

Universal Periodical Review

Third Cycle

ANGOLA



Right to Life and

Related Human Rights Issues

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“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 right not to be killed,
but also as everyone’s responsibility not to kill”***

The Center for Global Nonkilling has a unique mission,
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 Portuguese². The Center is a worldwide congregation of persons, scholars and others, working at creating societies that do not kill. Valuing life in all its 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. At each session of the UPR, CGNK makes usually one as comprehensive as possible submission and shorter ones focusing on specific issues⁴.

This is a short submission, focusing mainly on international legal aspects of the right to life.

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 and are expressed in our feelings and thoughts. They progress and remain through knowledge, practices 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 values.

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 as it precedes all human rights: if life is taken all human rights are cancelled⁵.

Conversely, joyfully granting and giving solid grounds to life and to the right to life, to the quality of life in equality for all is the base needed for the peaceful progress and the proactive fulfillment of all human rights; a life worth living is the base needed for the completion of all human rights.

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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 and to protect the right to life: prevention. Once a life is lost, compensation may be due, but there are no possible reparations for that lost 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 by all to all.

The Center for Global Nonkilling recognises *no right to kill*.

Though not rights, three powers to kill have sometimes been legally granted or still remain, all under very strict circumstances. We do not approve or condone to these existing powers to kill. They should be rendered in 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 self-defence circumstances, individual or State like, 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 self-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 to 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 use or force, moreover in loss or losses of lives or 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. More often than not, it is considered an inhumane, cruel and degrading treatment, for the persons as for their relatives⁶. Killing is the worst example a State can give of respect for the right to life. It breaches the exemplarity required of any authoritative power. States shall not wait for the population to require the abolition of death penalty, they shall not be instruments or accomplice to killings. Death penalty is not either compatible with the Sustainable Development Goals (SDG) as they grant universal development to all, “leave no one behind” and as they require significant reduction of violence and related killings (SDG 16.1). To morally or legally significant a reduction of killings can only be the abandonment of the practice.

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.

Related 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 developed⁷. 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 environment⁸.

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 fact that Angola has supported in 2016 the adoption of the Declaration on the Right to Peace⁹. It is time to implement it¹⁰.

The *right to participation*, including of women, 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, the lives 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.

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 Angola

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 constitution or basic treaties, the ones directly 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. National constitutions should reflect this legal stand in favor of life.

However, beyond legal aspects, it is consciously evident that it is the bounty of life, the ethics, the knowledge and the human best practices, it is our progresses so far as a species and as a civilization and as individuals it is our strong heart feelings and our well understood instincts, our good will and what we offer to each other and to humanity, what our institutions promote and exemplify to pursue progress in dignity and to achieve a sustainable civilization on Earth; it is our

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personal and collective commitments that give a future, a meaning and a worth to the lives we lead, live and share, 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.

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 on the 9th of December 2018 for the universal ratification of the convention¹¹. We also recall that the Human Rights Council has adopted, without a vote at its 37th session 37, a resolution containing a similar call¹².

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

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. The commitment made by the ratification of the convention is a clear sign that such crimes will never be tolerated and a head start for long term preventive policies, an overall measure preceding or accompanying other life saving policies. Tools and initiatives are available for the prevention of genocide and atrocity crimes¹³.

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

Abolition of the death penalty

To respect life is to value all lives, without distinction or discrimination. The act of killing is the same, be it official or a crime. States have the duty to stand as examples of respect for life and for the right to life. We recall that the right to life granted to all is also the responsibility vested in all to refuse to kill. Accepting that one could be killed, or to kill one is accepting the act of killing; as such, regardless of who is killed, how many are killed or why there is a kill.

We congratulate for the fact that the death penalty was never used since independence and legally abolished by the constitution in 1992. However, the second optional protocol of the Covenant on civil and political rights aiming at the abolition of the death penalty still has to be ratified. Ratification will be an example for other retentionist States, a noble strong gesture.

II. Therefore, we strongly encourage to the Authorities of Angola the ratification of the second protocol on the death penalty of the Covenant on Civil and Political Rights.

Illegality of enforced disappearances

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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 and relatives.

As such enforced disappearances violate numerous human rights, be them in law or in jus cogens. There is, as known of today, still 2 cases of enforced disappearances listed by the working group on enforced disappearances¹⁴.

III. Therefore, we hereby recommend to the State of Angola to urgently ratify the Convention on Enforced Disappearances.

*Welcoming the delegation of Angola to Geneva,
we wish to them and to all the people of the country
a happy constructive, enhancing and fulfilling
Universal Periodic Review.*

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

² <https://nonkilling.org/center/book-review/nao-matar-e-possivel-por-uma-nova-ciencia-politica-global-portuguese/>

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

⁴ For more comprehensive analysis, see the ones recently done for the UPR's of San Marino, Costa Rica or 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

⁵ 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>

⁶ See i.e. the 9th meeting of the 34th session of the Human Rights Council.

⁷ 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. <http://www.undocs.org/A/RES/71/189>

⁸ 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".

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

¹⁰ 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.

¹¹ http://www.un.org/en/genocideprevention/documents/171208_AD_International%20Day_FINAL.pdf

¹² http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/26

¹³ I. e. : <http://www.gaamac.org/organizations>

¹⁴ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/46

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