



Written Contribution in view of the Preparation by the U.N. Human Rights Committee of the General Comment on Article 6 (Right to life) of the International Covenant on Civil and Political Rights

June 25, 2015

The International Human Rights Clinic at Santa Clara University's School of Law (hereinafter "the Clinic") submits this brief contribution for the consideration of the U.N. Human Rights Committee during its July 14th, 2015 discussion on the right to life (Article 6 of the ICCPR), encouraging the Committee to **consider incorporating in its upcoming General Comment 36 the rich jurisprudence on the "right to a dignified life" developed by the Inter-American Court of Human Rights** (hereinafter "the Court").

In the last fifteen years, the Inter-American Court of Human Rights has consistently held that the right to life recognized under Article 4 of the American Convention on Human Rights includes the concept of a "right to a dignified life" (*vida digna* in Spanish), as interpreted in light of other international human rights treaties - including Article 6 of the International Covenant on Civil and Political Rights. In its landmark 1999 decision in the *Villagrán Morales et al. ("Street Children") v. Guatemala* case, the Court first interpreted the right to life as follows:

The right to life is a fundamental human right, and the exercise of this right is essential for the exercise of all other human rights. If it is not respected, all rights lack meaning. Owing to the fundamental nature of the right to life, restrictive approaches to it are inadmissible. In essence, the fundamental right to life includes, not only the right of every human being not to be deprived of his life arbitrarily, but also the right that he will not be prevented from having access to the conditions that guarantee a dignified existence. States have the obligation to guarantee the creation of the conditions required in order that violations of this basic right do not occur and, in particular, the duty to prevent its agents from violating it.¹ (Emphasis added)

* The International Human Rights Clinic at Santa Clara Law provides students with an opportunity to learn substantive international human rights law and practical legal skills while working with victims of human rights violations and with experts in the field. Students collaborate with human rights organizations worldwide to support human rights claims in domestic and international fora, investigate and document human rights violations, develop and participate in advocacy initiatives before the United Nations and regional and national human rights bodies, and engage with global and local human rights campaigns.

¹ I/A Court of H.R., *Case of the "Street Children" (Villagrán-Morales et al.) v. Guatemala*. Merits. Judgment of November 19, 1999. Series C No. 63, para. 144.

In essence, the Court has understood the right to life as one that necessarily includes a corresponding state obligation to ensure and guarantee minimum conditions of existence. The Court has further developed this concept of a *vida digna* in cases involving vastly different scenarios, from reprehensible prison conditions to indigenous peoples living under appalling circumstances.²

In this jurisprudence, the Court has consistently held that States have two types of obligations with regards to the right to life: a negative obligation not to arbitrarily deprive a person of his or her life, and a positive obligation to adopt all measures necessary to ensure, guarantee and fulfill this right. The notion of a “right to a dignified life” or *vida digna* falls within the latter category of positive obligations States have to ensure minimum conditions of existence of all persons under their territory or jurisdiction. According to the Court, the right to life is therefore inextricably intertwined with certain basic socioeconomic rights, such as the right to adequate and accessible healthcare, education, food, water, and other minimum essential rights necessary for the enjoyment of a dignified existence.³

The Clinic invites the members of the Committee and its staff to explore this jurisprudence of the Inter-American Court of Human Rights in its July 14th, 2015 discussion on the right to life (Article 6 of the ICCPR) and incorporate the notion of a *vida digna* in the Committee’s upcoming General Comment 36.

In solidarity,



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² I/A Court H.R., *Case of Juan Humberto Sánchez v. Honduras*. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 7, 2003. Series C No. 99, para. 110; *Case of the Gómez Paquiyauri Brothers v. Peru*. Merits, Reparations and Costs. Judgment of July 8, 2004. Series C No. 110, para. 129; *Case of the "Juvenile Reeducation Institute" v. Paraguay*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 2, 2004. Series C No. 112, para. 158; *Case of the Yakyé Axa Indigenous Community v. Paraguay*. Merits, Reparations and Costs. Judgment of June 17, 2005. Series C No. 125, para. 162; *Case of the Sawhoyamaxa Indigenous Community v. Paraguay*. Merits, Reparations and Costs. Judgment of March 29, 2006. Series C No. 146, para. 153; *Case of Baldeón García v. Peru*. Merits, Reparations and Costs. Judgment of April 6, 2006. Series C No. 147, para. 85; párr. 85, and *Case of the Xákmok Kásek Indigenous Community v. Paraguay*. Merits, Reparations and Costs. Judgment of August 24, 2010. Series C No. 214, paras. 193-217.

³ See, *inter alia*, *Case of the Xákmok Kásek Indigenous Community v. Paraguay*. Merits, Reparations and Costs. Judgment of August 24, 2010. Series C No. 214, paras. 193-217.