

Universal Periodical Review
Third cycle

TURKMENISTAN



Right to life
and related human rights issues

Short submission

5th of October 2017

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

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) was founded by Glenn Paige (1929-2017), political science Professor and author of the book *“Nonkilling Political Science”*, widely translated. 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 present submission is a short version insisting on the most salient aspects of the respect of the right to life in Turkmenistan¹. Some of the bearings it contains could however be applicable worldwide.

The right to life

All human rights are of equal importance, indivisible, interlinked and mutually reinforcing. They are universal human and legal values.

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

- a. If dignity can be said to be the paramount human right because present when each and all human rights are fulfilled, so is the right to life present for all human rights to be fulfilled. Yet the right to life also precedes all other human rights: if life is taken all other human rights are cancelled². 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, for the proactive fulfillment and for the completion of all human rights.
- 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 the end of life such as reproductive rights, abortion, suicide and euthanasia, as well as prenatal and genetic engineering should be dealt with in a preventive, human and humane sustainable manner, for each and all, in full dignity.
- c. The right to life is also the duty not to kill. Therefore the right to life is a fully reciprocal right granted to all and in need of being granted by all to all.

Other human rights

All human rights are needed to fulfil a happy life. However, some of them are of more direct importance for the full realisation of the right to life, or to avoid its breaches. CGNK 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 environment³. Furthermore, peace and peaceful methods provide means to solve conflicts without aggravating them and, as may be, to the advantage of all concerned in a (re)constructive way. Conflicts solved peacefully alleviate feelings with respect, redress damages when possible, give ground to lessons learned and to design policies for future prevention. Peaceful methods of conflict management also address conflict between apparently conflicting human rights (i.e, freedom of expression and freedom of religion). The right to *accurate standards of living*, including the rights to food, water and sanitation, clothing and housing, health, work and social security deserve full attention, at least in our comprehensive submissions. The *right to health* is essential for the fulfilment of the right to longevity, as well as to achieve societies in which *human rights are equally shared*. The *human right to a healthy natural environment*, thus sustaining humanity and life on Earth, deserves accurate attention as well.

A. Background and framework

1. Scope of international obligations

a. 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 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 the right to life. National constitutions should also reflect this legal stand in favor of life.

1° Every person needs life and needs to be part of a social group to live, to be part of a society and to be related with its government, ideally all thriving for the good of all. Therefore all individuals, as well as all social and political groups should be protected against genocide.

The absence of ratification by Turkmenistan of the convention on the prevention and punishment of the crime of genocide is unbearable.

Two recommendations made by Estonia and Slovenia in the second cycle (143.18) had been accepted. Ratifying the convention would entail little efforts, but to adapt the criminal code.

I. Therefore, we recommend to the Authorities of Turkmenistan to swiftly ratify the Convention on the prevention and punishment of the crime of genocide and, if need be, to explain why this was not achieved during the period under review.

2° Ratification of the Convention on Enforced Disappearances (CED) is also needed for Turkmenistan to complete the ratification of the basic treaties regarding the right to life, thus giving a more comprehensive and legal protection to the right to life.

II. We encourage the Authorities of Turkmenistan to ratify the Convention on enforced disappearances.

Welcoming the delegation of Turkmenistan to Geneva, we wish them, as well as to all the people of Turkmenistan a constructive and fulfilling Universal Periodic review.

*“We understand the right to life as being the right not to be killed,
but also as everyone’s responsibility not to kill others”*

¹ For more comprehensive analysis, see the submissions recently done for the UPR's of Iceland, Switzerland, South-Korea and the UK. Such submissions look at all legal and statistical aspects of the right to life as needed to fulfil a happy and lasting life, including in relation with the Sustainable Development Goals. Statistics are used to uphold the Universal Periodic Review process by regarding at the right to life through all its aspects 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, euthanasia and genetic engineering and other applications of the right to life may be added as accurate for the enhancement, the enjoyment and the protection of life. Rights to health, minimum standards of living, a healthy environment and peace, all deeply related to the right to life, are studied more thoroughly as needed or according to available means.

² 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>

³ Article 28 of the Universal Declaration of Human Rights reads: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". In our opinion, such an order is indeed peaceful and therein rights fulfilling.