



Asociación Española
para el Derecho Internacional
de los Derechos Humanos

Spanish Society for the International Human Rights Law
Société Espagnole pour le Droit International des Droits Humains

Expert meeting International Observatory on the Human Right to Peace



Report United Nations Human Rights Council

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Rapporteur

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Summary

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1. Introduction

The Human Rights Council (HRC) is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The Council was created by the UN General Assembly on 15 March 2006 with the main purpose of addressing situations of human rights violations and make recommendations on them.

The 16th regular session of the HRC took place at the Regional Office of the United Nations in Geneva from 28 February to 25 March 2011.

2. Expert meeting

The expert meeting on the “International Observatory of the Human Right to Peace”, was a parallel event which took place at the Palais des Nations (Geneva) on 9 March 2011. It was co-organized by the Spanish Society for the International Human Rights Law (SSIHRL) and the International Association of Peace Messenger Cities (IAPMC), which provided both logistical and practical support.

The main objectives of the meeting were:

1. To share the *Santiago Declaration on the Human Right to Peace* with civil society, international organisations, and academics attending the HRC.
2. To introduce the Statutes of the International Observatory of the Human Right to Peace (IOHRP) to the civil society organizations and to invite them to join the General Assembly of this new civil society organization.
3. To examine the current codification process of the right to peace at the Human Rights Council and its Advisory Committee, and in particular the HRC resolution 14/3, adopted on 17 June 2010, and the Advisory Committee’s recommendations 5/2, of 6 August 2010 and 6/3, of 21 January 2011.



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4. To study the linkage between the freedom of religion or belief and the human right to peace

The Panel's working languages were English and Spanish. It was held from 3:10 pm to 5:00 pm, at the Palais des Nations (Conference Room XXIV).

Under the experienced moderation of Mr. José Luis Gomez del Prado, President and Rapporteur of the UN Working Group on the use of mercenaries, the speakers specially invited to analyse the approach to the IOHRP, were as follows:

1. Mr. Jose Luis Gómez del Prado, President and Rapporteur of the UN Working Group on the use of mercenaries. Topic: "Resolutions adopted by the Santiago Congress on the Human Right to Peace: The Santiago Declaration and the Statutes of the IOHRP"
2. Mr. Carlos Villán Durán, President of the Spanish Society for the International Human Rights Law. Topic: "The role of the IOHRP in the codification process of the right to peace within the Human Rights Council and its Advisory Committee"
3. Mr. Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief. Topic: "Human right to peace and freedom of religion or belief"

3. Presentations

Mr. Jose Luis Gómez del Prado stated that the globalization of the world which started in the XV century with the discovery of America by Christopher Columbus and the circumnavigation of the globe by Vasco de Gama and Magallanes has been finally completed at the end of the XX century: not only the economy and the markets are interconnected at any time, but also transports, Internet and telecommunications connect and rely peoples, different cultures and civilizations of the whole world.

Our planet Earth is one and globalized but more and more divided and what is more dangerous: There is no global government, no authorities to take decisions for a world society. We are living in a globalized community which is unable to take global decisions to deal with the problems we are confronted with, such as:

- The increasing dissemination of weapons, nuclear bombs and the danger of their illicit traffic;



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- The contracting out to the private sector of military and security functions and the privatization of war;
- The increasing religious, ethnic and political conflicts and the danger of the clash of civilizations;
- Climate change
- The financial speculation and the unregulated economy which produces crisis and poverty. Inequalities are increasingly flagrant even in the most developed and democratic country, the United States, where 400 American people have more wealth than 155 million Americans together.

Mr. Gómez del Prado added that as indicated by the French sociologist Edgar Morin,¹ we need a radical transformation, a metamorphose, of the way we are living otherwise we run into chaos and disintegration. Our governments are unable to come with global solutions. Fortunately, from time to time marginal initiatives come from civil society. The UN Special Rapporteur on the right to food, in his latest report to the Human Rights Council, for instance, is proposing agroecology, an ecological science that can help put an end to food crises and address climate change and poverty challenges.

Other remarkable civil society initiative deals with the World Campaign on the **human right to peace** launched by the Spanish Society for the International Human Rights Law (SSIHRL). The World Campaign culminated with the **2010 International Congress on the Human Right to Peace** held in Santiago de Compostela and the adoption of two important resolutions: the *Santiago Declaration on the Human Right to Peace* and the *Statutes of the International Observatory of the Human Rights to Peace*.

- **The *Santiago Declaration of the Human Right to Peace*** contains a proposal elaborated by civil society to deal with the enforcement of one of the most fundamental rights of the human being: his/her individual right to peace which implies to live in a world disarmed which controls one of today's major dangers. It was drafted as a possible declaration which the UN General Assembly may adopt when its Member States will be decided to take action in this field.

As independent experts, he said that, we think that the time is ripe to do so, that the world cannot continue marching to its destruction. In 1989 with the fall of the Berlin wall and the dismantling of the USSR, the world missed an extraordinary and unique occasion to change the route, to envisage a new model. Instead, according to SIPRI, the Institute for

¹Edgar Morin, *La Voie*, Fayard, 2011.



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Peace Studies of Stockholm, in 2009 we spent 1,5 trillion dollars in arms. The financial crisis of 2008 did not affect at all this industry of death. This represents a steady increase every year: From 2000 of almost 50% and from the previous 2008 of 6%.

The *Santiago Declaration* is a concise instrument. Its Preamble makes reference to all the initiatives regarding actions which have been taken at the international level to bring an end to armed conflicts and impose peace. The Declaration itself contains only 15 articles which are divided in two parts. The 12 articles of Part I deal with the different rights: it defines who are the right holders and the duty holders.

Individuals, groups, peoples and all humankind have the inalienable right to a just, sustainable and lasting peace

States, individually, jointly or as part of multilateral organizations, are the principal duty-holders of the human right to peace

The human right to peace is comprehensive and all embracing including the most fundamental rights such as, the right:

- To education,
- To human security and to live in a safe and healthy environment
- To freedom of thought, opinion, expression, conscience and religion
- Refugee status
- Emigrate and participate

But the Declaration also contains emerging rights such as the right:

- To disarmament;
- To disobedience and conscientious objection
- To development and sustainable environment
- To resist and oppose oppression

Clauses regarding the fundamental responsibility for preserving peace and protecting the human right to peace, are included in Part II of the Declaration, which emphasizes that responsibility for the realization of 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 realize the purposes and principles proclaimed in the UN Charter.

The Santiago Declaration also stipulates that



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In order to better guarantee the human right to peace, 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. The methods of work of the Security Council must be transparent and allow a meaningful participation in its debates by civil society and other actors.

In order to implement the Declaration, he pointed out, the General Assembly is requested to establish a **Working Group** which functions would include, *inter alia*:

- ✓ To carry out *in loco* investigations concerning violations of the human right to peace and to report to the pertinent bodies;
- ✓ To address, when it considers it appropriate, recommendations, appeals and urgent actions to the UN Member States, asking them to adopt appropriate measures for the effective realization of the human right to peace, in accordance with Part I of the Declaration;
- ✓ 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;
- ✓ To present an annual report of its activities to the General Assembly, the Security Council and the Human Rights Council, in which it will include the conclusions and recommendations it may be considered necessary to the effective promotion and protection of the human right to peace, paying special attention to situations linked to armed conflicts;
- ✓ To prepare for the attention of the General Assembly a draft international convention on the human right to peace with a mechanism for monitoring inter alia States compliance with its full and effective implementation.
- ✓ To submit to the Prosecutor of the International Criminal Court or other competent international criminal tribunals, reliable information about any situation in which it would appear that crimes which fall within the jurisdiction of the International Criminal Court or of another international criminal tribunal, have been committed;

Then the speaker referred to **the second resolution which was approved in the Santiago Congress: *The Statutes of the International Observatory of the Human Rights to Peace*.**



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Such International Observatory is to be established within the Spanish Society for the International Human Rights Law (SSIHRL).

Among the main objectives of the Observatory one can mention the promotion of the Santiago Declaration of the Human Right to Peace as well as ensuring that the process of codification of the human right to peace is achieved in the United Nations. The International Observatory will develop indicators to assess the respect for the human right to peace and will prepare an annual report.

The International Observatory will conduct fact finding missions and will contribute to the peaceful settlement of conflicts. This is of particular importance given that the increasing automation of war with the development of robots. In fact robots can be managed from far away without being in the theater of war operations, which facilitates rapid reaction in the form of “preventive” wars, instead of prioritizing conflict prevention by handling conflicts by civilian approaches.

The main organs of the International Observatory are: the General Assembly, the Executive Committee and its Bureau, and the International Secretariat.

Any civil society organization, particularly human rights NGOs, interested in the promotion and defense of the human right to peace, may become member of the General Assembly of the International Observatory. In this connection all the civil society organizations, which include over 900, particularly human rights NGOs, associated with the codification process of the human right to peace within the civil society, shall be invited to apply for entry into the IOHRP as founding members of the General Assembly.

The Executive Committee will be made up of 15 experts: 10 international and 5 from Spain with a mandate of 5 years.

The International Secretariat will implement the decisions adopted by the General Assembly and the Executive Committee.

It is envisaged that the International Observatory will have a wide source of funding, both public and private.

Introducing his speech, **Mr. Carlos Villán Durán** pointed out that SSIHRL welcomed the International Congress on the Human Right to Peace, which took place in Santiago de Compostela (Spain) in the context of the World Social Forum on Education for Peace. It approved on 10 December 2010 by consensus two important resolutions: Firstly, the *Santiago Declaration on the Human Right to Peace*, which represented the aspirations of the international civil society aiming at the codification of the human right to peace. Secondly, the Santiago Congress approved the Statutes of the International Observatory of the Human Right to Peace, which is to become operative on 10 March 2011 as a part of the SSIHRL, thus benefiting from the wide experience accumulated by the SSIHRL throughout its



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four-year World Campaign on the human right to peace, which has received the support of more than 900 civil society organizations world-wide, as well as numerous public institutions.

He added that the Observatory intends to network with local csos interested in the promotion and defence of the human right to peace. The csos that are part of the World Alliance on the Human Right to Peace will be especially invited to formalize their incorporation into the Observatory. The main purpose of the Observatory will be the promotion and implementation of the *Santiago Declaration* and to monitor the codification process of the human right to peace within the UN, ensuring that the General Assembly adopts a Universal Declaration that will take into account the *Santiago Declaration* and its preparatory work.

Furthermore, the Observatory will prepare field reports; develop reliable indicators to measure the States and other international actors' compliance with the human right to peace in accordance with the normative content of the *Santiago Declaration*; and publish reports on situations of serious, massive and systematic violations of the human right to peace.

The Observatory is expected to assist Member States and international Organizations to focus on the development of the three pillars on which the Charter of the United Nations is based, namely: the system of collective security which prohibits the threat or use of force, and promotes the peaceful settlement of disputes in accordance with international law; the economic and social development of all peoples; and respect of human rights and fundamental freedoms for all without discrimination. Under these three pillars the human right to peace will be built.

The speaker indicated that the Human Rights Council has been working since 2008 on the "Promotion of the right of peoples to peace". On 17 June 2010 it adopted resolution 14/3 on the right of peoples to peace, 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". In that regard it 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 Council at its 17th session".

Therefore, the Advisory Committee (recommendation 5/2, of 6 August 2010) established a drafting group of four members who submitted its progress report to the Advisory Committee in January 2011. By recommendation 6/3, of 21 January 2011, the Advisory Committee took note of the progress report; increased to six the members the drafting group; and requested it to prepare a questionnaire to be distributed to all the



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stakeholders to ask for their inputs on the right to peace. In the light of the comments to be received, the drafting group will submit in January 2012 a draft declaration on the right to peace to the Advisory Committee. The progress report will also be submitted to the HR Council at its 17th session.

The **progress report** recognised the important contribution of civil society to the international codification of the right to peace within the United Nations, paying tribute particularly to the World Campaign on the human right to peace carried out by the SSIHRL with the support of more than 900 NGOS.

As the *Santiago Declaration*, the progress report suggested to consider peace as the absence of organised violence, the effective protection of human rights, gender equality and social justice, economic well being and free expression of different cultural values, without discrimination. Consequently, it proposed nine guiding dimensions to be included in the future draft declaration. Additionally, it recognised that the right to peace has a double dimension —individual and collective—, and that the duty-holders of the right are both peoples and individuals. Besides, it noted that the establishment, maintenance and strengthening of the right to peace requires the implementation and respect of all human rights for all.

Finally, the progress report recognised that the contribution of women to the cause of peace is fundamental to the full development of a country and world-wide welfare. Therefore, all international actors should empower women in their contribution to building, consolidating and maintaining peace after conflicts and to participate at all levels of decision-making process on peace and security issues. To this purpose gender perspective should be incorporated in a comprehensive peace and human rights education. Furthermore, national laws and policies discriminatory against women should be reviewed, and legislation addressing domestic violence, trafficking of women and girls and gender-based violence should be adopted.

Mr. Carlos Villán added that the phenomenon of intolerance in matter of conviction or belief constitutes a danger for the peace in the world. As several Special Rapporteurs have concluded, it has been a disturbing feature in many regions of the world and has caused the loss of many lives by bringing about many wars and repression throughout human history. Discrimination and violence in the name of religion or belief is at the heart of many conflicts that are based on religious issues, often intertwined with particular ethnic, national, political or historical backgrounds. The HR Council recognised that “the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or belief, continue to bring, directly or indirectly, wars and great suffering to humankind” (resolution 4/10).



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Since freedom of religion or belief is protected as a fundamental right under international law, the inter-religious and intra-religious dialogue is vital for the prevention of conflicts. Although the interreligious dialogue alone does not solve underlying problems, it may be a first step in the right direction to look at a common strategy to reduce tensions and promote tolerance. Several Special Rapporteurs recommended that the HR Council invite Member States to promote and practise dialogue among cultures, civilizations and religions as a more profound way of combating racism and religious intolerance.

Education is an essential tool to create a genuine human rights culture in society. Schools can be a suitable place to learn about peace, understanding and tolerance among individuals, groups and nations to develop respect for pluralism. School education should contribute to the elimination of negative stereotypes that frequently poison the relationship between different communities and have particularly detrimental effects on minorities. Appropriate resources should also be available to develop non-formal educational programs as a partnership between governments and CSOs.

Mr. Carlos Villán Durán finalized his presentation by indicating that the SSIHRL and associated CSOs welcome that the proposals of the progress report may also be found in the *Santiago Declaration on the Human Right to Peace*. However, the *Santiago Declaration* addressed other issues that should be included in a future declaration, namely:

1. To consolidate the human right to peace in its double dimension —individual and collective— as a means to foster the right to self determination of peoples and all human rights, including the right to development;
2. To recognize the close relationship between human right to peace and integrity, liberty and security of the person and the refugees law; physical and mental health and well-being; the need to protect victims from uncontrolled weapons of mass destruction and from conventional weapons, genocide, crimes against humanity, war crimes and sexual violence and ensure redress for the victims; the need to disarm all weapons; the right to emigrate, to return to the country of origin and to not emigrate; the right to know the truth about human rights violations; the need to protect the rights of the most vulnerable, in particular, women and children;
3. To strengthen the exercise of civil, political, economic, social, cultural and linguistic rights to enhance social justice, equity and gender equality, and the elimination of extreme poverty, to enable solidarity, peace and friendly relations among all nations, races, ethnicities or religions;



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4. To stress that the human right to peace includes the rights to environment and to education on and for peace and all other human rights, as well as the construction of democratic, egalitarian and multicultural societies;
5. To defend the dialogue and peaceful coexistence among cultures, civilizations and religions or belief, to combat racism, racial discrimination, xenophobia and related intolerance;
6. To identify further measures to implement the human right to peace in accordance with the UN Charter, the UDHR and the international and regional human rights instruments. And,
7. To recognize women contribution in the field of peace-building and to stress the importance of their participation at all levels of decision-making, as affirmed by the GA in its resolutions 3519 of 1975 and 3763 of 1982; and by the SC in its resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009); and to claim a full and effective implementation of the SC resolution 1325 on women and peace and security.

Mr. Heiner Bielefeldt started his presentation by giving a good message to the audience indicated that freedom of religion or belief is a **peace project** whose purpose is to promote the harmonious peace and respond efficiently to the human consequences stemming from civil wars, catastrophes and massive movements of refugees. He added that one of the most important principles for achieving peace is the need to accept and respect diversity, dignity and freedom, principles which are based on common interests of all human beings. For the Special Rapporteur, the freedom of religion or belief has as main purpose to allow individuals to express their conviction in a peaceful manner. He recognised that the harmonious peace project is not an easy project to be implemented.

The Special Rapporteur then strengthened the importance of the interreligious dialogue as means to promote the cooperative and positive interaction between people of different religious traditions and spiritual or humanistic beliefs, at both the individual and institutional level with the aim of deriving a common ground in belief through a concentration on similarities between faiths, understanding of values, and commitment to the world. Besides, he indicated that schools should promote empathy, respect, diversity, solidarity, understanding, peace and friendly relations among nations and all racial, ethnic or religious groups, and encourage the interreligious dialogue.

Finally the Chair-person opened the general debate among participants.



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At closing the meeting the Chair-person thanked the speakers, the interpreters and the organizers of the expert meeting and the participation from the floor. He invited all interested organizations to respond to the questionnaire to be distributed soonest by the AC drafting group.