

The Culture of Peace for the Security of Future Generations

peace culture

Peace and Human Rights

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*Higher Education
Volume One*



The Culture of Peace for the Security of Future Generations

Higher Education Volume One

1

“Everyone talks about peace but no one educates for peace. In this world, they educate for competition, and competition is the beginning of any war. When we educate to cooperate and be in solidarity with one another, that day we will be educating for peace.”

María Montessori

“...It is time for all to commit to be a force for good, a force for peace: to support the project “Culture of Peace for the Security of Future Generations”, contributing to a more secure future for mankind and for the coming generations...”

Michael Frendo, “*Committing to Culture of Peace*”



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The Culture of Peace for the Security of Future Generations

Higher Education | Volume One

Peace and Human Rights

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Acknowledgments

On September 7, 2017, I submitted a proposal to the General Assembly of the United Nations. If the proposal succeeds in being implemented, it will be a milestone for future generations. Its realization certainly depends on our united efforts, especially on our sincere will and determination to serve humanity. The proposal is a project entitled “Culture of Peace for the Security of Future Generations” and requires that all actors of the international community commit themselves to introducing special lessons on Culture of Peace to their educational programs and materials, starting from kindergarten and on to primary education, high school and university. This project has been welcomed by the General Assembly of the United Nations to which I wish to extend my warm thanks. The approval of the project represented an incentive for me to move on to the next steps in the concretization of my idea. On November 22, 2017, the Foundation opened in Rome Abdulaziz Saud Albabtain’s chair for Culture of Peace and took care of all its activities. We have entrusted the task of supervising it and teaching Culture of Peace to the European Centre for Democracy and Human Rights, which includes 100 universities from around the world.

I have also decided to set up an international committee to oversee and guide in facilitating the task of those who will be teaching Culture of Peace to future generations. It was then that I presided over the first meeting of this Committee in Rome, on 23 November 2017, the day after the opening of the Peace Chair at the Centre of Altiero Spinelli at the University of Rome. We, then, held a second meeting in Rome on 28 January 2018 (two consecutive days), during which we outlined the content of the manuals. We also met in Lisbon, Portugal, on 4 and 5 April 2018, during the International Symposium held by the Gulbenkian Foundation on higher education during ‘emergency times,’ and also on the occasion of receiving the Portuguese government’s seal from President Marcelo Rebelo. As a first step, we all agreed to prepare a “model

manual”, to guide experts in their composition of manuals for all education levels. The experts took into consideration all the suggestions given by members of the committee, thus combining the best of propositions in drafting the proposal.

On September 5, 2018, I presented this Manual to the General Assembly of the United Nations at the high level Forum on Culture of Peace. It was accepted by the participants with a special request to add lessons on different tools to protect the cultural heritage.

Since that, as a second step the overseeing committee engaged the expert teams specialized in manuals composition. The selection of members of the teams was done on the basis of three criteria:

- **Experience in teaching and in subject matter;**
- **Mastery of at least two languages (English and French) besides the mother tongue, in each country;**
- **Geographical diversity: experts from at least two or three continents or more.**

The overseeing committee recommended the adoption of the best examples from diverse schools as well as the implementation of an English educational system in its British, American as well as Anglophone forms. It also urged the consideration of other effective educational approaches in other systems such as the Finnish, German and Italian ones.

The manuals are currently being drafted by three teams of specialists relying on the model manual which was presented to the UN General Assembly on September 5, 2018. These teams are:

- **Team of kindergarten, primary and basic education experts.**
- **Team of secondary education experts.**
- **Team of higher education experts.**

We urged the teams to finalize the manuals by the end of April 2019, so that we could present them to our guests at the first edition of the World Forum for Culture of Peace to be organized by the Foundation at the International Court of Justice in The Hague, on June 13, 2019.. A number of world leaders as well as political, social and cultural actors will be present at this Forum. In order to ensure the comprehensive completion of our work within the deadlines, the

overseeing committee entrusted Professor Touhami Abdouli, the General Director of the Foundation, with the coordination, follow-up, and supervision of the manuals. So my deep thanks to all the talented expert teams who composed the manuals and did respect the deadline:

- **Luigi Moccia**, University of Roma Tre, Italy.
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- **Michael Frendo**, former Maltese Parliamentary Secretary and Minister of Foreign Affairs, currently a Vice-Chairman of the Venice Democracy Commission.
- **Charles Nothomb**, President of the North-South Dialogue Foundation, former Belgian Foreign Minister.
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- **Laura Troisi**, Secretary General of the World Academy for Poetry.

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- **George Ulrich**, Secretary General of the European Inter-University Centre for Human Rights and Democratization.
- **Touhami Abdouli**, Director General of Abdulaziz Saud Albabtain Cultural Foundation and former Secretary of State of Tunisia for European, Arab and African Affairs (2011-2016).

In conclusion, these manuals could be enriched by your valuable remarks as they are designed for Culture of Peace which is always in process....

Culture of Peace does not need proof and evidence because it is evidence of itself.

Abdulaziz Saud Albabtain

Kuwait, May 1, 2019

Foreword

Committing to Culture of Peace

These “Manuals” (from kindergarten to elementary schools, high schools and universities) to be presented to the international community within the different activities of the “World Forum for Culture of Peace” that will be organized by the Albabtain Cultural Foundation on June 13, 2019, at the International Court of Justice (Palace of Peace) in the Hague, Netherlands, represent another truly worthy achievement of a man who, successful in his business ventures, dedicated himself to literature, to poetry, and to the furtherance of the idea of humankind living together in harmony, respect and understanding, which lie at the heart of Culture of Peace.

Abdulaziz Albabtain is a peaceful voice from the Arab World, passionately furthering an ambitious project to create an international community - within our reach - where we all together jointly assert our “common commitment” for the “security of future generations” by providing them with an educational formation in Culture of Peace.

Certainly, it is in our much maligned Europe, that we have managed to keep a peace for over seventy (70) years by undertaking a unique political, economic and legal construction on the bloodied soil of the very continent that was the cause of two World Wars in one century.

In the context of a shared European perspective, when we speak of Culture of Peace, the vision of the European founding fathers and its actual implementation are central to the theme. The choice was to seek political integration through economic integration and the first step was the sharing of what at the time were the raw materials of war with the European Coal and Steel Community. That dedication to peace is at the heart of the European project in the proven belief that the more the peoples and States of Europe manage to successfully share political and economic sovereignty the less vulnerable they are to fall victim to the isolationism which is the breeding ground of war and conflict.

The achievement of the European Union stems also from the same post-World War II spirit of a collaborative and internationally linked world where the nation-state joins up in international organizations such as the United Nations and its Agencies. The Charter of the UN, in its very preamble makes it clear that “the peoples of the United Nations” have joined together “to practice tolerance and live together in peace with one another as good neighbours and to unite our strength to maintain international peace and security”.

For long, in the immediate post-war and in my generation, we took for granted that these noble aspirations had been embraced by the whole world and that the commitment to the direction of international cooperation and sharing of decision-making was unswerving.

Worryingly, we are witnessing events and political choices which do not allow us to take this trend for granted any more. The euphoria of the fall of the Berlin Wall, the reunification of most of Europe soon subsided with the indiscriminate attacks on civilians by non-state terrorist groups that engendered widespread fear in the name of extremism, religious or otherwise.

The sharing of sovereignty in the European Union is under assault from the forces of populism and nationalism: the model of collaborative internationalism which is at the heart of peace in our times has given rise to new walls of nationalism instigated by many factors, not least the issue of massive economic migration, isolationism and nationalistic rhetoric of grandeur.

Perhaps never more than now, therefore, has there been a need to further Culture of Peace in our world - and the project of “Culture of Peace for the Security of the Future Generations” not only comes at an appropriate time but also takes on greater significance in the attempt to ensure that Culture of Peace, as the basis of security for future generations wins the hearts and minds of the new generations.

That great champion of peace and non-violence, Mohandas Karamchand Gandhi, better known as the Mahatma, put it very aptly, when he said:

“If we are to teach real peace in this world, and we are to carry on a real war against war, we shall have to begin with the children”.

And the Mahatma was someone who knew about the consequences and suffering of choosing the road of non-violence to achieve his political goal of independence for his great nation. His dedication to non-violence as a matter of principle and belief was not a matter of policy. His commitment to discredit the dictum that the end justified the means was based on his conviction that the means were actually an integral part of the end.

“Non-violence is not a garment to be put on and off at will. Its seat is in the heart, and it must be an inseparable part of our being”, he taught. And “The attainment of freedom, whether for a person, a nation or a world, must be in exact proportion to the attainment of nonviolence for each”.

In showing effectively that there is an alternative to violence as a means to achieve political aims, Gandhi is a prime example of a champion of Culture of Peace in our world.

The same philosophy permeates the principles guiding the United Nations Educational, Social and Cultural Organization, UNESCO. Indeed, as stated in the Memorandum to a Letter by a number of States that requested for the first time a discussion on Culture of Peace in the United Nations General Assembly, the concept of Culture of peace and its propagation, “dates back to the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), adopted more than 50 years ago, wherein that organization is called upon to construct the defenses of peace in the minds of men because ‘a peace based exclusively upon the political and economic arrangements of Governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and ... the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind’.”

Doing exactly this: the founding of Culture of Peace upon the intellectual and moral solidarity of mankind, therefore, is a task to which we are all called: to ensure the security of future generations.

However in doing so, we must steer clear of the facile mixing up of appeasement for peace, lest we suffer the fate of Chamberlain's waving of his agreement with Hitler in 1938 as proof of "peace for our time". There is no peace in the mollification of tyrants and in the resignation to evil, as was the evil of Nazism.

To achieve peace for our time, for which the believers of all three Abrahamic religions pray, we must ensure a peace of substance. While no one wants to fill in the cemeteries with the victims of war and conflict, neither do we aspire to a peace of the cemeteries.

There was no peace without justice, and it is right and just to continue to pursue that justice even today. Equally, there is no peace for the oppressed if there is no freedom for them. As Hanna Nassar, the former mayor of Bethlehem, that birthplace of the Prince of Peace, once told me when I visited him as Malta's Minister of Foreign Affairs in 2005: "We are not witnessing peace, we are witnessing piece by piece".

Dialogue and Understanding are the tools of Peace. Diplomatic effort at resolving conflict and international tensions must be unceasing, resolute and continuous in the face of what may seem to be a situation of hopelessness. In the spirit of the words of Mother Theresa, "Give but give until it hurts". We must pursue peace with that extra determination, until it hurts.

Peace must have a dividend. In this context, the international community must ensure that peace always has a dividend. And that dividend is upheld and is shown as a carrot for other situations of conflict which require resolution. When we place the violent actors on the same plane as the non-violent actors, when we do not show reward and progress for those who give up violent struggle for peaceful and diplomatic means for change, we are discrediting the value of peace. Peace must have a dividend.

There is no peace without reconciliation. After political change, in the turmoil of events, we need leaders who place a high value on reconciliation as a

means of peace and security for future generations. Perhaps no better example can be found other than the South African Truth and Reconciliation Commission which held public hearings on human rights violations for victims and perpetrators alike. Of course no one can deny that there is a fine line between dispensing justice and granting amnesty in the search for reconciliation and no one reality is the same as the other – but there may be times when, under given conditions, seeking reconciliation becomes paramount for the nation to move forward in peace.

Still in furtherance of peace, reconciliation requires historical memory and the recognition of past mistakes. Speaking recently at the International Peace Institute, my friend and former colleague, Erkki Tuomioja, rightly stated that even where there are peace agreements, the unaddressed history you think you left behind can return “to haunt you and at worst can lead to renewal of conflict.” For, “if you do not know your history, you cannot see into the future.” In this regard, he mentioned the Armenian genocide the definition of which is still contested between Turkey, Armenians and others, and the slowness of Germany to recognize atrocities in what is now Namibia, and the British and the French in India and Algeria.

Real security lies in a global culture of peace and not in the balance of armaments and the race to the bottom. No military strength can protect all citizens in all circumstances and everywhere within one’s territory. Protection lies not only in collaboration with others in security matters and exchange of information but also in the victory of Culture of peace which in itself is a pre-emptive strike against war and conflict.

Peace and security lie in international good neighbourly collaboration in a world which needs to address its own global challenges of climate change, global warming and extreme weather and the ever growing wealth divide where just eight human beings own the same wealth as 3.6 billion people making up the poorest half of humanity.

Peace also requires a social security net provided by each Nation State globally. In many circumstances, extreme and hopeless poverty, morally unacceptable, is also the breeding place and recruiting ground of extremism and violent conflict.

Of course, it is tautological that, even in wartime, with the collapse of peace, no peace is achievable without renewed political process and engagement to stabilize and to heal.

Is the Abdulaziz Saud Albabtain project a project for dreamers? Perhaps it is, but dreaming a better future has been the basis for all true progress for mankind. And at the end of the day peace is no dream for those who have achieved it: it is a fundamental and precious reality to all of us in our time and the basis for all other facets of life. As good citizens, we must also secure it for future generations.

The drive for the development and furtherance of Culture of Peace therefore must continue, in our schools, in our universities, within the nation-state and on a multilateral and international level. We must continue to fight the good fight: that greatness is not expressed in nationalism, in military strength, in the nostalgia of former empire or in isolationism, that force does not overwhelm justice and that war cannot become more appealing than peace.

The imploration of Abdulaziz Saud Albabtain, on the 7th of September 2017, then in the 5th of September 2018, in addressing the General Assembly of the United Nations to launch a project entitled “Culture of Peace for the Security of Future Generations” where the entire international community, governmental and non-governmental would fashion peace based education and cultural manuals on peace in education globally “from kindergarten to elementary schools, high schools and universities” finds resonance in a General Assembly Resolution entitled “Promotion of religious and cultural understanding, harmony and cooperation adopted on 3 November 2005”:

“Encourages Governments to promote, including through education, as well as the development of progressive Manuals and text books, understanding, tolerance and friendship among human beings in all their diversity of religion, belief, culture and language, which will address the cultural, social, economic,

political and religious sources of intolerance, and to apply a gender perspective while doing so, in order to promote understanding, tolerance, peace and friendly relations among nations and all racial and religious groups, recognizing that education at all levels is one of the principal means to build Culture of peace”.

Peace requires also inter-religious dialogue, which I know is so close to the heart of Abdulaziz Saud Albabtain and for which he has contributed so much throughout his life work. Peace requires therefore a renewed interest in the values which are the foundation stones of the major world religions. In its programme “Towards Culture of Peace”, the United Nations rightly includes promotion of interreligious and intercultural dialogue, understanding and co-operation for peace in interconnected processes.

True enough, religions can be divisive and themselves a source of conflict. John Lennon and his famous song “Imagine” would not argue with that. But religions can and should also be a source of common and shared values. Peace is at the heart of Islam, (from Salem - making peace) and of Christianity (love your enemies) as in Judaism where shalom also means wellbeing and therefore showing peace as not just the opposite of war but as the ideal state of affairs.

It is time for all to commit to be a force for good, a force for peace: to support and commit to the work of Abdulaziz Saud Albabtain and of his Cultural Foundation project “ Culture of Peace for the Security of Future Generations”, contributing to a more secure future for mankind and for the coming generations.

Michael Frendo⁽¹⁾

(1) Speaker Emeritus of the Parliament of Malta and a former Minister of Foreign Affairs of Malta, Dr Michael Frendo LL.M. (Exon.), LL.D. (Melit.), K.O.M. is currently Vice-President of the Council of European Commission for Democracy through Law (Venice Commission).

This text is based on a keynote address by Dr Michael Frendo at the launching of the Al Babtain Chair for Peace at the Aula Magna of Roma Tre Universita' degli Studi on the twenty-second of November 2017.

INTRODUCTION

“Establishing lasting peace is the work of education....”

“Everyone talks about peace but no one educates for peace. In this world, they educate for competition, and competition is the beginning of any war. When we educate to cooperate and be in solidarity with one another, that day we will be educating for peace.”

María Montessori

Peace means education...If a child learns well in his early years, he will not forget, and the rules of living in peace... will serve as a guiding beacon.

Abdulaziz Saud Albabtain.

The Rationale

The project “Culture of Peace for the Security of Future Generations” proposed by the “Albertain Cultural Foundation” intends to offer a meaningful contribution to the field of Strategic Studies, at all educational levels. The Manuals are designed to promote Culture of peace as a viable and essential component not only within educational institutions, but with an extended influence to local and international government policy-making agencies as well as religious communities.

The “Culture of Peace project” is envisioned to be introduced in the classroom at an early age and proceed on to all subsequent levels. It is a long term process which should provide both children and young adults with an awareness and respect for human values and rights. In addition to developing the skills of active listening, dialogue and mediation, its proposed courses with diverse levels of competency, include topics such as: guidelines for peace in today’s world peace and conflict theories; international/ regional organizations; international treaties and conventions; intercultural dialogue: the role of religious institutions and communities in the current geopolitical context; and new threats to peace in the global context: resources, international terrorism, organized crime; as well as numerous others.

Why Culture of Peace?

Increasingly, international actors and analysts are advocating a holistic understanding of peace, to move from a definition of peace as the absence of conflict towards one of positive peace. Looking at peace from this perspective requires a shift in focus from identifying and combating the causes of wars to understanding the factors that “foster peaceful, just and inclusive societies, free from fear and violence.”⁽¹⁾ In fact, people would do anything to live a peaceful life. Peace, however, is not a certainty since wars are omnipresent in almost every society, ranging from civil wars to genocide. Moreover, due to the precariousness of the socioeconomic condition of a large portion of society, the inalienable rights of peace and security are often overlooked or thought of as luxuries. Those rights, however, have been proclaimed by the Universal Declaration of Human Rights as principled values which serve as an ethical code for people to follow all over the world, despite ethnic, religious, cultural, or racial diversity. When countries and people are victimized by the ravages of armed conflicts, it is arduous to guarantee respect for Culture of Peace. This is when education must step in and perform a major role. Indeed, to transcend the destructive repercussions of wars, Culture of Peace has to be established. UNESCO’s Constitutional Statement confirms this when it states: “since wars begin in the minds of men it is in the minds of men that the defences of peace must be constructed”. In other words, it is of utmost importance to educate and enlighten people in order to guarantee them the knowledge and respect of their rights in the short and long terms.

It is insufficient to call for peace, long for it, or send an outcry against wars. Rather, it is imperative that we come to terms with the fact that education is the only valid weapon which will enable the citizens of the world to finally attain the long sought after peace. The study of Culture of Peace together with Human Rights should not be solely regarded as an academic topic of education, but rather as an essential tool for attaining behavioural change in favour of a more peaceful society which respects human rights.

In order to achieve the objective of establishing peace and respect for Culture of Peace in education, the aim should be to enrich and deepen the students’ concept of peace in content as well as in its enactment. Teachers should

(1) NYU Center on International Cooperation. “Pathways to Peaceful and Just Societies”, available at: http://cic.nyu.edu/sites/default/files/peaceful_just_inclusive_societies_unga_270916.pdf.

be both informative and active. In other words, they not only need to provide their students with information but also present activities that implement the acquired information into daily life behaviour. Instilling peace in the minds and hearts of the learners will necessarily go hand in hand with Culture of Peace education; an education that advocates the universally acclaimed values of freedom, justice, and equality. If these values were to prevail, people would be able to coexist peacefully, in a conflict-free society.

Culture of Peace encompasses a wide range of subjects and sub-topics, but despite how far-reaching and fast-growing its realm may be, its objective derives from a simple maxim: doing unto others as you would have them do unto you, which is basically synonymous with human responsibility within a framework of shared humanity.

In order for Culture of Peace to be respected and diffused around the globe, universal peace values should comprise an integral part of education from the very first contact with a school setting, namely in kindergarten. Moreover, Culture of Peace education requires a combination of high-quality teaching and learning, intended to provide a well-balanced and fulfilling scholastic environment, which inevitably results in a better balanced and more contented society. Culture of Peace education should offer students the guidance and assistance needed to become responsible, law-abiding, and humane citizens in the real world and such can be achieved by setting up a comprehensive Human-Rights' education enriched with a goal-oriented, thematic, and tangible Manual, adaptable to all the subjects.

These Manuals seek to provide educators of all levels, from kindergarten through higher education, with the guidelines and teaching materials required to inspire and reinforce an awareness of Culture of Peace in learners. Though the manuals are intended to serve as guidebooks for teachers who seek to cultivate Culture of Peace in the classroom, the manual should not be considered binding, but rather adaptable and emendable whenever necessary, in accordance with the feedback of the scholastic community: teachers, experts, parents, students, etc. That being said, it is hoped that these manuals will not cease to evolve and will serve as means to an end rather than an end in itself.

‘Actions speak louder than words’

One cannot give what one does not have. Similarly, one cannot teach something one does not know and preach about something one does not personally abide by. In other words, students do not need to be solely instructed and informed about Culture of Peace at school. For Culture of Peace education to be effective, students need to learn not only how to hold Culture of Peace values in high regards, but also how to hold the destructive deep-entrenched ills in contempt. To do so, teachers must seek to show respect for Culture of Peace in their methods of teaching. For example, a teacher cannot lecture to students about the importance of justice as a value, and then use unfair treatment. That would be contradictory to say the least, and would discredit the teacher in the eyes of the students, who would not be convinced to take the value of justice seriously. Notwithstanding the fact that some academic subjects are not directly associated with Culture of Peace, instructors of any given subject can foster Culture of Peace values in their students through the set of behaviours they try to promote within the classroom such as mutual respect, acceptance, trustworthiness, dependability, solidarity, equality, and equity. These values carry the same weight in the Humanities and the Social Sciences as they do in the Sciences and Mathematics.

It is advisable that teachers include Culture of Peace in the content of their subjects as well as incorporate classroom activities centred on real life issues such as freedom, equality, and justice. In this vein, Ian Lister proposes the following guidelines for a Human Rights school, which could be very useful for the school of Culture of Peace since the Human Rights are basic elements in the education of Culture of Peace. The standards he suggests are tentative ones; nevertheless they are a good set of starting points for any school community that would live by principles of Culture of Peace. In the following quotation of Ian Lister we are replacing the term of Human Rights School by Culture of Peace School as the last necessarily contains the Human rights:

- i. "- Its general structures and practices reflect a concern for the Procedural values which underpin (Culture of Peace), toleration, fairness and respect for truth and for reasoning;**

- ii. It will respect the rights and fundamental freedoms of all its members, including the students, acknowledging that the members have these rights and fundamental freedoms by virtue of their common humanity;
- iii. All are entitled to these (principles of Culture of Peace) and freedoms because of their common humanity, and there will be no discrimination against anyone on grounds of race, religion, social class or gender. In particular, the (Culture of Peace School), will regard and respect children and women as part of common humanity. It will guard against 'unconscious' or 'unintentional' racism and sexism;
- iv. No one in the school should be subjected to torture or to inhuman or degrading treatment or punishment;
 - v. Any punishment must be preceded by due process and a fair hearing;
- vi. Everyone will have the right of freedom of opinion and expression, and of peaceful assembly and association. Students will be able to form, and belong to, issue-related groups which respect the ideals and procedures of (principles of Culture of Peace);
- vii. The education practiced by the (Culture of Peace School), will be directed to the full development of the human personality, and will show a concern for brain and hand, and for intellect and emotions;
- viii. Through its structures and its manual, the (Culture of Peace School) will promote understanding, tolerance and friendship between people of different national, ethnic or religious groups and a concern for the maintenance of peace. It will help its students to acquire the attitudes and skills necessary to facilitate peaceful social change;
- ix. It will recognize that everyone has duties and obligations, as well as rights and freedoms, and that these will include duties to the community and obligations to respect the rights and freedoms of others;
- x. It will be aware of the relationship of rights and freedoms and duties and obligations, and that the relationship between the

rights and freedoms of one (or of one group) and the rights and freedoms of another (or of another group) may be contentious issues. The (Culture of Peace) school will not be without - or seek to be without - conflicts and issues, for they are an essential element in political and social change"⁽¹⁾

Making one's teaching gravitate around the principles of Culture of Peace can be very rewarding even beyond the scholastic environment and benefit the whole community. The manuals do not intend to overburden teachers with extra-manuals tasks, but rather it is designed to serve as a referential didactic tool when including Culture of Peace values in the teaching of already-existing subjects as well as in promoting positive classroom behaviour. However, the manuals for Culture of Peace are not intended to be considered inflexible dogma; indeed, they are subject to ratifications and other suggestions when necessary. Basic Culture of Peace values will be examined and taken into consideration when choosing the different activities and tasks in order to promote an open-minded and considerate conduct at school. The different activities suggested as part of the manuals will not only be suited to beginners but also to students of more advanced levels, due to the universality of its message.

How to foster Culture of Peace in the classroom?

Teachers/ professors are encouraged to disregard conventional didactic methods when setting up the pillars for Culture of Peace teaching. The student needs to feel part of a close-knit unit in a secure atmosphere. In other words, the inalienable rights of the students need to be secured and guaranteed in order that Culture of Peace teaching is efficient and not incongruous with reality. Hence, the learning process cannot be passive, but it must engage the student proactively while placing him/her at the centre of the educational process.

Additionally, Culture of Peace education put into action should not be solely limited to epistemological and conceptual facets. It needs to be interdisciplinary as the focus will be allocated equally to three different fields: the first one dealing with information and knowledge; the second one with practice and projects; and the last one focused on dialoguing and deliberations. This approach to Culture of Peace education should synchro nize the epistemological component

(1) Ian Lister, *Teaching and learning about human rights*, School Education Division, Council of Europe, Strasbourg, 1984.

with the practical one. For Culture of Peace to be assured and carried out in real life, its focus needs to be directed towards changing hackneyed mind-sets and replace them with positive, constructive attitudes. This should start at an early age so as to be more effective and easier to carry out.

Self-Worth

Self-worth on the one hand, coupled with acceptance on the other is one of the most imperative values that need to be addressed seriously and worked on at school. Hence, the learning environment needs to focus more on rewarding rather than punishing. This is a preliminary step towards creating a conducive environment for Culture of Peace. Self-worth can be attained by encouraging different points of view and uninhibited discussions in the classroom as well as acknowledging the fact that every student is entitled to an opinion, no matter how divergent it is from others' opinions. This would also contribute to developing other important values such as mutual respect and self-confidence. Teachers can also stress self-respect by involving the students in the course's outline and conception, which would not only boost their self-confidence but also imbue them with a sense of responsibility and give them a sense of purpose.

Class Arrangement

Deciding the students' seating arrangements is not solely for aesthetic purposes. Indeed, its effects far outweigh the eye-pleasing factor. The way students are seated in the learning environment; the way they are treated; and the way they are instructed are of the essence in determining the kind of persons they grow to be in the future. The classroom environment is actually a microcosm of the greater community. The more responsibility, trust, freedom of speech, democratic values, and mutual respect are nurtured in the classroom, the more it will be reflected on a wider community scale. Moreover, a class managed horizontally, i.e. in which the teacher does not order or direct students, but involves them in a two-way learning relationship, has proven fruitful. This does not mean a total hands-off approach to teaching, but rather that the teacher plays the role of mediator and facilitator of both the teaching process and the socialization process in class.

Problem-Solving

Dealing with conflicts in class, whether they arise amongst students themselves or between the students and the teacher should be handled in a way that fosters Culture of Peace values. As a matter of fact, it is essential to choose a particular course of action to nip crises in the bud especially because in class, conflicts tend to transpire very often. Dealing with conflicts steadfastly actually enables students to acquire the much needed skill of peaceful problem-solving, which can then be put into practice naturally in and outside of class. Instead of focusing on the problem itself, the teacher should underscore a constructive slant that leads automatically and spontaneously to finding a perfect solution. Methodically speaking, a teacher should first recognize the problem, opt for a specific strategy, and finally perform the reached resolution. If done accurately, this process is likely to teach students conflict resolution on their own, without even asking for a teacher to intervene.

Fighting the ‘Isms’

Whether it is racism or sexism or any other “ism”, deprecating or bigoted conflicts that stem from religion, race, or gender grounds must be dealt with seriously so that this kind of behaviour will not spread into the community. It is important to note that this type of hateful demeanour has been noticed at an early age. Hence, it should be remedied early on with the help of a culture of peace centred teaching. One way of combating discrimination is celebrating every chance of diversity in the classroom, be it ethnic, religious, racial, or national. Simultaneously, the Manuals should shed light on the common, universally acclaimed values that bring us together, and steer away from the traits that drive us apart. The same approach should be taken into consideration when dealing with students with special needs.

That being said, teaching Culture of Peace should go beyond manuals choices and extend its reach to the whole teaching method and the general learning atmosphere.

General Introduction

Higher Education Manuals

Manuals aim

Since wars begin in the mind of men, it is in the minds of men that the defences of peace must be constructed (Preamble of UNESCO Constitution, 1945).

These words are at the origins of the mission and of the activities of the United Nations Organization for Education, Science and Culture (UNESCO). The *raison d'être* of this Organization is a simple yet powerful idea: the conviction that, since “political and economic agreements of governments” are not enough for securing the support and the long-lasting commitment of the people of the world, peace must be founded on “the intellectual and moral solidarity of mankind” (*ibidem*). After the Second World War and the scourges caused by the disputes among states, the UNESCO Constitution launched a revolutionary and still inspiring message to the world. It underlines that no change at global level and no permanent eradication of fear, violence and discrimination could be pursued without a permanent transformation of the individual’s way of thinking and behaving in the broader social context.

Thanks to UNESCO, peace – far from being considered just as “absence of war” – became a framework of action to be introduced in people’s lives in a holistic manner. Peace became synonymous of “culture of peace”, namely “a collective and individual ethos animating spontaneous as well as reflexive behaviours conducive to tolerance, openness and dialogue” (UNESCO, 2013). The concept of “culture of peace” was officially adopted also within the broader UNESCO system. According to the Declaration and Programme of Action on a Culture of Peace, adopted by the United Nations General Assembly on September 1999 (A/RES/53/243), culture of peace is a set of “values, attitudes, traditions and modes of behaviour and ways of life” based on a wide array of individual and social dimensions, strongly coherent with the human rights paradigm and the principles of the Universal Declaration of Human Rights (1948). The “culture of peace” encompasses:

- respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;
- full respect for the principles of sovereignty, territorial integrity and political independence of states and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;
- full respect for and promotion of all human rights and fundamental freedoms;
- commitment to peaceful settlement of conflicts;
- efforts to meet the developmental and environmental needs of present and future generations;
- respect for and promotion of the right to development;
- respect for and promotion of equal rights and opportunities for women and men;
- respect for and promotion of the right of everyone to freedom of expression, opinion and information;
- adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations; and fostered by an enabling national and international environment conducive to peace (Resolution A/RES/53/243, Article 1).

Because of its aspiration to change values, attitudes, modes of behaviour and ways of life, the realization of a culture of peace implies a fundamental educational challenge, that of “enabling people at all levels to develop skills of dialogue and negotiation, consensus-building and peaceful resolution of differences” (ibidem). This is why – as recognized by the UN General Assembly – “education at all levels is one of the principal means to build a culture of peace [...] and human rights education is of particular importance” (ibidem, Article 4).

The “Culture of Peace Higher Education Manuals”, a four volumes series, promoted by the “Al-Babtain Cultural Foundation” should be seen as part of this educational path, started with the constitution of UNESCO in 1945, continued with the various initiatives promoted at international, regional and local level over the years, and still alive in the work of people and institutions that are

convinced that in a world buffeted by change and affected by violence, discrimination and intolerance, a stronger mobilisation is needed to build peace in the minds especially of young generations. Indeed, the aim of these four manuals, addressed to students of Bachelor's and Master's degrees is not only to contribute to the recognition of education and human rights education as core components of the "culture of peace", but also to stress the crucial role that culture of peace plays in a global reflection in which universal values are reinforced by cultural diversity and intercultural dialogue. Taking into account all the above, this vocational aim stands high in tune with the UNESCO approach, at creating "intellectual unity" between the different parts of the world, building bridges of dialogue and cooperation with other cultures in order to "positively contribute to universal civilization" (ALESCO Constitution, 1970, Article 1).

The educational approach to the promotion of the "culture of peace" should also be seen as an integral part of an action-oriented project linked with the objectives set by the 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on September 2015. Being an updated and more comprehensive version of the previous eight Millennium Development Goals (MDGs), the 17 Sustainable Development Goals (SDGs) and their related 169 targets represent a "new universal agenda" aimed at eradicating poverty and strengthening universal peace as a way for sustainable development, "leaving no one behind". Various principles have been put at the foundation of SDGs. The 17 Sustainable Development Goals are, first of all, about "people", since their objective is not only to end poverty and hunger in all their forms but also to ensure that all human beings can live in dignity and freedom. The SDGs are also about "planet" and "prosperity" because they aim at protecting and safeguarding the environment, at promoting the sustainable use of its resources and at guaranteeing to everybody the experience of a fulfilling life from an economic, social and environmental point of view. However, these Goals cannot be imagined as being separated from the realisation of "peace" since "there can be no sustainable development without peace and no peace without sustainable development" (United Nations General Assembly, A/RES/70/1, p. 35). Only thanks to this, it would be possible to foster a "spirit of a strengthened global solidarity" that should guide the constitution of a global "partnership" for the realization of sustainable development.

Culture of peace and sustainable development are two sides of the same coin and, in the framework of these “Culture of Peace Manuals”, they are treated in a synergic and mutually reinforcing manner. Both cultural of peace and sustainable development are holistic concepts: they consider material conditions – disarmament, poverty eradication, food security and nutrition – as inseparable from the establishment of peaceful and inclusive societies characterized by education opportunities, gender equality and the sustainable use of resources. Both culture of peace and sustainable development are human rights-based: they reaffirm the importance of the Universal Declaration of Human Rights and of other human rights instruments, stressing the responsibility of all actors to promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. Finally, both culture of peace and sustainable development include an educational challenge: they regard people – and especially children and young women and men – as “critical agents of change”, as protagonists of the establishment of a “practiced peace” (UNESCO, 2013, p. 10), that connects universal principles with the real world and the daily life. The “Culture of Peace Manuals” fully endorse this empowering dimension: by promoting them, the “Al-Babtain Cultural Foundation” gives to students and people in general the necessary tools for translating peace and development into values, behaviours and actions that are relevant for their local context and rooted in a global understanding.

Manuals scope and methodology

The four “Culture of Peace Higher Education Manuals” – 1) Peace and Human Rights; 2) Peace, Human Security and Human Development; 3) International and Local Democracy, Way of Peace; 4) Education for a Culture of Peace and Human Rights – are imagined as up-to-date educational materials aimed at giving to Bachelor’s and Master’s Degree students a synthetic but comprehensive picture of the theoretical and practical linkages between the idea of the “culture of peace” and a wide array of other issues linked with the promotion and protection of human rights, international democracy and sustainable development. The methodological approach adopted within the four manuals can be defined as human-right based, multilevel, culturally relevant and action-oriented.

The Manuals are human-right based in the sense that they consider the international human rights principles and norms as the foundation of the “culture of peace”. For this reason, the discussion of the different aspects that characterise “peace” are done in constant reference to the most important human rights Conventions and Declarations, to the work of the various international, regional, national and local organizations responsible for their implementation and to the practices and policies of human rights protection and promotion in various contexts. In the framework of this work, human rights are considered as the trait d’union of all international, regional, national and local initiatives for the realization of the “culture of peace”. Being the rights that are inherent to all human beings whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, human rights offer a fundamental conceptual lens for orienting the promotion of peace, democracy and sustainable development to the full realization of human dignity. By adopting a human right-based approach, these Manuals will be tools for students not only to increase their knowledge but also to develop their capabilities and to flourish as individuals freely, translating the “culture of peace” principles in responsible choices also in the daily life.

The methodological approach pursued is multilevel in the sense that these Manuals consider the protection and the promotion of human rights – as well as the connected realization of the “culture of peace” – as a mission that should be synergically pursued by different levels of governance, including international and regional organizations (such as United Nations, European Union, African Union and so on), states, but also local authorities, NGOs and civil society at large. According to the classic way of describing the human rights architecture, international human rights treaties establish obligations only on states. However, many globalized phenomena and global dynamics are less under the control of State’s sovereignty and an increasing number of non-state actors have a considerable impact on the effective enjoyment of human rights. Hence, while recognizing the crucial role of national authorities in designing and implementing human rights interventions, the Manuals shed light also on the fundamental contribution that, in specific historical moments and also nowadays, local authorities, civil society organizations and individuals have given to

the advancement of the “culture of peace”, promoting grassroots initiatives that have inspired the international standard-setting and the work of international organizations. This multilevel approach contributes at presenting the “culture of peace” as a shared mission that connects global and local actors, international principles and daily practices.

These four “Culture of Peace Manuals” are also intended to be culturally and professionally relevant. Their objective is, indeed, to discuss the protection and promotion of human rights, international democracy, peace and sustainable development with a particular focus on cultural specificities. By doing so, the Manuals try to be as much appropriate as possible: they discuss concepts and principles in a way that is pertinent and suitable to a given cultural modality or context, respectful of the culture and cultural rights of individuals and communities. This work also stresses the linkage between human rights, the culture of peace and cultural diversity. Considering cultural diversity as being embedded in the “uniqueness and pluralities” of humankind (UNESCO, 2001), the Manuals underline that the promotion of peace and human rights goes hand in hand with the valorisation of these diversities, in a way that promotes dialogue and mutual exchanges.

Finally, the methodological approach adopted is action-oriented in the sense that it aims at complementing theoretical and conceptual elements with practical ones, linked with programmes, policies and initiatives promoted at various levels in different parts of the world. This action-oriented approach is clear also looking at the structure of the four Manuals. In the books, each paragraph is complemented by one or more “insight boxes” containing additional materials such as international policy instruments, quotes from important historical figures, parts of research papers or best practices on the promotion of human rights and the “culture of peace”. This is meant to be useful to foster students’ curiosity and critical skills, stimulating them to look for further information and explanations also beyond the ones offered by these Manuals. The “insight boxes” are deemed to be essential to the educational challenge to which this work aims to respond, that of giving students not only knowledge about norms and principles but also instruments for making them able to translate the “culture of peace” into concrete and transformative practices.

1. THE NEXUS PEACE HUMAN RIGHTS

1.1 The Universal Declaration of Human Rights: origins, structure and contents

In the course of the centuries, the spreading of ideas under the universal values umbrella brought about a production of legal instruments in the form of “Charters”, “Codes”, “Declarations”, “Constitutions”. Within this long process of standard-setting, such ideas naturally operate within the transnational space that pertains naturally to them, while legal rules, especially when in writing, are relevant within each “sovereign” state, separately from each other.

The long journey toward the recognition of fundamental rights is marked by acts of legal positivization such as the Magna Charta Libertatum (1215), the Charter of Kurukan Fuga (approximately 1230, Western Africa), the English Bills of Rights (17th century), the American Declarations and Constitution (18th century), the French Déclaration des droits de l’homme et du citoyen (1789). In addition to several national “Constitutions” (19th and 20th century): karstic processes which emerged in the second half of the 20th century and flow into the channel of the “new” International Law. Thus, the legal standard-setting of fundamental rights long enclosed in the domestic jurisdiction of the states has become international, in a proper relation of scale with the immanent universality of the human rights paradigm.

With the United Nations Charter of 1945, and the Universal Declaration of Human Rights of 1948, the “constitutional rationale” has been extended to a world level, overcoming the borders of state sovereignty. For the first time in the history of humanity, the human being has been recognised as a subject of international law: or better, as the original subject of law. Article 1 of the Universal Declaration is explicit regarding the “inherence” of fundamental rights: “All human beings are born free and equal in dignity and in rights. They are endowed with reason and conscience and should act towards each other in a spirit of brotherhood”.

Furthermore, the Preamble of the Universal Declaration states that “the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace

in the world”. This means that human dignity is assumed as the founding value of world order.

The Universal Declaration of Human Rights is to be considered as the great mother of the new human-centred International Law. Its 30 articles listing rights and principles contain the DNA, namely the genetic code of legal rules with immanent, ontological validity.

The Universal Declaration, as a fertile mother, has so far “generated” approximately 130 legal instruments (mainly in the form of Conventions, Covenants, Protocols) which gradually constituted the organic corpus of the International Law into force and that are at the basis of the universal and regional systems of human rights. In particular, the two International Covenants of 1966, respectively pertaining to civil and political rights and economic, social and cultural rights, clarify what is proclaimed by the Universal Declaration and impose specific implementation obligations on the states.

The principles of the new international law are the following: centrality of the human person, equality of human beings, universality of fundamental rights, interdependence and indivisibility of all human rights (civil, political, economic, social, cultural), interdependence between democracy, peace and human development, death penalty and war are incompatible with the dignity of the person, best interests of children, and women’s human rights are inseparable from universally recognized human rights.

The principle of interdependence and indivisibility derives from the ontology of the human being, entirely made of matter and spirit, body and soul. Thus, economic and social rights (from the right to food to the right to work) are just as fundamental as civil and political rights (from the right to freedom of association to voting rights).

The principle of interdependence and indivisibility of human rights was formally set forth in December 1977 by the UN General Assembly upon proposal and pressure coming from non-European countries with the Resolution 32/130 entitled “Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms”:

(a) All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights;

(b) The full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible.

Most of the Western countries abstained or voted against the resolution but, as is well known, this principle is included today in the 1993 Vienna Declaration as a fundamental principle of international human rights law:

5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world”.

We must also point out that attention towards economic, social and cultural rights has gained strength thanks to the strategic interconnected visions of human development and human security elaborated especially in the framework of the United Nations Development Program. To its initiative we also owe the 1986 United Nations Declaration on the right to development. It should be pointed out that also in this field non-western scholars and politicians played a major role.

Nowadays, owing to the very paradigm of universally recognised human rights, we are in the middle of a process of cross fertilisation of cultures and political visions.

The axiological-practical culture (values + actions) of human rights is the result of the convergence of the “universalistic” parts of major cultural stories developed in the course of the millennia, particularly humanism (freedom, reason, consciousness), cosmopolitanism, liberalism, socialism, community personalism. Jacques Maritain played a significant role in this philosophical and legal discussion; he theorizes human rights in terms of “practical truths”: vital needs (material and spiritual) of the human being which must be “satisfied” so that his/her personality can be completely realised. This is the true meaning of “legal” verbs such as defend or guarantee human rights. In order to meet vital needs (not whims or what is unnecessary...) it is not enough, although indispensable, to obtain a court judgment resulting in possible penalty and damages, operating post factum, following violations. Sentences must be advanced by social policies and positive measures which prevent the rights violations, operating before the events in question.

In the logic of human rights, the rule of law and the welfare state represent the inseparable binomial of a humanly sustainable statehood.

That of human rights is the “Lore of Freedom”, indeed of the freedoms from and for: from fear and need, for human dignity, for life, for peace, for human development. It is the knowledge of practical virtues and good governance, whose theory essentially feeds on the constant interaction among philosophy, law and pedagogy.

Teaching and education in human rights (peace, active citizenship) are a primary guarantee as expressly proclaimed by the same Universal Declaration:

The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance

Being the Universal Declaration the “ferryman” that brings universal human ethics into the political and economic arenas, it is also the core of any genuine educational strategy. It should be pointed out that the pan-human law,

as the hard core of the human rights knowledge is a particularly useful tool for pedagogical purposes because it permits to refer to values that, for the very fact that are included in international legal norms, cannot but be assumed as less arbitrary than others.

In this respect, we point out two legal instruments of exceptional importance and usefulness: the United Nations Declaration “on education and training on human rights” (2011) and the European Charter on “education for democratic citizenship and human rights education” (2010, Council of Europe). These are both actual “handbooks” in pedagogy, with specific didactic instructions.

The legal recognition of vital needs, that is the solemn transposition of the supreme value of the dignity of the human being within the positive law, is the objective constantly pursued, first within the states and then also at the international level, so that the obligation to respect fundamental rights applies to everyone and everywhere.

When human rights become positive law, the entire traditional plant of the latter must deal with natural law: "all human beings are born free and equal ...". The written law of human rights has always, by its nature, a constitutional status whatever its formal expression, and it is therefore the law that legitimates the overcoming of any other law that does not conform to it.

With the international recognition of human rights, the humancentric revolution begins within the legal and political system of international relations, a Copernican revolution that places the human person at the centre of the system, no longer the sovereign state, as sanctioned from the Peace of Westphalia of 1648.

By explicitly proclaiming that in the equal innate rights of human persons lies the foundation of any legal order, the new international law assumes the principle of protection of human dignity (*humana dignitas servanda est*) as having primacy over that of state sovereignty.

The international juridical recognition of human rights is not a substitute for internal recognition, but serves to strengthen the existing systems of guarantees within states and to stimulate their creation where they do not yet exist, because:

- i. provides the updated list of human rights, thus fulfilling, at least in part, a function of “literal” certainty of the law at world level;**
- ii. obliges states to submit themselves to forms of international control;**
- iii. complete, with a sort of fourth degree appeal, the phases of judicial remedies which normally stop at the third degree at national level;**
- iv. obliges states to transform their respective legal systems in a constitutional-democratic sense by adapting them to the standard established by the international law.**

The assumption of universality that has always subtended the human rights discourse today finds historical confirmation, that is, it is an empirically founded assumption both from their international juridical recognition and from the fact that, when there are sufferings due to violence, poverty and injustice, discrimination, pollution, in any part of the world the invocation-claim is: human rights, fundamental human rights, the rights of women, children, minorities, refugees, migrants. Therefore, vox populi human rights.

When volunteers from non-governmental organizations and transnational solidarity movements meet on the occasion of the United Nations World Conferences and the continental and sub-continental meetings that prepare them, the code of human rights is used as a paradigm that facilitates communication between these actors of global civil society and legitimizes its international role.

The logical universality of fundamental rights is today the historical universality of practical truths. Otherwise said, the rights of the person are "universalized in the field" by virtue of both the invocation of those who suffer, and the increasingly widespread monitoring operations conducted by specialized international institutions, both governmental and non-governmental.

The universalism of human rights is nourished by the process of internationalization of the same which develops on the triple level of legislation, politics and organization.

In the international yard the texts of the legal conventions and of the declarations of principles are prepared, the laws in force are interpreted, jurisprudence is made and therefore the principles used to guide the application of the rules are elucidated, information is disseminated, the research and teaching of

human rights are promoted in the school, technical assistance programs are implemented to the countries that are preparing to establish the first institutions for the protection of human rights.

Today, we cannot adequately address the issue of human rights if we do not know what is happening on this site, in which the main cultures of the planet are compared, and new legal rules and interpretative documents are drawn up.

1.2 Universality and cultural diversity

The knowledge of human rights is also for intercultural dialogue. To be beneficial, such dialogue must involve the sharing of a core values paradigm to carry out processes of inclusive citizenship aimed at pursuing together objectives of common good in the territorial community of residence. The paradigm to share and to draw from to purify the different cultural stories from their waste cannot but be the Universal Declaration of Human Rights: source for universal inspiration. The UNESCO considers intercultural dialogue as the path to develop a universal culture of human rights.

The bridge-building between cultures and between religions is an expression of positive secularity. This trend guides the important UNESCO Convention of 2005 “on the protection and promotion of the diversity of cultural expressions”. Article 2 contains eight guiding-principles, the first of which states that “cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof” (*italics added*). Article 4 defines eight concepts, the last of which states that “interculturality refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect” (*italics added*). Therefore, dialogue between cultures is seen not as a mere reciprocal exchange of information, but as a process leading peoples to share a more widely-embracing human rights value model allowing all together to pursue goals for the common good,

and to create “shared cultural expressions”. That is, we aim at developing a universal culture that will enrich the multiple identities of the person; it will tend to foster achieving a “transcend civic identity” as a higher degree of awareness concerning our plural citizenship.

It is precisely in this perspective that international human rights law prepares for its cultural assimilation by the various regional, national and sub-national contexts. This explains the existence of regional human rights systems: European, inter-American, African, Arabian, each based on a framework convention explicitly rooted in the United Nations Charter, in the Universal Declaration and in the two 1966 Covenants. This common referral to a single supreme source is another powerful demonstration upholding the universality of human rights.

Insight Box 1. Cultural diversity and human rights

“(…) Cultural diversity, however, can only thrive in an environment that safeguards fundamental freedoms and human rights, which are universal, indivisible, interconnected and interdependent. No one may invoke cultural diversity as an excuse to infringe on human rights guaranteed by international law or limit their scope, nor should cultural diversity be taken to support segregation and harmful traditional practices which, in the name of culture, seek to sanctify differences that run counter to the universality, indivisibility and interdependence of human rights. (…)

Human rights and cultural diversity are intertwined: Full respect for human rights creates an enabling environment for, and is, a guarantee of cultural diversity. Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as the freedom of expression, information and communication, the freedom from discrimination of any kind, as well as the ability of individuals to choose cultural expressions, and their right to participate or not to participate in the cultural life of given communities are guaranteed. At the same time, an environment conducive to cultural diversity will contribute in a significant manner to the full respect of human rights.

Respect for human rights fosters cultural diversity by giving individuals and groups the possibility to freely express and develop their cultural identity; to access cultural and religious heritage and information from their own community and that of others, as well as the benefits of scientific progress; and to

participate in the interpretation, elaboration and development of cultural heritage and in the reformulation of the contents and contours of their cultural identity. Recognition of the diversity of cultural identities and expressions, equal treatment and respect for the dignity of all persons and communities, and openness to others, discussion and intercultural exchanges are crucial elements in the promotion of cultural diversity. (...)

Source: “Human rights are essential tools for an effective intercultural dialogue”, Statement by a group of United Nations experts on the World Day for Cultural Diversity for Dialogue and Development, 21 May 2010.

1.3 The “culture of peace”

1.3.1 UNESCO’s origins and its engagement for the “culture of peace”

The concept of “culture of peace” and the actions promoted at international level for its advancement and recognition are strictly connected with the history, mission and activities of the United Nations Organization for Education, Science and Culture (UNESCO). The engagement of UNESCO for the “culture of peace” and its role as international organization responsible for its concrete realization are evident looking at the history and contents of its Constitution.

The UNESCO Constitution was prepared by the Conference of Allied Ministers of Education (CAME), that begun his works already during the Second World War. Indeed, as early as 1942, the governments of the European countries, which were confronting Nazi Germany and its allies, organized a Conference in the United Kingdom for looking for ways and means to reconstruct their systems of education once peace was restored. It was in the framework of this Conference, supported by a growing number of countries, including the United States, that governments proposed the formation of a permanent organization which would provide the moral and intellectual basis of the peace, promoting cooperation in educational and cultural matters in the post-war period. The UNESCO Constitution was drafted and discussed during the United Nations Conference for the establishment of an educational and cultural or-

ganization (London, 1-16 November 1945) and it was signed on November 16, 1945 by 37 countries. It entered into force the following year, on November 4, 1946 in Paris, during the first General Conference of the Organization, after the twentieth ratification.

The preamble of the UNESCO Constitution (Insight Box 2) contains the conceptual and ideational foundations of the idea of the “culture of peace”. It is affirmed that “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”. Indeed, in the light of “the denial of democratic principles of dignity, equality and mutual respect” brought about by the Second World War, it is recognized that “the ignorance of each other’s ways of life” has been a common cause of “suspicion” and “mistrust”, making differences breaking into wars. The Preamble of UNESCO marked the introduction of a new concept of “peace”, founded on the “intellectual and moral solidarity of mankind” rather than on “the political and economic arrangements of governments”. Convinced that no “unanimous, lasting and sincere support of the people of the world” can be achieved without these premises, the UNESCO Constitution affirms that “the wide diffusion of culture and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern”.

Insight Box 2 - The Preamble of the UNESCO Constitution

The Governments of the States Parties to this Constitution on behalf of their peoples declare:

That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

That ignorance of each other’s ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

In consequence whereof they do hereby create the United Nations Educational, Scientific and Cultural Organization for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organization was established and which its Charter proclaims.

The engagement of UNESCO for the realization of the “culture of peace” is certainly mainstreamed throughout the three pillars of action of this organization, as listed in Article 1.2 of the Constitution: a) advancing the mutual knowledge and understanding of people; b) giving fresh impulse to popular education and the spread of culture; c) maintaining, increasing and diffusing knowledge. By advancing the mutual knowledge and understanding of people, UNESCO promotes international agreements and the use of mass communication means in order to guarantee the free flow of ideas by word and image. By promoting popular education and the spread of culture, UNESCO collaborates with Member States in the development of educational activities, in advancing the ideal of equality of educational opportunity without regard to race, sex or any distinction, economic and social, and in suggesting educational methods. Finally, in order to increase and diffuse knowledge, UNESCO engages for the

conservation and protection of books, works of art and monuments, promoting the cooperation among all the nations in all branches of intellectual activities as well as the access to culture for all the people of the world.

However, the “culture of peace” objectives received an increasing and more structured attention within the UNESCO system starting from the 90s. After the end of the Cold War, it became evident that the transition from a culture of war to a culture of peace required the ideation and implementation of new approaches and methodologies. During the International Congress on Peace in the Minds of Men in Yamoussoukro (Côte d'Ivoire) in 1989, UNESCO was urged by the Congress to “construct a new vision of peace by developing a peace culture based on the universal values of respect for life, liberty, justice, solidarity, tolerance, human rights and equality between women and men”. In 1992, in the framework of “An agenda for peace”, which had recently been published by United Nations Secretary General Boutros Boutros Ghali, the UNESCO Executive Board presented an operational programme for promotion of a culture of peace. The programme proposed local activities of reconciliation and cooperation in countries where peace-keeping operations had been implemented or could be anticipated. This operational programme was transformed, in 1993, in an Action Programme to Promote a Culture of Peace, enthusiastically supported by all Member States in the framework of the 27th UNESCO General Conference that stressed the linkage between a culture of peace and a culture of democracy and human rights. Following the establishment of the Action Programme, in 1994, the UNESCO Director-General established a Unit for a Culture of Peace Programme under his direct authority. The Unit had the duty of a) providing an integrated approach to the various activities promoted by UNESCO for fostering a culture of peace, b) developing national and sub regional programmes of a culture of peace; c) coordinating these activities with those of the United Nations system and of intergovernmental and non-governmental organizations. In order to assure an integrated approach to UNESCO’s activities for the culture of peace, the Unit worked in close cooperation with an intersectoral committee, composed by high-level sectoral representatives and chaired by the Director-General, whose function was to conduct consultations concerning joint activities between the staff of

the Culture of Peace Programme and other units at Headquarters on the field.

UNESCO's engagement for the "culture of peace" and the various activities promoted by this organization during the 90s had a strong echo also within the whole United Nations system. In September 1999, the UN General Assembly adopted the Declaration and Programme of Action on a Culture of Peace (A/RES/53/243), containing both an official interpretation of the "culture of peace" concept and its core components and a structured list of programmatic actions to be realized in the framework of two global initiatives on this topic: the "International Year for the Culture of Peace" in 2000 and the "International Decade for a Culture of Peace and Non-Violence" proclaimed for the period 2001-2010. In the Preamble of this Declaration, the UN General Assembly, recalling the UN Charter, the Universal Declaration of Human Rights and the UNESCO Constitution and recognizing that "peace not only is the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation", stressed the important role promoted by UNESCO for the "culture of peace" and called for a strengthened and more coordinated efforts in this sense by the whole UN system, other international organizations, Governments and the civil society.

1.3.2 The Programmes of Action on a Culture of Peace

Since its first formulations within the UNESCO and the United Nations domain, the concept of the "culture of peace" was seen as a holistic and multidimensional construct, whose realization required the activation of a great variety of actions and policies in different sectors. The United Nations General Assembly defines the "culture of peace" as a "set of values, attitudes, traditions and modes of behaviour and ways of life based on:

- respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;
- full respect for the principles of sovereignty, territorial integrity and political independence of states and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;

- full respect for and promotion of all human rights and fundamental freedoms;
- commitment to peaceful settlement of conflicts;
- efforts to meet the developmental and environmental needs of present and future generations;
- respect for and promotion of the right to development;
- efforts to meet the developmental and environmental needs of present and future generations;
- respect for and promotion of equal rights and opportunities for women and men;
- respect for and promotion of the right of everyone to freedom of expression, opinion and information;
- adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations; and fostered by an enabling national and international environment conducive to peace” (A/RES/53/243, Article 1).

The holistic and multidimensional nature of the concept of the “culture of peace” was reflected also in the aims, structure and contents of the first United Nations Programme of Action on a Culture of Peace adopted in September 1999. The Programme encompassed a great variety of activities to be pursued in a wide array of sectors, such as a) education, b) sustainable economic and social development, c) respect for all human rights, d) equality between women and men, e) democratic participation, f) understanding, tolerance and solidarity, g) communication and free flow of information and knowledge and h) international peace and security.

For what concerns education, the Programme suggested activities for improving access to education to all children and promote “values, attitudes, modes of behaviour and ways of life to enable children to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination” (A/RES/53/243, Article 9). This should be done through the active involvement of children in the realization of activities of culture of peace, the revision of educational curricula according to these principles and the promotion of a greater cooperation on this topic both among states and between the various United Nations agencies engaged for peace.

Regarding sustainable economic and social development, the Programme recognized the importance of eradicating poverty, reducing economic and social inequalities, finding durable solutions to the external debt and debt-servicing problems of developing countries, promoting food security, participatory governance, capacity-building and gender equality in the development process. All these dimensions were considered as being both pre-conditions and effects of a successful establishment of a culture of peace.

As far as the respect of all human rights is concerned, the Programme underlined that a “culture of peace” is grounded in the recognition of human dignity and the human rights principles, stressing the importance of making every “culture of peace” initiative coherent with the dissemination and promotion of the Universal Declaration of Human Rights and the work of the United Nations High Commissioner for Human Rights.

Also the equality between women and men was recognized as a fundamental component of a “culture of peace”. The Programme stressed the necessity of integrating a gender perspective in all international and national programmes, underlining that the realization of a “culture of peace” goes together with the elimination of all forms of discrimination and violence against women and the promotion of equality between men and women in economic, social and political decision-making.

Regarding democratic participation, the Programme encouraged the establishment and strengthening of democratic practices at all levels, underlining the pivotal role of education, capacity-building and active involvement of citizens in combating against violence, corruption and crimes.

Moreover, the promotion of a “culture of peace” was seen as being strictly interrelated with actions advancing understanding, tolerance and solidarity, assuring the inclusion and the recognition of the fundamental rights of indigenous people, migrants and all vulnerable groups.

The Programme of Action recognized also the fundamental role played by media in the promotion of peace, suggesting that the free flow of information and knowledge should be used for enabling communities to express their needs and participate in decision-making and advancing the freedom of press and the freedom of information, also through the Internet.

Finally, the Programme linked the establishment of a “culture of peace” with the efforts in advancing international peace and security. Disarmament, contrast to illicit production and traffic of arms, peaceful settlement of conflicts and the respect of all principles of the Charter of United Nations were considered as essential tools for promoting a world order based on peace and human rights.

Over the years, this Programme of Action inspired a great variety of global and local initiatives and was at the centre of a constant reflection and update within the United Nations and the UNESCO systems. In 2013, being aware that “peace requires even more active investments, enlightened leadership, powerful educational values and progressive media world” (UNESCO 2013, 8), UNESCO launched a new Programme of Action for Peace and Non-Violence that, building on the results achieved through the previous initiatives, rethought principles and operational modalities for promoting the “everyday peace”. At the basis of this new programmatic effort there was the conviction that “lasting peace rests on a complex and fragile web of daily practices embedded in local settings and the most ephemeral encounters that individuals and communities creatively maintain out of the conviction that they constitute the sustainable conditions for living together in dignity and shared prosperity” (UNESCO 2013, 9).

In the view of focusing more specifically on the “daily practices” and “local settings” that foster the “everyday peace”, the 2013 Programme of Action concentrates on the “soft power” of education, culture, science, communication and information. A specific attention is put on formal and non-formal education, with an accent on human rights education, cultural diversity, gender equality and the creation of centre of excellence and innovation responsible for the diffusion of textbooks, online exchanges and intercultural competences. More than in 1999, media and ICT are considered imprescriptible instruments to change the perception of different cultures and religions, to promote intercultural dialogue and media and information literacy programmes and to train journalists and young professionals on conflict-sensitive reporting and choices of images. Finally, “everyday peace” is considered as strictly linked with the diffusion of knowledge and the scientific thought, seen as universal languages of humanism and tools for facing social transformations. To mainstream the

values, attitudes and behaviours of a “culture of peace” in the framework of the 2013 Programme of Action, UNESCO has recently promoted a series of grassroots projects addressing the challenge of the diffusion of the “everyday peace”. These projects, dealing with a variety of topics such as the communication of peace (Insight Box 3) or the empowerment of young generations (Insight Box 4), should be seen as the most concrete examples of the recent UNESCO approach to the “culture of peace”, aiming at linking the international reflections with concrete and transformative practices at local level.

Insight Box 3 - Interactive Community Media for Culture of Peace and Non-Violence in South Sudan and Northern Uganda

Drawing on the breadth of UNESCO’s mandate by integrating the Culture, Communication and Information and Education Sectors, this project is in line with the Organization’s strategic priorities on Africa and Gender Equality and contributes to effective action to promote a culture of peace and non-violence, with a focus in post-conflict countries such as South Sudan and Uganda.

Emphasizing on the use of interactive multimedia platforms for building and promoting the values and principles of a culture of peace and non-violence, the multiplier effect of ICTs is used to empower the capacity of the communities in South Sudan and Northern Uganda to discuss peace, tolerance, intercultural dialogue, reconciliation and human rights; to connect leaders and citizens and to enhance debates among citizens, but also to strengthen journalists and community groups in reporting these issues meaningfully.

The multi-actor participation with the involvement of media organizations, citizen reporters and community groups and their capacity-building facilitates the dissemination of messages/methodologies/tools to be developed in various networks. This is particularly enhanced through gender sensitive assessment of traditional practices and oral expressions and their usage in education and peace-building through radio programmes, drama productions and advocacy radio spots.

The project is coordinated by UNESCO Bureaus of Juba and Nairobi, in cooperation with the Priority Africa Intersectoral Platform, the Communication Sector and Post-Conflict Post-Disaster Intersectoral Platforms.

Source: UNESCO 2013

Insight Box 4 - Strengthening the empowerment of young women and men and their engagement for peace

The project entitled “Strengthening the empowerment of young women and men and their engagement for peace” has been developed and is implemented simultaneously in three regions through UNESCO Field Offices:

1. For what concerns the Arab States, interventions in Yemen and Egypt on one side and in Tunisia on the other, focus particularly on the evaluation and planning of citizenship education, including the adoption of a human rights-based approach. As such, the schools’ framework and active learning methods become central while democratic values will be disseminated through innovative tools. In Lebanon, intercultural and inter-confessional dialogue in order to reconcile youth in a context of violence and conflict is at the heart of the interventions planned.

2. In Africa, the focus is on the mobilization of youth communities around the theme of citizenship and non-violence and their sensitization through ICTs and advocacy campaigns for violence-free elections, namely in Burundi, Ghana and Sierra Leone. In this context, stakeholder dialogue and the dissemination of peace messages through the media will serve to prevent violence before, during and after the elections.

3. In Latin America and the Caribbean, the focus is on the ways offered to youth to prevent them from engaging on the paths leading to violence. The prevention of violence should take place in schools but also in particular settings organized to offer a wide range of opportunities to youth, including non-formal education.

Source: UNESCO 2013

2. THE INTERNATIONALISATION OF HUMAN RIGHTS

The adoption in 1948 of the Universal Declaration of Human Rights constituted the foundation of the International Human Rights Law (IHRL) and gave origin to an extraordinary development of law, institutions, bodies and mechanisms specifically aimed to promote and protect human rights worldwide, a process which is frequently referred to as the **“internationalisation of human rights”**. The resulting normative framework of treaties, declarations, guidelines and other instruments addresses general issues concerning individuals’ and peoples’ rights, specific rights, and the rights of “vulnerable” people (so called process of “specialization”).

Despite the international momentum for human rights as an organising principle of the post-war peace, it took almost twenty years before the principles enshrined in the non-legally-binding Universal Declaration of 1948 were transformed into positive law, with the adoption in 1966 of two International Covenants, one on **Economic, Social and Cultural Rights** (ICESCR) and one on **Civil and Political Rights** (ICCPR). The two Covenants followed the adoption in 1965 of an **International Convention on the Elimination of Racial Discrimination** (ICERD), and entered into force only one decade later in 1976. Together with the Universal Declaration of Human Rights, the two Covenants constitute what is commonly referred to as the **“International Bill of Human Rights”**.

Among the causes for this slow advancement was in part the ideological struggle between the Western capitalistic and the Soviet socialist blocks that characterised the first phase of the Cold War era. As the identities of these two blocks were built on conflicting political, economic and social values, also human rights were addressed as one of the many symbolic elements in their struggle. While the Western block considered human rights as only civil liberties and political rights, the socialist block focused on the priority of social and economic rights.

From the fifties, moreover, new claims in the international human rights debate surfaced from the process of decolonisation with newly independent countries pushing for the recognition of the right to self-determination, which was eventually included in the same formulation as article 1 of both the ICCPR and the ICESCR, and the right to development which was recognised in a Declaration in 1986.

It was the Vienna World Conference on Human Rights of 1993 that eventually bridged all these debates through the proclamation of the core principle of universality, interdependence, indivisibility and interrelatedness of all human rights and the consideration of the right to development as “a universal and inalienable right and an integral part of fundamental human rights” (Vienna Declaration and Plan of Action 1993). The Vienna Declaration also established the post of the **Office of the UN High Commissioner for Human Rights** (OHCHR) which, since then, has helped the UN to ensure a more consistent and effective human rights mainstreaming in all its activities.

Overall, the process of human rights legalization was advanced and supported by some states with the crucial contribution of individuals within the **UN Human Rights Commission** (created in 1946 and replaced by the **Human Rights Council** in 2006), and transnational civil society organisations (see Section 4), which proliferated during these decades. Network of civil society organisations helped through their information and advocacy activities to put some core human rights themes in the international agenda and facilitate the global commitment for their protection worldwide. For instance, many scholars point out how the contribution of Amnesty International and other human rights NGOs was fundamental to have a debate and reach a consensus on the creation of a legal international norms on the prohibition of torture, inhuman and cruel treatments, which eventually led to the adoption by the General Assembly of the Convention against torture in 1984.

From the adoption of the ICERD and the two Covenants in the mid-1960s to nowadays the international community has approved nine core human rights treaties, which range from the protection of women’s and children’s rights to the elimination of racial discrimination and the protection of people from enforced disappearances. Each of these conventions has set up a committee made of independent experts (the so called “treaty bodies” - TBs) that constitute the most direct way to monitoring implementation of their provision by states that have ratified them, as it will be shown in the section 2.2.3. Some of these treaties, moreover, were complemented over time by optional protocols, which either widen the scope of the convention adding new rights or specific situations of human rights violations or reinforce the monitoring of states’ implementation.

Insight Box 5 - Brief overview of the optional obligations connected to core human rights treaties

With the exception of the ICESCR, five of the six “core” human rights treaties discussed previously – relating to civil and political rights, non-discrimination on the basis of race, banning torture, eliminating discrimination against women, and protecting the rights of children – contain optional obligations that enhance the ability of the international community to scrutinize implementation and compliance. For example, the ICCPR’s first optional protocol gives states an opportunity to express their acceptance of the competence of the UN Human Rights Committee (UNHRC) to review and make recommendations on individual complaints alleging state violations of the treaty. Article 41 invites states to make an optional declaration that they accept the competence of the UNHRC to review and make recommendations on complaints of other state parties. The ICCPR’s second optional protocol bans the use of the death penalty by those states that accept its provisions. The CAT provides that states may optionally declare that they recognize the competence of the Committee Against Torture to hear individual complaints arising from allegations of violations under the treaty (Article 22). The CERD has a similar optional provision (Article 14), as does the CEDAW in the form of an optional protocol. The CRC has optional protocols relating to child soldiers (OP I) and the sale of children, child prostitution, and child pornography (OP II).”

Source: Simmons 2009, 54.

From an institutional perspective, the overall status of ratification, that is the number of countries that accepted to be legally committed before the international community to the respect of the provisions set forth in each specific Convention, varies from treaty to treaty. However, especially as far as the international human rights bill is concerned, ratification denotes a nearly universal acceptance of these principles and related obligations. The following table lists the core human rights treaties, their optional protocols and the number of signatures (political commitment to respect the convention, but no legal obligation to implement it) and ratifications received by each treaty.

Table 1. Core Human Rights Treaties

Treaty Acronym	Treaty Titles	Date of adoption	Ratifications/ signature
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	21 Dec 1965	179/4
ICCPR	International Covenant on Civil and Political Rights	16 Dec 1966	172/6
ICESCR	International Covenant on Economic, Social and Cultural Rights	16 Dec 1966	169/4
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	18 Dec 1979	189/2
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 Dec 1984	165/6
CRC	Convention on the Rights of the Child	20 Nov 1989	196/1
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	18 Dec 1990	54/13
CPED	International Convention for the Protection of All Persons from Enforced Disappearance	20 Dec 2006	59/49
CRPD	Convention on the Rights of Persons with Disabilities	13 Dec 2006	177/12
Protocols			
ICESCR - OP	Optional Protocol to the Covenant on Economic, Social and Cultural Rights	10 Dec 2008	24/25
ICCPR-OP1	Optional Protocol to the International Covenant on Civil and Political Rights	16 Dec 1966	116/3

ICCPR- OP2	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	15 Dec 1989	86/1
OP- CEDAW	Optional Protocol to the Convention on the Elimination of Discrimination against Women	10 Dec 1999	109/13
OP-CRC- AC	Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	25 May 2000	168/12
OP-CRC- SC	Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	25 May 2000	175/9
OP-CRC- IC	Optional Protocol to the Convention on the Rights of the Child on a communications procedure	14 Apr 2014	42/19
OP-CAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	18 Dec 2002	88/15
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities	12 Dec 2006	93/28

2.2 The United Nations human rights machinery

Within the UN system there are several bodies and mechanisms specifically devoted to the promotion and protection of human rights, what is often referred to as the “human rights machinery”. Among these are the Human Rights Council (HRC) and, within its operational framework, the Universal Periodic Review (UPR) and the Special Procedures (SPs, that can include special rapporteurs, independent experts and working groups), and the already mentioned

TBs. This large and diversified machinery is assisted and supported by the OHCHR, which is part of the UN Secretariat.

These mechanisms share the same broad task, namely, to monitor states' compliance with their human rights obligations derived from the UN Charter and resolutions adopted by the UN main bodies, as well as from the international conventions enacted by the UN, and make recommendations on implementation. Moreover, they can address and discuss situations of human rights violations. Still, these mechanisms differ in terms of composition typology, procedures employed to monitor human rights implementation, working methods and scope of monitoring.

A few of these distinctions can be discussed in general terms. One concerns composition typologies and can be exemplified in a distinction between expert mechanisms and intergovernmental ones. The former typology includes SPs and TBs. These are organisms composed by independent experts acting in their personal capacity (and thus not on behalf of any government) to review, evaluate, provide feedback and advice, raise issues and promote advocacy vis-à-vis states. Experts can act as individual mandate holders (the case of special rapporteur and independent experts) or in groups of experts (the TBs and the SP mandates entrusted to working groups). Expert mechanisms essentially base their authoritativeness on the quality of their legal reasoning and monitoring techniques.

Among the intergovernmental mechanism, is the HRC that performs the main human rights political and diplomatic activities, as well as the management of the UPR, which, as it will be better discussed below is based on reciprocal peer monitoring by fellow UN members. In taking their decisions, intergovernmental bodies are influenced by states' interest and their functioning relies on the political weight of UN Member States, including their capacity to exercise pressures on their peers.

Probably due to the distinction between high level expertise and political bargaining, intergovernmental mechanisms also have a broader scope of action, since they are tasked to discuss and monitor the implementation of all human rights also beyond what is internationally recognised by international human

rights hard law (i.e. rights of minorities, development issues, the creation of national independent human rights institutions). SPs and TBs, on the contrary, mainly focus on specific aspects of human rights norms. In particular, TBs, as previously mentioned, have been set up by the adoption of an international treaty and are mandated to monitor its specific implementation, which, in fact, limits their scope to a specific category of rights (i.e. civil and political rights) or the protection of a vulnerable group (i.e. persons with disabilities). SPs can have either thematic or country's mandates. It is true that, in light of the principle of rights "permeability" (see Insight Box 6) and of the above-mentioned principle of interdependence and indivisibility of human rights, there tends to be cooperation and mutual borrowings in the work of these mechanisms, also beyond their specific scope of action.

Insight Box 6 - The concept of human rights "permeability"

"The idea of permeability is put forward as one means of practical legal effect to the abstract doctrine of interdependence which has, thus far in its lifespan, existed as little more than a rhetorical slogan. By permeability I mean, in broad outline, the openness of a treaty dealing with one category of human rights to having its norms used as vehicles for the direct or indirect protection of norms of another treaty dealing with a different category of human rights. Norms that overlap, either implicitly as a product of the interpretative process or explicitly on the face of the textual provisions, are particularly relevant.

Source: Scott, 1989, 771.

The following sub-paragraphs present in more details the main mechanism typologies introduced above, specifying their peculiarities and working methods.

2.2.1 The Human Rights Council

The HRC is an intergovernmental organism made up of 47 UN Member States elected for a period of three years (renewable, but not be eligible for immediate re-election after two consecutive terms) by the General Assembly according to a geographical repartition: Group of African States: 13; Group of Asian States: 13; Group of Eastern European States: 6; Group of Latin American and Caribbean States: 8; and Group of Western European and other States:

7. The working methodology of the HRC is based on collaboration, objectivity and genuine dialogue.

The HRC was established in 2006 as a subsidiary organ of the General Assembly under **resolution 60/25**. It replaced the Human Rights Commission, a subsidiary organ of the ECOSOC, which was the main UN human rights body since 1946. Over the last decade of its existence, the Commission was severely criticised for its alleged biases, politicisation and ineffectiveness, due, in particular to a rising and increasingly visible confrontation between the Western bloc and its allies and some anti-Western governments. All of this led to repeated calls for its reform. The reform, conducted on the basis of a plan presented by former UN Secretary-General Kofi Annan on his report **“In larger freedom”**, aimed at preserving some positive features of the Commission and in general the Council was built on its predecessor’s achievements.

Insight Box 7 - The Tasks of the HRC (Item 5 of resolution 60/251)

- (a) Promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned;
- (b) Serve as a forum for dialogue on thematic issues on all human rights;
- (c) Make recommendations to the General Assembly for the further development of international law in the field of human rights;
- (d) Promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and A/RES/60/251 3 protection of human rights emanating from United Nations conferences and summits;
- (e) Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session;

- (f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;
- (g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;
- (h) Work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society;
- (i) Make recommendations with regard to the promotion and protection of human rights;
- (j) Submit an annual report to the General Assembly;

The main functions and mechanisms that were maintained from the Commission are the standard setting functions, that is, developing the codification of international human rights law, the participation of NGOs and the praxis of SPs, as well the possibility, which was originally introduced for the Commission in the late 1960s, to address and deal confidentially with communications submitted by individuals, groups, or non-governmental organizations claiming to be victims of human rights violations or having direct, reliable knowledge of abuses occurring in any part of the world and under any circumstances. The Council also maintains an **Advisory Committee** as an auxiliary body made of 18 independent experts (replacing the Sub-Commission for the promotion and protection of human rights) that works at the Council direction. According to HRC resolution 5/1, the Advisory Committee is mandated to, among others, provide expertise, studies and research-based advice as requested by the Council and ask the Council for permission to conduct further research concerning the promotion and protection of human rights on its own initiative. Two important human rights instruments to which the Advisory Committee gave impetus and scientific support are the UN Declaration on Human Rights Education and Training (adopted by the General Assembly in 2011) and the UN Declaration on the Rights to Peace (adopted in 2016).

The new tasks with which the HRC has been endowed include the possibility to start urgent debates, launch ad hoc fact-finding missions or establish inquiry commissions. So far, HRC-mandated **Commissions for independent**

investigation have been created for the following areas of the world: Lebanon in the context of the 2006 Israel-Hezbollah conflict, Darfur between 2006-2008, the Gaza conflicts in 2009 and 2014, Libya in 2011, Democratic Republic of Korea in 2014; Syria (ongoing since 2011), South Sudan (since 2016), Burundi (since 2016), Yemen (since 2017), Myanmar (since 2017). The HRC, whose work is structured into sessions (no fewer than three regular sessions a year, for a total of at least ten weeks) can also hold special sessions. So far 27 of these urgent gatherings have been held since 2006 concerning the serious human rights implications in the following geographical areas/countries: the Occupied Palestinian Territories (7 sessions), Syria (5), Myanmar (2), Sudan/Darfur (2), Burundi, Nigeria, Central Africa Republic, Libya, Côte d'Ivoire, Haiti, Sri Lanka, Democratic Republic of Congo, Lebanon on pressing human rights problems, such as the world food crisis (in 2008), the impact on human rights of the world financial crisis (2009), the implications of terrorist attacks made by the Islamic State (2014) and Boko Haram (2015). All this is a more or less politically sensitive processes, that encounter the resistance of some states. Nonetheless, through urgent debates the Council has managed to address many controversial and potentially divisive issues.

Finally, the Council has developed in the year the practice of establishing **fora on human rights key issues**, with a broad participation of states and non-state actors - namely a forum on minorities, one on business and human rights and the social forum. To advise the Council about issues concerning indigenous peoples, an ad hoc advisory body has been set up: the expert mechanism on the rights of indigenous peoples, a panel of five experts supported by a broad network of indigenous groups and academics. In more recent times, the HRC has also represented a forum of debate concerning the implementation of the 2030 Agenda for Sustainable Development (adopted in 2015). According to analysis of the Danish Institute for Human Rights, a total of 204 out of 1,399 documents (amounting to 14.58%) from HRC sessions in 2017 refer directly to the 2030 Agenda in their text. The HRC is thus expected to be a key mechanism to change states' and other actors' practices in the pursuit of the 17 sustainable development goals of the 2030 Agenda.

2.2.2 Universal Periodic Review

One of the most significant novelties introduced with the 2006 reform of the UN human rights infrastructure was the setting up of the Universal Periodic Review process (UPR).

The UPR is a state-driven mechanism based on peer review which aims at improving the human rights situation on the ground worldwide, by scrutinising on a regular basis, roughly every 5 years, the situation in each of the 193 UN member states, at the pace of 42 Countries reviewed per year. Since the first session, held in 2008, all countries have undergone two full UPR cycles by 2016. The third cycle started in 2017 and will be concluded by 2021.

Each UPR cycle is composed of three main stages: 1) preparation of the review and reporting on implementation; 2) the review of the human rights situation of the country under review and adoption of the report; 3) the implementation of accepted recommendations and mid-term reporting.

Exchanges between the State under review and the other states as well as with NGOs takes place before the formal inception of the review, on the basis of a written report produced by the State concerning the situation of human rights in the country. To facilitate the review process, the OHCHR produce for any State under review two more documents, that accompany the report submitted by the State. The first is a summary of the main findings about the concerned State extracted from the reports of the special procedure, from the concluding observations or the “case law” of the treaty bodies and from other monitoring mechanisms. The second document is a summary of the documents received from national or international NGOs and from national human rights institutions. In view of the interactive dialogue, local, national and international NGOs (including national NGOs from foreign Countries) are stimulated to submit to the UN their commentaries, information, alternative reports.

The actual review of the country’s human rights situation - which constitutes the second stage of the UPR cycle - is conducted by a Working Group constituted by all the 47 Member States of the Human Rights Council, although any UN Member State can take part in the discussion with the reviewed states. Each State review is assisted by groups of delegates from three states, known as

“Troikas”, who serve as rapporteurs. The scope of action for this mechanism is quite broad. Indeed, the review assesses the extent to which states respect their human rights obligations set out in: 1) the UN Charter; 2) the Universal Declaration of Human Rights; 3) all human rights instruments (i.e. conventions, protocols) that the State under review has ratified; 4) the voluntary pledges and commitments made by the State, including in their candidacy letter to become member of the HRC; and, 5) applicable international humanitarian law.

The interactive dialogue consists of a public discussion lasting three hours and thirty minutes. During this dialogue any State member of the UN may formulate concerns and recommendations to the State under review also on the basis of the three reports on which the review is based (the state’s report, the other UN mechanisms’ report and the other stakeholders’ report). The interactive dialogue takes place in Geneva, at Palais de Nations: the head of the delegation of the State under examination makes an introductory statement, followed by the short interventions of other State’s officers and a final statement of the State being reviewed. This phase ends with an outcome report, listing all the recommendations that the State under review has to implement before the next cycle of the UPR. The outcome of this discussion is refined before the next session of the Council; the latter will adopt the final document of the review, listing all recommendations, including those that the State has decided not to accept. Indeed, each State under review can accept (support) or discard (note) any recommendation; in an annexed document (the Addendum to the UPR final document) it must motivate in writing its responses.

The third and last stage of the UPR cycle is constituted by the implementation of the accepted recommendations, as well as of the pledges voluntarily made by the State concerned, if any. In the years between one public discussion in Geneva and the next one, the State, the other states, national human rights institutions, human rights defenders and all stakeholders should orient their action so as to give effect to the recommendations made by the peer states. During this period states and other stakeholders, including civil society organizations, are encouraged to provide the HRC with progress reports half-way between reviews, the so-called “mid-term reporting”, a process which has been recently institutionalised as a critical, albeit voluntary, component of the

UPR process, fundamental to help assessing implementation of recommendations. Relatively few states have engaged so far in this activity. According to the OHCHR, as at January 2019, 73 states submitted, UPR mid-term reports, only 22 states submitted these reports in relation to recommendations put forward during both concluded cycles of review.

As the UPR is a State-driven mechanism, NGOs and other civil society representatives cannot take the floor during the interactive dialogue and they are provided with limited space to make oral statements at the end of the review procedure, when the final document is adopted by the HRC. However, NGOs have the opportunity to indirectly participate and influence this process. They can participate in the national consultations that the State under review ought to convene in view of drafting the periodic report so that the State's report for the UPR already include the view of other stakeholders. As mentioned, NGOs can provide the HRC Working Group with information about the situation of human rights in the country under review, which are summarised and compiled with other submissions into the stakeholders' report by the OHCHR. They can lobby members of the Working Group to highlight some specific human rights issue in the interactive debate and monitor the implementation by the reviewed State of the recommendations it had received that it had accepted as well as assessing the mid-term report, when the State concerned participates in this voluntary exercise.

The basic objective at the basis of the creation of the UPR mechanism was to restore some trust about the capacity of the main UN political human rights body of fairly and effectively monitor State performance in the rather controversial field of human rights related policies, overcoming the accusation of bias that the previous Commission was increasingly undergoing between the late 1990s and the early 2000s, and gaining the UN human rights mechanisms some credibility.

After two completed cycles it is possible to assess the main outcomes and limits concerning this mechanism. The first element that makes the UPR a fresh contribution to reforming and improving the UN human rights machinery is, as

seen, the fact that it works as a peer mechanism. While this does not exclude the prevalence of State interest - and states can actually avoid to make too serious recommendations due to a desire to avoid political confrontation and risking a boomerang effects, the very fact of being scrutinised by other states on an equal footing increases the political weight of the recommendations made in this context, and creates greater pressure for states to abide by their international commitments. Scholars, as the political scientist Jack Donnelly, have found that there is a significant increase in the number and quality (specificity, measurability) of recommendations made between UPR cycles, which largely reflects a growing number of states actively participating by offering recommendations and a sign of growing commitment to the peer-review mechanism.

As far as implementation of accepted recommendations is concerned, data show a quite impressive rate of commitment by states. At the same time, the level of implementation varies according to the type of recommendations. Indeed, Working Group recommendations can range between asking easy and circumscribed action (joining an international organisation, accessing a treaty) to much specific and complex initiatives (i.e establishing a national human rights institution or adopting a law the respect some international standards). This leads to a concern that, when the “easiest to implement” recommendations will be exhausted and recommendations will become more specific and demanding for states, the rate of implementation will decrease significantly.

A second element is represented by the universality of this process: it involves all UN Member States irrespective of their having ratified or not the specific human rights treaties and extends to virtually all human rights principles and standards. Many have critically noticed that the UPR risks to duplicate the monitoring exercise of independent experts and of the TBs. Many UPR recommendations simply echo issues that were previously raised by, for example, the TBs. Still, UPR maintains an added value, as State comments unlike remarks coming from a technical, expert body, bear a political and diplomatic value. The UPR and the TBs reporting systems, rather than overlap, are therefore reinforcing each other and contribute strengthening and expanding the overall scope of human rights monitoring.

Insight Box 8 - UPR and Arab League's States

According to the database of recommendations provided by UPR-info, a Geneva-based NGO committed to raise awareness of the UPR and to provide capacity-building tools to all stakeholders, the countries of the Arab League has been quite active during the first three cycle of UPR issuing 10.4% (6,667) of the 64,164 total recommendations addressed (up to session 28). Almost 14% of the recommendations made by AL countries have been noted (i.e. rejected) by states under review. Arab states have also received 12.8% (8,247) of total recommendations, of which 26% have been noted.

Insight Box 9 - Kuwait and UPR

Kuwait has undergone two full cycles of UPR so far, the first in May 2010, the second on January 2015. It will undergo its third review in 2020. In the two completed cycles it received 457 recommendations from 112 States. The first 5 recommending states have been Austria, Italy, France, Norway and Chile. Kuwait supported 306 recommendations corresponding to 66% of the recommendation received. The two main human rights issues raised by recommendations concern the ratification on international instruments and women's rights (more than 80 recommendations for each issue). The other main human rights issues highlighted by the UPR (with more than 30 recommendations received) concern labour, migrants, children's rights, death penalty, justice and development. On his part, the Kuwaiti delegation made a total of 207 recommendations to 76 states. The two states which received the major number of recommendations are Iran and Israel. A total of 80% of recommendations made by Kuwait has been directed towards countries that are members of the Organisation of Islamic Countries (120) the Arab League (69) and the African Union (62). The main issues raised by Kuwait in its recommendations were technical assistance and cooperation, rights of the child, with more than 20 recommendations, right to education, poverty, women's rights, human rights education and training and development, with more than 15 recommendations for each issue.

2.2.3 The Treaty Bodies

As mentioned in the introduction to this chapter, each of the nine core human rights conventions adopted in the framework of the United Nations since 1965 has established a Committee of independent experts to monitor the implementation of the treaty provisions by the respective States Parties (the so-called Treaty Bodies). In addition, the Optional Protocol to the Convention against Torture (known as “OP-CAT” and adopted in 2002) established the Sub-Committee on the prevention of torture (SPT) to monitor places of detention in States Parties to the Optional Protocol in order to prevent torture and inhuman treatments.

Each TB is composed by 10 to 25 independent specialists of recognized competence in human rights and high reputation, who are nominated and elected for fixed renewable terms of four years by State parties. Almost all Committees are based in Geneva, at the premises of the OHCHR.

The TBs perform a number of functions in accordance with the provisions of the treaties that established them. They include:

1) Consideration of State parties' periodic reports. When a Country ratifies a treaty, it assumes a legal obligation to submit periodic reports to the relevant TB to explain how the rights recognized in the relevant convention are being implemented.

In the light of all the information available, provided also by civil society organizations and other stakeholders (through the so called “shadow reports”, the treaty body expresses its concerns and recommendations in a public document (‘concluding observations’). The review of State periodic reports is the core of the monitoring functions of any TB. It is a complex task, that the Committees’ members address, supported by the staff of the OHCHR with a certain level of sophistication. There are pre-sessional meetings with non-governmental stakeholders, a list of issues is set up by a TB’s member appointed as rapporteur and written answers as well as extra up-to date information are requested from the State under exam to complement the main report, especially when the examination occurs - as it is often the case - some years after the deposit of the State report. An intergovernmental process of Treaty Body strengthening is underway

since 2012, leading to a simplification of the reporting duties of states that are parties to all or many of the UN core instruments on human rights.

2) TBs can also, under certain conditions, consider petitions submitted by individuals. Any individual who claims that her or his rights under the concerned treaty have been violated by a State party to that treaty may bring a “communication” before the relevant committee. Two preconditions are necessary: the interested State must have recognized the competence of the committee to receive such complaints; and domestic remedies must have been exhausted. This means that the applicants must demonstrate they have used all the procedures available in their Country to seek protection of their rights for the communication to be qualified as admissible and dealt with in the merits. Based on the information received and on the expert analysis by its members, the Committee decides whether the Convention has been violated by the State or not and recommend reparative measures to be taken by the State. Although the number of communications is not excessively high, the Committees - especially the human rights (civil and political) Committee, have accumulated a significant backlog. The mentioned intergovernmental process of Treaty Body strengthening tries to address also this problem.

3) In addition, some of the TBs (namely the CESCR, CAT, CEDAW, CRPD, CED, and CRC – when the relevant Optional Protocol will enter into force) may, under given conditions, initiate Country inquiries if they receive reliable information containing well-founded indications of serious, grave or systematic violations of the Conventions in a State party.

4) Finally, the TBs also adopt general comments, that is statements providing an interpretation of the content of some treaty provisions, based on the outcome of the State periodic reports’ analysis and on their “case law”. In connection with the development of such “jurisprudence”, the praxis has spread of organising days of thematic discussions related to specific rights or topics of special concern.

The following table summarise the UN TB system presenting the name of the TB, the acronym, the legal instrument that established it, number of members and its functions:

Table 2. Treaty bodies and their functions

Name of the TB	Acro- nym	Legal instrument	mem- bers	functions
Committee on the Elimination of Racial Discrimination	CERD	International Convention on the Elimination of All Forms of Racial Discrimination	18	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - examination of intra-state complaints - country inquiries - general comments - thematic discussions
Human Rights Committee	CCPR	International Covenant on Civil and Political Rights	18	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - examination of intra-state complaints - general comments
Committee on Economic, Social and Cultural Rights	CESCR	International Covenant on Economic, Social and Cultural Rights	18	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - country inquiries - general comments
Committee on the Elimination of Discrimination against Women	CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	23	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - country inquiries - general comments
Committee on the Elimination of Discrimination against Women	CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - country inquiries - general comments

Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	SPT	Optional Protocol	25	<ul style="list-style-type: none"> - visit to state parties - advice and assistance to states on the establishment of National Preventive Mechanisms
Committee on the Rights of Persons with Disabilities	CRC	Convention on the Rights of the Child	18	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - country inquiries - general comments - thematic discussions
Committee on Migrant Workers	CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	14	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - general comments - thematic discussions
Committee on Enforced Disappearances	CED	International Convention for the Protection of All Persons from Enforced Disappearance	14	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints (is states make declaration) - examination of intra-state complaints
Committee on the Rights of Persons with Disabilities	CRPD	Convention on the Rights of Persons with Disabilities	18	<ul style="list-style-type: none"> - consideration of state reports - examination of individual complaints - country inquiries

In the last twenty-years the TB system has doubled in size, because of the increasing number of states parties to the core human rights conventions and of the coming into effect of new treaties. While this growth has greatly enhanced human rights protection worldwide, it has not come without challenges. Efforts to reform and rationalise the work of the Geneva based institutions have been set forth on the initiative of the Committees themselves and of the OHCHR.

2.2.4 Special Procedures

As mentioned, the Special Procedures constitute the other type of mechanisms endowed within the HRC which is based on the work of human rights experts, who serve in their personal capacities and undertake to uphold independence, efficiency, competence and integrity. They are not United Nations staff members and do not receive financial remunerations. These procedures, with mandates to report and advise on human rights from a thematic or country-specific perspective, can take the form of special rapporteurs, independent expert or working groups (normally composed of five members). The system of SPs is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As of December 2018, there are 44 thematic - i.e. they investigate worldwide and report on a specific issue concerning human rights - and 12 country mandates.

With the support of the OHCHR, Special Procedures can undertake a series of tasks. These include country visits (which includes visiting specific structures such as detention centres, areas of conflict, etc., get in touch with individuals and NGOs, meet the journalists and address the mass media); sending communications to states concerning both individual cases of alleged violations and concerns of a broader, structural nature; contribute to the process of refinement and updating of human rights concepts and standard, especially through their breakthrough studies on innovative or controversial topics; engage in advocacy and raise public awareness; and provide advice for cooperation. Another fundamental activity of SPs is annual reporting to the HRC, and in many instances to the General Assembly.

Special procedures are appointed by the HRC. Due to their potentially capacity of intruding into the international human rights situation of a State, their establishment, extension or termination, and the definition of its mandate are the result of political negotiations within the Council. For similar reasons, cooperation between SPs and states is fundamental to their effectiveness since they are not endowed with any coercive powers.

Eventually, due to their operative functions based on multi-actor dialogue, SP are an important element of the UN human rights structure to facilitate communication between the grassroots work of human rights defenders, local NGOs, national or sub-national human rights institutions, and the main international human rights bodies, the Human Rights Council and OHCHR, regional systems (see below) and states.

2.3 The regional systems for the promotion and protection of human rights

As shown in the previous chapters, the internationalization of human rights, i.e. the development of the international human rights law, started at the global level and the norms, institutions and mechanisms established under the auspices of the UN are the cornerstone of this process. However, over the same time span, and at times even anticipating the milestones at the UN level, international regional systems were set up and gradually became key actors in the field of human rights policies. This process is frequently referred to as the “regionalization” of human rights.

Regional systems for the promotion and protection of human rights can be intended as a set of norms, mechanisms and procedures that are established under the auspices of a regional and/or sub-regional intergovernmental organization with an explicit mandate of protecting human rights. Dozens of regional and sub-regional organisations exist in the world with different political, security, economic and social missions. Some of these developed an interest in human rights without however developing specific mechanisms and procedures for their protection and monitoring. For instance, the Organisation of the Islamic Conference (now Organisation of Islamic Cooperation) adopted in 1990 the Cairo Declaration on human rights in Islam but has not developed any other standards or mechanism on human rights matters.

Only few of these organisations have established a human rights system under their auspices. Among these it is possible to make a distinction between “established” and “incipient” or “incomplete” regional systems. It is possible

to consider part of the first category those systems that provide access to individuals to an international court that can take decisions concerning alleged violations of their human rights committed by a State party of the system itself. The systems that match this definition are those created under the auspices of the Council of Europe (CoE), the Organization of American States (OAS), the African Union (AU). Incipient or incomplete systems are the outcome of regional organizations that have developed norms or standards on human rights and some mechanisms which, however, are not accessible by individuals and are not mandated to take binding decisions on recognised human rights violations by states parties. This shapes a quite heterogeneous grouping which hold together the efforts of the Arab League (AL), the Association of South-Eastern Asian Nations (ASEAN), the Organization for Security and Cooperation in Europe (OSCE) and the European Union, although, in some cases, the European Court of Justice provides access to individuals for violations of EU law, which also includes a regional legally binding human rights instrument: the Charter of Fundamental Rights of the EU (CFREU).

The next paragraphs briefly introduce these systems, presenting their main standards, mechanisms and procedures.

2.3.1 The European System: Council of Europe, OSCE and EU

Although Europe has established only one established regional system, the one created by the Council of Europe, two other regional organisations - the EU and OSCE - have set forth norms and mechanisms for human rights promotion and protection in the continent. Due to the increasing coordination, mutual referencing and cooperation among the three organisations these systems are often considered as part of a broader mutually reinforcing European system. In the case of EU and CoE there are even legal provisions favouring interaction among these human rights (sub)systems. Although they have different mandate and scope, all three organizations have contributed to establish and maintain peace in Europe, to include human rights in the political agenda, and to strengthen the international human rights protection system. The three

organisations also differ in term of membership: the CoE is made by 47 members, from Portugal to Russia but excluding Belarus; the EU by 28 (27, if and when the United Kingdom's "Brexit" process will come to a end); the OSCE by 57, including all European territory, plus Canada and the United States. One of the consequences of this variable-geometry jurisdiction it that citizens of some European states may have their rights more widely protected than those of other countries in the same continent.

Council of Europe

The CoE was established in 1949 in London in the aftermath of the Second World War to prevent further conflicts on the European continent by promoting human rights, democracy and the respect of the Rule of Law. It was established by 10 states: Belgium, Denmark, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom. Since then, the CoE has developed an impressive set of standards and mechanism, setting up what is according to the majority of observers, the most effective system for the justiciability of rights, especially due to the work of its human rights court.

The CoE main legal instrument is the European Convention on Human Rights and Fundamental Freedoms (ECHR), adopted in 1950 in Rome, Italy (also referred as the "Rome Convention"). Although with a still limited regional scope and jurisdiction, the ECHR was therefore the first legally binding human rights instrument to be adopted worldwide after the proclamation of the Universal Declaration of Human Rights (1948), anticipating of more than 15 years the adoption of the CERD and of the two UN Covenants. Even more importantly, the ECHR established an international judicial machinery to monitor and ensure the implementation of the proclaimed rights, based on the European Commission of human rights (1955-1998) and the European Court of Human Rights (1959-onward).

Originally, the ECHR recognised only civil and political rights. Some of the 16 Protocols to the Convention which were adopted over the years, however, added a few social and economic rights to the ECHR catalogue, such as the right of education or the right to property (Protocol I, 1953). In the Council of

Europe system, social rights are mostly protected through another legal instrument: the European Social Charter (adopted in 1961 and revised in 1996). Other important conventions adopted in the framework of the CoE and devoted to a specific category of rights or to vulnerable groups are the Convention for the Prevention of Torture (1987), the Convention on Biomedicine and Human Rights (1997); the Convention against trafficking in human beings (2005), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007); the Convention on Preventing and Combating Violence against Women and Domestic Violence (2011).

All these legal instruments have established mechanism to monitor their implementation by States Parties. In particular, the monitoring system of the ECHR consists, since 1998 (by effect of Protocol No. 11), by a single permanent Court, replacing the original two-tier structure comprising a Court and a Commission on Human Rights. The Court is based in Strasbourg, France and is composed by as many judges as are the Member States of the CoE and hence parties to the ECHR (47).

More than 800 million people live in the Countries belonging to the Council of Europe. They all - and any other individual indeed subject to the jurisdiction of a Member State, which usually means on its territory - are entitled to the rights set forth in the Convention and in the Protocols thereto, including the right to directly submit a complaint to the Court. Also NGOs or groups of individuals can apply to the Court, provided they are the direct or indirect victims of a substantial provision of the Convention.

It must be recalled that the Court has jurisdiction also over complaints submitted by a State Party against another State member of the Council of Europe: this has occurred on several occasions, especially in the context of ongoing tensions between CoE member states (i.e. Turkey-Cyprus-Greece relations; or the Russia-Georgia conflict in 2008). Most decisions taken by the European Court on Human Rights has been on individual applications, which to be considered “admissible” must meet certain requirements as summarised in Insight Box 9; if they do not meet all these criteria the complaints will not even be examined.

Insight Box 10 - Admissibility criteria to lodge an individual complaint to the European Court of Human Rights

Temporal scope of application: The ECHR is only binding once states have joined.

Subject for complaint: The subject must be a legal or material act of a state that has ratified the ECHR. Acts of a neighbour or an employer are insufficient subjects for complaints, most acts of public authorities are sufficient.

Reason for complaint: The aforementioned legal or material act must have violated a law explicitly guaranteed by the ECHR, or Additional Protocols if they have been ratified by the state in question. The individual ECHR guarantees are broadly interpreted, so not every government act that is considered unfair fulfils the criterion. Since the 14th Additional Protocol was added, the Court may also reject a complaint if the complainant has not suffered any “substantial disadvantage.”

Personal qualities: Individual complaints are reserved for persons or organisations under private law whose rights have been personally and immediately violated as defined in the ECHR. It is thus impossible to lodge a complaint against a legal act without a specific case of application.

Subsidiarity: The complainant must have tried all national legal action first.

Deadline: The complaint has to be lodged within 6 months of the court of final appeal's judgement in the respective country. Delayed complaints will be dismissed.

Form and content of the complaint: The complaint has to be filed in written form and not anonymously. If the complaint is faxed or emailed to the Court first, it must be confirmed through regular mail. The facts and circumstances must be presented concisely, together with an explanation of how and to what extent ECHR rights were infringed upon. The complaint can be written in any official language of the Council of Europe. At a later stage, proceedings will be held in French or English and there is an obligation to be represented in court.

The judgments of the Court are legally binding according to international law: states have undercome to execute them, including by paying successful applicants a just satisfaction as provided for in the final judgment. Moreover, Court judgments may contain recommendations on “general measures” to take, including reforms of domestic legislation and/or administrative practices, in order to comply with the ECHR standards. In particular, a “pilot judgment” can be issued when the Court, while adjudicating a single case, find that the domestic legal order is systematically in breach of the Convention, so that general measures are required to prevent a mass of similar applications to overwhelm the Court.

The body charged with the control of the effective implementation by States Parties of the Court’s judgment is the Committee of Ministers, composed of the representatives of all members states of the CoE. Four annual sessions of the Committee are dedicated to the supervise and follow up the execution of the judgments. When states reveal a resistance to consistently abide by the Court’s decisions, the Committee may adopt diplomatic and political measures. In particular, a qualified majority of State Parties may require the Court to decide whether the judgment was effectively executed. The Committee of Ministers may also ask the Court to provide an authoritative interpretation of its own rulings, in case a controversy arose on it.

The system represented by the ECHR, its 16 Protocols and the Strasbourg Court represents the core component of the CoE system, one of the most effective system for the protection of human rights in the world. It also has relatively high compliance rate, even though, as shown, the European system does not provide any body with the capacity to impose sanctions on non-compliant states.

It is, however, worth mentioning a set of other mechanisms established by this Organisation. The European Committee of Social Rights was created with the mission to judge whether States Parties are in conformity, with their laws and in practice, with the provisions of the European Social Charter of 1961, or of its revised version of 1996. The Committee is composed of 15 independent, impartial experts, elected by the Committee of Ministers. In respect of national reports, the Committee adopts conclusions under the supervision of two politi-

cal bodies (the governmental Committee and the Committee of Ministers) that can adopt recommendations by a two-third majority. From 1998, on the basis of an Additional Protocol so far ratified by a restricted number of states (15), the Committee can receive collective complaints by qualified NGOs, organisations of employers and trade unions. The Committee screens the complaint, while the final decision on a possible violation has to be taken by the Committee of Ministers. Differently from the Court's judgements, the decisions taken by the Committee are not legally binding, which make a significant distinction in the way human rights of different categories are justiciable within this system. Another criticism which can be made to the CoE system for the protection of economic, social and cultural rights is that both versions of the European Social Charter do not require states to accept or reject the document as a whole, but they allow any State to pick and choose, one by one, some of the rights contained in the document, and only these rights originate obligations for the State ("cherry-picking" ratification system).

Another CoE organism that is worthwhile mentioning is the Committee for the Prevention of Torture (CPT), a non-judicial preventive mechanism, made of 47 independent experts, mandated to protect persons deprived of liberty against torture. The CPT, created by the homonymous 1987 Convention, perform its activity through regular country visits aimed at assessing how persons deprived of their liberty are treated. CPT delegations have unlimited access to all places of detention in the visited countries. Their work is based on the principle of cooperation and confidentiality, meaning that the CPT reports concerning the situation of torture in a given country are made public only if and when the government of such country requests so. This is consistent with the preventive method embodied by the CPT which is conceived to help authorities to better protect the rights of persons deprived of their liberty rather than to condemn - in a "name and shame" approach - states for their abuses and shortcomings in this sector.

The CoE has established a number of other mechanisms to monitor member states' obligations on issues such as trafficking in human beings, corruption, children's rights, racism and intolerance, violence against women and to make recommendations to authorities to improve the related human rights

situation. A monocratic non-judicial institution which is tasked to provide an overall country monitoring on the whole range of rights protected within the CoE system is the Commissioner for Human Rights, established in 1999 by the Committee of Ministers and appointed by the Parliamentary Assembly of the Council of Europe.

Organisation for Security and Cooperation in Europe

The second component of the broader European human rights system is constituted by the mechanisms created under the auspices of the OSCE. The original aim of this Organisation (created in the 1970s as the Conference for security and cooperation in Europe - CSCE) was to strengthen dialogue in Europe, especially between the two superpowers of the Eastern and Western blocs, working on a number of security issues. This aim was developed taking into consideration a broader and multi-dimensional approach to security which, besides the military dimension of it, also included the socio-economic and human dimensions.

With the end of the Cold War and the fall of the Berlin Wall in the early 1990s it was clear that the end of the confrontation between the two blocs did not mean the achievement of peace and security. Many bloody conflicts broke out in various areas, namely in the Balkans and the Caucasus. The institutionalisation of the CSCE, and hence the creation of the OSCE, responded to these new events. The Organisation was immediately used to set up a number of field operations with the aim of preventing further conflicts, resolve those already ongoing or to assist countries in the post-conflict transition.

In that context some specific issues related to human rights emerged and became prominent on the agenda of the Organisation: rights of minorities, freedom of the media and free and fair elections. Around these themes, the OSCE has created bodies and mechanisms likely to contribute on the ground to face troubled situations. The Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance and expertise to participating states and to civil society actors to promote democracy, rule of law, human rights and non-discrimination. It has developed a special expertise in the field of electoral observation and a recent commitment to protect human rights defenders in the OSCE area.

Over the last years, controversial issues concerning security and human rights arose in relation to counter-terrorism measures. Regarding this, the OSCE has developed a series of analysis and expert support capability in order to promote the respect of human rights as a means to effectively preventing and combating terrorism. Other important mechanisms are the High Commissioner on National Minorities, whose mandate aims to contain and de-escalate tensions and conflicts involving national minorities within the OSCE area, and the Special Representative on freedom of the media, the world's only inter-governmental institution mandated to protect and promote media freedom, with specific reference to the following issues: violence and threats against journalists, blocking and switching of broadcast signals and the use of propaganda seriously infringe fundamental values of free expression, free media and free flow of information.

A more recent institution created by OSCE is the Office and post of Special Representative and Coordinator for Combating Trafficking in Human Beings. Created in 2003 contemporary to the adoption of the Action Plan to Combat Trafficking in Human Beings, aimed at promoting a human rights-based approach in preventing and combating trafficking in human beings and helping states to develop and implement effective policies to tackle this increasingly serious phenomenon. Indeed, all countries in the region are countries of origin, transit or destination or a combination of the above. Another recent development within the OSCE, with a peculiar human rights mandate is the Human Dimension Committee: an informal body that supports the work of one of main decision-making organs of the Organisation, the OSCE Permanent Council. The Committee promotes cooperation between Member States and provides instruments to address any new kinds of threats to European security. Since 2006, when the Committee has been created, it has become one of the most important exchange platforms on human rights issues within the OSCE. The Committee has dealt with issues such as human trafficking, Sinti and Roma, freedom of the media, freedom of movement, the fight against torture, economic, social and cultural rights, national minorities, as well as internally displaced persons and refugees. The voluntary reporting of Member States on the implementation of human rights obligations and recommenda-

tions has become a custom for more than half of the Member States over the last few years. Considering that the Committee is still in its start-up phase, there is room for further innovative developments in terms of State monitoring and dialogue with civil society.

European Union

The European Union is a new kind of international subject, with a composite institutional architecture where intergovernmental and supranational dimensions coexist. Thus, the EU is neither a new federal State encompassing all its Member States, nor a mere international organisation whose measures do not affect the individuals subject to the member states' exclusive jurisdiction.

The process of integration which led to the creation of the EU started in 1951 with the creation of the European Coal and Steel Community among France, Germany, Belgium, the Netherlands, Luxembourg and Italy, which was followed by the establishment in 1957 of the European Economic Community and the European Atomic Energy Community (Euratom). As envisaged in the famous Declaration of France Foreign Minister Robert Schuman of 9 May 1950, "the pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims".

Although from outset the ultimate purpose of the integration process was to gradually create an area of peace and human dignity in the European continent, the project developed mostly on economic and technical cooperation and did not provide for long any attention to human rights, which formally started to become part of the EU framework only from the early 1990s.

In fact, the European Court of Justice played a growing role over the 1970s in recognising human rights within the European Communities system, referring in its case-law to the constitutional traditions of its member states. Only with the adoption of the Treaty of Maastricht in 1992, however, human rights started to be included into the European legal order. The Treaty, indeed, established a political Union in place of the pre-existing communities, introduced

European citizenship rights for all those who are citizens of a EU member state, and recognised human rights among the principles and objectives of the EU domestic and external policies. These references were further developed and strengthened with the adoption of the ensuing treaties which were adopted in 1997 (Treaty of Amsterdam), 2000 (Treaty of Nice) and 2007 (Treaty of Lisbon) to improve the overall functioning of the EU overall system.

The fundamental rights the EU recognises to its citizens and to any human being are listed in the Charter of Fundamental Rights of the European Union. The Charter was solemnly proclaimed in 2000 but it obtained the status of EU binding primary law with the entry into force of the Lisbon Treaty, in 2009. The legal status of the Charter implies that all proposals for a new legislation as well as the legislative process itself and the implementation of the EU laws must respect human rights. In order to achieve this goal, the Commission developed, among other things, an Operation Guidance with a fundamental rights checklist in order to help European institutions and organs to effectively take account of fundamental rights when adopting new legislation.

The Charter of Fundamental Rights has played an important role in the adoption of measures concerning border control (to implement the prohibition of inhuman and degrading treatment) or in the field of financial and technical tools to fight the exclusion of Roma people, the biggest (and probably the most discriminated) minority in Europe. The impact of the Charter on the case law of the European Court of Justice - the supreme court of the Union - cannot be underestimated. Since 2010, the European Commission has published an annual report on the application of the fundamental rights and freedoms in the Charter of Fundamental Rights. The report monitors progress in the areas where the EU has powers to act, showing how the charter has been taken into account in actual cases, notably when new EU legislation is proposed.

Besides the European Commission all remaining EU institutions are expected to play a role in the promotion of HR. The European Parliament, a supranational institution just as the Commission, has established several committees dealing with human rights topics, including a Committee for petitions which allows individuals and legal persons residing in the EU to lodge petitions concerning on the various types of problems citizens encounter in their every-

day lives, as long as the issues fall within the field of activity of the European Union. The Parliament also adopts resolutions on the situation of human rights in different countries, including an annual report on EU action to advance human rights and democracy in the world. A most recent commitment has pushed European institutions to develop framework of cooperation to protect the rule of law within member states.

The Council, which is an intergovernmental institutions composed by Ministers of each Member states, has created an ad hoc working party on human rights, named COHOM, which since 2008 has developed a number of guidelines on human rights to be distributed to European delegations in the world, and a Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP).

Other ad hoc mechanisms which share a human rights grounding in the EU system are the European Ombudsman and the Fundamental Rights Agency. The first is an independent and impartial body that holds the EU's institutions and agencies to account, and promotes good administration. The second is a technical organism which seeks to instil a fundamental rights culture across the EU by collecting pertinent and timely data and information; sharing evidence-based insights and advice with policy- and decision-makers of all EU members states, raising rights awareness and promotes fundamental rights through cutting-edge communications and cooperation with a wide array of diverse stakeholders from the local to international level.

Since the entry into force of the Lisbon Treaty the EU has acquired legal personality which, among other consequences, allows it to access international treaties, including the ECHR although the process has been long debated without any positive outcomes so far.

2.3.2 The Organisation of American States (OAS)

The regional system for the protection and promotion of human rights in the Americas developed under the auspices of the Organisation of the American States (OAS) created in 1948 as the result of the effort to secure regional peace and consolidate the political landscape of the continent in the aftermath of the Second World War and in the emerging scenario of the Cold War.

The OAS is made of 35 states and was originally mandated to enhance trade and cooperation and promote collective security and the members' sovereignty, territorial integrity and independence. From the outset the OAS developed a specific focus on human rights. At the founding conference in Bogotá (April 1948), OAS member states adopted the American Declaration of the Rights and Duties of Man, which in fact preceded the adoption of the UN Universal Declaration (adopted in December of the same year). The American Declaration is not a legally binding instrument; nevertheless, the recent practice of American states and the jurisprudence of the Inter-American Commission and Court of Human Rights tend to consider the Declaration as integral part of the Charter of the OAS, and therefore binding for the OAS Member States. The American Declaration encompasses civil and political as well as economic, social and cultural rights and emphasises both rights and duties of the individuals.

After the adoption of the Declaration, it took about twenty years for OAS member states to agree on the text of the American Convention on Human Rights (also referred to as the "Pact of San José de Costa Rica"). The Convention was opened for signatures in 1969 and entered into force in 1978. Nine states parties to the OAS, including Canada and the United States are not part to the Convention.

Similarly to the ECHR, the American Convention focuses mainly on civil and political rights; although it includes an article on economic, social and cultural rights, whose realisation has to be progressively achieved. In 1988, moreover, OAS states agreed on a Protocol on economic, social and cultural rights (Protocol of San Salvador, additional to the Inter-American Convention, entered into force in 1999), that bridged the gap left by the American Convention on the protection of these rights.

The OAS has adopted a number of other human rights legal instruments including the Convention on the Granting of Civil Rights to Women (1948), the Protocol on the abolition of death penalty (1990), the Convention to Prevent and Punish Torture (1985), the Convention on Forced Disappearance of Persons (1994); the Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities (1999), The Inter-American Convention

against All Forms of Discrimination and Intolerance, and the Inter-American Convention against Racism, Racial Discrimination and Related (both adopted in 2013).

In 1994 the OAS adopted the Convention on Prevention, Punishment and Eradication of Violence Against Women (also called Convention of Belém do Pará), entered into force the following year. The Convention is the first international instrument specifically covering the issue of violence against women (the UN adopted a non-binding Declaration on this matter in 1993, while only in 2011 the Council of Europe managed to adopt a legally binding Convention). All members of the OAS have ratified it, but Canada, Cuba, and the USA.

As regards the institutional framework created to deal with and monitor the application of the many binding and non-binding instruments common characteristic of the American Declaration and the American Convention is that they envisage that individuals may submit petitions to the Inter-American Commission on Human Rights in case of alleged violations of their provisions by a State Party; if the concerned State has also accepted the jurisdiction of the Inter-American Court of Human Rights, the latter may be competent to adjudicate over the case.

The Inter-American Commission of Human Rights has been operating since 1959; it is composed by seven highly specialised independent experts and based in Washington DC. The main functions of the Commission are to carry out on-site visits to observe the general human rights situation in a country or investigate specific situations and to receive complaints on human rights abuses and requests of investigation submitted by individuals or groups. The ability of the Commission to receive individual petitions and conduct inquiries in relation with any member State of the OAS, including those that have not ratified the Inter-American Convention or any other specific instruments on human rights, has proved to be particularly important, namely in connection with the monitoring of situations affecting the United States.

The Inter-American Court of Human Rights, created by the American Convention on Human Rights, provides an additional level of protection to strengthen the inter-american system. The Court was installed in 1979 in San José, Costa Rica, to adjudicate cases of alleged human rights violations submit-

ted to it by the Inter-American Commission on behalf of the petitioner. The Court, comprised of seven judges, is therefore the second international judicial body, after the European Court of Human Rights, tasked to issue binding judgments on human rights violations committed by a State. Unlike the European Court, the Court of San José cannot be directly seized by an individual. When, in dealing with a petition, the Inter-American Commission cannot achieve a “friendly settlement” between the individual and the concerned State, it can forward the case to the American Court, provided that the defendant State has accepted the competence of the Court. The American Court can also issue advisory opinions at the request of any OAS Member States and of some bodies of the Organisation. Its consultative competence is quite broad as an American State may submit to the judges a request to interpret any international or domestic law provisions concerning human rights that involves it.

Another significant human rights-related mechanism which performs its functions under the auspices of the OAS is the Inter-American Commission on the Status of Women, created in 1928 and composed of 34 delegates. Moreover, since 1990 the Inter-American Commission has established several thematic “rapporteurships”, not so dissimilar from the UN SPs, focused on certain groups, communities, and peoples that are particularly at risk of human rights violations due to their state of vulnerability and the discrimination they have faced historically.

2.3.3 African Union

The establishment of the African Union (54 member states) was decided in 1999 by the Governments of the Organisation of African Unity (OAU) which was established in 1963 in Addis Abeba, Ethiopia. In 1999 African governments issued a Declaration (the “Sirte Declaration”) calling for the establishment of a Union, with a view, among others, to accelerating the process of integration in the continent, to enable Africa to play a major role in the global economy while addressing a number of multifaceted social, economic and political problems in some cases conducted by certain negative aspects of globalisation.

African states started to deal with human rights in 1981, when the OAU adopted the African Charter on Human and Peoples' Rights (also known as the “Banjul Charter”). The Charter is the major normative instrument on human rights shared by the African states. It entered into force in 1986. All African states but South Sudan have ratified it.

The African system created around this Charter distinguishes itself from the other two “established” regional systems (the European and the Inter-american ones) for a number of features. Among the most important are the equal emphasis given to civil and political rights and to social, economic and cultural rights and the stress put on the universality, indivisibility, interdependence and interrelation between all fundamental rights, which can be observed as another way of emphasising the economic and social dimensions of rights, which as demonstrated in the previous sections, was relatively neglected in the ECHR and in the Pact of San José.

Moreover, as highlighted in its title, the Charter includes both individual and collective rights. Peoples, in particular, are entitled to the right to be equal and not to be dominated by other peoples; to existence and self-determination; to liberate themselves from colonial bonds and to be helped by the African states in this purpose; to dispose of their natural resources; to economic, social and cultural development; to national and international peace and security, and to a satisfactory environment. From this perspective, the Charter is the only international legal instrument that recognises the right to peace. Furthermore, besides rights the Charter also sets duties and responsibilities, such as that of individuals not to compromise the security of the State and “to preserve and strengthen social and national solidarity”. States, on their parts, have a duty to promote human rights, namely through education, and to establish independent courts and other institution to grant human rights.

The production of hard law by the OAU/AU is smaller than its European and American counterparts. Besides the Banjul Charter, the main legal instruments which directly address human rights in Africa are the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights (adopted in 1998 and entered into force in 2004); the African Charter on the Rights and Welfare of the Child (1990), the Protocol to the

African Charter on the Rights of Women in Africa (2003); Convention for the Protection and Assistance of Internally Displaced Peoples in Africa (2009) and the Protocol to the African Charter on the Rights of Older Persons (2016).

As far as the machinery is concerned, the African Charter, under Article 30 provides for establishing an African Commission on Human and Peoples' Rights that started its operations in 1987. Its mandate is to promote human and peoples' rights and ensuring their protection. Besides the competence to receive and analyse states' report and to appoint Special Rapporteurs and Working Groups to address specific topics, the Commission has the authority to examine interstate and individual complaints for alleged violations of the African Charter, so long as domestic remedies have been exhausted.

As mentioned, an ad hoc Protocol to the African Charter, signed in 1998, established the African Court on Human and Peoples' Rights, which its work in 2006. At the time of writing, the member states of the AU that have ratified the Protocol and have thus accepted the jurisdiction of the Court are 24.

Similarly to its European and American equivalents, the Court can issue legally binding judgements establishing appropriate remedies for the violations of human and peoples' rights. The main limitation of this system is the fact that individuals can directly address the Court only against those states who have explicitly declared to accept this procedure and, as of 2019, only nine Countries had made such a declaration: Burkina Faso, Ghana, Malawi, Mali, Tanzania, Rwanda, Ivory Coast Tunisia and Gambia.

In 2004 the AU decided to merge the African Court with the African Court of Justice (not yet established). The Protocol on the Statute of the African Court of Justice and Human Rights was opened for signature in 2008 and entered into force in 2011. As at February 2019, only seven countries have ratified it (15 ratifications are needed for the Protocol to entry into force). Within this complex process of reform, the Malabo Protocol adopted by the African Union in 2014 would further amend the new Court's statute to include jurisdiction over international criminal law such as genocide, war crimes, and crimes against humanity, creating a sort of hybrid super-Court such as has never been seen before in international or regional politics. The potential case load especially in a region that suffers from significant institutional capacity deficits, may be troublesome and has contributed lowering the advancement of this additional step.

Besides the Commission/Court system, another important mechanism for the promotion and protection of human rights in the African continent is the African Committee of Experts on the Rights and Welfare of the Child. Created in 2001, it is a group of individuals of high moral standing, integrity, impartiality and competence in matters of the rights and welfare of the child which are mandated to monitor and report on the fulfilment of child rights in Africa, considering State Party Reports on compliance with the provisions of the African Charter on the Rights and Welfare of the Child and issue general recommendations to State Parties. The Committee can also receive and consider individual complaints of violations by State Parties of Charter rights and express its views as to the presence or absence of a violation or violations. This committee which resembles for many aspects a UN TB has been important to deal with particular sensitive human rights issues involving children's rights in Africa, such as those of child soldiers and children marriage.

Lastly, a quite interesting process that has recently developed under the auspices of the AU, is the African Peer Review Mechanism, established in 2003, it is a voluntary process that involves African heads of states in mutual scrutiny of the HR situation in the countries that have accepted this process (so far 38). The objectives of the mechanisms are primarily to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration. The review is conducted on four thematic areas Democracy and political governance. Economic governance and management. Corporate governance. Socio-economic development. Political peer review of policy areas that can have a bearing on human rights could develop into an important complement to the juridical and quasi juridical monitoring conducted by the machinery established by international legal instruments.

2.3.4. The Arab League and Arab regional system for human rights

The League of Arab States (or Arab League - AL) was established in 1945 in Cairo by Egypt, Iraq, Jordan, and Yemen to "draw closer the relations between Member States and co-ordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries. It now counts 22 members state from Middle East and North Africa mainly) and Eritrea as an observer.

Like similar organizations in the world whose goal is to look after their members' economic, political, cultural, national and religious interests, the Arab League has been active in helping the Arab world grow economically and culturally, while trying to find solutions to resolve conflicts both within the League and outside of it. The AL has been particularly changed with recent conflict in Syria and Yemen.

As far as human rights are concerned, the only African legal instruments on this matter is the Arab Charter on Human Rights adopted in 2004 and entered into force in 2008. The Charter is currently ratified by 13 AL countries: Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Syria, the UAE and Yemen.

Before the current text was accepted, the Arab League adopted in 1994 an early edition of the Charter, which was not ratified by any country in 10 years.

The 2004 Arab Charter includes both civil and political rights and economic, social and cultural rights. Although it represented an improvement in terms of abiding to international human rights standards compared to the previous version of the instrument, the text of the Charter has been criticised by both Arab civil society and human rights scholars for a number of problematic elements which include, among others, the fact death penalty can be imposed to under-age persons if provided by the law in force (art. 7); the law can impose limitations on freedom of thought, conscience and religion (art. 30) and the some of the rights contained are contingent upon the interpretation of Islamic Shari'a (es. article 3.3 reads "Men and women are equal in human dignity, in rights and in duties, within the framework of the positive discrimination established in favour of women by Islamic Shari'a and other divine laws, legislation and international instruments. Consequently, each State Party to the present Charter shall undertake all necessary measures to guarantee the effective equality between men and women").

The Charter has established an Arab Human Rights Committee made of 7 independent experts that has the tasks of receiving and assessing periodic reports prepared by state parties. State reports are public but there is no mechanism for petitions from a State party or individuals, nor does the charter establish any other enforcement mechanism. Accordingly, if we exclude the experience with the Permanent Arab Commission on Human Rights, created in 1968

largely in response to the 1967 occupation of Palestinian territories in the West Bank and Gaza the expert Committee remains the only way to monitoring state compliance to regional human rights obligations.

Despite there no specific space for human rights NGOs and civil society organisations has been envisaged in the incipient Arab system, regional civil society has sought to implement more effectively the human rights monitoring and protection mandate of the Arab League, and to amend the Charter in accordance with universally established international human rights standards. Since 2013 Arab civil society has advocated for the efforts to establish a regional human rights court also for Arab League member states on the model of the European, American and African ones.

The growing role of local civil society organisations for human rights has been recently recognised by Arab League member states in several occasions including with the launch by the General Secretariat of the Organisation of the Decade of Arab Civil Society Organizations for the period 2016-2026.

Insight Box 11 - The Arab Charter on Human Rights, 2004 - Preamble and Article 1

Given the Arab nation's belief in human dignity since God honoured it by making the Arab World the cradle of religions and the birthplace of civilizations which confirms its right to a life of dignity, based on freedom, justice and equality,

Pursuant to the eternal principles of brotherhood, equality and tolerance among all human beings which were firmly established by the Islamic Shari'a and other divinely-revealed religions,

Being proud of the humanitarian principles which it firmly established in the course of its long history and which played a major role in disseminating centres of learning between the East and the West, thereby making it an international focal point for seekers of knowledge, culture and wisdom,

Conscious of the fact that the entire Arab World has always worked together to preserve its faith, believed in its unity, struggled to protect its freedom, defended the right of nations to self-determination, to safeguard their resources and to development, believed in the rule of law and its contribution to the protection of universal and interrelated human rights, and believed that every individual's enjoyment of freedom, justice, and equality of opportunity is the yardstick by which the merits of any society are gauged,

Rejecting racism and zionism which constitute a violation of human rights and pose a threat to international peace and security, acknowledging the close interrelationship between human rights and world peace, reaffirming the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, as well as the provisions of the United Nations International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights and the Cairo Declaration of Human Rights in Islam,

The State Parties to this Charter have agreed as follows:

Article 1

The present Charter shall undertake, in the context of the national identity of the Arab States, their sense of belonging to a common civilisation, to achieve the following goals:

1. To place human rights at the centre of national preoccupation in the Arab States, to create great (fundamental) ideals for guiding the individual's will in these Arab States, and to help him improve his situation (life) in accordance with the noblest human values.
2. To instill (teach) in the human being in the Arab States pride in his identity, to (be) be faithful to his nation and to have a bond with his land, his history and common interests with all human beings in the Arab States. To encourage humane brotherhood, tolerance and open-mindedness in accordance with universal principles and the principles set out in human rights international instruments.
3. To prepare future generations in the Arab States to live free and responsible lives in a civil society united by a balance between consciousness of rights and respect for obligations, and governed by principles of equality, tolerance and moderation.
4. To establish the principle that all human rights are universal, indivisible, interdependent and indissoluble.

2.3.5 Human rights developments within ASEAN

The Association of South-Eastern Asian Nations is the only Asian sub-regional organisations that have developed a specific interest in human rights. Established in 1967, to accelerate the economic growth, social progress and cultural development, promote regional peace, stability the respect for justice and the rule of law as well as active collaboration and mutual assistance on mat-

ters of common interest in the economic, social, cultural, technical, scientific and administrative fields in the region, ASEAN is composed by 10 member states: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

Differently from the other organisations presented in this chapter, ASEAN moved its first step toward establishing a regional human rights system with the creation of a organism, not with the adoption of an instrument establishing standards.

The Inter-governmental Commission on Human Rights was indeed established in 2008 and inaugurated in October 2009 as a consultative body of the Association with the task of promoting and protecting human rights and regional co-operation on human rights, in the member states. This Commission operates through consultation and consensus, meeting at least twice per year. Its staff is currently engaged in conducting thematic studies and preparing capacity building activities. The Commission, therefore, has no power to investigate human rights violations or to monitor the human rights situations within the region.

The reference document for human rights within the Association is the ASEAN Human Rights Declaration a non-binding instrument adopted unanimously in November 2012 in Phnom Penh. The Declaration includes the full range of civil, political, economic, social and cultural rights, collective rights, the right to peace and the right to development. Despite its comprehensiveness, the instrument has received criticism by human rights NGOs and by other human rights international institutions such as the OHCHR on the basis of the fact that the Declaration was not drafted in consultation with civil society organizations, and that many of its provisions protect ASEAN members against already established international human rights standards and that many of the rights the Declaration does recognise are subordinated to national law

3. PEACE AS A FUNDAMENTAL HUMAN RIGHT

3.1 The long road of the Right to Peace

After thousands of years of wars, and especially in the aftermath of the two World Wars of the XX Century, the Charter of the United Nations was designed to inaugurate the era of World Peace, to be founded on the respect of the dignity of all members of the human family and of their equal and inalienable rights. The commandment of love and brotherhood, which numbers among the noblest human sentiments, is expressed both in the Charter, wherein it states that in order to be members of the United Nations, states must be “peace-loving”, and in the Universal Declaration of Human Rights, which proclaims that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”.

Article 1 of the UNESCO Constitution provides as follows: “1. The purpose of the Organisation is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, the rule of law and for human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations. 2. To realise this purpose the Organisation will: a. Collaborate in the work of advancing the mutual knowledge and understanding of peoples (...); b. Give fresh impulse to popular education and to the spread of culture (...)” (*italics added*).

Within the United Nations system, UNESCO is the “agency” which, by its own statutory nature, is entitled to build up and cultivate the ground of a sustainable peaceful world order through developing the peace human rights culture.

Both the Preamble (“Since wars begin in the minds of men...”) and Article 1 do advance in particular Article 28 of the Universal Declaration of Human Rights, that reads: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised”.

The meaning of this Article is that all human beings are entitled to positive peace - internal and international - as summarised by the latin maxim “si vis pacem, para pacem”, if you want peace, do construct peace. The educational mandate of UNESCO in this very field is implicitly highlighted by the Preamble of the Universal Declaration which says that the Declaration is proclaimed “as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms (...)”(italics added). This means that UNESCO has the strategic task to contribute to provide effectiveness to the International Law of Human Rights, the “universal law” that is rooted in the first part of the UN Charter and further developed by a coherent corpus of specific instruments. The promotion and protection of human rights is assured by many ways and means: the judiciary is one of them, it is absolutely necessary to address alleged violations, but it operates ex post factum, using the logic of sanction more than that of moral persuasion. For the effectiveness of human rights, education and teaching are even more powerful, because they go into depth of both minds and hearts, their purpose is to facilitate internalising values and raising awareness, consciousness, convictions, briefly they provide the most secure preventive way.

Since long UNESCO has addressed the subject of peace construction in the context of its political-educational mandate. We should acknowledge the high value of its pedagogical and didactic production. I would mention, among others, the outstanding Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms of 19 November 1974. It contains the pedagogical and didactic interpretation of Article 13 of the International Covenant on Economic, Social and Cultural Rights of 1966:

1. The States Party to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship

among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”.

This norm should be interpreted in direct relationship with the above-mentioned article 28 of the Universal Declaration as well as with the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

The Declaration of Human Rights Defenders (see below, Chapter 4) not only establishes a legal basis to further develop formal and informal education in accordance with the action-oriented approach, but also enables individuals and groups to (peacefully) take concrete action inside and outside states, in a space that cross-cuts national boundaries: it is the planetary space for the construction of world peace.

During the four decades of the bipolar era, the culture of peace was infected by ideological confrontation that heavily instrumentalized the concept of peace and the aims of the peace culture. There was a harsh, sterile, tiring questioning whether peace was the pre-condition for the realisation of human rights or development a pre-condition for both peace and human rights, whether political democracy comes first with respect to economic and social democracy, and so on. UNESCO was heavily affected by this instrumentalizing debate, as much as it was by the ferocious East-West confrontation on issues like the “rights of peoples” and the claim for a “new world order of information and communication”.

On 15 December 1978, the General Assembly adopted resolution 33/73 entitled Declaration on the Preparation of Societies for Life in Peace. The Declaration spells out the eight main principles, which will guide Member States in the preparation of societies for life in peace: recognition of the right to live in peace; qualification of wars of aggression as a crime against peace; prohibition of the propaganda of war; strengthening of the cooperation on peace; respect of the right of self-determination of peoples, independence, sovereignty, territorial integrity and independence; elimination of the threat inherent in the arms race; discouragement of all manifestation and practices of intolerance, racism, racial discrimination, colonialism, apartheid and other human rights and

fundamental freedoms and discouragement of advocacy of hatred and prejudice. The Declaration calls upon all states to adopt two measures in order to implement the eight principles mentioned above, namely: educational processes and teaching methods as well as media information, and the development of bilateral and multilateral cooperation programs with the participation of non-governmental organisations.

A first attempt to recognize the right to peace (as a right of peoples, but not also as a right of the person) is constituted by Resolution 39/11 of 12 November 1984, with which the General Assembly of the United Nations approved a Declaration on "Right of peoples to peace" which "solemnly proclaims that the peoples of our planet have a sacred right to peace" and that "its implementation constitute a fundamental obligation of each state". In this declaration, with its synthetic as well as generic content, peace is not proclaimed as a right even of the person and the duties of the states are not specified.

In coincidence with the Wall fall and the end of bipolarism, UNESCO was refreshed by a large intellectual mobilisation that advocated for developing a genuine culture of peace, based on human rights. There were significant moves, in particular the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy (Montreal 1993), the launching in 1995 of the Transdisciplinary Project "Towards a Culture of Peace", and the shrewd dissemination of UNESCO Chairs, the strategic investment in the higher education establishments. In November of 1997 the Conference of UNESCO addressed in a specific way the item relating to the formal recognition of peace as a fundamental right in the context of a draft Declaration on a Culture of Peace warmly supported by the Director-General Federico Mayor Saragoza.

Almost all Western countries declare themselves against it. The Draft was not endorsed because, it was said, there was not enough "consensus".

The persistent contrariness of many states derives from the awareness that, once the human right to peace is recognized, the double legal obligation to cancel the atavistic *ius ad bellum* (right to make war) as a strong attribute of their sovereignty would fall on them and to fulfil the duty of peace (*officium pacis*), with the consequence that the violation of the right to peace would be, as such, a crime punishable under international law.

Insight Box 12 - A culture of peace from a right to peace perspective

A culture of peace is not just a collection of amorphous paeans to harmony on a good day. It is rooted in a new understanding that human beings are not genetically programmed for war. There is no inherent biological component of our nature that produces violence. This was the conclusion of the Seville Statement on Violence drafted in 1986 by 20 leading biological and social scientists under the auspices of the International Society for Research on Aggression. After examining arguments based on evolution, genetics, animal behavior, brain research, and social psychology, the scientists drew the conclusion that biology does not predestine us to war and violence. “We conclude that biology does not condemn humanity to war, and that humanity can be freed from the bondage of biological pessimism.” War, the scientists said, is a product of culture. Throughout the 20th century, wars were the first choice of most governments in dealing with conflict. It seemed “natural” to go to war against a perceived evil. But that does not mean that humanity cannot get out of the sociological trap of the culture of war. There is no denying the presence of evil in the world, which all too often manifests itself in violence. But war in response to violence is no longer the only option.

The point here is that humanity has achieved a level in its maturation where aggression can be controlled and dealt with by new mechanisms, such as the International Criminal Court and internationally-sponsored peace-keeping operations. Humanity is slowly climbing out of the pitiless hole of warfare that has claimed so many lives. We now know that it is possible to put war behind us, even if political practitioners are not yet ready to dismantle the war machinery.

Using the Seville Statement as a guide, UNESCO outlined a culture of peace embracing a set of ethical and aesthetic values, habits, customs, attitudes toward others, forms of behaviour, and ways of life that would reject violence and respect the life, dignity and human rights of all individuals. In a culture of peace, the old enemy images of the culture of war would give way to understanding, tolerance and solidarity; democratic participation would replace authoritarian governance; sustainable economic and social development would replace exploitation of the weak and of the environment.

This work led to the UN General Assembly’s adoption, September 13, 1999, of a Declaration and Programme of Action on a Culture of Peace, regarded at the time as the most comprehensive program for peace ever taken up by

the UN. It set out a route to ending violence through education, dialogue and cooperation, commitment to peaceful settlement of conflicts, promotion of the right to development, equal rights and opportunities for women and men, freedom of expression, opinion, and information. A group of Nobel Peace Laureates drew up guidelines, which were translated into more than 50 languages: respect all life, reject violence, share with others, listen to understand, preserve the planet, rediscover solidarity. Programs and petitions were organized by 180 international organizations around the world to mark the International Year for the Culture of Peace in 2000. An International Decade for a Culture of Peace and Non-Violence for the Children of the World was designated for 2001-10. Then 9/11 struck.

Source: Roche 2013, 41-49.

3.2 The Declaration on the right to peace

In 2009, the idea of preparing a "Declaration on the right of peoples to peace" is on the agenda of the UN Human Rights Council, which asks its Advisory Committee to take action in this regard. The Committee puts in place a drafting group composed of Chinsung Chung, Miguel d'Escoto Brokmann, Wolfgang Stefan Heinz, Mona Zulficar, Shigeki Sakamoto, Latif Huseinov. This group prepares a questionnaire for a wide consultation, at the end of which it presents a draft declaration to the Advisory Committee that approves it and transmits it to the Human Rights Council.

In 2012, the Human Rights Council adopted resolution 20/15 on "The promotion of the right to peace". This resolution established an intergovernmental open-ended working group with the mandate of progressively negotiating a draft UN Declaration on the right to peace on the basis of the draft submitted by the Advisory Committee.

The most acute political phase of this normative iter thus begun. The United States, EU member states and the EU itself have declared themselves against the creation of the Working Group and the very idea of a United Nations Declaration on the specific subject of the right to peace.

The draft Declaration under discussion, articulated in 14 broad articles, is destined, of course, to be reformulated in many parts. It contains the develop-

ment of a model of world order based on human rights, individual and collective, of first, second and third generation: civil and political rights, economic, social and cultural rights, right to peace, right to development, right to the environment, the right to human security.

The document contains concepts and precepts absolutely revolutionary for the traditional way of conceiving international law.

The content of article 1 of the draft of the Advisory Committee states:

Article 1. Right to peace: principles

- 1. Individuals and peoples have a right to peace. This right shall be implemented without any distinction or discrimination for reasons of race, descent, national, ethnic or social origin, colour, gender, sexual orientation, age, language, religion or belief, political or other opinion, economic situation or heritage, diverse physical or mental functionality, civil status, birth or any other condition.*
- 2. States, severally and jointly, or as part of multilateral organizations, are the principal duty-holders of the right to peace.*
- 3. The right to peace is universal, indivisible, interdependent and interrelated.*
- 4. States shall abide by the legal obligation to renounce the use or threat of use of force in international relations.*
- 5. All States, in accordance with the principles of the Charter of the United Nations, shall use peaceful means to settle any dispute to which they are parties.*
- 6. All States shall promote the establishment, maintenance and strengthening of international peace in an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination.*

The substantial (dense) articles that follow - all absolutely pertinent - concern: human security (art. 2), disarmament (art. 3), peace education and training (art. 4), Right to conscientious objection to military service (art. 5), private military and security companies (art. 6), resistance and opposition to oppression (art. 7), peacekeeping (art. 8), right to development (art. 9), environment (art. 10), rights of victims and vulnerable groups (art. 11), refugees and migrants (art. 12), obligations and implementation (art. 13), final provisions (art. 14).

In the text at each articulation of the right to peace a series of punctual juridical duties of the states is made to correspond: from disarmament to the control of private military enterprises.

With the aim of reaching the broadest consensus, the intergovernmental working group rejects the full text elaborated by the Council's Advisory Committee.

The first July 2016 the UN Human Rights Council endorsed the Resolution 32/28 recommending the General Assembly to adopt the “Declaration on the right to peace” as prepared by the Council’s Working Group in the course of four years of debate. The text includes 5 articles and a large preamble.

Article 1 states that “everyone has the right to enjoy peace such that all human rights are promoted and protected, and development is fully realized”.

Article 2 fixes the obligation of states “to respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee freedom from fear and want as a means to build peace within and between societies”.

This is the multidimensional concept of positive peace, including also social and economic aspects. Consistently, the preamble recalls that “peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing”.

Article 3 fixes the obligation for state, the United Nations, and for the UNESCO to take “appropriate sustainable measure” to implement the Declaration. International, regional, national and local organisations and civil society as well are encouraged “to support and assist in the implementation” of the Declaration.

Article 4 lays down the obligation to promote “international and national institutions of education for peace”, and explicitly referring to the University for Peace, affirms that education for peace is a “great universal task” to carry out “by engaging in teaching, research, post-graduate training and dissemination of knowledge”.

The conjunction of Article 1 with the very title of the Declaration presupposes that a human right to peace does already exist as implicitly proclaimed by Article 28 of the Universal Declaration of Human Rights: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”.

The incipit of the preamble of the Declaration on the right to peace makes specific reference to the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Action Program. This means that the Declaration is firmly anchored in the human rights international law.

On 19 December 2016 the UN General Assembly adopted the “Declaration on the Right to Peace” with Resolution 71/189.

The formal recognition of the Right to Peace is not a mere symbolic act, it has a huge impact on both politics and economics, it is a matter of national security, finally it belongs to the new world order agenda. I mean that if peace is formally acknowledged as human right, states would be urged by legitimate claims to comply with precise legal obligations. The first claim will be for linking peace to life, as the faces of the same coin. And life means not only survival, but also “human development” and “human security” of all individuals and of all peoples, finally “people security” based on “all human rights for all”. What stems logically from this assumption is that death penalty and war are incompatible with life, and the alleged supremacy of the market upon social justice is incompatible with both peace and life. Another legitimate claim would be for a real disarmament. Furthermore, the legal recognition of the human right to peace would change the nature (or the “form”) of the State, first of all because it takes away from it an essential element of its legal and political identity: the *ius ad bellum*, the right to make war. Accordingly, to the doctrine and practice of state armed sovereignty, the *ius ad bellum* is intrinsically complementary to the *ius ad pacem*, to the right to make peace. Then, if the right to make war disappears, what would remain is a *ius ad pacem* transformed into the *officium pacis*, the legal obligation for states and for all to make peace. Finally, the formal recognition of the human right to peace would make even more stronger the

duty of the Members of the United Nations to fully implement the whole range of principles of the United Nations Charter regarding states obligations: the repudiation of war (scourge...) and the prohibition of the use of force (with the exception provided by Article 51), the obligation to settle disputes in a peaceful way, the duty to disarm, the respect for the conscientious objection to military service, etc. The implementation of the right to peace would entail, among other, the establishment of a permanent military and civil force at the disposal of the United Nations, the effective coordination of regional “defensive” organisations, strengthening the human rights machinery, enabling the Economic and Social Council to actually orient world economy in the direction of social justice, full support to the International Criminal Court.

The effectiveness of the Declaration will depend on the diffusion of its knowledge and on the commitment of all, beginning with the states, to fill the meagre articles of the device with operational contributions. In short, there is room for the development of the effectiveness of norms that are formally of soft law, but which in substance contain the principles of *ius cogens*, that is, of very high preceptivity. In this context, it will be useful to interpret the text of the Declaration also using the contents of the original draft of the Advisory Committee, an integral part of the preparatory work.

Insight Box 13 – Appeal for the right to peace

We, the members of the human family and of the Peoples of the United Nations,

determined to save present and succeeding generations from the scourge of war,

to reaffirm faith in fundamental rights of the human person and of the peoples,

to promote human development all over the world

in a larger freedom from fear and from want,

HAVE THE RIGHT TO PEACE

- because we have the right to life and we love life,

- because war is the denial of life,

- because to deny life is like denying the subject of the rights,

- because all human beings are born free and equal in dignity and rights, and they should act towards one another in a spirit of brotherhood,
 - because the respect of dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
 - because we are firmly convinced that peace is a pre-condition for the enjoyment of all fundamental rights and freedoms,
 - because a fundamental right does imply specific legal obligations and sanctions,
 - because we have the right and the responsibility, individually and in association with others, to promote and strive for the protection and realisation of all human rights and fundamental freedoms at national and international level,
 - because we want that principles enshrined in the United Nations Charter, in particular the prohibition of the threat or use of force and the obligation to settle international disputes by peaceful means, be fully accomplished,
 - because we want states to disarm, to recognise the human right to conscientious objection to military service and military expenses, to enhance the functioning of the United Nations and other legitimate multilateral institutions, in particular to give way to the collective security system in order to prevent violent conflicts, to take concrete measures for human development, human security, environmental protection,
 - because we want the ruinous right to make war (*ius ad bellum*) be deleted once for all, and states be legally obliged to construct peace so that *officium pacis* would become the identity feature of their serving sovereignty,
 - because we want to liberate positive peace from the deadly embracement of *bellum iustum* so to speed up its passing from the logic of state warlike sovereignty to the nonviolent area of fundamental rights,
 - because we want to actively participate in the construction of a more just, peaceful and democratic world order, endowed with effective structures of government of economy in accordance to principles of social justice,
- ACCORDINGLY, WE URGE the representatives of states, to recognise peace, by means of an appropriate international legal instrument, as a fundamental right of the human person and of the peoples,

WE ASK that in finalising the Declaration the proposals submitted by civil society organisations and academia, be taken into consideration, and legal obligations of states, including disarmament and the duty to strengthen and democratise the United Nations, be drawn up in a clear way.

WE WELCOME the commitment of those numerous Municipalities, Provinces and Regions which have so far endorsed a formal and comprehensive Petitionary Motion advocating the international recognition of the human right to peace, being sure that our Local and Regional Authorities, as expert institutions in subsidiarity and social services, will further mark their respective territories as exemplary training ground of positive peace and democratic, inclusive citizenship.

Source: Human Rights Centre and Unesco Chair Human Rights Democracy Peace of the University of Padua, in the occasion of the Peace Marche Perugia Assisi, 19 October 2014.

4. THE ROLE OF CIVIL SOCIETY ORGANIZATIONS FOR HUMAN RIGHTS

Global civil society, which Mary Kaldor defined in 2003 as “platform inhabited by activists, NGOs and neoliberals, as well as national and religious groups, where they argue about, campaign for (or against), negotiate about, or lobby for the arrangements that shape global developments”, is a fundamental element in human rights. Especially through the rise of human rights non-governmental organizations (HRNGOs), civil society organisations (CSOs) have played a fundamental role in supporting of the process of internationalization of human rights and continue contribute to standard setting by providing inputs and actively participating in international meetings on human rights, at both the United Nations and regional organisations. Through their information, dissemination and advocacy efforts, HRNGOs as well as individuals are at the core also of the overall efforts to ensure human rights implementation, sometimes at high personal costs, since in many countries human rights work is hampered by violating governments. In order to support and protect all those who, individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, the international community adopted in 1998 a Declaration, largely known as the Declaration of human rights defenders.

4. 1. The definition and role of the “human rights defenders”

The protection of human rights defenders (HRDs) has quickly become a top concern of the international human rights community. The UN and the main regional organisations which have developed a human rights system has established guidelines or a unit to contribute protecting HRDs under their jurisdictions. Significantly, in his parting message, Mr Zeid Ra'ad al-Hussein from Jordan, the High Commissioner for Human Rights in the period 2014-2018, has entirely placed his future hopes to overcome the current regressive period human rights are facing worldwide to the crucial work of individuals, community and social movements' leaders.

Insight Box 14 - “This is what real leaders look like” Excerpts from UN High Commissioner for Human Rights Zeid Ra’ad al-Hussein’s parting message, August 2018

A fracture within society is often shorthand for human suffering or the existence of burning grievances. Before conflicts begin, suffering stems from three types of human rights violations. One is the denial of fundamental freedoms, such as of opinion, expression and peaceful assembly, creating a situation where life and fear of the state become inseparable. A second is the deprivation of basic services, such as legal and social protections or rights to education and healthcare, which often only confirms the hold of political elites over others. And third, feeding the first two, discrimination, structural and deep, propped up by racism, chauvinism and bigotry.

The suffering inflicted by self-serving and weak leadership along these three axes is immense and world-wide.

Startling, but obvious to anyone working in human rights, is the colossal number of people still victimised by discrimination, deprivation and fearfulness, removed from the services and protections of the state because they are seen as less deserving, by dint of religion, race, ethnicity, colour, gender, sexual orientation and so on. The overwhelming majority of this group is, not surprisingly, desperately poor.

[...]

And that suffering, which I have either seen first-hand or which was conveyed to me vividly by the victims, reflects a massive dereliction of the duty to serve, by those who exercise sovereignty on behalf of their people. Across the world, in both the northern and southern hemispheres, there are politicians who are too self-serving, or too spiteful, to care for and protect the most vulnerable. They are not just cowardly but profoundly foolish, because in producing these stress fractures, they place at risk not only their own futures, but everyone else’s as well.

If we do not change course quickly, we will inevitably encounter an incident where that first domino is tipped—triggering a sequence of unstoppable events that will mark the end of our time on this tiny planet.

Can we swerve in time?

My hope lies in a set of people not widely known internationally, but familiar to those in the human rights community. Unlike the self-promoters—the elected xenophobes and charlatans—these people do have courage. They have no state power to hide behind: instead, they step forward. They are the leaders of communities and social movements, big and small, who are willing to forfeit everything—including their lives—in defence of human rights. Their valour is unalloyed; it is selfless. There is no discretion or weakness here. They represent the best of us, and I have had the privilege of knowing some of them personally, while others are well known to my office. [...]

The full message is available at:

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23489&LangID=E>

Through their committed work to advance human rights, HRDs both individually and in association with others, as notably happens in the case of HRN-GOs or in social movements, have a special part to play in the global effort to realise people's human rights to "positive peace" as defined in art. 28 of the 1948 Universal Declaration of Human Rights: "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

As previously mentioned, in 1998, the General Assembly formally legitimised the efforts of individuals and organisations from the civil society by adopting, by consensus, the UN Declaration on Human Rights Defenders or, more formally, the United Nations Declaration on The Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

This is a very important document which articulates existing universally recognised human rights (especially in the UDHR and in the two International Covenants of 1966) to address the challenges faced by HRDs at all levels, from the local to the international. The Declaration also outlines the specific duties of states in this field as well as the responsibility of everyone with regard to actively protecting and promoting human rights.

Insight Box 15 - A comparison of how “freedom of opinion and expression” is recognised in the International Covenants of Civil and Political Rights and in the Declaration of Human Rights Defenders.

ICCPR, 1996 Article 19	DHRD, 1998 Article 6
<p>1. Everyone shall have the right to hold opinions without interference.</p> <p>2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others;</p> <p>(b) For the protection of national security or of public order (ordre public), or of public health or morals.</p>	<p>Everyone has the right, individually and in association with others:</p> <p>(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;</p> <p>(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;</p> <p>(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.</p>

A particularly innovative provisions of this Declaration is article 7, which provides that “Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance”. This article is important because it implicitly legitimates internationally everyone who acts peacefully respecting the principle of universality, indivisibility and interdependence of human rights to protect any concerns that fall within the scope of human rights, even beyond the catalogue of already internationally accepted human rights standards.

The UN OHCHR has spent considerable efforts in trying to outline the profile of HRDs and their possible activities. This has not led to a specific definition of who is or can be a Defender. However, it has provided a broad protective frame according to which HRDs can be any person or group of

persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local and rural communities. According to the OHCHR, thus, HRDs can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that HRDs are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector. As acknowledged by OHCHR guidelines on HRDs, also “those who contribute to assuring justice – judges, the police, lawyers and other key actors – often have a particular role to play and may come under considerable pressure to make decisions that are favourable to the State or other powerful interests, such as the leaders of organized crime. Where these actors in the judicial process make a special effort to ensure access to fair and impartial justice, and thereby to guarantee the related human rights of victims, they can be said to be acting as human rights defenders”.

Insight Box 16 - The human rights defenders protection regime

What are the key features of the human rights defender protection regime? First, it derives its “principles, norms, rules, and decision-making procedures around which actor expectations converge” from the international human rights regime. The declaration itself did not create new rights, but “reaffirms rights that are instrumental to the defence of human rights”. Over time, a number of key principles have emerged in the operation of this regime. These include: the recognition of local actors as key agents of change; the importance of promoting and protecting “civil society space”; the need to tailor protection interventions to meet the unique and specific needs of individuals, groups and communities; and the necessity of complementing reactive measures with efforts to build a “safe and enabling environment” for the defence of human rights.

Second, the regime is goal driven – its aim is to protect and support defenders who operate in their own contexts in the face of threats and risks. Depending on the circumstances and the actors involved, these threats and risks might include surveillance, harassment, verbal and written threats, stigmatisation, criminalisation, restrictions on funding and registration as non-governmental

organisations (NGOs), arbitrary arrest and detention, spurious investigations, fabricated charges, unfair trials, kidnapping, torture, ill-treatment and killings. Perpetrators range from state actors to non-state actors – such as government officials, armed forces, police officers, religious fundamentalists, transnational corporations and criminal gangs. In a significant number of cases, defenders do not know the identity of those who attack them.

Third, the regime adopts a human security paradigm, with individuals, groups and communities as subjects of security rather than states. Its goal-driven, practice-oriented, rights-based nature helps actors in this regime sidestep some of the debates that question the usefulness of the human security paradigm for meaningful action, policy and research. Similar to proponents of a “broad” human security approach (in particular, those who adopt a feminist framework, defenders and practitioners have emphasised the importance of having a holistic, multi-dimensional understanding of “security”. Women human rights defenders, in particular, emphasise the importance of understanding how discrimination, stereotyping and stigmatisation – rooted in social structures in society, such as patriarchy and the militarisation of society – compromise security. [...]

This concept – especially its emphasis on self-care and personal wellbeing – has resonated deeply with defenders around the world. Organisations that conduct security training (such as Front Line Defenders, Protection International and Tactical Technology Collective) draw attention to the importance of interventions in three interconnected domains – physical security, digital security and self-care. Some defenders and practitioners argue that self-care is both a necessary act of physical and psychological protection as well as a political strategy for sustaining and furthering the work of defenders.

Fourth, it is a multi-level regime – formal protection mechanisms for human rights defenders exist at the national, regional and international levels. In Mexico, for example, defenders are able to seek protection measures from the government through the 2012 Law for the Protection of Human Rights Defenders and Journalists make urgent appeal to the UN Special Rapporteur on the Situation of Human Rights Defenders to request the government to take all appropriate action on behalf of a human rights defender at risk; gain practical support from European Union (EU) embassies on the basis of the EU Guidelines on Human Rights Defenders; and make petitions to the Inter-American Commission on Human Rights (IACHR) in the hope that it

will request Mexico to adopt precautionary measures to prevent “irreparable harm” to the defender. However, there is geographical unevenness in the availability of protection mechanisms. Many countries have neither enacted laws nor created institutions that recognise and protect the rights of human rights defenders.

Fifth, the regime has many stakeholders – civil society groups, donors, national human rights institutions, states, multilateral bodies and individual defenders – who create and use different types of tools, strategies and tactics to identify, support and protect the rights of human rights defenders. These include the provision of emergency grants, temporary relocation initiatives, security training, advocacy, accompaniment, trial monitoring, networking and capacity building.

Source: Bennett, Ingleton, Nah and Savage 2015, 883-895.

Many international human rights institutions have established mechanisms and procedures to further ensure the protection and promotion of HRDs. The UN has established in 2000 a Special rapporteur on this matter. The tasks of this special procedure include seeking, receiving, examining and responding to information on the situation of HRDs worldwide, establishing cooperation and conducting dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration on HRDs, and recommending effective strategies better to protect them. In a similar vein, the Inter-American Commission on Human Rights has established a “special rapporteurship” on human rights defenders and the African Commission on human and peoples’ rights a Special rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa. In the context of the European Union, the EU Council has adopted guidelines for the protection of human rights defenders in EU foreign policy, which together with other human rights guidelines (on the rights of the children, on the rights of LGBTI persons, on Death Penalty etc.) are meant to be distributed to all EU delegations around the world, while the European Parliament, every year attributes the “Sacharov Price for Freedom of Thought” to “exceptional human rights defenders across the globe”.

An increasing role for the protection of HRDs is played by global civil society and local authorities. November 2018 has seen the first global summit of

human rights defenders, organised in Paris by a network of international HRNGOs, including both big organisations with a global human rights scope, such as Amnesty International and the International Federation of Human Rights (FIDH), and organisations that completely devote their activities to the issue of HRDs, such as Front Line Defenders and Protect Defenders. On their part, small and big cities, especially in Europe, have started to develop “shelter cities” initiatives, devoted to offering temporary relocation, training and safety to international human rights defenders who fight against violations in their home countries.

4.2 NGOs and the international protection of human rights

As partly hinted at in other parts of this volume, civil society organisations, especially HRNGOs has played and still plays a fundamental complementary role for the development and implementation of international human rights law. From the early 1900s, even before the Universal Declaration of Human Rights was adopted, the development of national and international NGOs focusing their advocacy and information activities on issues connected to human dignity (to reduce poverty; abolish slavery and torture, protect children’s and workers’ rights), presented themselves among the main trends that allowed human rights to have such an extraordinary development and become a global response to injustice over the century. This supporting role at the basis of the legalisation process is clearly described in the excerpts provided in Insight Box 15.

Insight Box 17 - The crucial role of global/transnational civil society for the internationalization of human rights

[...] No discussion of the evolving context for international human rights law would be complete without mention of the growing role of international civil society. The details of the role of transnationally organized private actors in the legalization and implementation of the human rights regime will be discussed in more detail later; here I stress the capacity of organized nonstate actors to influence policies more generally. There have, of course, always been groups of private citizens who have organized, often across national boundaries, to advocate public purposes of various kinds. But what has made these groups so central in the international public policy arena of the late

twentieth and early twenty-first centuries is the drastic reduction in the start-up, organizational, and transactions costs they face to make their positions heard. This, in combination with states' (somewhat grudging) willingness to allow formal and informal access to official international decision-making venues has made NGOs far more influential than they have been in the past.

There is nothing new about civil society groups' efforts to influence issues of transnational or international public interest. Many have been recognized with the day's highest honors for their accomplishments. Antislavery and religious groups were active – and reasonably influential – in the nineteenth century, as Margaret Keck's and Kathryn Sikkink's research has emphasized. Although much smaller in number than the welter of such groups today, transnational nongovernmental groups have long been active in the peace movement, in disarmament, and in issues related to human rights. As evidence of their perceived effectiveness, a number of NGOs were early winners of Nobel Peace Prizes, including the Institute of International Law (1904), the Permanent International Peace Bureau (1910), and the International Committee of the Red Cross (1917, 1944, and 1963).

The influence of NGOs on a broad range of policy issues has increased significantly as start-up and operational costs for such groups have drastically fallen. The end of the Cold War also spurred the growth of civil society organizations in countries once dominated by communist parties. As a result, there has been a rapid increase in the number and range of NGOs worldwide and a corresponding growth in opportunities for advocacy and policy influence. [...]

The explosion in the organizational capacity of transnational civil society can be traced directly to technological changes that have reduced drastically their costs of organization and operation. It now costs a fraction of what it once did for these groups to communicate and to disseminate information. In 1927, only about 2,000 transatlantic phone calls were placed, at a cost of around \$16 for three minutes. From the United States, it is now possible to phone much of the rest of the world for 2 cents per minute.³⁴ The goals of traditional advocacy NGOs have been furthered significantly by the growth of, and growing access to, the Internet. It is hard to think of a communication medium that has done more to loosen governments' centralized control over information at such a low cost to small users than e-mail and the World Wide Web. True, Internet access is quite uneven within and across regions

and is limited where governments tend generally to suppress free communication (North Korea, Afghanistan, Iraq, Guyana, St. Helena, and Guinea-Bissau, to name a few).

Nonetheless, the net effect has been fundamentally to alter the ability of governments to maintain a monopoly on information. Most observers agree that relative to states, NGOs have been empowered disproportionately by cheap and decentralized information technology. This has a tremendous impact on the ability of NGOs to do practically everything mentioned in the preceding paragraph, from mobilizing coalitions to publicizing governmental policies and practices to participating in the enforcement of existing law.

As a result of their greater ability to organize and communicate at drastically lower costs than was possible previously, NGOs have developed the capacity to hold governments accountable for their decisions. Many NGOs have the potential to set behavioral or policy standards, to produce independent information, and to lobby governments to justify, clarify, and/or change their policies. Some provide policy input in various governmental and intergovernmental organizations. In 1968, NGOs were first permitted to participate in United Nations (UN) proceedings; by the 1990s, their presence in that organization had become pervasive. NGOs help hold governments accountable to existing laws by participating in and sometimes initiating litigation. More broadly, they educate the public to demand greater accountability as well. The new and decisive fact of the waning years of the past millennium was the presence of NGOs almost everywhere – in the halls of the UN, at major conferences, in capitals around the world, and in the headlines.

The end result is that international politics have become more populist in nature, if not more democratic. Of course, there are valid arguments that these groups do not necessarily improve the quality of representation for most of the world's population. Many of these groups themselves are not clearly accountable to any constituency, or only to a fairly narrow one. But even if they do not represent a democratic improvement on state-centric representation, they have quite likely contributed to official accountability. By publicizing their version of public affairs and challenging governments to refute their information or to justify – or alter – official practices, these groups have challenged the official quasi-monopoly on information that many states enjoyed in earlier times. The growing role of NGOs certainly serves to break the state monopoly on information, standard-setting, and norm creation, even if it does not usher in a new era of democratic international politics.

The twentieth century saw at least three important contextual developments that were largely underway before any sustained effort to develop an international legal regime for human rights. The “Rights of Man” had begun to make its way into a growing number of states institutionalizing democratic forms of government. In their official relationships with one another, states were increasingly willing to acknowledge the rights of other states – or their agents – to monitor, verify, and practice surveillance, a trend that began prior to World War II but accelerated thereafter. Nongovernmental actors had long taken up various international causes, from slavery to peace to disarmament, but the pervasiveness of these actors has undeniably intensified. Yet, none of these developments alone can adequately explain why the issue of human rights assumed central importance at mid-century or why governments agreed for the first time to fashion international legal agreements to bind their domestic policies and practices. In order to understand the international legalization of human rights, we need to understand the broader pattern of international conflict and domestic oppression in the twentieth century.

Source: Simmons 2009, 31-36.

The main actors in the global civil society advocating for human rights - that is mainly HRNGOs - are of different kinds and focus on a heterogeneous range of topics. Some concentrate their activities on one specific right, or on a category of rights such as civil rights, or the rights of a specific vulnerable group (children, women, migrants), or, especially those organisations established in Africa, Asia and South America, on specific collective rights, such as the right to development. Only few of these organisations can really be intended as global, both in terms of geographical presence and scope of action; examples include Amnesty International, Human Rights Watch and the International Federation of Human Rights.

Although it is difficult to objectively define the effectiveness, influence and success of the human rights work of these NGOs (see Insight Box 16), their contribution to standard setting has been widely recognised and, in some cases, even publicly recorded. The presence of representatives from NGOs had an important consultative role at the 1945 Conference of San Francisco, which concluded and finalised the drafting process of the UN Charter, while early

HRNGOs, in particular the International Commission of Jurists, were fundamental in supporting the delicate phase between the proclamation in 1948 of the Universal Declaration of Human Rights and the first legally binding human rights instrument (the ICERD and the ICCPR / ICESCR) in the mid-1960s.

A particular role has been attributed to NGOs for their effective advocacy in drafting of a number of core international human rights instruments. The more notable example probably regards the international standard-setting process on the prohibition of torture. Many analysts recognised in the media relevance of Amnesty International's 1972 campaign against torture (then launched again in the early 1980s), as well as of the acts of brutality and cruelty against people's integrity in Chile after the Coup of 1973, the seed that led to the beginning of the process at the UN General Assembly which eventually resulted in the adoption of key international legal instruments in favour of both the prohibition and prevention of torture. The first formal act was the adoption of the 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was followed, about 10 years later, by the 1984 International Convention against torture. In a similar vein, also the idea to create a system of preventive visits to avoid torture before it happens, which was eventually established with the entry into force in 2006 Optional Protocol to the CAT (the OP-CAT, adopted in 2002), originated from the initiative, in 1976, of an individual, a Swiss citizen, Mr Jean-Jacques Gautier, whom would now be certainly identified as a HRD. The standard setting process of this legal instrument, which took decades to see light, was also supported by a number of HRNGOS and by like-minded states, in primis Costa Rica, and supported by parallel developments in Europe (the European Convention for the Prevention of Torture was adopted in 1987) and in the Americas (the Inter-American Convention to Prevent and Punish Torture was adopted in 1985, but did not envisage in the text of the treaty for the creation of a regular system of preventive visits in the state parties).

Insight Box 18 - The problem of defining influence and success for HRNGOs

A pervasive difficulty in analyzing NGO influence centered around the concept of success. If one or more NGOs succeeded in helping a UN Security Council resolution creating a criminal court for Rwanda to be adopted, but the ad hoc court turned out to have little impact on the Great Lakes region of Africa, could that be considered a success for NGO influence? But if later the ad hoc court contributed to the creation of a standing international criminal court at the UN, would the criteria for success change? If Amnesty International or the International Committee of the Red Cross prevented some instances of torture, how would one prove that success since the violation of human rights never occurred? If in Bosnia in the 1990s actors such as the ICRC and UNHCR helped reduce political rape and murder, but in so doing, by moving vulnerable civilians out of the path of enemy forces, they thereby contributed to ethnic cleansing and the basic political objective of a fighting party, was that a success?

In dealing with the sometimes elusive notion of success or achievement, sometimes it helped to distinguish among the following: success in getting an item or subject on the agenda for discussion, success in achieving serious discussion, success in getting procedural or institutional change, and finally success in achieving substantive policy change that clearly ameliorated or eliminated the problem. In the early stages of campaigns against slavery or female genital mutilation, it could be considered remarkable success just to get high state officials to think about the subject as an important problem. In addressing gay rights in certain Muslim or African nations, it might be a mark of success just to get reasonable public debate.

Source: Forsythe 2018, 273.

Other important standard setting processes to which NGOs gave a major contribution includes those that bring to the drafting of the Convention on the Rights of the Child (adopted in 1989) and, most recently, on the Convention on the rights of persons with disabilities (adopted in 2006).

As far as the first instrument is concerned, a standard setting process which was led by Poland, many analysts, such as Beth Simmons or Cinthia Cohen, have recognised the significant role NGOs played in both galvanising states and

developing an actual text for the Convention: Save the Children International in primis, but also the already mentioned International Commission of Jurists, the International Association of Democratic Lawyers and local NGOs, such as the Polish Association of Jurists. These and other organizations contributed to the working group set up by the UN Commission on Human Rights to address children's issues. By 1983, an alliance of more than 20 HRNGOs was participating in the drafting process and had an important impact on the drafting of the eventual text of the Convention. In particular, through their effort NGOs helped smoothing the resistance to the idea of a children's rights treaty which existed in many countries in the late 1970s although it now seems impossible given the almost universal ratification of this Convention (the United States are the only country in the World that has not ratified yet the CRC).

In the area of the rights of persons with disabilities the UN also gave a more formal role to NGOs and civil society networks in the process of standard setting. As reported by Raymond Lang, an independent consultant and expert in human rights of person with disabilities, in order to maximise the impact of NGOs, a wealth of disabled people's organisations and human rights NGOs established the International Disability Caucus (IDC), a consortium of approximately 50 organisations that provided critical input into the convention process, providing detailed comments on the draft articles, and making comments on key issues, having an extensive and wide-ranging impact on substantive discussions.

Out of the frame of the "core" human rights treaties, the awarding of the Nobel Peace Prize in 2017 to the International Campaign to Abolish Nuclear Weapons (ICAN) - a network of activists and CSOs - for "its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition of such weapons" highlights another fundamental contribution that transnational civil society and human rights defenders have played in helping states to accept, set and respect new standards for a more peaceful and inclusive global world order.

Besides the contribution in standard setting a very important part of the work of HRNGOs is that of contributing through their information, education

and communication to a more effective promotion and protection of human rights at all levels from the city neighbourhood up to the United Nations. To support these initiatives international organizations have increasingly provided a wealth of opportunities and channels to facilitate both participation and consultation with NGOs and CSOs in multilateral fora, and to ensure the flow of accurate information.

Notably, within the UN a consultative status has been established in the ECOSOC (the Economic and Social Council) already in 1946 (and reformed in 1996) to allow registered NGOs to participate actively in institutional deliberation. Currently there are more than 5,000 NGOs that have acceded to this status. There are three categories of status: General consultative status, Special consultative status and Roster status. General consultative status is reserved for large international NGOs whose area of work cover most of the issues on the agenda of ECOSOC and its subsidiary bodies. These tend to be fairly large, established international NGOs with a broad geographical reach. Special consultative status is granted to NGOs which have a special competence in, and are concerned specifically with, only a few of the fields of activity covered by the ECOSOC. These NGOs tend to be smaller and more recently established. Organizations that apply for consultative status but do not fit in any of the other categories are usually included in the Roster. These NGOs tend to have a rather narrow and/or technical focus. NGOs that have formal status with other UN bodies or specialized agencies (including the Human Rights Council), can be included on the ECOSOC Roster.

Similar initiatives have been taken at the regional level. For instance, the Council of Europe has introduced, since 1952, a consultative status for international NGOs in recognition of the increasingly active role played by the international NGOs in the work of the Organization. In 2003, the consultative status has been upgraded to participatory status. Those international NGOs enjoying participatory status (which are more than 400 in 2019) form the Conference of INGOs, established in 2005. This Conference is a fully-fledged institution of the Council of Europe, representing civil society and working to promote participatory democracy in the European Continent. The African Commission for human and peoples' rights has granted to about 500 NGOs an observer status

role. In the Arab league, the already mentioned Decade of Arab Civil Society Organizations may result in a stronger and more structured cooperation of Arab NGOs and more specifically HRNGOs in the work of the Organization.

Other channels through which NGOs and international organizations cooperate are the United Nations Non-Governmental Liaison Service (UN-NGLS) and the NGO Relations Section of the UN Department of Public Information (DPI-NGO). The UN-NGLS promotes constructive relations between the United Nations and civil society through dynamic partnerships to foster greater coherence around cross-cutting and emerging issues on the UN's agenda and by facilitating meaningful civil society engagement in UN processes. Drawing on its inter-agency nature and UN system-wide perspective, UN-NGLS provides strategic information, analysis and support to a wide range of constituencies, using its unique convening and networking capacity to strengthen multi-stakeholder dialogue and alliance-building on core UN issues. The DPI-NGO section is the link from the UN to the approximately 1,300 NGOs that are associated with the UN and support its efforts to disseminate information on the priority issues on its agenda, including sustainable development, creating a safer and more secure world, helping countries in transition, empowering women and young people, and addressing poverty, among others. NGOs associated with DPI help build knowledge and support for the Organization at the grassroots level and, of course, provide important high-quality information to support the work of UN offices and agencies.

NGOs can also count on a number of other formal channels to directly contribute to the process of human rights monitoring by international and regional mechanisms. Chapter 3 of this volume has already stressed the possible contribution that civil society organisations can give in the UPR process. Although not entitled to take the floor during the interactive dialogue, which is in fact the core of the review process when recommendations and questions on human rights are addressed by the intergovernmental working group to the state under review, NGOs can play a key role both in providing information about the situation of human rights or a specific group of rights in the country to be reviewed, which are then collected and compiled by the OHCHR in the “stakeholders report”, and in helping the reviewed state to implement support-

ed recommendations. Clearly, if states allow so (not many according to UPR specialists), NGOs can also be involved in the preparation of states' report. They can also monitor the implementation of recommendations and assess the mid-term reports that State may prepare between two cycles of UPR.

In the framework of the work of TBs NGOs provide important contributions through the submission of “complementary” (or “alternative”/ “shadow”) reports. Indeed, in order to carry out their assessment of the implementation of a given convention in a state party, besides the periodic state's report, TB's independent experts are increasingly relying on the accurate and complementary information that both national and international NGOs, singularly or in cooperation with other organisations submit in reports. The praxis is much developed and for all states under evaluation by a TB both the national and the “shadow” reports are generally available for consultation.

Thus, through all these formal and informal channels NGOs can contribute both to the functioning of international mechanisms for the promotion and protection of human rights and to the commitment of state parties to human rights. This is generally a widely appreciated contribution, although some governments may have opposite views than those advanced by these organisations and attack or discredit their work and integrity. HRNGOs are however legally and ethically legitimised to conduct their action, as discussed in Insight Box 17.

Insight Box 19 - About HRNGOs legitimacy

[...]. To put it bluntly, who authorized NGOs? The simple answer is, international human rights law. Human rights NGOs, in their typical work of reporting and advocacy, merely draw attention to practices that are, at least on their face, inconsistent with uncontroversial principles of international law. Furthermore, they are simply engaging in the collective exercise of the rights of freedom of expression of their members.

Target governments may persecute such organizations and activities in their own territories — they may even criminalize them — but that is simply an expression of the problem to which human rights NGOs are drawing attention. Yet the picture is not quite that simple. [...] human rights advocacy is intensely political. And when external actors criticize governments that have considerable local political legitimacy, the issue of NGO legitimacy may be more than just a smoke screen behind which vicious governments seek to hide.

Here nonpartisanship becomes essential. International human rights law has considerable international, transnational, and national legitimacy in the contemporary world. So long as human rights INGOs operate in a nonpartisan fashion within the confines and on behalf of established international human rights principles, they partake of that legitimacy—particularly when, as is usually the case, their activity is focused on publicizing evidence of violations. The legitimacy of external actors is further enhanced when their advocacy parallels or supports that of national actors. In democratic and other relatively open regimes, the existence of genuinely nonpartisan local human rights NGOs making parallel arguments enhances the legitimacy of international actors. And where levels of repression do not allow space for local human rights NGOs, indirect evidence that international actors are supporting local advocates serves a similar role.

Human rights INGOs are important and legitimate actors in the global human rights regime. They lack the legal and political authority of states and the international legal authority of multilateral actors. As advocates, however, they have the moral and legal authority of international human rights law behind them. And as long as they engage in truly nonpartisan action within their mandate, they are not merely legitimate but important members of the international community.

Source: Donnelly, J and Whelan D. 2017

4.3 NGOs and the right to peace

As referred to in the previous chapter, the inter-governmental process which led the UN General Assembly in December 2016 to adopt the “UN Declaration on the right to peace” was characterised by strong advocacy by both networks of civil society organisations and local authorities. For long time, indeed, there has been a significant bottom-up support for the promotion and development of a culture of peace and, more recently, for the recognition of the right to city as a fundamental human and peoples’ right.

For instance, promoting initiatives for spreading a culture of peace has represented an essential activity of the United Cities and Local Governments (UCLG), a global network of local authorities with consultative status at the ECOSOC aimed at representing and defending the interests of local govern-

ments on the world stage. The main reference to this activity was set forth in the Hague Agenda on City Diplomacy (2008). Another initiative is the one advanced in 2010 through the Declaration on the Human Right to Peace adopted at the end of the 23rd General Assembly of the International Association of Peace Messenger Cities gathered in Morphou (Cyprus). The Declaration states that: (I) the human right to peace should be considered by the international community as an integral part of human rights and fundamental freedoms of all women and men; (II) the respect of the human right to peace is a fundamental prerequisite for the exercise of other human rights; (III) the right to truth, reparation and justice is a component of the human right to peace.

It is worthwhile to recognise the existence of references to the “right to peace” in several documents endorsed by NGOs. In 1998, more than 200 Asian NGOs drafted the Asian Human Rights Charter. Article 4 of the Charter asserts that all persons have the right to live in peace so that they can fully develop all their capacities, physical, intellectual, moral and spiritual, without being the target of any kind of violence. In 2006, the Spanish Society for the Advancement of International Human Rights Law adopted the Luarca Declaration on the Human Right to Peace, and launched, at the same time, a four-year world campaign in order to collect inputs from all regions in the world on possible elements of the human right to peace, as well as on duties and obligations it entails. The campaign eventually led to the adoption in 2010 of the Santiago Declaration on the Human Right to Peace. As emphasised by the UNHRC Advisory Committee, this Declaration is particularly noteworthy in its effort to seek universal values by drawing upon local and international law from Western and non-Western legal traditions (more information in Cofelice 2013).

Finally, with specific regards to the initiatives specifically devoted to support the adoption of the UN Declaration on the right to peace, it is worth mentioning two campaigns which started from European countries. One is the global petition promoted by the Paz sin fronteras Foundation in Spain. The initiative was based on a “celebrity campaign” supported by many famous international singers and actors and translated in different languages to promote the human rights to peace as a right that belongs to each and every human being, group and people, and as a value on which building human and international relations.

The petition was called “Peace has your signature” and was aimed at collecting the largest possible number of signatures to be then presented at the UN General Assembly in order to obtain the formal international recognition of the fundamental human right to peace.

The second initiative to be mentioned is the campaign “We have a right to peace!” promoted by a large number of Italian local authorities (more than 300 cities, provinces, regions) coordinated by the National network of local governments for peace and human rights and supported by a number of pro-peace NGOs and civil society organisations. The campaign was developed in different stages, which included the adoption, by hundreds of municipal councils in Italy and abroad, of a motion for the international recognition of the human rights to peace; a visit of a delegation of mayors to the UNHRC in Geneva which included the delivery of the first adopted petitions, and a call that, besides requesting the UN the formal recognition of the human right to peace, asked the HRC to define related legal obligations for states (especially in terms of disarmament and efforts to strengthen and democratise the United Nations) and to declare that war as such is a crime against humanity. The overall significance of this “city diplomacy” campaign for the promotion of human rights, inclusion, human rights and a culture of peace is discussed in the following Insight Box 18.

Insight Box 20 - The importance of city diplomacy for the right to peace

[...] It is significant to note that the local authorities which have worked for the recognition of the right to peace are running programmes on intercultural dialogue in their respective locations. The petition has been sent to the representatives of the member states of the Human Rights Council. Further, a delegation of mayors has travelled to the Palais des Nations in Geneva to deliver a copy of the first 100 motions approved by local councils. In addition to the principle of subsidiarity to be upheld in the global political space, this action by local governments beyond state borders is formally legitimized by Article 1 of the 1998 United Nations Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as follows. “Everyone has the right, individually and in association with others, to promote and to

strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (italics added). This same United Nations Declaration, which is considered the charter of human rights defenders, who are genuine pioneers of universal and plural citizenship, also legitimizes new approaches and actions to ensure due consideration is given them: “Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.” Plural citizenship and city diplomacy can legitimately be included under this provision, which has a logical and productive link with the prospect of creating “shared cultural expressions” such as those advocated by the UNESCO Convention on cultural diversity. The human rights paradigm extols the life and dignity of all members of the human family. It is hardly necessary to point out that war not only causes the violation of all human rights, but it kills the original holders of those rights: it is a collective death sentence. This is why the cultural dialogue agenda must necessarily include the issue of world order, together with that of citizenship and social cohesion at the local level. Article 28 of the Universal Declaration of Human Rights provides us with a general model when it states that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” This rule implicitly contains the definition of positive peace, which is built along a road which leads from the city up to the United Nations. The current examples of city diplomacy illustrate the effort being devoted to building peace from below – “bottom-up peace” – not against but in support of the “good” diplomacy of states. The on-the-ground experience of building bridges between the different cultures present in cities, starting from the supreme right to life and from the basic needs of all the people who live there, constitutes a fundamental resource which can help translate the logical interconnection between social order and international order, as in the aforementioned Article 28 of the Universal Declaration, into hard facts, to the benefit of all human rights for all.

Source: Papisca 2015, 111.

Bibliography

- Adams D. 2000, Toward a global movement for a culture of peace, *Peace and Conflict* 6.3: 259-266.
- Cofelice A. 2013, Right to Peace: A Long Standard Setting Process, *Pace Diritti Umani - Peace Human Rights* 2-3/2013.
- De Shutter O. 2010, *International Human Rights Law: Cases, Materials, Commentary*, Cambridge: Cambridge University Press.
- Donnelly J. and Whelan D., 2017, *International Human Rights* (5th edition), New York: Westwood Press.
- Fernandez G. F. and Puyana D. F. 2013, From a Culture of Conflict to a Culture of Peace: Human Rights and Development, *Pace Diritti Umani - Peace Human Rights* 2-3/2013.
- Fernandez G. F. and Puyana D. F. 2017, The Adoption of the Declaration on the Right to Peace by the United Nations: a Human Rights Landmark, *Peace Human Rights Governance*, 1(2), 275-297.
- Forsythe D. 2018, *Human Rights in International Relations* (4th edition), Cambridge: Cambridge University Press.
- Goodhart M. (ed.) 2013, *Human rights: politics and practice* (22nd edition), Oxford: Oxford University Press, 2013.
- Hafner-Burton E. 2013, *Making Human Rights a Reality*, Princeton: Princeton University Press.
- Kaldor M. 2003, 'The Idea of Global Civil Society', *International Affairs*, 79 (3), 583–593.
- Mills K. and Karp D.J. (eds.) 2015, *Human Rights Protection in Global Politics Responsibilities of States and Non-State Actors*, Basingstoke: Palgrave MacMillan.
- Papisca A. 2011, *Il Diritto della dignità umana. Riflessioni sulla globalizzazione dei diritti umani*, Venezia: Marsilio.

- Papisca A. 2013, The Human Right to Peace Is Putting the Sincerity of the Peace-loving States to the Test, *Pace Diritti Umani - Peace Human Rights* 2-3/2013.
- Papisca A. 2015, Plural citizenship and the right to peace in the agenda of intercultural dialogue: an Italian case, UNESCO “Agree to Differ” Paris: Tudor Rose.
- Papisca, A. 2017, Active Neutrality with the New International Law. Reflections from a Politics of Law Perspective, in *Peace Human Rights Governance*, 1(3), 395-404.
- Roche D. 2013, The Right to Peace Takes Shape, *Pace diritti umani - Peace Human Rights*, 2-3, 2013, pp. 41-49.
- Scott C. 1989, Interdependence and Permeability of Human Rights Norms: Towards a Partial Fusion of the International Covenants on Human Rights, *Osgoode Hall Law Journal* 27 (3).
- Shelton D. 2010, *Regional Systems for the Protection of Human Rights*, Oxford: Oxford University Press.
- Simmons B. 2009, *Mobilizing for Human Rights*, Cambridge: Cambridge University Press.
- UNESCO 1995, *Culture of Peace: Promoting a Global Movement*, Paris: UNESCO.
- UNESCO 1996, *From a Culture of Violence to a Culture of Peace*, Paris: UNESCO.
- UNESCO 2013, *Programme of Action. Culture of Peace and Non-Violence: A vision in Action*, Paris: UNESCO.
- Viljoen F. 2012, *International Human Rights Law in Africa*, Oxford (2nd edition), Oxford: Oxford University Press.
- Welch J. and Claude E. 2001, *NGOs and human rights: Promise and performance*. Philadelphia: University of Pennsylvania Press.

