

Universal periodical review

CENTRAL AFRICAN REPUBLIC



Right to life and related human rights issues *Short submission*

29th of March 2018

“From the politics of taking life to the politics of affirming it”

***“We understand the right to life as being the right not to be killed,
but also as everyone’s responsibility not to kill”.***

Introduction

The Center for Global Nonkilling has a unique mission,
that is both inspirational for individuals and transformative for societies:

*“To promote change toward the measurable goal of a killing-free world
by means open to infinite human creativity in reverence for life”.*

The Center for Global Nonkilling (CGNK) was founded by Glenn Paige (1929-2017), political science Professor and author of the book “Nonkilling Political Science”, translated in numerous languages¹. The Center is a worldwide congregation of persons, scholars and others, working at creating societies that do not kill. Valuing life in all its worthwhile dimensions is a necessary mission; please join the Center for Global Nonkilling in celebrating, enhancing and protecting life². CGNK has ECOSOC special consultative status since 2014. The present submission is a short version insisting only on some of the most salient and legal aspects of the respect of life³.

The right to life

All human rights are universal, of equal importance, indivisible, interlinked and mutually reinforcing. They arise out of human nature and are needed to build lasting and prosperous, thriving and humane societies. They are universal values, human and legal. They are complemented by universal and fundamental methods such as the culture of peace, prevention and precaution, peaceful settlements of disputes and non-violence. These methods are fully needed for the full respect and the common enjoyment of all human rights.

Compared to other human rights, the right to life has four specific features:

- a. If dignity can be said to be the paramount human right as it is present when each and all human rights are fulfilled, so is the right to life, present within all the other human rights. *Yet it can also be said that the right to life precedes all human rights:* if life is taken all human rights are cancelled⁴. Conversely and more joyfully, granting and giving solid ground to the right to life and to the quality of life is the base needed for the peaceful progress and the proactive fulfillment, for the completion of all human rights.
- b. There are no possible limitations or restrictions to the right to life: one is either alive or not. Issues pertaining to the beginning and to the end of life such as reproductive rights, abortion, suicides and euthanasia, as well as prenatal and genetic engineering should thus be dealt with in a preventive, humane and human sustainable manner, for each and all, in full dignity.
- c. There is only one way to guarantee respect of, to protect the right to life: that is prevention. Once a life is lost, compensation may be due, but there are no possible reparations for that life.
- d. Henceforth, the right to life is also the duty not to kill. And as such, the right to life is a fully reciprocal right granted to all and in need of being granted to all by all.

Other human rights

All human rights are needed to fulfil a happy life. However, some of them may be of more direct importance either for the full realisation of the right to life or to avoid its breaches.

The Center for Global Nonkilling attaches a special importance to the *human right to peace* as human rights can only progress and be coordinated, be reciprocally fulfilled in a peaceful environment⁵. Furthermore, peace and peaceful methods provide means to solve conflicts (including between competing human rights) without aggravating them and, as may be, to the advantage of all concerned in a constructive or reconstructive way. Conflicts solved peacefully make it easier to alleviate feelings with respect, to draw lessons learned from difficult situations and to design policies for future prevention and overcoming.

The right to *accurate standards of living*, including the rights to food, water and sanitation, clothing and housing, to work and social security deserve full attention too, in all circumstances. The *right to health* is an essential right for the fulfilment of the right to life and of the subsequent right to longevity. It is needed as well to achieve societies in which *human rights are all equally shared*. The *human right to a healthy natural environment*, thus sustaining humanity and life on Earth, deserves accurate protection and attention as well.

A. Background and framework

1. Scope of international obligations

a. International human rights constitution.

The following legal obligations – the convention on the prevention and punishment of the crime of *genocide*, the covenant on *civil and political rights* and its optional protocol on the *abolition of the death penalty*, and the convention on *enforced disappearances* – are, within the human rights constitution (basic treaties), the ones mostly concerned with the right to life. They are the minimum international standards needed for any country to show full legal respect for life and the right to life. National constitutions should reflect as well this legal stand in favor of life.

However beyond these legal aspects, it is consciously evident that it is the bounty of life, the ethics, the knowledge and the human best practices, strong heart feelings and our well understood instincts, our good will; that it is what we offer to each other and to humanity for life, living well and living means; that it is what our institutions promote and exemplify to pursue progress in dignity and to achieve a sustainable civilization on Earth and so forth that it is our personal and collective commitments that give a future, a meaning and a worth to the lives we lead and live, leaving no one behind, for ourselves as for future generations.

Prevention of genocide

The right to live is also to duty not kill, for individuals and inasmuch for groups of people. Every person needs life and needs to be part of a social group to live, to be part of a society and to relate with its government, ideally all thriving for the good of each and all. Therefore all individuals as well as all social and political groups should be protected against genocide.

The fact that they are various minority groups in the Central African Republic makes the ratification of the Convention on the prevention and punishment of the crime of genocide all more valuable and urgent.

We recall, that the United Nations Special Adviser of the Secretary-General on the Prevention of Genocide has called, for the 70th anniversary of the Convention, for its universal ratification⁶. We also recall that the Human Rights Council has adopted, without a vote at its last session, a resolution containing a similar call⁷.

Nothing in the political or strategic situation of a country can justify the absence of the needed tools for the prevention of genocide and atrocity crimes. More than not, however such a measure as the ratification of the convention may seem to be a light commitment, it is a clear sign that such crimes will never be tolerated, a head start for long term policies and as such an overall measure preceding or accompanying other measures and policies. More than not as tools and initiatives are now available for prevention⁸.

I. Hereupon, we strongly urge and recommend to the authorities of the Central African Republic to ratify the Convention on the prevention and punishment of the crime of genocide as soon as possible.

Abolition of the death penalty

We salute the fact that there is, in practice, no use of the death penalty in the Central African Republic. However, the law should be changed accordingly.

II. And for the process to be complete, we recommend the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Illegality of enforced disappearances

To be granted a life is also to receive a right of presence, to be publicly present as equal before the law and recognized by the law and the right to a private presence, or an acknowledgeable presence of the whereabouts with one's kin. As such enforced disappearances violate numerous human rights.

We compliment the Central African Republic for the ratification of the Convention on enforced disappearances in the end of 2016.

However, they are still cases of enforced disappearances listed by the Working Group on Enforced or Involuntary Disappearance regarding the Central African Republic and for which the State has not yet, to our knowledge, answered to the general allegations⁹.

III. Henceforth, we hereby recommend to the State of the Central African Republic to submit in time its first report to the Enforced Disappearances Committee and to answer the general allegations sent by Working Group on Enforced or Involuntary Disappearance.

Welcoming the delegation of the Central African Republic to Geneva, we wish them, as well as to all the people of Central African Republic a constructive and fulfilling Universal Periodic review.

“Prevention: first and foremost”

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¹ <http://nonkilling.org/center/publications-media/books-translations>

² <http://nonkilling.org/center/how-to-help>

³ For more comprehensive analysis, see the ones recently done for the UPR's of Iceland, Switzerland, South-Korea, the UK or most recently Mauritius. Such submissions look at all legal aspects of the right to life and at many practical aspects of a fulfilling and lasting life, including in relation with the Sustainable Development Goals. Statistics are used therein to uphold the Universal Periodic Review process regarding the fulfilment of life from conception until death, including inter alia reproductive rights and abortions, birth registrations, child and mother's mortality, suicides of all sorts and homicides, traffic, work and leisure casualties and life expectancy. Other topics such deaths in custody, minimal standards of living and other applications of the right to life may be added as accurate for the enhancement, the enjoyment and the protection of life and of the right to life. Rights to health, minimum standards of living, a healthy environment and peace, all deeply related to the right to life, are studied as needed or according to available means

⁴ The Human Rights Committee, in its draft comment 36 (2015) on the right to life describes it this way: "It is the supreme right from which no derogation is permitted. The right to life has profound importance both for individuals and for society as a whole. It is most precious for its own sake, but also serves as a basic right, facilitating the enjoyment of all other human rights". <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>

⁵ Universal Declaration of Human Rights, article 28: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

⁶ http://www.un.org/en/genocideprevention/documents/171208_AD_International%20Day_FINAL.pdf

⁷ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/L.44 (In annex).

⁸ I. e. : <http://www.gaamac.org/organizations>

⁹ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/39 p. 29.