Re: **Advanced Unedited Version of General Comment 36 of the Human Rights Committee on Article 6 of the ICCPR** (Right to Life)

From: Political Network for Values

The Political Network for Values is a global platform of legislators and political representatives from over 30 countries from Africa, North and South America, and Europe to network amongst each other on a local and global level.

As elected representatives of over 30 countries, we are conscious of our office and the responsibility bestowed upon us by our people. Based on the commitment we have to our people and constitutions, we recall that the existence of Article 6 is to ensure that no one can question or disparage the value of the person and classify him into categories in which the person is allowed to live or not.

Second, we recall that this committee received authorization by the member States of the United Nations to apply the policies that are agreed upon by the countries themselves that was established in the legal framework. The authorization is not conferred an unlimited power to act.

The violation of the mandate conferred on this committee implies a violation of the Charter of the United Nations, the principles of international law, and an attack on the internal democratic process of nations. We insist that the committee must not forget that its function must always be in accordance with the law and mandate because this is what will maintain order and peace between nations.

**UN consensus rejects abortion as a right**

Paragraph 3 of the observation rightly points out that "the right to life is a right which should not be interpreted restrictively". In this same paragraph, this very committee establishes that Article 6 protects the life of every human being, in accordance with the provisions of the Universal Declaration. However, in the subsequent paragraphs it grants a certain power to the woman over the right to life of the unborn.

The committee is surpassing its mandated faculties and breaks away from the principles established in the Declaration of 1948 and in the founding guidelines of the Human Rights Committee. The right to life is inalienable, universal, and inherent to all human beings.

Paragraph 5 of the Covenant prohibits the application of the death penalty on a pregnant woman. The reason for this prohibition is the existence of a human life in her womb. This provision provides clarity of the intention of countries to commit themselves to protect life. As such, the committee acts in accordance with the law and rules established for the interpretation of international treaties. However, the committee ignores the provision in its observations.

On the contrary, it reverses and violates the provision of Article 6 by imposing abortion as a right, and by denying the recognition that the termination of the unborn human being’s life is a form of psychological torture on the woman.

If this had been the original meaning of the Covenant, States that protect life from conception to natural death would not have been able to join the Covenant.

As the Comment reads, we would be facing a scenario seeking to classify human beings and based on this classification granting them rights.

**The International Covenant on Civil and Political Rights excludes an obligation to legalize euthanasia and assisted suicide**

With great disappointment, we take notice that the committee validates assisted suicide when talking about the right to life. Even more concerning is that the committee is intervening in matters that are strictly responsibility of the member States. Furthermore, with this Comment the committee imposes on member States to create laws to ensure the adequate application of assisted suicide.

The meaning of Article 6 is to protect the lives of people. That is why the committee should watch over and not interfere in States sovereignty. The Committee repeatedly leaves aside the principles of international law, the Charter of the United Nations, and the rules of interpretation, and goes beyond its assigned functions.

**Rules of Interpretation must be respected and executed**

We remind the Committee that its function is not unlimited and that it has a specific legal framework to which it must adhere to in order to act in accordance with the law.

Part of this legal framework is the rules of treaty interpretation, as engraved in the Vienna Convention on the Law of Treaties. It establishes in its third section that, "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in the context of the treaty and having regard to its object and purpose." In addition, the Preamble and the historical context in which it originated must be taken into account.

As we have already stated, the intention found in the same provisions of this Article in paragraph 5 prohibit the death penalty to pregnant women. This should be enough for the committee to limit its interpretation.

In addition, we can assure that in 1966 States did not include abortion as part of their legislation, let alone assisted suicide. Furthermore, the Preamble of the Pact and the Declaration of 1948, the origin of this Covenant, refer to the human being, the human family, and the human person.

The criteria of this Committee cannot deviate from the rules established by international law, which were established with the purpose of guaranteeing the non-violation of the self-determination of peoples. If not, this Committee incurs in a violation that directly affects the States and their sovereignty.

In its Observation, the Committee clearly violates the rules of interpretation established by the Vienna Convention on the Law of Treaties, affecting not only the sovereignty of States by imposing on them obligations that they did not accept in any treaty, but also by altering the legal order and the legal process of the States by acting as a quasi-legislator.