

**Initial Contribution to the Human Rights Committee’s General Day of Discussion on Article 6 of the ICCPR on the Right to Life**

Submitted on 26 June 2015

1. The Project on Economic, Social and Cultural Rights at the Geneva Academy of International Humanitarian Law and Human Rights welcomes the occasion to provide the following preliminary observations on the right to life and its relationship to the right to food. The Academy would appreciate being given the opportunity to submit additional observations on different dimensions of the right to life during the next phases of the drafting process for the Human Rights Committee’s forthcoming General Comment no. 36.
2. The decision by the Human Rights Committee to update its existing General Comment on the right to life provides a timely occasion for the international human rights system to underline the indivisibility, interdependence and inter-relationship of all human rights in line with the principles expressed in the Vienna Declaration of 1993.[[1]](#footnote-1)
3. The right to food is the focus of the current submission, however, analogous reasoning may be applied in relation to the connection between the right to life and the promotion and protection of a number of other economic, social and cultural rights including the rights to health, water and sanitation, housing, work and social security.
4. In paragraph 5 of its earlier General Comment no. 6 on the right to life, the Committee underlined the need to ensure that the right is not interpreted in a ‘restrictive manner’. In the same paragraph, it is recalled that the right to life requires that States adopt ‘positive measures’ including those targeted at reducing infant mortality and at increasing life expectancy through *inter alia* the elimination of malnutrition.
5. More recent jurisprudence from the Human Rights Committee provides further support for the view that the right to life includes obligations to ensure non-discriminatory access to adequate food. The Committee has emphasised that measures which restrict “access to all basic and life-saving services such as food, health, electricity, water and sanitation” are contrary to article 6.[[2]](#footnote-2) It has expressed concern that article 6 may be violated by a “lack of measures to deal with the food and nutrition situation (…) and a lack of measures to address, in cooperation with the international community, causes and consequences of drought and other natural disasters (…).”[[3]](#footnote-3) In addition, the Committee has held that the destruction of water and sanitary infrastructures may amount to a violation of the right to life[[4]](#footnote-4) and has used interim measures to demand the restoration of access to water supplies[[5]](#footnote-5) which are also essential components of the right to food.[[6]](#footnote-6)
6. The expanded understanding of the right to life that is evident within the international human rights system is also supported through the evolving jurisprudence in many national jurisdictions. The Supreme Court of India has played a pioneering role in using Constitutional protections for the right to life in order to protect the right to food, including access to land and natural resources, and the right to food for marginalized groups, such as people living in extreme poverty, those belonging to dalit castes and indigenous peoples.[[7]](#footnote-7) Many other national legal systems have also recognized the linkages between the right to food, access to land and the right to life.[[8]](#footnote-8)
7. The Project on Economic, Social and Cultural Rights at the Geneva Academy would like to ask the Human Rights Committee to make this wider interpretation of the right to life more explicit within its next General Comment and to provide additional guidance to States concerning the scope and content of their obligations to respect, protect and fulfill (facilitate and provide) the right to food and other, related rights as core components of the right to life.

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1. *Vienna Declaration and Programme of Action*, A/CONF.157/23, at para 75. [↑](#footnote-ref-1)
2. CCPR/C/ISR/CO/4 (2014), at para 12. [↑](#footnote-ref-2)
3. CCPR/CO/72/PRK (2001), at para 12. [↑](#footnote-ref-3)
4. CCPR/C/ISR/CO/3 (2010), at par 18; CCPR/C/ISR/CO/4 (2014), at para 12. [↑](#footnote-ref-4)
5. See, *Liliana Assenova Naidenova et al. v. Bulgaria*, Comm No. 2073/2011 (2011), at paras 10-11**.** [↑](#footnote-ref-5)
6. Report of the first UN Special Rapporteur on the right to food, E/CN.4/2001/53 (2001), at paras 32-34. [↑](#footnote-ref-6)
7. See, Supreme Court of India, *Olga Tellis v Bombay Municipal Corporation* (1986); *State of Karnataka v Appa Balu Ingale*, (1993); *S. Jagannath v Union of India*, (1996); *Samantha v State of Andhra Pradesh* (1997); *People’s Union for Civil Liberties v Union of India and Ors* (2001). [↑](#footnote-ref-7)
8. See, Lidija Knuth and Margret Vidar, *Constitutional and Legal Protection of the Right to Food Around the World*, Rome, FAO (2011). [↑](#footnote-ref-8)