

Human Rights Committee
SSIHRL Contribution to the Half Day General Discussion on Article 6 (Right to Life)

On the occasion of the half day of general discussion in preparation for a General Comment on Article 6 (Right to Life) of the International Covenant on Civil and Political Rights, the Spanish Society for International Human Rights Law would like to take this opportunity to make reference to the link between the human right to life and the human right to peace.

We will concentrate our contribution on the first sentence of Article 6: ***Every human being has the inherent right to life.***

In connection with this statement, we would like to remind the first principle of the Declaration on the preparation of societies for life in peace,¹ which in our view adds an important aspect to the right to life:

Every nation and every human being, regardless of race, conscience, language or sex, has the **inherent right to life in peace.**

The Human Rights Committee have taken into account the link between life and peace in its General Comments on Article 6, but considering peace from its negative conception, as the mere absence of conflict.

Thus, in its **General Comment No. 6**,² the Committee observed

that war and other acts of mass violence continue to be a scourge of humanity and take the lives of thousands of innocent human beings every year

and stated that

every effort they (States) make to avert the danger of war, especially thermonuclear war, and to strengthen international peace and security would constitute the most important condition and guarantee for the safeguarding of the right to life.³

The Committee thus made clear the threat that war means to the right to life.

In its **General Comment No. 14**,⁴ the Human Rights Committee analyzed the impact of weapons in the right to life.

¹ General Assembly resolution 33/73, of 15 December 1978.

² 16th session, 1982.

³ General Comment No. 6, para. 2.

⁴ 23rd session, 1984.

In special consultative status with the United Nations

The Committee recognized its deep concern about “the toll of human life taken by conventional weapons in armed conflicts”,⁵ but focused its comment on the threat to the human right to life constituted by weapons of mass destruction. The Committee stated that it was

evident that the designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life⁶

and recommended that

the production, testing, possession, deployment and use of nuclear weapons should be prohibited and recognized as crimes against humanity.⁷

We fully share the Committee’s views contained in both General Comments, and thirty years after those comments, we are still concerned by the huge loss of human lives caused by wars, as well as the threat that nuclear weapons still means.

However, during these three decades, conceptions of peace have evolved towards a **positive dimension**, and nowadays we can no longer consider peace as the mere absence of war, but as a context in which all human rights can be fully realized.

It is indeed in this positive conception that we interpret the **right to life in peace**. We consider that this right to life in peace has its foundation on the very concept of human dignity, which is the basis for all human rights.

The human right to life should be interpreted not only as the right not to be deprived from life, but also as the **right to live with dignity** and enjoying all human rights. This can only be achieved in a context of peace.

The **Human Right to Peace**, as defined by civil society in the Santiago Declaration of 2010, and by the Advisory Committee on its Declaration on the Right to Peace of 2012,⁸ defines the necessary elements to guarantee a context of positive peace.

Those elements are strongly rooted in international human rights law and include: the right to human security; the right to disarmament; the right to peace education and training; the right to conscientious objection to military service; the right to resistance and opposition to oppression; the duty to regulate the conduct and responsibilities of both private military and security companies and peacekeeping missions; the right to development; the right to environment; the right of victims of human rights violations to truth, justice, reparation and guarantees of non-repetition; the rights of individuals belonging to vulnerable groups; and the rights of refugees and migrants.

⁵ General Comment No. 14, para. 3.

⁶ *Ibidem*, para. 4.

⁷ *Ibidem*, para. 6.

⁸ A/HRC/20/31, of 16 April 2012.

In special consultative status with the United Nations

Many of those elements are also recognized and protected by the International Covenant on Civil and Political Rights and have been identified by the Human Rights Committee as intimately linked to the human right to life.

First of all, both declarations on the human right to peace enshrine the principle of **non-discrimination** (Art. 2 of the Covenant) in the recognition of this right to all individuals.⁹ On the other hand, they both pay particular attention to the rights of those groups of peoples that have traditionally been object of discrimination, such as migrants, refugees, victims of violations of human rights or people belonging to vulnerable groups (for example indigenous peoples, women suffering from violence or individuals deprived of their liberty).¹⁰

This particular attention would be justified according to the Human Rights Committee General Comment No. 18 of the Human Rights Committee,¹¹ in which it observed that

not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant;¹²

and pointed out that

that the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant.¹³

Both declarations on the human right to peace included provisions on the **prohibition of war propaganda** and incitement to violence, acknowledging the connection between Article 6 and Article 20 noted by the Human Rights Committee in its General Comment No. 6.¹⁴

In this regard, the Santiago Declaration states that “the glorification of violence and its justification as necessary to build the future and enable progress shall be prohibited by law”;¹⁵ while the Advisory Committee Declaration affirms that “war propaganda should be prohibited”.¹⁶

Both declarations defend the **conscientious objection to military service** as a main element of the human right to peace,¹⁷ in accordance with the view of the Human Rights Committee. In its

⁹ Art. 1 of both Declarations.

¹⁰ Santiago Declaration, Arts. 9, 10, 11 and 12; Advisory Committee Declaration, Arts. 11 and 12.

¹¹ General Comment No. 18, 37th session, 1989. Non-discrimination.

¹² *Ibidem*, para. 10.

¹³ *Ibidem*, para. 13.

¹⁴ General Comment No. 6, para. 2.

¹⁵ Art. 6.2.

¹⁶ Art. 4.3.

¹⁷ Santiago Declaration, Art. 5; Advisory Committee Declaration, Art. 5.

In special consultative status with the United Nations

last General Comment on Art. 18, the Committee, taking into account its previous case law on individual communications, has stated that, even if the Covenant does not explicitly refer to a right of conscientious objection, such a right can be derived from Article 18,

inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief.¹⁸

Among the essential elements to guarantee the human right to peace, and a right to life in dignity, there are two main elements that especially affect the right to life as defined by this Committee:

Firstly, **the right to human security**, including freedom from fear and from want. The right to life, considered as the right to life with dignity, should be interpreted as the right to live in a private and public environment that is safe and healthy, and to be protected against any act or threat of physical or psychological violence, whether originating from State or non-State actors.¹⁹ As stated by the Human Rights Committee

States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces.²⁰

This obligation was also developed by the Committee in its General Comment No. 35, on the right to security (Art. 9), in which the Committee recognized the link between the right to life and the right to security, but stating that the right to personal security “may be considered broader to the extent that it also addresses injuries that are not life-threatening”.²¹

In the view of the Committee, the right to security protects individuals against intentional infliction of bodily or mental injury, included injuries caused by officials of States. This right assigns to States the duty to take both measures to prevent future injury, protecting individuals “from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors”, and retrospective measures in response to past injury, such as enforcement of criminal laws.²²

We invite the Human Rights Committee to take a step forward from personal security to human security, and consider that every threat of physical or psychological violence should be considered as incompatible with the development of a life with dignity.

¹⁸ General Comment No. 22, adopted during the 48th session, 1993; para. 11.

¹⁹ Santiago Declaration on the Human Right to Peace, Art. 3.

²⁰ General Comment No. 6, para. 3.

²¹ General Comment No.35, 112th Session, 2014; para. 55.

²² *Ibidem*, para. 9.



In special consultative status with the United Nations

On the other hand, human security should imply the right to enjoy sustainable development and economic, social and cultural rights; as well as the possibility for all individuals to develop fully all their capacities.

Secondly, **the right to disarmament**. Thirty years ago the Committee shows its concern about the risk to life posed by nuclear weapons, without forgetting “the toll of human life taken by conventional weapons”. During this time, conventional weapons, as well as chemical and biological weapons have produced the loss of thousands of human lives. Conventional weapons are a risk for the right to life not only in contexts of conflict, but also in contexts of peace, especially in those societies in which the use and possession of weapons is less restricted.

In our view, the Human Rights Committee should encourage States to work towards a complete disarmament, under comprehensive and effective international supervision, and to engage actively in the strict and transparent control of arms trade and the suppression of illegal arms trade, as a means to guarantee the human right to life.

In conclusion, the Human Rights Committee should acknowledge that the human right to life can only be fully realized in a context in which the human right to peace is fully respected.

Spanish Society for International Human Rights Law