

Universal periodical review

Third cycle

CONGO



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”.***

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”, widely translated¹. The Center is a worldwide congregation of persons and scholars working at creating societies that do not kill. The Center has ECOSOC special consultative status since 2014. Valuing life in all its worthwhile dimensions is a necessary mission; please join the Center for Global Nonkilling in celebrating, enhancing and protecting life².

The present submission is a short version insisting only on some of the most salient legal aspects of the respect of life³.

The right to life

Life is a recognized human right.

All human rights are universal, of equal importance, indivisible, interlinked and mutually reinforcing. They arise out of our individual and collective human nature and are needed to build lasting and prosperous, thriving humane societies. They are universal human and legal values. They are complemented by universal fundamental methods such as the culture of peace, prevention and precaution, peaceful settlements of disputes and non-violence. These methods are needed for 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, the right to life is also present within all other human rights. It can also be said that the right to life precedes all human rights: if life is taken all rights are cancelled⁴. Conversely, more joyfully, granting and giving solid ground to the right to life and to life’s quality is the base needed for the peaceful progress and the proactive fulfillment of all human rights.

b. There are no possible restrictions to the right to life: one is either alive, or not. Issues pertaining to the beginning and 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 an ethical, preventive, humane and sustainable manner.

c. There is only one way to guarantee respect and protection for the right to life: prevention. Once life is lost, compensation may be due, but there are no possible reparations for that lost life.

d. The right to life is also the duty not to kill. The right to life is a fully reciprocal right, granted to all and in need of being granted to all by all.

CGNK recognises no right to kill, whatsoever. Though not being rights, there are three “powers” to kill that may have been granted and under some legally recognized circumstances:

Center for Global Nonkilling | Christophe Barbey | Main representative in Geneva
C/° Center John Knox, 27, ch. des Crêts-de-Pregny, CH-1218 Grand-Saconnex, Geneva, Switzerland
+41 79 524 35 74 | cb@apred.ch

Thank you for your kind support at www.nonkilling.org

1) The use of legitimate defence – by a proportionate reaction linked to a direct, serious and imminent threat, as legally required. However, CGNK considers that in the age of prevention and non-violence, such situations should nonetheless never result in acts of killing or maiming. And whatever the result of legitimate defence may be, an independent judicial control over it is part of the rule of law.

Similarly, because it highly impacts on the right to life, any *use of force* by officials or any one, as it impedes on the *right to security*, should be avoided or highly limited. Outmost attention is to be given to prevent situations which may thereafter result in loss or losses of lives or in any type of maiming. Again, any official use of force should be monitored by an independent mechanism.

2) Death penalty, if ever permissible, is however a major and definitive breach of the right to life and of numerous other human rights. It is considered to be an inhumane, cruel and degrading treatment⁵. It is a poor and unworthy example of respect for the right to life and thus lacks the necessary dignity and exemplarity required of any authoritative power.

3) Powers of war, as conceded by humanitarian law, permit under certain circumstances only, the taking of life of soldiers. Seeing prevention, peace and respect for life prevail – always – and thus nullifying this exception is one of the objectives of the Center for Global Nonkilling.

Other human rights

All human rights are needed to fulfil a safe and happy life.

However, some of them may be of more direct importance for the realisation of the right to life or to avoid its breaches.

The links between human rights and peace are being developed⁶. The *human right to peace* is important as human rights can only be reciprocally fulfilled in a peaceful environment⁷. Peaceful methods provide means to solve conflicts, including between competing human rights, without aggravating them and in a constructive or reconstructive way. Conflicts solved peacefully alleviate feelings with respect, draw lessons learned from difficult situations and enable the design of policies for prevention and overcoming.

The *right to participation*, including of women and youth, is highly important as well. 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 also needed to achieve societies in which all *human rights are equally shared*. The *right to a safe environment*, thus sustaining humanity and life on Earth, deserves accurate protection.

The *right to happiness*, to fulfilment in reverence for life, should be mentioned as “happy people breed a happy world”.

The 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 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 to the right to life. Regional human rights mechanisms and national constitutions should reflect as well this legal stand in favor of life.

Beyond legal aspects, it is consciously evident that it is the bounty of life, the ethics, knowledge and best practices, strong heart feelings and well understood instincts, good will; what we offer to each other and to humanity for life and living well, living means; what our institutions promote and exemplify to pursue progress of life in dignity and achieve a sustainable civilization on Earth and our personal and collective commitments and accurate methods that give a future, a meaning and a worth to all 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. Everyone needs to be part of a social group to live, to be part of a society and to relate with its government; all thriving for the good of each and all. Therefore all individuals, social and political groups shall be protected from genocide.

They are various communities living in Mauritius, usually living in good harmony. Nevertheless, the ratification of the Convention on the prevention and punishment of the crime of genocide is all more valuable and urgent.

The United Nations Special Adviser on the Prevention of Genocide has called for, on the 70th anniversary of the Convention, universal ratification⁸. The Human Rights Council has adopted a resolution containing a similar call⁹.

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 prevention¹⁰.

I. Hereupon, we strongly urge and recommend to the authorities of Congo to ratify the Convention on the prevention and punishment of the crime of genocide this year.

Abolition of the death penalty

There is no death penalty in Congo.

II. However, we strongly encourage the Authorities of Congo to ratify as soon as possible protocol II on the death penalty of the Covenant on Civil and Political Rights.

1° Illegality of enforced disappearances

To be granted a life is receiving a right of presence, public presence before the law and private presence for one's kin.

Congo has signed the Convention on Enforced Disappearance but not yet ratified it.

III. Henceforth, we hereby recommend to the State of Congo to ratify the Enforced Disappearances as soon as possible.

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

“Prevention: first and foremost”

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 See i.e. the 9th meeting of the 34th session of the Human Rights Council.

⁶ See 3rd meeting of the 34th session of the Human Rights Council on mainstreaming human rights on the contribution of human rights to peacebuilding, but also resolutions 2250 on youth and peace of the Security Council, the common resolution of the General Assembly and the Security Council (2282) on Sustaining peace. Or the 13th of June 2016 appeal by Switzerland and 70 States, <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-62152.html>. and the Declaration on the Right to Peace A/RES/71/189.

⁷ 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".

⁸ http://www.un.org/en/genocideprevention/documents/171208_AD_International%20Day_FINAL.pdf

⁹ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/L.44

¹⁰ I. e. : <http://www.gaamac.org/organizations>