

Universal Periodical Review

Third Cycle

COSTA RICA

Rights to Life and Peace

Related Human Rights Issues

4th of October 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 or let others die”***

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”.*

Introduction

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 book is available in Spanish². 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 life³. The Center has ECOSOC special consultative status since 2014.

The right to life

All human rights are universal, of equal importance, indivisible, interlinked and mutually reinforcing. They arise out of our fundamental human nature, they are expressed in our feelings, grow and remain through knowledge, practice and kindness. They are needed to build lasting and prosperous, thriving and humane societies and to for each and every one of us to fulfil our personalities. 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, the common enjoyment and the achievement 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 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 cancelled*⁴.

Conversely, more joyfully granting and giving solid ground to the right to life and to the quality and equality of life is the base needed for the peaceful progress, the proactive fulfillment and 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.

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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.

The Center for Global Nonkilling recognises no right to kill. Though not rights, three powers to kill have sometimes been legally granted, under very strict circumstances. We do not approve or condone to these existing powers. They should be made into what they often already are, unwanted remnants of the past. They are:

1) The use of legitimate defence by a proportionate reaction linked to a direct, serious and imminent threat, as legally required. These circumstances are a failure of prevention. If they nevertheless occur, using nonviolent means, they should never result in acts of killing or maiming. Nevertheless, 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 rights to life and personal integrity, any *use of force* by officials or by 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 numerous other human rights. More often than not, it is also considered as an inhumane, cruel and degrading treatment⁵. It is the worst example of respect for the right to life a State and a nation can give and thus, unworthy and lacking the necessary dignity, moral standards and exemplarity required of any authoritative power.

3) Powers of war, as conceded by humanitarian law permit, as an exception to the right to life and under certain circumstances only, the taking of the life of soldiers. Seeing peace and respect of 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 either for the full realisation of the right to life or to avoid its breaches.

The links between *human rights and peace* are progressively being developed⁶. 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 environment⁷.

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.

It is with great respect that we salute the support given by Costa Rica towards the adoption of the Declaration on the Right to Peace⁸. It is now time to implement it⁹.

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The *right to participation*, including of women and youth and disabled persons is highly important as well. The more people take responsibility for their life, the more they will respect the lives of others as of all. Further, the more people participate to decision making, the easier it will be to achieve the Sustainable Development Goals (SDG).

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.

The *right to happiness* or to fulfilment in reverence for life should always be mentioned.

“Happy people breed a happy world”.

Universal Periodic Review of Costa Rica

We wish a happy and constructive UPR to the people and to the country of Costa Rica.

The international human rights constitution

We congratulate Costa Rica for an almost complete ratification of the international human rights constitution and an early abolition of the death penalty.

The right to life

Birth registration and statelessness

Everyone has a right to be recognized by the law and the right to a nationality.

The data of Costa Rica on birth registration is missing in the UNICEF data-base¹⁰. Birth registration for all is sustainable goal 16.9.

I. Henceforth, we encourage the Government of Costa Rica to urgently publish relevant information on birth registration, including in view of guaranteeing a nationality to all.

Child and maternal mortality

Child under 5 mortality is low (9 / 1'000, world 39.1 / 1'000)¹¹, below SDG 3.2 (10 / 1'000).

Maternal Mortality is low (25 / 100'000, world 210 / 100'000)¹², below SDG 3.1 (70 / 100'000).

Abortion is strictly limited in Costa Rica. To our modest knowledge it is forbidden en cases of rape and foetus impairment. However, due to good prevention, abortions in foreign countries permitting it or to these restrictions, the rate of abortions is low (6.9 / 1'000, 2010)¹³.

II. We call upon the people and the Authorities of Costa Rica to open their policies on abortion, at least for cases of duress.

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Homicides rates are, compared to American rates (16.3/100,000), lower in Costa Rica (11.9 / 100'000). However, compared to world average (6.2 / 100'000), it is still a very high figure¹⁴. Nevertheless, for Central America it is low.

Considering other peace achievements of Costa Rica, it would be advisable for the country to consider the possibility of becoming a *killings-free* country.

III. We encourage the people and the authorities of Costa Rica to show greater respect for life, to adopt prevention measures and to regularly report as well on SDG 16.1 in their voluntary SDG reports¹⁵.

Traffic casualties' rates are better than world average in Costa Rica (13.9 / 17.4 100.000 inhabitants) (2013)¹⁶. We recall that SDG target 3.6 is to halve traffic casualties by **2020**.

IV. Similarly, we encourage the people and the authorities of Costa Rica to show greater respect for life on traffic issues, to adopt more prevention measures and to regularly report as well on SDG 3.6 in their voluntary SDG reports¹⁷.

Suicide rates in Costa Rica are below world average (7.9/100,000 and 10.6/100,000). However, there is huge gender imbalance as rate for males is 13.4, while only 2.4 for females. It must also be noted that statistics are rather stable or barely diminishing for the last decades¹⁸.

V. We strongly encourage the people and the authorities of Costa Rica to do much more for suicide prevention and therein to specifically address the *discriminatory* problem of suicides by males.

Life expectancy is good in Costa Rica, numbered 30th country in the world, with an average of 79.6 years or living, 9 years longer than world average. Females will live 5 years longer than males¹⁹. Much more still needs to be done to explain this difference and to fill the gap.

The right to peace

Dignity is present in all human rights, life precedes them all and peace is always interlinking them all, or needed to interlink them and to routinely fulfil them. Peace also interlinks or is needed to link the individual person with all social and political groups and institutions, and reciprocally to link institutions and all social groups among themselves as with individuals.

Costa Rica is one of the 26 countries in the world that has achieved total disarmament²⁰, they have no armed forces and reached a state of non-militarisation. Noteworthy, Costa Rica has ratified **all** the disarmament or arms control conventions and treaties listed by the International Committee of the red Cross (ICRC) as part of international humanitarian law, including the Nuclear weapons ban treaty (not yet listed in the ICRC database²¹). It has also accepted the reciprocal jurisdiction of the International Court of Justice as a peacemaking mechanism and the amendment on the Crime of Aggression of the Rome Statute.

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As improvements come from foreseeing, prospective and evaluation, we still recommend to the State of Costa Rica:

VI. To regularly report on the progress of peace, ideally both or either in the UPR and the SDG reports.

VII. To create at the United Nations a group of *like-minded* countries about the achievement of peace, including non-militarisation.

To enhance peace within the country, we encourage the Authorities and the *existing* peace ministry of Costa Rica to:

VIII. Guarantee education for peace and non-violence at all levels of the school system, as promoted by SDG 4.7 and educate to human rights as advocated by numerous UN resolutions and action plans. To report about it in its next voluntary report.

IX. Increase direct participation rights such as referendums and initiative, as examples by lifting the various limitations to these possibilities, as an example the limitation to one referendum a year present in article 102 of the Costa Rican Constitution or by allowing the people of Costa Rica to directly and ideally always vote changes to the constitution²².

X. Forward peaceful settlement of disputes within the country as it is internationally by upholding and making mediation procedures easily available to all individuals and social groups.

XI. If not yet done, adopt a youth violence prevention plan as advocated for by the World Health Organisation²³.

XII. If not yet so, criminalize war and violence propaganda as prescribed by article 20 of the Covenant on Civil and Political Rights.

XIII. To train the police and all law enforcement forces in non-violent techniques to avoid or strictly limit any use of force and to set up a totally independent mechanism to control any use force, including non-violent. To equip them with non-lethal weapons.

XIV. To set up a special peace fund, within the tax system, to allow individuals and corporations to dedicate funds, a legitimate part of their taxation, directly and exclusively to the (uncompromised with any form of violence or force) promotion, enhancement and establishment of peace, locally and worldwide, achievement of peace as required by the preamble, the principles and the aims of the United Nations Charter.

*Warmly welcoming the delegation of Costa Rica to Geneva,
we wish to them and to all the people of the country
a constructive, enhancing and fulfilling Universal Periodic Review.*

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

² <https://nonkilling.org/center/book-review/no-matar-es-posible-hacia-una-nueva-ciencia-politica-global-spanish>

³ <http://nonkilling.org/center/how-to-help>

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>. Or 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.undocs.org/A/RES/71/189>

⁹ They are possibilities described here: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/31

We add peaceful settlement of disputes for internal disputes as for international ones.

¹⁰ As of November 2017. <https://data.unicef.org/topic/child-protection/birth-registration>

¹¹ <https://data.worldbank.org/indicator/SH.DYN.MORT>

¹² <https://data.worldbank.org/indicator/sh.sta.mmrt>

¹³ We recall that world data on abortion is still not as clear as it is on numerous other health and life issues.

http://www.un.org/en/development/desa/population/publications/pdf/policy/WorldAbortionPolicies2013/WorldAbortionPolicies2013_WallChart.pdf

¹⁴ https://en.wikipedia.org/wiki/List_of_countries_by_intentional_homicide_rate

¹⁵ <https://sustainabledevelopment.un.org/memberstates/costarica>

¹⁶ https://en.wikipedia.org/wiki/List_of_countries_by_traffic-related_death_rate

¹⁷ <https://sustainabledevelopment.un.org/memberstates/costarica>

¹⁸ <http://apps.who.int/gho/data/node.sdg.3-4-data?lang=en>

¹⁹ https://en.wikipedia.org/wiki/List_of_countries_by_life_expectancy

²⁰ Christophe Barbey, « *Non militarization: countries without armies. Identification criteria and first findings*». APRED and Åland Islands Peace Institute Working papers series. Octobre 2015, online version. March 2016, paper version.

²¹ <https://ihl-databases.icrc.org/ihl>

²² https://www.constituteproject.org/constitution/Costa_Rica_2011.pdf?lang=en

²³ http://www.who.int/violence_injury_prevention/violence/status_report/2014/report/report/en/, page 73, 232.