

To the Human Rights Committee

For a general comment on

Article 6 (right to life) of the International Covenant on Civil and Political Rights

Submission - Centro de Bioética, Persona y Familia (Argentina)

With regard to article 6, paragraph 1: “Every human being has the inherent right to life”

It has already been stated, both in General Comment n° 6 (1982) and General Comment n° 14 on article 6 (1984), that the right to life is “the supreme right”, “basic to all human rights”, and “from which no derogation is permitted”.

Therefore, this right has been recognized in almost every other international paper held about human rights –e.g. article 3 of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 4 of the CADH, article 1 of the Convention of the Rights of the Child.

The term “inherent” means –quoting from the dictionary- “existing in something as a permanent, essential, or characteristic attribute”. Human life dignity, enshrined in this Covenant’s Preamble, requires and implies this inherent right to life. What other right should we stand up for if life itself is put at risk, by any means? In logic reasoning, every other right protecting human life in this Covenant –e.g. articles 7, 9 and 20- follows from here.

Consequently, as an essential characteristic, it reaches all stages in human life, including the unborn. Life must be protected from the very moment of fecundation till natural death. Mostly, at the beginning and at the end of it, because those are very vulnerable stages and beneficiaries cannot stand for themselves. If the Covenant was thought to protect the interests of mankind, the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family” that prays its preamble, calls for special protection to the defenseless.

Once fecundation occurred, genetically the human being is fully conceived, even though it still needs some time to reach viability and much more to be self-sustaining. There is a human life, and there is a human right to live. Article 16 prays: “Everyone shall have the right to recognition everywhere as a person before the law”.

Hence, and according to the precepts of this Covenant preamble “Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant”, this General Comment should report as serious violations to this article, the following practices:

- conception of human embryos to experiment
- human embryo destruction
- cryoconservation and abandonment of human embryos.
- consent withdrawal to prevent the transfer of in vitro or frozen human embryos
- embryo cloning or hybrid embryo generation
- changes in the genetic makeup of an embryo

In this sense, article 7 of the Covenant also prescribes “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation”. In relation to this, we found the equality and no discrimination clause of the Convention on the Rights of Persons with Disabilities. Therefore, through this General Comment, the Committee should demonstrate its concern for the rights that are being violated through the following practices that nowadays seem to be “in vogue”:

- abortion in cases of fetal malformations, following adverse prenatal diagnosis.
- PGD (Preimplantation genetic diagnosis), as a discrimination to human embryos.

Article 6 must be interpreted as a prohibition of *any* deprivation of life committed in a *deliberate* and *direct* way. Deliberated abortion is always a violation of article 6.

Still, it is important to mention that the statements of article 6 oblige to equal effort to try to save *both* the life of child and the mother, maximizing medical care so that both humans can survive.

General Comment #36 on article 6 of the International Covenant on Civil and Political Rights should be aimed to emphasize the *absoluteness* of the right to life. Meaning by this, that it is not legally disposable and cannot be limited in any way; it cannot be reduced or amended.

Therefore, contracts that support the possibility of agreeing on the end of life itself are void. Euthanasia, either voluntary or involuntary, is a violation of article 6. To this extent:

- There is no legally enforceable right to die.
- Advance directives should not include standards that permit disposing of person’s own life.

-Deprivation of nutrition and hydration *is* a violation of article 6

With regard to article 6, paragraph 1: “This right shall be protected by law”:

As article 2(2) expresses, “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant”. It is important to make all these premises enforceable in every Party.

The Committee, in the interest of mankind, shall call upon all States, whether Parties to the Covenant or not, to take urgent steps, unilaterally and by agreement, to stop these violations mentioned above.

Protective laws should seek to prevent ills. Legislation and government actions must be delivered to protect and accompany both the mother and the child in cases of unwanted pregnancies so that abortion is not even thought as an option; education on human dignity must be granted; governments must look after citizen living standards so that dignity is respected. Parties should encourage respect and cooperation among human beings. There must be more regulation of possible life-harming practices and circumstances (e.g., in vitro fertilization, white slave traffic, labor and sexual exploitation, gun control, alcohol, tobacco, drugs, violence, traffic, infectious disease, medical malpractice, etc.)

Parties to the Covenant should work together to share the outcomes of already enacted legislations and legal protections afforded by domestic law to reach better standards.