

MINISTERIAL DECLARATION OF THE HUMAN SECURITY NETWORK ON PEACE AND JUSTICE

NEW YORK, SEPTEMBER 23TH, 2009

PREAMBLE

We, the Members of the Human Security Network¹,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other norms and standards of international law, including human rights law, international humanitarian law and international criminal law,

Reaffirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation and noting in this respect the statutes of all relevant international judicial bodies,

Convinced that peace and justice are interlinked and complementary and that, if properly pursued, can promote and mutually reinforce each other, serving as instruments to ensure accountability and facilitate reconciliation, the consolidation of peace and stability, enhance respect for human rights, foster social and economic development, as well as to prevent the reoccurrence of armed conflict,

Recognizing that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent and impartial judiciary and legal profession in full conformity with applicable norms and standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

Emphasizing the need to support national efforts to build fair, independent, professional and accountable formal justice institutions and to build their capacity to investigate and prosecute human rights violations, in full respect with the rule of law and consistent with international standards, to ensure their legitimacy, integrity and credibility,

Reaffirming the primary responsibility of every State to exercise its criminal jurisdiction while bearing in mind the principle of complementarity contained in the Rome Statute of the International Criminal Court,

Mindful that justice during and after post-conflict situations is a long-term process that requires a comprehensive, inclusive and flexible approach that is sensitive to political, cultural and gender

¹ The Human Security Network is a cross-regional group of countries comprised of Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, with South Africa as an observer.

aspects, and that the appropriate sequencing of transitional justice measures, including judicial and non-judicial mechanisms together with improved policy coordination, may contribute to seek accountability in early stages of justice,

Acknowledging that non-judicial mechanisms such as truth-seeking, reparations to victims, institutional reform, traditional justice and land commissions can play an important role in promoting national reconciliation and peaceful resolution of disputes. These mechanisms should reinforce accountability and should function according to existing norms and standards,

Stressing the importance of a victim-centered approach to ensure that victims' rights are fully respected and their interests are fully taken into account,

The Human Security Network declares that peace and justice constitute a priority challenge for human security and commits itself to intensify dialogue and cooperation with other States, the United Nations System as well as other international and regional organizations to:

1. Fight impunity and ensure accountability for genocide, war crimes, crimes against humanity, including mass rape and sexual slavery, and other gross violations of international humanitarian law and human rights, as well as to exclude these crimes from any amnesty provisions.
2. Include references to accountability in all peace negotiations and design strategies in a comprehensive and inclusive manner, which also encompass governance, structural and institutional reforms. In this respect, it is important to support national consultation processes, with the meaningful participation of all relevant actors, particularly in the fields of justice, human rights, education and security sector reform, to determine the course of transitional justice and restoration of the rule of law and to promote a culture of peace and non-violence.
3. Promote cooperation to ensure accountability, including through technical and financial assistance for training, institutional or legal reform and strategic planning, in order to build more independent, efficient, professional and accountable national judiciary and other transitional justice institutions.
4. Increase the UN technical assistance and special programs of advisory services for training initiatives as well as judicial and correction technical assistance.
5. Build on the successful experience with the Standing Police Capacity to ensure, from the outset, a holistic and coordinated approach to strengthening rule of law that results in the equally rapid deployment of justice and corrections capacities.

6. Give greater support, in accordance with our respective policies, laws and regulations, to the effective implementation of complementarity between the International Criminal Court and national justice systems and undertake outreach to promote better understanding of the role of the International Criminal Court and what can be expected from it.
7. Support national efforts to ensure the integrity of judicial and security institutions and the adherence of their personnel to applicable human rights norms and standards, as well as professional conduct, including, inter alia, through vetting processes, institutional reform, enacting or strengthening legislation, codes of conduct, disciplinary measures, and anti-corruption policies.
8. Take appropriate measures to protect the dignity and privacy of victims and witnesses and develop strategies to enhance their participation and protection throughout the legal process, including facilitating the active involvement of women. Facilitate victims' access to justice and to prompt redress and compensation, as well as to proper assistance throughout the legal process, including the necessary material, medical, psychological and social assistance as provided for by national legislation, without discrimination of any kind.
9. Give greater attention to the impact of conflict and rule of law deficits on women and children and the need to ensure gender sensitivity in restoration of rule of law and transitional justice, as well as to ensure the full and effective participation of women.
10. Support the establishment of national human rights commissions as part of transitional arrangements.