

Universal Periodical Review

Fourth cycle

NEW ZEALAND

COOK ISLANDS

NIUE



**Participation in the Universal Periodic Review
Regional Human Rights Institution
Ratification of the Genocide Convention**

11th of October 2023

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

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

The Center for Global Nonkilling (CGNK) has a unique mission,
inspirational for individuals and transformative for societies:
*“Promote change toward the measurable goal of a killing-free world,
by means open to infinite human creativity in reverence for life”.*

The Center was founded by various persons, notably by Glenn Paige (1929-2017), Professor of political science and author of the book “Nonkilling Political Science”, widely translated¹. We are a worldwide congregation of persons, scholars and practitioners using our freedoms to create societies and institutions that do not kill, thus enabling all individuals to live fulfilling and nonkilling lives. Valuing and protecting life is the most enhancing and empowering mission of each and everyone². As humans, we are all (or all shall be) nonkilling centres. We are all global on our single planet. The Center for Global Nonkilling works for the fulfillment of life, individually and universally.

We use the Universal Periodic Review and its cycles to highlight and follow the implementation of all aspects of life and the right to life.

We make three types of UPR submissions:

- A systematic call for *the urgent and universal ratification of the Genocide Convention*.
- A systematic call for *the urgent and universal decriminalization of suicide*.
- On demand or when accurate, we do as comprehensive as possible *country portraits*³, stating all the domains of life where the People and the concerned State can progress towards fulfilling life and the right to life, if need be towards preventing accidents and injuries⁴.

From conception till death, these living domains include the right to be given an enjoyable life, reproductive rights, abortion, prenatal and genetic engineering, infant and maternal mortality and morbidity, birth registration as needed to be legally recognized as a living person – entitled with rights and duties; deaths caused by road traffic, suicides, homicides and conflicts, deaths occurring at work, in custody, through leisure accidents or because of fires, falls, drownings and poisoning, or by any other preventable cause⁵. We support leading efforts towards a healthy longevity and in some circumstances, we may survey the right to die⁶. Due to constrained capacities, we do not or rarely address other issues and rights though needed to sustain life such as the rights to health, to a safe environment and to fulfilled standards of living. Yet we recall that all rights are interlinked and indivisible, mutually reinforcing and that all rights are needed to lead all lives into well-being and happiness.

To any of these submissions, we may add reflections and demands regarding Life and Peace Constitutions. These improvements of our common legal infrastructures favor the status of life and forward the establishment of comprehensive and sustainable peace policies. They are sometimes developed further and as annexes to our submissions. They were also more broadly presented in some of our previous submission.

With full respect, we hereby convey to the Authorities of New Zealand and to the Authorities of the Cook Islands and of Niue, both these States being associated with New Zealand, our wish to see Niue and the Cook Islands participate in the works of the Human Rights Council, moreover, to see them fully participate in the Universal Periodic Review.

Regarding the Cook Islands and Niue, we would like to see them accede to or ratify the Convention on the Prevention and the Punishment of the Crime of Genocide.

Regarding the Pacific Region, we shall be happy to see established a human rights regional institution.

Regarding New Zealand, we appreciate the country's online consultation of the draft national report⁷, that we generally find moving, as taking an approach well centered on the situation of persons.

Participation of other political entities to the Universal Periodic Review

As it is named, the Universal Periodic Review is meant to be universal. We therefore hold it to be true that all States, whatever their status, should participate in the UPR. Resolution 60/251 of the General Assembly, which established the Human Rights Council, and the Universal Periodic Review in its paragraph 5e) does not therein make a distinction between States at large and Member States of the United Nations. Resolution 5/1 of the Human Rights Council does not either make such a distinction. Therefore, we encourage Niue and the Cook Islands, with the support of New Zealand if requested, to seek participation in the Universal Periodic Review.

Creation of a regional mechanism for human rights in the Pacific

Regional human rights mechanism, cooperative or judicial, have proven their ability to enhance the realization and fulfilment, the development of all human rights. They have also garnered easier redress when needed and better access to local resources, customs and practices. They also tend to improve or reinforce regional political infrastructures and cooperation. We encourage all countries of the Pacific region to consider and discuss the possibility of establishing a regional human rights mechanism.

Preventing genocide

The ratification of the Convention on the Prevention and the Punishment of the Crime of Genocide is a commitment to the universality of the human species and a total rejection of all forms of racism. It is also an honor that testifies for the capacity of peoples and institutions to peacefully respect all individuals, in all walks of life and of all faiths, whatever their social groups are or may be, as a principle and so, without expecting the slightest reciprocity in return.

Ratification of the Convention requires a decision to ratify the convention and a notification of it to the Secretary-General of the United Nations. As required by the Convention, the crime of genocide shall be punishable under national law.

Cook Islands

The present version of the penal code (2017⁸) does not mention genocide. Nevertheless, Cook Islands is party to the Rome Statute, which specifically criminalizes genocide⁹. Thus, with due reserve, we consider, that under the law applicable in the country, genocide is a punishable crime and that the ratification of the Genocide Convention can intervene without further legal changes, or while waiting for them.

Niue

The present version of the criminal code¹⁰, to our knowledge does not mention genocide. An amendment would most likely be required.

With sufficient determination, ratification can be achieved rapidly. We would preferably see it done before the peer review of New Zealand by the working group in April-May 2024, or eventually before the Human Rights Council's final approval of the UPR of New Zealand in September-October 2024. Thank you very much.

*Calling on each and every one of us to create a world that no longer kills.
A world where life can be lived happily, universally, and be infinitely sustained on Earth,
Welcoming the delegations of New Zealand, of the Niue and of the Cook Islands
To Geneva, a City of Peace,
And we wish to all the people of the Pacific, to their Authorities and to the Delegation
A successful Universal Periodic Review,
As well as a rewarding, constructive and fulfilling life.*

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

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

³ All our UPR submissions are here: <https://nonkilling.org/center/nonkilling-monitoring-programs/nonkilling-activity-at-the-un>

⁴ Shall you wish to see done such a scan of your country's status of life and of the right to life, or for any country please contact our CGNK-UN team.

⁵ For most of causes of death, statistics and efficient preventive methods exist.

The Universal Periodic Review cycles and the Sustainable Development Goal's (SDG) Voluntary National Reports (VNR) largely allow for a regular follow up of progresses made.

⁶ Here is an WHO updated statistic overview of causes of death due to injury and violence (2019-2022):

<https://www.who.int/publications/i/item/9789240047136>

⁷ <https://www.mfat.govt.nz/en/peace-rights-and-security/human-rights/aotearoa-new-zealands-universal-periodic-review/>

⁸ <https://parliament.govt.nz/wp-content/uploads/2018/12/ Crimes-Bill-2017-final.pdf>

⁹ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=_en

¹⁰ https://www.govt.nz/wp-content/uploads/2022/03/niue_laws_vol1_il2022.pdf