the codification process on the human right to peace; and transmit the resolution to all institutions and International Organizations to which Spain is a State Party;

Welcoming the resolution on the right to peace adopted on 29 October 2011 by the XXI Ibero-American Summit held in Asunción (Paraguay) at the initiative of Costa Rica, which recalled the foundation of this right in the purposes and principles of the UN Charter, the Universal Declaration of Human Rights and other international human rights instruments signed by the Member States of the Ibero-American Community; reaffirmed the commitment of the 22 Member States to adhere to the full exercise of democracy, respect to the sovereignty and non-interference in the internal affairs of States; respect and promotion of human rights, strengthening of multilateralism and respect for the principles of international law; the peaceful settlement of disputes, rejection of the use of force or threat of use of force at the international level, and the rejection of unilateral coercive measures contrary to international law; and urged the 22 Member States to support the codification of the right to peace, as initiated at the UN Human Rights Council, paving the way to its progressive development; they also recognized the important contribution of civil society organizations to promote the right to peace;

Welcoming also the Opinion concerning the Declaration on the Right of Peoples to Peace adopted by the Japanese Federation of Bar Associations on 15 November 2011 and transmitted to the Ministry of Foreign Affairs on 2 December 2011, by which the 52 Bar Associations considered that a future Declaration of the Right of Peoples and Individuals to Peace should include the prohibition of discrimination on the ground of, inter alia, race, colour, gender, language, religion, political or other opinion, nationality, ethnicity or social origin, birth or other status; that the Declaration should be consistent with the human rights standards universally recognized; it should not be interpreted to restrict the exercise of any human right recognized in time of public emergency; and that all States should develop judicial remedies in order to realize the right to peace;

Noting that at its 20th session (June 2012) the Human Rights Council had before it the (third) draft declaration on the right to peace submitted by the Advisory Committee (doc. A/HRC/20/31 of 16 April 2012, Annex), which included 85% of the legal standards proposed by civil society in the 2010 *Santiago Declaration on the Human Right to Peace*;

Welcoming also the adoption on 5 July 2012 by the UN Human Rights Council of resolution 20/15 on “The promotion of the right to peace” by a vote of 34 in favour, one against and 12 abstentions¹. *Welcoming* once again the important work being carried out by civil society organizations for the promotion of the right to peace and their contribution to the development of this issue;

Welcoming the establishment of an open-ended working group (OEWG) with the mandate of progressively negotiating a draft United Nations Declaration on the right to peace on the

¹ **In favour:** Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay.

Against: United States of America.

Abstaining: Austria, Belgium, Czech Republic, Hungary, India, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland.

basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals;

Noting also that the first session of the OEWG on the draft UN declaration on the right to peace was held from 18 to 21 February 2013 in Geneva; and that at its twenty-third session (June 2013), the Human Rights Council will have before it the first progress report of the OEWG (A/HRC/WG.13/1/2 of 26 April 2013) and should decide on the extension of the OEWG mandate to enable it to hold a second session in 2014.

Therefore

1. Calls on the United Nations Human Rights Council, at its 23 session, June 2013 to extend the mandate of the Open- Ended Working Group for one additional year, with the view to completing the drafting process of the UN Declaration on the right to peace and transmitting the draft to the United Nations General Assembly for its adoption preferably on 10 December 2014.

2. Appeals to all members States of the United Nations and also CSOs to participate and contribute constructively to the work of the OEWG.

3. Calls on the Government of Poland and other Eastern European countries to support the on-going codification and progressive development of the human right to peace in accordance with the established international human rights law standards and proposals made by relevant UN human rights protection mechanisms and CSOs and to ensure the extension of the mandate of the OEWG for an additional year.

4. Invites the Polish and Eastern European public institutions, including legislators, civil society organizations and people of good will to continue in solidarity with and support the Global Campaign on the human right to peace.

5. Invites the Polish and other Eastern European Universities, Human Rights Centres and City Councils to incorporate in their teaching, curriculum and research the human right to peace.

6. Decides to transmit the *Oświęcim Declaration* to the Secretary-General of the United Nations, the President of the Human Rights Council and the Polish Federation of City Councils, requesting them to support the on-going codification process of the human right to peace.

Oświęcim (Poland), 16 May 2013.