



The Life Constitution

The right to life, the pleasure of living and the benefit of living well

**The right to peace
Achieving living together**

Annex one to our Universal Periodic Review submissions

Living document

October 11th, 2022

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

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**We understand the right to life as being
the full enjoyment of life,
as being the right not to be killed,
and as being everyone's responsibility not to kill or let others die.**

*The Center for Global Nonkilling has a unique and inspirational mission,
empowering 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

*This document presents our vision of the right to life from a legal and practical perspective.
It is a living document, sharing and participation to improvements and completion are welcome.
We also hope for some of the tragic aspects of the right to life described here to be deleted from the list
as the right to life reached completion.*

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Human rights

Human rights are the foundation of our common civilisation and the expression of our dignity as free human beings' members of humanity through our common History.

All human rights are universal, of equal importance, indivisible, interlinked and mutually reinforcing. They arise from our human nature, bear their truth and endeavours in our conscience, express themselves through our choices, cultures, knowledge, feelings, evaluations and values. They arise and grow through the quality of life through by teachings and learnings; they stand in our achievements, now as for future generations. They are enshrined through their peaceful practice. Human rights are needed to build lasting and prosperous, thriving and humane societies, peace-making institutions on a sustainable planet, thus enabling everyone to lead a fulfilling life in universal solidarity, leaving no one behind.

They are the future we want, our common agenda and the legal infrastructure giving meaning and worth to our human civilisation, as needed for it to flourish in dignity, through present times as for future generations.

Human rights are sometimes also called “fundamental rights”. They come along with “fundamental methods” such as education, participation, prosperity, cooperation and consensus, prevention and precaution (do no harm), universal peaceful settlements of disputes and if need be, non-violence. They are the expression of the best of our human nature for the best possible future, for each and all.

The right to life

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

a. Though all rights are equal, they have differing purposes, effects and possibilities.

Dignity can be said as being the paramount right as it is present when each and all human rights are fulfilled. Similarly, the right to life is present in all human rights. The right to life can be said to *precede* all human rights: if life is taken, all human rights are cancelled. Life is so a base needed to fulfill all human rights¹.

Life assured, joyful living and celebration of life becomes possible and sharing life happily, locally and universally becomes accessible. Life becomes a needed and pleasant reality, giving a solid and happy ground to the existence and the creativity, the fulfillment of and for each and all.

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 shall always be dealt with in dignity, encompassing each and every one, in a preventive, human and humane sustainable manner.

c. Only full and effective prevention can guarantee respect and reverence for life and guarantee completion of the right to life. If life is lost, there may be compensations, yet they are no possible reparation. Thus, it is a universal and utmost responsibility to prevent losses of life.

d. The right to life is the absolute duty not to kill. Thus, the right to life is a fully reciprocal right, granted by all to all. The duty not to kill also bears, in parallel with the right of conscience, a right and sometimes a duty of conscientious objection granted to and vested on anyone facing a situation where one may kill.

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Life as a nonkilling human right: ending the powers to kill

Life stands as a right for which no exception is permitted as a taking of life will destroy both life and the right to life. As the right to life stands no exception, therefore they can never be whatsoever a *right* to kill.

Law entails dignity. For itself as in its uses. It entails dignity because of the fundamental values of human life it upholds, and as expressed by human rights. Thus, killing never being admissible, killing can never be granted as a *right*. It would be unworthy of both life and law.

History so far (or those thinking they can make history by destroying life) has sometimes granted, through law, three exceptions to the right to life: these are merely *powers* to kill (or permits to?). These are self-defence, death penalty and in times of war humanitarian law.

These “killing permissions” have all been highly restricted.

Yet much more needs to be done to progress towards and achieve a nonkilling world.

Meanwhile, we do not and cannot condone or approve any of these exceptions to the right to life. We call upon humanity, for its own sake and survival, to respect life, individually as universally. Evermore in times of trouble such as the ones we presently face with climate change or other issues. We ask of each and every individual to learn about life, to share, cherish and enjoy the good of life, to learn and practice the right to life, to live life peacefully and to protect life. We demand to all institutions that life and a good life, the right to life be granted to all, thus sharing the means needed for all to enjoy and appreciate life and enabling everyone to share life among and with everyone.

May we all thrive happily, evermore.

These legal killings powers are unwanted and inhumane remnants of the past and they shall be terminated as soon as possible to achieve the future we want. Our conscience is hurt by such killing possibilities and we again call upon all persons facing situations in which they may kill to exert their right to Conscientious Objection².

If these killing powers nevertheless are used or occur, they shall be used only in exceptional circumstances, under strict, impartial and participative legal control.

Overcoming these *powers* to kill:

1) *Self-defence*. Legitimate self-defence requires a proportionate reaction in response to a direct, severe and imminent threat, that cannot be prevented and cannot be addressed otherwise.

a) Circumstances needing self-defence are almost always a failure of education, of solidarity and of prevention. Such failures shall be thoroughly analysed to design and implement new and improved policies, enabling in life, non-violent means, peaceful settlement of disputes and lessons learned to prevail in similar circumstances if they appear, or better nonrecurrence.

b) If nevertheless prevention failed and a need for self-defence arises, nonviolent, non-maiming and nonkilling means, best practices are most appropriate and most likely the proportionate means needed to react to and repel the threat or aggression, thus without causing further damage. So often, these non-retaliating and humanly caring actions bear a “call on conscience”, and as such are a most efficient, and certainly a less damaging, course of action.

Much more needs to be done through education, cooperation, prevention and non-violent practices to empower people, culture and institutions to achieve reactions to violence that do not resort to imitating the aggressor’s violence, enabling replies from higher moral grounds and sane action practices, by more peaceful means.

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c) Whatever means are used, the results of legitimate self-defence, if maiming or killing happens, shall always be reviewed and monitored by a totally independent, impartial mechanism, encompassing both victims and civil society.

d) Self-defence also warrants any *use of force*. Force may highly impact on the rights to life, personal integrity and security. Use of force shall always be prevented, avoided or if need be highly limited³. States have an ethical and legal duty of exemplarity regarding respect of fundamental rights. As such, they have a duty to act non-violently – force is not violence! – and to enable themselves to avoid maiming or worse, and more than not to extract best practices from any situation. Security forces must be trained in prevention and non-violent techniques and are due to report, debrief, practice lessons learned; they must uphold and demonstrate capacities for policy changes towards less violence and less violent institutions, towards avoiding recurrences of both dangerous situations and of use of force. Again, any official use of force should be monitored by a totally independent mechanism encompassing victims and civil society⁴.

2) Death penalty is a major and definitive breach of the right to life and a severe denial of numerous other human rights, including those of other related persons. It is an inhumane, cruel and degrading treatment⁵ and preventive effects are not demonstrated⁶. It severely lacks the necessary dignity, legitimacy and exemplarity required of any authoritative power. It is double standard as it is impossible for a State to show full and true respect for life and the right to life if the State itself is practicing killing, thus legitimating killings.

Death penalty is not compatible with the Sustainable Development Goals (SDG) which entail universal development by “leaving no one behind”. Killing someone is worse than leaving this person behind; it deprives every one of the shares of our common human destiny; it deprives of the right to amend and of the possibly, if may be, of repairing wrongdoings; it deprives from being part of the human community.

Unanimously adopted, the SDG’s imply the possibility of development and rehabilitation. Further, they require “significant reduction of violence and related killings⁷”, reduction which surely includes killings by the State.

3) Powers of war, as conceded in very limited circumstances by humanitarian law dare an exception to the right to life, permitting under very strictly defined and too rarely applied circumstances, given due precautions, the taking of the life of soldiers. War is morally and legally unacceptable, profoundly backward: it is time to put an end to it⁸.

Seeing respect for life prevail, always, and nullifying these three exceptions to the right to life are objectives of the Centre for Global Nonkilling of and for our human community.

The right to peace

Peace originates in and enhances our human nature. Seeing it prevail is the greatest expression of our dignity, the best use of our capacities towards and within well-being.

Peace is a right⁹, but it is also a method and the link needed, for their completion, between all other human rights.

Peace is supported by knowledge: it is possible!

Peace is supported by intents: it is desirable!

Peace is supported by skills, it is achievable¹⁰!

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Peace is fully present, though not worded, in 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*”. Such an order is indeed a peaceful order.

Peace is fully present in the Sustainable Development Goals¹¹.

The links between *human rights and peace* are widely being developed¹².

Peace has a serene core: a central peaceful zone where life, peace and all relationships are naturally, skilfully and wilfully enjoyed. Walking within the peace zone, peacebuilding is at work through education and empowerment, cooperative and proactive people building and living in strong and kind, fulfilling and inclusive societies, sharing and managing their institutions for the good all, now as for future generations. Approaching the outskirts of the zone dialogue, prevention and precaution, then if need be using universal peaceful settlements of disputes, or as last resort non-violence methods enable us to practice justice without aggravation or deprivation, without losing sight of our most essential values, human rights in all circumstances. Peaceful and non-violent approaches, refusing violence and doing no harm allows, when needed for more serene reconstruction and reconciliation work, bringing people and their representatives, institutions and political infrastructures closer to a sustained peace. Beyond the peacebuilding zone, all there is and will ever be is space for more peace-making, for prevention of violence of all sorts, again if need be for gentle use of force, leaving no one apart from the peace process. There is nothing further: all the “not so at peace zones” are peacebuilding or peace-making zones!

Comprehensive peace policies, from prospective to evaluation, from education to prevention, precaution and refusal of violence, through universal peaceful settlement of disputes and nonviolent use of force; these policies can be promoted and overseen by a dedicated ministry or department and be controlled by granting a right to peace, as needed to issue reports on the progresses of peace and eventually to address grievances about peace.

These peace policies are sometimes more thoroughly described in some of UPR our submissions¹³.

Other related human rights

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

Some are of direct influence for the achievement of the rights to life and to peace and to avoid their breach.

The universal *right to participate in the decision-making*¹⁴ creates inclusive and humane societies, where responsibilities regarding life and public affairs are equally shared for the well-being of all. The more people participate, the more the work is done towards consensus the more core values will emerge, consequences of all decisions will be seen and the easier it will be to achieve SDG 16, safe and inclusive societies.

The *right to health* is essential for the fulfilment of all human rights, including the right to life and its subsequent right to longevity. Health is also needed to achieve societies in which *all human rights are equally shared*.

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The *right to accurate standards of living*, including the rights to health, food, water and sanitation, clothing and housing, the rights to work and social security deserve full attention, in all circumstances.

The *right to a sustainable environment* is needed for the life of humanity life on Earth. It requires urgent and accurate action.

The *right to happiness*, the fulfilment of life in reverence for life is mentioned:

Life's Constitution

Living happily

Legal aspects

If the State under review is concerned, parts of this presentation are found also in the main submission.

The following treaties, international legal obligations, are directly concerned for the enjoyment of the right to life:

- The Convention on the prevention and punishment of the crime of *genocide*,
- The Covenant on *civil and political rights*, article 6,
- Its Optional protocol aiming at the *abolition of the death penalty*,
- The Convention on *enforced disappearances*

These conventions are the minimum legal standards needed for any country to internationally recognize and show full respect for life and the right to life.

Local constitutions, laws and policies shall similarly enhance life, its protection and quality.

Life as a common good of and for all humanity, as a universal right to life

The convention on the prevention and punishment of the crime of genocide

In a time in which humanity must learn to survive on our planet and to repel any possible war, the prevention of genocide, care for the sustenance of life for all individuals, social and political groups, for our species is of vital importance. The universal prevention of genocide, through the ratification of the Convention, but also through the establishment of local focal points for prevention will be a great sign of hope, a solid work to prevent genocide.

Every person needs to be part of a social group to live and thrive in society, to relate with its kin, its government and institutions; every individual, every social groups and every State is concerned, has a right and a responsibility, a duty to enhance life for each and all, to protect and be protected against all forms of discrimination, violence or worse, against any destruction of life, including genocide.

The United Nations Special Adviser for the Prevention of Genocide calls for the universal ratification of the Convention¹⁵. The Human Rights Council has adopted resolutions containing similar calls¹⁶.

The ratification of the Convention and adapting local laws is a rather simple accomplishment. It requires a decision to ratify, a parliamentary decision to adapt the criminal code and criminalize genocide and a certified letter to the Secretary General confirming ratification.

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Endorsing the prevention of genocide is a national endeavour. It is a sign of participation, a beacon of hope and reason for the national and international communities, ensuring for a brighter future. Tools and initiatives are available for the efficient prevention of genocide and atrocity crimes¹⁷. It is a message sent to all humanity that the respect of lives, all lives, is possible and essential, that nonkilling is needed and attainable.

Protection of life by and from States

The International Covenant on Civil and Political Rights

The universality of human rights implies a commitment by all States to the values and practices of the basic standards of human dignity and well-being. The covenant is almost universally ratified¹⁸. Article 6 clearly presents the right to life¹⁹ and the Human Rights Committee has extensively presented all aspects of the right to life in its General Comment 36 in 2019²⁰.

Life as an institutional gift

Prohibition of death penalty

To respect life is to value all lives, without exceptions, distinctions or discriminations.

It is also living as an example of this valuation of life.

States and their authorities have a duty to stand as examples of their respect for life and for the right to life. They are the ones that shall lead, by their example and their policies, the changes of opinions needed regarding the use of the death penalty – whatever is said by the polls – thus bringing dignity and regard for life, both to the State they represent and to the people they serve. However, as the Constitution of Japan permits such a treatment of persons (to kill them)²¹, and as the Constitution is protected by a right of referendum, the people of Japan also have a life-saving obligation, a responsibility to see this change happen.

We also recall that the right to life granted to all is also the responsibility vested in all to refuse to kill. The act of killing is the same, be it official or a crime: a killing. Accepting that one could be killed and accepting to kill anyone is accepting that act of killing, which impedes our own quality of life and our right to security²². Regardless of who is killed by whom, why or how, a killing is the destruction of life, inasmuch the destruction of the right to life²³.

Our conscience is hurt by such killing possibilities: we call for all persons facing situations in which they may kill to exert their right to Conscientious Objection²⁴.

Ratification of the second optional protocol of the international covenant on civil and political rights marks the definitive end of the death penalty in the ratifying State.

Life as a manifested existence

Illegality of enforced disappearances

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

As such enforced disappearances violate numerous human rights, be them in law or in *jus cogens*. The International Convention on the protection of all persons from enforced disappearances has universal effects and contains provisions regarding cases beyond the national territory²⁵. The human rights council also has a special procedure, a working group reporting on possible cases of enforced disappearances in countries who are not party to the convention.

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Life locally expressed

National constitutions shall similarly reflect the stand in favor of life.

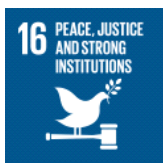
In constitutions, life shall be promoted by a positive disposition celebrating and recalling the value of life, its vital and essential value; by a neutral clause stating that life (and living) is a right, and by a preventive disposition recalling the duty, vested on all, to protect life and avoid deprivation of life.

Sadly, numerous constitutions still contain a broad “permit to kill” in some circumstances such as arrest, escape, riot, insurrection, mutiny and to prevent the commitment of criminal offences. Such clauses, while the right to life is barely celebrated or if death penalty is still legal are a tenuous expression of life, rather than anything close to its protection; they shall urgently be changed.

Practical aspects

This section presents all or most circumstances of life in which the right to life is directly influential.

The general presentation is valid; the figures need an update (12.7.2022).



- In a world where everyone needs an identity to be simply counted as alive or to vote, to have access to public services and welfare systems **registration at birth** is the legal start of life, as such a full part of the right to life²⁶. Legally recognizing everyone’s existence is essential for the progress of the right to life. Though getting better, presently in the global population, about one fourth of all children below the age of five are still unregistered.

Sustainable Development Goal (SDG) 16, target 9 intends, as part of strong institutions, to have all newborns registered at birth for 2030.

- **Abortion** is surely death for the potential child and can also be deadly for the mother. Yet the right of the mother to life and to a decent life as well as the rights of children to be desired and well taken care of are also to be taken in account. Moreover, statistics prove that when abortion is legal there is more prevention of unwanted pregnancies and thereafter fewer abortions made, and fewer fatalities both of fetuses and mothers, less women dying from clandestine abortions. However, because of the ban maintained by many countries on abortion, there is so far little worldwide statistics of the number of abortions to rely upon to build efficient preventive policies²⁷. Finally, the debate on abortion needs new avenues; one possible solution will be to make easily possible and to favor adoptions.

- **Infant mortality** needs to be monitored and measures need to be taken to reduce it. SDG goal 3.2 is to reach less than 12 deaths out of a 1,000 births for newborns and 25 deaths for 1,000 children under 5. Present world rates are at 50/1,000 and 74/1,000. Reducing infant mortality by two thirds requires greater access everywhere to quality health and prenatal services. The UPR is a very good tool to monitor the progresses made towards reaching this SDG target in 2030 in every country. However, to our knowledge, the issue has not been raised so far; a practice we would like to encourage in upcoming sessions.



- Similarly, SDG goal 3.1 is to reduce **maternal mortality** to less than 70 mother’s death for a 100,000 live births. Present world rates are at 210/100,000. On this issue, we would like to partner with or to see the issue taken up by a women or gender equality organization. We will be proactive until we find one.

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➤ **Life expectancy** is an important topic we look at, allowing sometimes interesting comparisons on gender equality. As an example, if life expectancy is good in the UK, yet compared to other European countries women die earlier²⁸. How to redress this problem is the challenge we bring by highlighting such situations. If the statistics on longevity, including disaggregated by gender, are easily available, longevity has not, regrettably, been selected as an SDG target. Further, no right to **longevity** has been legally recognized. Nevertheless, longevity as the right to live as long as one wants to, is an inherent part of the right to life. It is also related to the right to health. It shows how life is respected, as the more it is taken care of the longer one lives. At the best, the right to longevity demonstrates that life is worth living in its greater extent.

Deaths related to injuries and violence

These deaths amount to 9.1 % of all deaths (2012)²⁹.

Sustainable Development Goal 16.1 reads: “[T]o significantly reduce all forms of violence and related death rates everywhere”. The objective is rather vague and the specific targets are sometimes lacking. However, in many fields, progresses are measurable.

Among them:

➤ 48% of deaths related to violence and injuries are **unintentional deaths** (falls 13,5 %, drowning 7,2 %, fires 5,2%, poisoning 3,8% and others, mostly natural disasters 18,7%). Most of these are largely preventable.

As examples, falls by improving fitness and architecture, drowning by teaching how to swim, fire prevention and poisonous substance security can be improved. Though there is still much to do to prevent such deaths, all this is already in process. None of these are specific SDG targets (besides 16.1 related to all violent deaths).

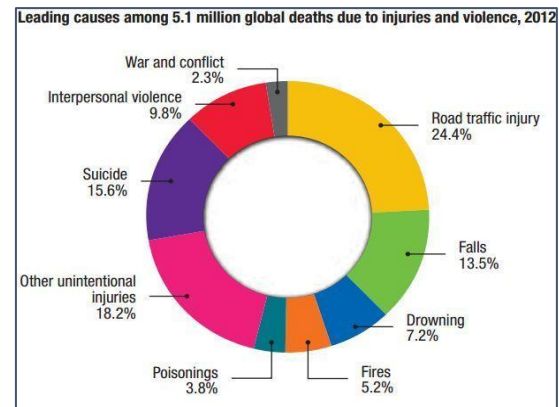
➤ 1.25 million Persons die yearly from **road traffic**. They amount to about 24.4% of all deaths related to injuries and violence. Traffic deaths would be largely diminishing – and numerous efficient measures do lower their number – if the rise of the number of cars would not impede the process, with as a consequence that the total number of traffic related deaths is still rising. SDG Target 3.6 has the high goal of halving the global number of road traffic deaths by 2020.

➤ **Suicides** (15.6%) is the cause of more deaths than war and interpersonal violence together.

This goes to say that self-respect for life is as important (or though every life counts, presently even more important) as respect for the life of others. Furthermore, this says that the right to life and the decision to live are rights that we need to ground, much more, in our own personal lives and cultures, as should also be enhanced the value of life (and its qualities) in our collective cultures and practices. It also shows clearly that the right to life is also the right to live, and thus to be granted the means needed to face our lives. So forth, as for all human rights, the right to live needs to be an empowerment: it includes the right to learn how to live and to live well, the means and social environments needed to be made ready to accept and to enjoy living and to be given the means needed to fulfill our own lives, and inasmuch the lives of others.

It must be mentioned that in some countries suicide is still legally punishable, thus making it harder to monitor and prevent, and worse to treat suicides survivors. This illegality impedes the setting up of comprehensive “prevention and help action plans”³⁰.

Suicides are mentioned in the SDG’s, (target 3.4.2) as is improving mental health in target 3.5. The objective is to diminish, by 2030, the number of suicides by a third. The World Health Organization’s (WHO) also



Source: Health in 2015: from MDGs to SDGs. WHO, 2015, p. 174.

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has an action plan and a specific program on the prevention of suicides. The WHO 2014 report contains disaggregated data on suicides by age groups and gender, country by country³¹. Using this data for the countries for which we made NGO UPR reports has revealed very unusual differences regarding which social groups the victims of suicide come from. Women in Nepal, elderly people in Mozambique, middle aged men in the UK; they all have a much higher rate of suicide than the rest of the local population. Highlighting these situations in the international sphere will help to address them and hopefully to solve these issues and save many more lives.

In our 2017 UPR report to Switzerland, because of our awareness raising work, Switzerland has accepted numerous recommendations on the prevention of suicides, thus implying that preventing suicide is a full part of the right to life, and therefore that suicide prevention is a State duty.

➤ **Assisted suicide** (euthanasia) is also a question we look at, at least through a legal perspective as statistical data is still largely missing. They are two aspects: the right of a person to choose to interrupt a medical treatment and the possibility given in some countries to terminate one's own life when the suffering caused by a fatal illness is considered unbearable. Can the right to life be also the right to choose our own deaths?

➤ **Interpersonal violence** amounts to 9.8% of all deaths related to injuries and violence, of which half of them happen through the use of firearms. Such violence is around five times more deadly, worldwide, than armed conflicts and war. There again, learning to live in peace and creating efficient infrastructures for peace – for the respect of life as for the benefits of peace! –; bringing more respect for the life of others in diminishing the availability of arms is an international and a political issue, but is also concerns everyone everywhere.

In our opinion, prevention of violence is a constitutional and a governmental duty. Based on the WHO's 2014 status of the prevention of violence report, we encourage States to adopt such legal bases to prevent violence and, so forth and as accurate, to implement policies therefore³².

➤ Presently there is almost no **homicide** free country. Homicides rates are important as they give a “portrait” of the respect of life in a given country. Homicides statistics are easily available and we do treat them country by country. In 2013, there was a rate of 6.9 homicides for 100'000 inhabitants in the world³³. Both interpersonal violence and homicides (including armed conflicts and violence) are covered by SDG target 16.1 aimed at substantively reduce violence and related deaths everywhere. The measure of the target (16.1.1 & 2) is the number of homicides and conflict-related deaths for 100'000 inhabitants.

“Happy people breed a happy world”

To be continued!

¹ The Human Rights Committee, in its general comment 36 on the right to life in 2019 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 as a right that inheres in every human being, but it also constitutes a fundamental right whose effective protection is the prerequisite for the enjoyment of all other human rights (...)”.

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf

² Conscientious objection is a recognized right, at least to military service, military service which is in times of conflict a major cause of killing. Conscientious objection is valid in times of peace as well, as objecting to the possibility of killing or preparing killing. Based on article 18 of CCPR, the relevant resolutions of the Human Rights Council and the decisions of the Human Rights Committee, we consider that conscientious objection can also be based on article 6 of CCPR on the right to life, as a refusal to kill. We consider that the right shall be extended to any mandatory killing. Similarly, the right to conscientious objection shall be recognized to persons refusing to pay for killings and military institutions and services (www.cpti.ws).

³ The constitution of the Swiss local State of the Canton of Geneva states it clearly (§ 184.3): “Conflictive situations are treated in priority so as to rule out, or limit the use of force. Concerned persons have a duty to concur”, unofficial translation from French. <https://www.admin.ch/opc/fr/classified-compilation/20132788/index.html#a184>

⁴ See our statement at the Human Rights Council related to George Floyd’s death :

<https://nonkilling.org/center/download/human-rights-council-43rd-urgent-debate-2020-06-17-18/>.

⁵ See i.e. the 9th meeting of the 34th session of the Human Rights Council.

⁶ The question was discussed at Human Rights Council session 48, the report is in the making.

Every life counts. Yet as an example in Japan: with such a low rate and few homicides cases, one of the best rate in the world (0.3 / 100,000 – world 6.1 / 100,000, 2021), why maintain death penalty, thus augmenting the number of killings in 2021 from 874 to 877, and thus augmenting the rate?

And if the rate is so low, can it still have a general deterrent effect? Indeed, in casu, one may be refrained by the penalty, but the general valuation of life will most likely save more lives, including the lives the State will not take.

⁷ SDG 16.1

⁸ Under the United Nations Charter, war is illegal. Member States shall refrain from the use of threat or force and shall solve their conflicts peacefully (Charter article 2, § 3 and 4, article 26 and 33), self-defense is strictly limited (Charter 51). One can add the illegality of the crime of aggression (Rome Statute, art 8bis), as well as customary law.

⁹ <http://www.undocs.org/A/RES/71/189>

¹⁰ Peace grows through care, methodology and prevention and is assured by non-violent institutions and people, peaceful practices. The responsibility and the guarantee of peace rests in each and every one of us. The UNESCO Seville Declaration on Violence, 1989, concluded “The same species who invented war is capable of inventing peace. The responsibility lies with each of us”. 30 some years later, the “tools of peace” arising from this major “invention” are largely available. They need implementation. Understand our submission here on the peace constitution as “comprehensive peace policies”.

¹¹ SDG 4.7 and 16 as a whole: “By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, *promotion of a culture of peace and non-violence*, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development (4.7)”.

¹² Among numerous examples, 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>. There is Conflict prevention caucus at the Human Rights Council.

> United Nations General Assembly’s Declaration on the Right to Peace A/RES/71/189,

<http://www.undocs.org/A/RES/71/189>.

> Florence Foster: “Sustaining Peace: how can human rights help?”, QUNO-OHCHR, February 2021, available here:

https://quno.org/sites/default/files/timeline/files/2021/2021_QUNO-OHCHR_SustainingPeace-HowCanHumanRightsHelp.pdf

¹³ To name some Lesotho, Iceland, etc.

¹⁴ International Covenant on civil and political rights, article 25: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country”.

Human Rights committee General Comment 21 (1996):

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.7&Lang=en

¹⁵ http://www.un.org/en/genocideprevention/documents/171208_AD_International%20Day_FINAL.pdf

¹⁶ Without a vote at its 37th, 43rd and 49th sessions http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/26
<https://undocs.org/A/HRC/RES/43/29> § 7,

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<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F49%2F9&Language=E&DeviceType=Desktop&LangRequested=False> § 10.

¹⁷ I. e. : <http://www.gaamac.org/organizations>

¹⁸ 173 ratifications for 24 left to do.

¹⁹ Article 6 reads: “1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court. 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. 4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases. 5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. 6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.”

²⁰ <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-36-article-6-right-life>

²¹ Art. 31

²² Provide security from deadly judicial errors, to name the least. Less death penalty and thus more respect for life respect which also means less enforced disappearances, less homicides and less wars. Not an unworthy goal.

²³ The unabated right to life gives confidence in life; a confidence we all need, and which opens wider for equal and universal betterment of life. The right to life also recalls our common destiny as members of the human community, the fate and the right to life of our species.

Further arguments regarding the death penalty, including links with the SDG, with other human rights and deterrent effects are found in annex one.

²⁴ Conscientious objection is a recognized right, at least to military service, which is in times of conflict a major cause of killing. Conscientious objection is valid in times of peace as well, as objecting to the possibility of any killing. Based on article 18 of CCPR, we consider that it could also be based on article 6, the right to life, as a refusal to kill. We also consider that the right to conscientious objection should be extended to any mandatory killing. Similarly, the right shall be recognized to persons refusing to pay for killings or to pay for military service (<https://www.peacetaxinternational.org>).

²⁵ A strong measure that will prevent the occurrence of enforced disappearances will be to include in law, in the criminal code or the criminal procedure code a disposition by which any person arrested has the right to make his arrest know, within 48 hours of his arrest, to a person or an institution of his choice or to one designed therefore. A public roster of arrested persons shall be available to persons making a legitimate demand and prolongation of the 48 hours delay may only be authorized, for investigative purposes, for a very short time.

²⁶ For a comprehensive report on the importance of the right to registration at birth and of its consequences on vital statistics, see the report on the topic by the High Commissioner on Human Rights, A/HRC/33/22, 1st of July 2016, available here:

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/22.

See also: <https://data.unicef.org/topic/child-protection/birth-registration/>

²⁷ One could also argue that there is a need to provide more alternatives to abortion such as facilitated adoption. A basic universal income could also help in such circumstances. www.basicincome.org.

²⁸ See our UK-UPR submission on our web site. <http://nonkilling.org/center/nonkilling-monitoring-programs/nonkilling-activity-at-the-un>

²⁹ Source: Health in 2015: from MDGs to SDGs. WHO, 2015, p. 174.

³⁰ We are looking for someone to do an inventory of the countries and clauses forbidding suicide.

³¹ http://www.who.int/mental_health/suicide-prevention/en http://www.who.int/mental_health/suicide-prevention/world_report_2014/en

³² http://www.who.int/violence_injury_prevention/violence/status_report/2014/en

³³ <http://apps.who.int/gho/data/view.main.VIOLENCEHOMICIDEv>, <https://dataunodc.un.org/crime/intentional-homicide-victims>

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