

Universal periodical review

Third cycle

MAURITIUS



Right to life and related human rights issues

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 others”.***

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 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 cancelled³. 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:

- 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 treatment⁴. 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 developed⁵. The *human right to peace* is important as human rights can only be reciprocally fulfilled in a peaceful environment⁶. 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”.

Universal Periodic Review of Mauritius

We wish happy birthday to the people and the country of Mauritius.

They celebrate 50 years of independence,
50 years of success, progress and development.

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

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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 ratification⁷. The Human Rights Council has adopted a resolution containing a similar call⁸.

Nothing can justify the absence of the needed tools for the prevention of genocide and atrocity crimes. The ratification of the Convention is an overall humanist and universal measure. Further, other tools and initiatives are also available for the prevention of genocide and atrocity crimes⁹.

I. We reiterate until completion previous recommendations for the ratification of the Convention on the prevention and punishment of the crime of genocide by Mauritius.

Abolition of the death penalty

To respect life is to value all lives, without distinction or discrimination. To accept that one could be killed, is to accept that any could be killed. The act of killing is the same for one as for many and no one should officially be allowed to kill. Moreover States have the duty to stand as examples of the respect of life.

Mauritius has legally abolished death penalty in 1995. Yet, the death penalty is still present in the Constitution. Worse, the constitution largely permits taking of life in cases of arrest, escape, riot, insurrection, mutiny and to prevent the criminal offences (article 4)¹⁰. The use of force, preferably of nonkilling, non-maiming and non-violent force, is to be avoided or highly limited in all circumstances. Instead of being permitted and an exception to the right life, in all occurring cases, it should be the subject of a strict independent control. The constitution of Mauritius is too wide, sending a wrong message about the imperative protection of life and of the right to life, by all.

II. We urge the People and the Authorities of Mauritius to change the constitution and to enhance life and its values therein.

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III. We recommend the ratification of protocol II of CCPR on death penalty.

Illegality of enforced disappearances

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

IV. We recommend the ratification of the Convention on Enforced Disappearances.

Child soldiers

The second protocol to Convention on the rights of children, on children in armed conflict is applicable to army and police alike. Mauritius has no army – a fact that we salute with great appreciation. However, we note that the initial report is overdue since 2009.

V. We recommend the swift presentation of this report.

Peace treaties, activities and commitments

It is with great appreciation that we note that Mauritius has supported the declaration on the human right to peace. We also commend the reciprocal acceptance of the jurisdiction of the International Court of Justice and we congratulate the country for having signed most disarmament and peace treaties.

VI. We recommend ratification of the third protocol of the Geneva Conventions, of the protocols of the 1954 Hague Convention on cultural property, of the most recent protocols of the Convention on Conventional Weapons and of the Treaty on the Prohibition of Nuclear Weapons.

As a peaceful country, to build positive peace,

VII. We encourage Mauritius to design comprehensive peace policies, to enhance peaceful settlement of disputes for all, to regularly report on the progress of peace, to allocate generous funds for peace and to establish a Ministry or public service¹¹ dedicated to the progress and enhancement of a peaceful society.

Mauritius is not listed in the WHO's "Global Status on violence prevention" 2014 report¹² or in the data on WHO's violence prevention webpage¹³. Both are needed tools for SDG 16.1.

VIII. We encourage the adoption and publication of comprehensive violence prevention plans.

Participation rights

We recall that article 25 of the Covenant on civil and Political rights guarantees "the right to take part in the conduct of public affairs, *directly* or through freely chosen representatives".

IX. To enhance the participation and responsibilities of the people of Mauritius, we encourage the Parliament of Mauritius to consider the implementation of new democratic means.

The right to life

Living happily

Life has many aspects and all concerned by the right to life.

This is a general overview of the situation of the right to life in Mauritius.

Reproductive rights guarantee that children are desired and welcome to the world. Sexual education and contraceptive means should thus be readily available.

The situation in Mauritius is rather good and there is a recent governmental program¹⁴.

Providing children, regardless of the means of their parents, with sufficient living means and quality education is related to the rights to health, education and sufficient standards of living, rather than directly related with the right to life or with the right of the parents to give birth.

Prenatal and genetic engineering. The issue may be important in Mauritius and surely worldwide. However here we totally lack data or information.

Abortion is legally permitted under some circumstances. However, there are reports indicating complications arising from illegal abortions¹⁵.

X. We recommend to the government to do more for abortion prevention and safe abortions.

Birth registration. Though for some reason the birth registration rate for Mauritius is absent in the UNICEF data, we presume from other sources that the system is functioning well¹⁶.

Infant and maternal mortality. Present world rate for mortality under the age of 5 is 40.8 / 1,000 (2016)¹⁷. With a rate of 12.2 / 1,000 (2017) Mauritius is doing well¹⁸. Neonatal and maternal mortality show similar trends¹⁹.

XI. Mauritius should consider helping other countries reach similar achievements.

Traffic casualty is worldwide the first cause of violent deaths. SDG goal 3.6 has set the high goal of halving them by 2020. With such a short time limit, statistics must be frequently updated. With an average of 12.3 / 100,000 (world average is 17.4 / 100,000), Mauritius is doing well.

XII. We encourage Mauritius to promote (including with car and road builders), the securing of the means needed for prevention and updated statistics.

Suicide is the second cause of violent death worldwide. Preventing suicides is or should be a State duty.

Mauritius stands just below world average (9.3 and 10.7 for 100,000, 2015²⁰), but the gap is diminishing. We salute the recent implementation of a suicide prevention plan in Mauritius²¹.

There is a huge gender gap, as males commit three times more suicide than women. We recall that gender equality concerns both sexes. Here, it is clearly males who need specific support.

XIII. We recommend to Mauritius to pursue its efforts at suicide prevention and to give reinforced attention to the prevention of suicides by males.

Mauritius has taken a moderate position on assisted suicide as it can only be accepted for medical purposes²².

Homicides. Data is not very recent, but homicides rate is low in Mauritius, thus showing that life is rather valued in the Country²³.

Life expectancy is good in Mauritius, a little above world average and most likely still rising²⁴.

Though all issues may not have been addressed here and surely a lot more can be done, life is good in Mauritius, a great example of progress and achievement.

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

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

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

³ 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>

⁴ See i.e. the 9th meeting of the 34th session of the Human Rights Council.

⁵ 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.

⁶ 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”.

⁷ http://www.un.org/en/genocideprevention/documents/171208_AD_International%20Day_FINAL.pdf

⁸ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/L.44

⁹ I. e. : <http://www.gaamac.org/organizations>

¹⁰ https://www.constituteproject.org/constitution/Mauritius_2016?lang=en#16

¹¹ Infrastructures for peace: i.e. <https://www.peaceportal.org/web/i4p/i4p>

¹² <http://www.undp.org/content/dam/undp/library/corporate/Reports/UNDP-GVA-violence-2014.pdf>

¹³ <http://apps.who.int/violence-info/country/MU/>

<http://www.undp.org/content/dam/undp/library/corporate/Reports/UNDP-GVA-violence-2014.pdf>

¹⁴ <https://www.heard.org.za/wp-content/uploads/2015/11/mauritius-srhr-country-fact-sheet.pdf>

<http://health.govmu.org/English/Documents/healthpol07.pdf>

¹⁵ <https://www.heard.org.za/wp-content/uploads/2015/11/mauritius-srhr-country-fact-sheet.pdf>

¹⁶ SGD goal 16.9. For the links between birth registration and human rights see A/HRC/33/22 at :

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session33/Pages/ListReports.aspx>

For birth reports in Mauritius: <https://data.unicef.org/country/mus/>

http://statsmauritius.govmu.org/English/Publications/Pages/Pop_Vital_Yr17.aspx

¹⁷ https://en.wikipedia.org/wiki/List_of_countries_by_infant_and_under-five_mortality_rates

¹⁸ http://statsmauritius.govmu.org/English/Publications/Pages/Pop_Vital_Yr17.aspx SDD goal 3.2 sets the target at 25 /1,000.

¹⁹ SDG 3.1. http://www.childmortality.org/index.php?r=site/graph#ID=MUS_Mauritius

<https://data.unicef.org/topic/maternal-health/maternal-mortality>

²⁰ <http://apps.who.int/gho/data/node.sdg.3-4-data?lang=en>

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

²¹ <http://www.govmu.org/English/News/Pages/Strategic-Action-Plan-on-Suicide-Prevention.aspx>

²² <https://commonwealth2015.wordpress.com/2015/11/22/euthanasia-privilege-by-mauritius>

²³ 2.71 /100,000 (2011). World, 5.7/100.000 (2015).

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

<http://apps.who.int/gho/data/view.main.VIOLENCEHOMICIDEv>

<https://data.worldbank.org/indicator/VC.IHR.PSRC.P5>

²⁴ 74.7 / 100,000. World 71.4 / 100,000.

<http://apps.who.int/gho/data/view.main.SDG2016LEXREGv?lang=en>

<http://apps.who.int/gho/data/node.main.688?lang=en>

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