## Submission to the Human Rights Committee on the Draft General Comment on Article 6 of the International Covenant on Civil and Political Rights – Right to life

**by Richard Egan, *Defend Human Life!***

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**Paragraph I.2**

Firstly, paragraph I.2 of the Draft General Comment is endorsed by ***Defend Human Life!*** As a ringing declaration of the right to life as “the supreme human right from which no derogation is permitted”. The right to life belongs inherently to “all human beings” simply by being a human being.

Unfortunately paragraphs I.9 and I.10 of the Draft General Statement are in open contradiction to the straightforward declarations in paragraph I.2 and need to be substantially modified for the General Comment on Article 6 to be internally consistent.

**Paragraph I.9**

Paragraph 9 addresses the situation of pregnant women seemingly oblivious to the biological fact that in every pregnancy there are two or more lives to be protected, each of which is the life of a human being with an inherent right to life, a supreme human right from which no derogation is permitted – the woman and her unborn child or unborn children.

The whole paragraph simply treats the unborn child as a zero with no rights. The drafters of this paragraph fail, as proposed by the preamble to the Convention on the Rights of the Child to bear “in mind that, as indicated in the Declaration of the Rights of the Child, ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’”.

Paragraph 9 needs to be rewritten entirely bearing in mind the right of the unborn child to equal protection of his or her right to life along with the right to life of the mother.

*Abortion, understood as any act intended directly or indirectly to end the life of the unborn child, should never be permitted by law as it necessarily derogates from the supreme right to life of a human being – the unborn child.*

*Every pregnancy that poses a particular challenge to the mother, including any risk to her life, physical health , mental health or social well-being should be responded to by seeking life-affirming solutions that strive to enhance the welfare of both the mother and her unborn child or children.*

**Paragraph I.10**

The first bracketed clause sentence in Paragraph I.10 reflects a contentious notion that a decision to commit suicide is only problematic if made during “a momentary crisis which may affect” a person’s “ability to make irreversible decisions”. This does not reflect the facts.

Many people struggle over long periods of time with suicidal ideation. One of the biggest risk factors for suicide is previous attempts at committing suicide.

The next sentence is satisfactory:

*States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations.*

The next two sentences openly endorse the possibility of States legally permitting assisted suicide or euthanasia. These practices are incompatible with the declaration in paragraph I.2 of the Draft General Comment that the right to life is “the supreme human right from which no derogation is permitted”.

The Universal Declaration of Human Rights proclaimed by the United Nations General Assembly in Paris on 10 December 1948, begins with a solemn declaration that:

*“ recognition of the inherent dignity and of the equal and inalienable rights* *of all members of the human family is the foundation of freedom, justice and peace in the world,”*

It goes on to enumerate among these *“equal and inalienable* rights” in Article 3 that “*Everyone has the right to life*”.

*Inalienable* means “*Not subject to being taken away from or given away by the possessor*.”

The “right to life”, like the right in Article 4 “*No one shall be held in slavery or servitude*” is inalienable, it cannot be given away by the possessor.

In relation to Article 4 this means that no person can agree to become a slave.

In relation to the right to life in Article 3 this means that no person can agree to have their life intentionally ended.

This prohibits the following practices:

* Duelling
* Any form of fights to the death for sport or betting
* Killing for cannibalism by agreement (either as a fetish or even in a survival situation)
* Private societies (gangs) in which members agree to be killed if they violate oaths or disobey the leaders
* Suicide by murder in which a person hires someone to kill them (for example to prevent an insurance claim being voided by a suicide clause)

Article 6 (1) of the International Covenant on Civil and Political Rights states that “*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*”

The Human Rights Committee has previously expressed concern[[1]](#footnote-1) about the law on the *Termination of Life on Request and Assisted Suicide* in the Netherlands:

*7.The Committee remains concerned at the extent of euthanasia and assisted suicides in the State party. Under the law on the Termination of Life on Request and Assisted Suicide, although a second physician must give an opinion, a physician can terminate a patient’s life without any independent review by a judge or magistrate to guarantee that this decision was not the subject of undue influence or misapprehension. (art. 6)*

***The Committee reiterates its previous recommendations in this regard and urges that this legislation be reviewed in light of the Covenant’s recognition of the right to life.***

The last two sentences of paragraph I.10 should be deleted and replaced by a comment firmly rejecting assisted suicide or euthanasia.

*States should not permit by law, and should take appropriate measure to actively prevent, any acts of assisted suicide or euthanasia whether performed by a medical professional or any other person. Persons suffering at the end of life have the right to adequate pain relief, even if this unintentionally hastens death.*

1. HUMAN RIGHTS COMMITTEE Ninety-sixth session Geneva, 13-31 July 2009, **CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT, Concluding observations of the Human Rights Committee: NETHERLANDS** CCPR/C/NLD/CO/425 August 2009, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrU3mlYiFHtCrYPBecWJaXYifOhoEt6xE3Gy3bUUART%2bXrCYoEsqSjsYArFCER%2fjzKZBVx2RmEEi5najeaLFu%2bxgZN1tObZVUOqRRWDDlBQk> [↑](#footnote-ref-1)