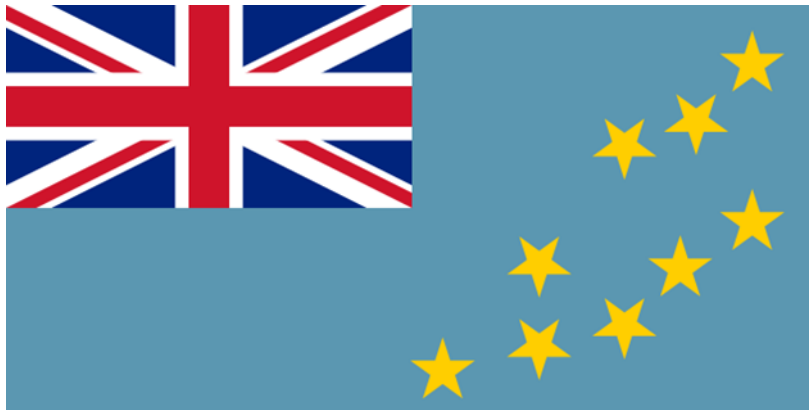


Universal Periodical Review

Forth Cycle
44th Working Group

TUVALU



Right to Life

Ratification of the genocide convention

April 5th, 2023

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

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Thank you for your kind support at www.nonkilling.org

**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 let others die.**

The Center for Global Nonkilling 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 for Global Nonkilling (CGNK) was founded by Glenn Paige (1929-2017), Professor of political science, author of the book "Nonkilling Political Science", widely translated¹. We are a worldwide congregation of persons, scholars and others, working at creating societies and institutions that do not kill, thus enabling all individuals to live fulfilling and nonkilling lives. Valuing and protecting life is one of the most enhancing and empowering mission of everyone². As humans, we are all (or shall all be) nonkilling centres. We are all global on a single planet.

The Center for Global Nonkilling uses the Universal Periodic Review cycles to highlight and follow through all aspects of life: the fulfillment, the progress and the respect of the right to life, individually as universally. 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*.
- Usually on demand, we do *country portraits*, as comprehensive as possible, stating all the domains where the State and the People can progress towards fulfilling life and the right to life, towards preventing accidents and injuries³. From conception till death, these domains can include inter alia the right to be given a fulfilling life, reproductive rights, abortion, prenatal engineering, infant and maternal mortality and morbidity, birth registration as needed to be legally recognized as a living persons, indeed entitled with rights and duties; deaths caused by road traffic, suicides, homicides or conflicts, work and leisure accidents, fires, falls, drownings and poisoning or any other preventable cause of death⁴. We also support efforts leading towards a healthy life longevity and in some circumstances, we may survey the right to die⁵. Due to constraint capacities, we do not or rarely address other issues and rights as needed to sustain life, such as health, a safe environment and fulfilled standards of living. Yet we recall that all rights are interlinked and needed to lead all lives into well-being and happiness.

To any of these submissions, we may add reflections and demands regarding the Life and Peace Constitutions. These improvements to the legal status of life and towards the establishment of comprehensive and sustainable peace policies are developed and sometimes also added as annexes to our submissions⁶.

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Summary

This is our second submission for Tuvalu⁷.

This submission focuses directly on the ratification Convention on the prevention and the punishment of the crime of genocide (hereafter the “genocide convention”)⁸.

Yet, we recall our previous demands still valid for Tuvalu:

- To ratify the International Covenant on civil and Political Rights and its protocol aimed at the abolition of the death penalty.

- To enhance democratic participation and to amend paragraph 2 of article 16 of the Tuvalan Constitution, to align it with the primacy of the right to life and international obligations regarding exceptions to the right⁹.

- To enhance participation in international affairs, namely and as examples, promote human rights in the Pacific Region, increase participation by making recommendations in the UPR process, be more present on the climate change issues.

More research is needed, or may be the delegation could confirm it, but Tuvalu may well be a “killing free” or a “nonkilling” country¹⁰.

Genocide prevention

Ratifying the Convention on the prevention and the punishment of the crime of genocide is a commitment to the universality of our present species (and a total rejection of racism). It is also a duty of honor showing a peoples and institutional capacity to peacefully respect individuals of all creeds and walks of life, whatever their social groups may be, and without waiting for any reciprocity.

We commend Tuvalu for accepting the recommendation made by Armenia during the previous cycle (101.4) (after noting a similar recommendation in the second cycle, Estonia 84.11).

To date (5th of April 2023), the ratification is not to our knowledge done.

Ratifying the Convention only requires a ratification decision and a notification to the Secretary General of the United Nations. The punishment of the crime of Genocide is already, as required by the Convention, in the penal Code of Tuvalu, in the same wording than in the convention (article V of the Convention and 62 of the code)¹¹.

With sufficient determination, this can quickly be done, preferably before coming to the next working in November.

We strongly recommend to the Authorities of Tuvalu the swift ratification of the Convention on the Prevention and the Punishment of the Crime of Genocide.

Thank you.

*Calling on each and all to attain a nonkilling world
where life can be happily sustained for all on Earth,
we welcome the delegation of Tuvalu
to Geneva, a City of Peace,
and we wish to the delegation as to all the people of the Tuvalu,
a life enhancing, constructive and fulfilling
Universal Periodic Review.*

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

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

³ Shall you wish to see done such a scan of your country's status of life, or of any country's therein, please contact our CGNK-UN team.

⁴ For most of these 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) allow to some extent for a regular follow up of progresses made.

⁵ Here is an WHO updated (2019-2022) statistic overview of causes of death due to injury and violence:

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

⁶ More details are found on other aspects of the right to life in our annex. We did not take the time to develop possible peace policies for Tuvalu, the County being one of the most peaceful in the world. However, better can always be done. For more detailed examples of peace policies, see among others our submissions for Japan, Iceland or Lesotho.

⁷ Our previous submission can be found here (CGNK): <https://www.ohchr.org/en/hr-bodies/upr/upr-tuvalu-stakeholders-info-s30>

⁸ At the actual 44th session of the UPR working group, Djibouti also needs to make this ratification. Turkmenistan, also present at the 44th working group, did this ratification in 2018 after accepting similar recommendations in the third cycle.

⁹ Even if CCPR is not yet ratified by Tuvalu, the Covenant excludes the use of lethal force for some of the circumstances described in this article of the Constitution. See General Comment 36, § 12. <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>

¹⁰ As we did for San Marino, to be considered "nonkilling" a country shall experience no murder, no known suicide and no road traffic fatality in the five years preceding the research. Other causes of death may be taken in account. And for Tuvalu prevention of drownings will be important as well.

<https://nonkilling.org/center/2020/03/13/cgnk-declares-1st-nonkilling-country/>

¹¹ https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf