

04/10/2017



**COMMENTS  
ON THE DRAFT GENERAL COMMENT 36  
ON ARTICLE 6 OF THE ICCPR**

**LIFE RESEARCH UNIT MALTA**

The European Convention was the draft of the Covenant on Civil and Political Rights of 1950 (ICCPR), which held that “every human being from the moment of conception has the inherent right to life.” The 1966 version of the ICCPR endorsed the provision that “every human being has the inherent right to life” providing further for a ban on execution of a pregnant women. This can only reflect one basis, that the life of the unborn has an independent claim to protection and must be spared.

There is evidence showing the intention of the international community to protect the unborn in the Fourth Geneva Convention of 1949, which confers privileged treatment and particular protection to expecting mothers.

If the United Nations is speaking of universal human rights, then they apply to all human beings, including human beings who have not yet been born and the elderly. If the United Nations imposes on the Nations who wish to retain abortion and euthanasia as illegal it will be opposing what it fundamentally stands for, as it will no longer be a united nations but divided nations.

The ICCPR itself prohibits discrimination on the basis of birth or other characteristics, how is it that now it is going to discriminate against the unborn and elderly with regards to the right to life. How is it deciding that some have a right to live and others don't?

Since it is declared in Article 6.1 that the human right to life is inherent then by the very fact that it is inherent it cannot be taken away by the state and neither by the United Nations.

The Convention on the Rights of the Child explicitly recognizes that unborn children deserve legal protection. The treaty states in the preamble, “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*”.

Similarly, the American Convention on Human Rights explicitly protects the right to life of the unborn. It states, “Every person has the right to have his life respected. This right shall be protected by law and, in general, *from the moment of conception*. No one shall be arbitrarily deprived of his life” (Article 4.1). Many signatories to the ICCPR protect the unborn in their laws or constitutions.

There is no international law that establishes a right to kill or a right to die. States should work on supporting women in crises pregnancies and providing the best medical technologies and scientific discoveries for palliative care. The citizens of each member state deserve the best, they deserve life not death.

The Human Rights Committee in the Netherlands held that it remains concerned at the extent of euthanasia and assisted suicides in the State Party that it ended up urging that the Dutch law must be reassessed in light of the Covenant’s recognition of the right to life implying that euthanasia was in reality not a solution to the society’s needs.

In *Pretty vs UK*, the ECHR has been very clear that the right to life cannot without a distortion of language, be interpreted as conferring the diametrically opposed right, namely a right to die, nor can it create a right to self-determination in the sense of conferring on an individual the entitlement to choose death rather than life.

Malta protects life from conception till natural death, our laws confer the right to life to all human beings regardless of age, born or unborn as each and every individual has inherent human

dignity. We strongly oppose the interpretation of the right to life as including abortion and euthanasia, as per paragraphs 9 and 10 of the general comments. Maltese citizens are proud that their country offers support for women in crises pregnancies and provides high level palliative care, showing what solidary truly is whilst cherishing the vulnerable and the voiceless, for we are all equal.