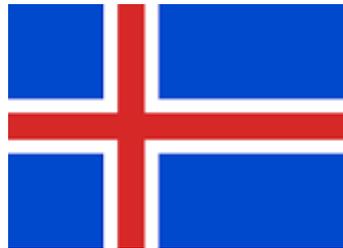


Universal periodical review
Second cycle

Iceland



Right to life
and related human rights issues

21st of March 2016

“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
and so forth as being each and everyone’s responsibility not to kill”.***

Introduction

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), successor of the Center for Global Non-violence (1988-2009), was founded by Glenn Paige, retired political science Professor, author of the book “Nonkilling Political Science”. The Center is a worldwide congregation of scholars working to create societies that do not kill. It has ECOSOC special consultative status since 2014.

The right to life

All human rights are of equal importance, indivisible, interlinked and mutually reinforcing. Human rights are universal human and legal values. They are enshrined in our human nature. They are the source of the creativity needed to live and to achieve a fulfilling life. Human rights are the measure needed to know that what can create and sustain History with dignity, thus giving meaning to humanity. Human rights are the lever needed to progress and to grant to humanity and all its members a sustainable and happy future, on a healthy planet.

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

1° If dignity can be said to be the paramount human right because present when each and all human rights are fulfilled, *the right to life can be said to precede all other human rights*: if life is taken all other human rights are cancelled¹. Conversely, granting and giving solid ground to the right to life and to the quality of life is the base needed for the peaceful progress and proactive fulfillment and completion of all human rights.

2° There are no possible limitations or 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 be dealt with in a preventive, humane and sustainable manner, in full dignity. Similarly, the use of force should either be avoided or limited and utmost attention is to be given to prevent situations which may result in loss or losses of lives. Any use of force should be monitored by an independent mechanism.

3° The right to life is also the duty not to kill. Therefore the right to life is a fully reciprocal and universal right: granted to all, but also in need of being granted and protected by each for all.

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 Center for Global Nonkilling attaches a special importance to the *human right to peace*² as human rights can only progress and be coordinated, be reciprocally fulfilled, in a peaceful environment. Furthermore, peace and peaceful methods provide means to solve conflicts without aggravating them and as may be in a reconstructive way. Conflicts solved peacefully make it easier to draw lessons learned and to design preventive policies to overcome similar difficulties.

The *human right to a healthy natural environment*, thus sustaining humanity and life on Earth, also deserve accurate attention as life can only be sustained in a lasting environment.

Other specific human rights pertaining to the right to life, including inter alia the *right to security*, the *right to an adequate standard of living* and the *right to health* will be addressed as needed or as means permit.

A. **Background and framework**

I. **Scope of international obligations**

1. The Center for Global Nonkilling honors the ratification by Iceland, a long time ago, of CCPR and its optional protocol on the abolition of the Death Penalty. Iceland has henceforth demonstrated its attachment to life and the value of life.

2. To pursue its effort, achieved and supersede Sustainable Development Goal 16.1, namely to “Significantly reduce all forms of violence and related death rates everywhere³” and to progressively achieve a killing-free society through life sustaining legal structures and by adequate policies

We also encourage the Government of Iceland, among other things, to ratify without delay the Convention on Enforced Disappearance (CED) and its optional protocol.

3. In order to give the outmost guarantees that the right to life and all human rights are duly promoted and respected and as accepted during the first cycle of the UPR:

We encourage the Government of Iceland to urgently ratify the optional protocols giving individual complaint and enquiry rights of the Covenant on economical, social and cultural rights (CESCR) and of CED, as well as the convention and complain protocol on the Rights of persons with disabilities (CRPD).

4. To enhance the protection of human rights and establish a new human rights protection mechanism and thus to allow requesting advisory opinions from the European Court of Human Rights:

We encourage Iceland to ratify Protocol 16 of European Convention of Human rights.

II. **Constitutional and legislative framework**

5. The constitution of Iceland forbids the establishment of the death penalty (art. 69). Yet, it does not textually state, promote and protect life and the existence of the right to life.

6. The constitutional project proposed to the parliament in 2011 states that “All shall inherit the right to life at birth (art. 7, right to life)” and that “All shall be guaranteed a right to life with dignity. Human diversity shall be respected in every way (art. 8, human dignity)”.

We encourage Iceland to enhance the visibility of, and therefore the respect for life and for the right to life in its constitution and through specific laws and policies.

7. As the people of Iceland largely participated (48.6 %, 20th of October 2012) in a consultative vote on a new constitution, and as this can be considered as an expression of the free will of the people under article 25 of CCPR:

We urge the Parliament of Iceland (Althingi) to take the necessary measures to implement the new constitution, fully taking in account the voted text.

We also encourage the Parliament to improve direct democratic participation rights such as referendums on laws and treaties and initiative rights.

B. Institutional and human rights infrastructure

8. We sadly regret that to our knowledge Iceland still does not, as of today, have a National human rights institution in accordance with the Paris principles, despite accepted recommendations during the first cycle of the UPR.

We encourage Iceland to comply with all accepted recommendations and to establish an independent human rights institution as soon as may be.

9. We note with regret that Iceland has never been a member of the Human Rights Council and that the country makes and received only very few recommendations in previous UPR cycle and sessions.

10. Though Human Rights are affirmed as being an essential priority for Iceland's international cooperation, besides gender issues, they are not a thematic priority⁴.

11. Similarly, despite an engagement to progressively raise it of 07% of GNI, Iceland's international cooperation budget has been extremely low⁵.

As it has the means to do so, we encourage Iceland to participate more actively in Human Rights International Institutions and human rights promotion worldwide.

C. Implementation of international human rights obligations

12. The right to life

Living happily

Generally speaking, life is well respected, protected and promoted in Iceland. Talking about the right to life in Iceland may seem subjective as they are so little accidental or intentional deaths. However, please remember that every life counts.

a. Children are duly registered at birth, thus duly being recognized in their living existence⁶.

b. Infant mortality rate is one of the lowest in the world⁷.

c. Abortion is safely monitored and not permitted on request only. However, compared to other similar European countries, rates are bit high⁸. More prevention would be accurate.

d. Homicide rate is exemplarily low⁹.

e. Traffic casualties are low as well¹⁰.

f. Life expectancy is one of the best of the world¹¹.

g. Nevertheless suicide rates are too high¹². We here recall that suicides amount to more than half of all violent deaths in the world¹³. Therefore preventing suicide is a primary task for the protection of the right to life.

h. Similarly, efforts to prevent occupational fatalities¹⁴ and tourists from injuring themselves during outdoor activities need to be sustained and improved.

- i. Though a majority of the people seems to be favoring it (at least in a recent poll)¹⁵, assisted suicide is so far illegal¹⁶.
- j. Prenatal and genetic engineering does not seem to be a trend or an issue in Iceland¹⁷.

We warmly encourage Iceland to enhance its public and private life preserving and enhancing programs and specifically the abortion, workplace, outdoor activities and suicide prevention programs.

We encourage Iceland as other countries to systematically report, in its UPR reports and mid-term reports on the progresses made and achieved regarding the right to life.

13. The right to peace.

To live well, preventing breaches of the rights to life and security.

a. If life is highlighted as a value and every person is confident in its entitlement to the right to life, breaches will be less frequent and hopefully will diminish until they disappear totally. To fully respect the right to life, breaches can only *be prevented*.

b. Considering that the existence of an army restrains or may restrain the construction of a lasting peace and that it hinders therefore the guarantee of the right to life, in times of peace or war, and that therefore an army may highly limit the human rights of civilians and soldiers alike, CGNK salutes the absence of an army in Iceland. May it be a springboard for peace improvements and achievements, in the country as worldwide!

c. However, the Constitution of Iceland holds no dispositions regarding peace, use of force, forbidding war and its tools (armies and weapons) or encouraging peaceful settlement of disputes and friendly relations among people, peoples and nations.

We encourage Iceland, in the course of the revision of its constitution, to express through it a strong commitment to life and to the right to life through peace in all its forms and developments, including establishing a ministry or a public service dedicated to peace promotion and realisation¹⁸.

To complete the high achievements attained by Iceland regarding peace and disarmament treaties, we encourage Iceland to accept the compulsory jurisdiction of the International Court of Justice.

We encourage Iceland to allocate the funds not needed to sustain an army to the promotion of peace worldwide.

We encourage Iceland to regularly report, in UPR and other related reports, on the progresses and achievements made for the advancement of peace.

d. Recalling the declaration of the Human Rights Council on the Impact of arms transfers on human rights in armed conflicts (24/45, 27th of September 2013¹⁹) and the signature by Iceland of the Geneva declaration on armed violence and development, we salute the recommendation made by Iceland to the USA to reduce gun violence²⁰.

e. We salute as well the overall good quality of Iceland violence prevention programs²¹.

14. Other related human rights

Fulfilling the right to life and to a good life

For life to be lived with some degree of satisfaction and to the greatest possible life span, other human rights need to be fulfilled. We mention some of them here.

To attain an adequate standard of living for all, according to article 11 of CESCR, and to achieve freedom from want,

We encourage Iceland to adopt a basic unconditional income for all, as presently discussed in parliament²².

15. Questions and policy

We would like to know what plans Iceland will make to attain SDG goal 16.1: “To significantly reduce violence and related deaths everywhere”, in the country as worldwide?

We would like to know how Iceland plans to implement UN Security Council’s resolution 2250 on “Youth and Peace”²³?

Conclusion

The value of life – the very essence of our existence and the base of our common destiny – finds proper factual recognition in Iceland, as life is well respected there and breaches to the right to life are few and rare. However, life could be highlighted better in legal and official Icelandic texts, policies and practices. A more direct “life promoting and preserving policy” could probably bring Iceland to be one of the first “nonkilling nations”, a place where the human right to life suffers no intentional or accidental breaches.

¹ 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>

² <http://www.ohchr.org/EN/HRBodies/HRC/RightPeace/Pages/WGDraftUNDeclarationontheRighttoPeace.aspx> (Tough as of 20th of March 2016, the page is not updated. A fourth session of the working group is planned for July 11-15 2016).

³ <https://sustainabledevelopment.un.org/sdg16>

⁴ As an example, this governmental webpage desperately needs an update, as it still mentions the Human Rights Commission as the UN main human rights body. <https://www.mfa.is/foreign-policy/global-issues/>

⁵ <http://www.oecd.org/dac/dac-global-relations/Iceland%20Special%20Review.pdf>, <http://www.dsw.org/euroresources/donor-profiles/is-iceland.html>, <https://www.mfa.is/media/throunarsamvinna/MFA-StrategyforIcelandDevelopmentCooperation-2013-2016.pdf>, <http://unric.org/en/un-newsletter/28972-icelands-development-aid-caught-in-a-merry-go-round>, <http://www.iccda.is/english/about-iccda/Statistics/>

⁶ http://www.unicef.org/gambia/Every_childs_birth_right_-_inequities_and_trends_in_birth_registration_-_2013_report.pdf

⁷ <2/1000, http://www.childmortality.org/index.php?r=site/graph&ID=ISL_Iceland;

https://en.wikipedia.org/wiki/List_of_countries_by_infant_mortality_rate#UN_Iceland

⁸ 14.5 for a 1.000 women aged between 15 and 44. Statistics on abortions, legal or not, are still very partial worldwide.

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

⁹ 2 casualties in 2012, 0.6/100.00. <http://apps.who.int/gho/data/view.main.VIOLENCEHOMICIDEv>

¹⁰ 15 casualties in 2012, 4.6/100.000, <http://apps.who.int/gho/data/node.main.A997>

¹¹ 82 (84 for females, 81 for males), <http://apps.who.int/gho/data/node.main.688?lang=en>

¹² 49 casualties in 2012, 14/100.000, decreasing overall since year 2000, though slightly augmenting for females, « Preventing suicide. A global imperative ». World health organization. Geneva, 2014. P. 83

http://apps.who.int/iris/bitstream/10665/131056/1/9789241564779_eng.pdf or

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

¹³ « Preventing suicide ... », p. 7.

¹⁴ A first effort would be to update statistics as they are not available in the International Labor Organization database since 2006 (6 casualties). http://www.ilo.org/ilostat/faces/help_home/data_by_country/country-details/indicator-details?indicator=INJ_FATL_SEX_ECO_NB&_afLoop=763261574944296&datasetCode=YI&collectionCode=YI&country=ISL&source=1280&_adf.ctrl-state=cp3a08jyk_29

¹⁵ http://icelandmonitor.mbl.is/news/news/2016/01/14/most_support_legalising_assisted_death

¹⁶ <http://www.alzheimer-europe.org/Policy-in-Practice2/Country-comparisons/Healthcare-and-decision-making-in-dementia/Iceland>

¹⁷ Kathy Wilson Peacock, «Global issues: Biotechnology and Genetic Engineering», infobase publishing, New York, 2010. P. 85ss. *We surely lack more precise information on this issue.*

¹⁸ <http://www.i4pinternational.org/infrastructures-for-peace/defining-i4p>

¹⁹ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/24/35

²⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/159/71/PDF/G1515971.pdf?OpenElement>, n° 176/232.

²¹ http://www.who.int/violence_injury_prevention/violence/status_report/2014/country_profiles/ICELAND.pdf

²² <http://www.basicincome.org/news/2014/11/interview-iceland-pirate-halldora-mogensen/>

²³ [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2250\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2250(2015))