

**Human Rights Committee**  
***Draft general comment No. 36***  
**Article 6: Right to life**

*“From the politics of taking life to the politics of affirming it”*

We greatly thank the Human Rights Committee and the drafters of the new General Comment on the right to life for this opportunity to present comments on the right to life and its progress and we look forward for the half-day meeting on July 14<sup>th</sup>; we shall attend.

The center for Global NonKilling (CGNK<sup>1</sup>) has a unique mission that is both inspirational for individuals and transformative for societies: To promote change toward the measurable goal of a killing-free world by means open to infinite human creativity in reverence for life.

To make every person a center for global nonkilling requires innovative research, global education and training, as well as monitoring programs that measures progress and reveals the way forward.

The Center has ECOSOC special consultative status since 2014.

Introductory comments

1. First, it is worth recalling that human rights are universal, interdependent, interrelated and indivisible. They are universal legal values. Nevertheless, if dignity can be said to be the paramount right because present when each and all human rights are fulfilled, life can be said to precede all other human rights: if life is taken, all other human rights are cancelled.

2. Conversely, granting and giving solid ground to the right to life is the base needed for the peaceful the realization and completion, for the fulfillment of all other human rights.

3. The full protection of the right to life is therefore an issue pertaining to the dignity of humanity and its progress or development as a whole. Protecting and promoting the right to life is an integral part of the rights and duties of every individual and it is and be should be enshrined in the mission of all institutions, without exceptions.

4. To be respected by all and therefore well understood, the right to life implies a certain degree of happiness and well-being. It implies the understanding of instinct to live, the conscious intent to live, the means needed to live well and the conscious intent to share life, as we all live together on the planet. A fulfilled life is the best incentive for the respect of life; the life of others and one’s own.

5. The active promotion of the right to life – *the full knowledge of the entitlement to life by and for every member of the human family* – is the first and most effective measure needed to prevent breaches of the right to life. Making the gift of life worth living it by the knowledge that the right to life is

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<sup>1</sup> [www.nonkilling.org](http://www.nonkilling.org)

granted and whole. Efforts not only to protect but to inform and to promote the right to life are therefore essential; they are a full part of State duties, but as well it is also a duty for individuals, institutions and civil society. The protection and promotion of the right to life is a cultural, structural and social necessity.

6. The right to life is also the duty not to kill, for institutions as for individuals. Therefore the right to life expresses itself as a multidimensional right: a right given to all but also the duty vested in all to respect the right of life of others, as well as all their other human rights. This reciprocity of the right to life deserves to be frequently underlined and recalled.

7. 70 years of illegality of war under the United Nations Charter have not been sufficient to stop the scourge of war<sup>2</sup>. If war constitutes one of the greatest threats to the existence of life and to individual lives, it is conversely by reinforcing the peaceful right to life that this threat will recede. Similarly a healthy environment and an economy fulfilling the needs of all are needed to create a sustainable future for all human beings, on a lasting planet. We understand this progress to be urgent and a better respect of the right to life to be fully part of this process.

8. It can be added that happy people will be more likely to protect the people they live with and the planet they live on.

### The right to life

*Beginning life in peace. Welcome to the world.*

9. Bringing someone into life and in the world is one of if not the most magnificent act two persons can accomplish. The fact that giving life becomes more and more a free choice gives a new value and a deeper meaning to life and to the quality of life we intend to offer as individuals and as a civilization to ourselves and to our children, to future generations.

10. However, it may happen that giving life does not occur as a choice. In our opinion, the choice of life is the essence of life, but it may also mean that the conditions necessary to provide for a good life may not be available and that the choice to abort may be deemed necessary.

Preventing unwanted pregnancy is the best way to prevent abortion. Family planning is therefore also a proper mean to protect life. It has also been proven that decriminalizing abortion and prevention of unwanted pregnancies have lowered the rates of abortions and moreover diminishes the medical risks of illegal abortions<sup>3</sup>. More options, including easier access to adoption, should be provided for someone considering abortion.

*“Talking life”: Propaganda or value?*

11. Life needs to be held by everyone as an essential value and it this needs to be said as often as necessary.

To the opposite and in a link with article 20 of the Covenant, any propaganda for taking life, either through propaganda for war or as an incitement to violence is our opinion prohibited. This conjunction of provisions should be duly assessed, because it is by valuing life that life is brought to worth and therefore well protected. Conversely, advertisements for killing, death penalty, torture or cruel treatment or for means to do so are – or may be – calls for violations of the right to life, even in countries that legally use death penalty. Such “killing discourses” or “tolerating or

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<sup>2</sup> United Nations Charter, article 2, § 3 and 4, make peaceful settlement of dispute a requirement for members and forbids the use of threat or force; thus in fact forbidding war. Article 51 allows self-defense, under the control of the Security Council. To which extent self-defense allows armies and weapons, and which ones or breaches of the right to life thereupon, is still legally if not morally an open issue.

<sup>3</sup> The link between legal and unsafe abortions, these augmenting the risks for the life of women, is shown, as an example here: ([World Health Organization](http://www.who.int/reproductivehealth/publications/unsafe_abortion/induced_abortion_2012.pdf)).  
[http://www.who.int/reproductivehealth/publications/unsafe\\_abortion/induced\\_abortion\\_2012.pdf](http://www.who.int/reproductivehealth/publications/unsafe_abortion/induced_abortion_2012.pdf)

legitimizing of killing discourses” are an issue that we would like to see addressed by the coming General Comment or regulated by the jurisprudence of the Committee. Moreover, banning such propaganda is, among others, a means to fight terrorism by rendering it unacceptable while providing a better message in favor of life and for the protection of life.

12. Therefore though the definition of life or the debates about some of its dimensions may still be open, the general discourse about life should be a positive one, celebrating the worth or even the greatness of life and valuing its protection.

*Quality of life, an essential part of the right to life.*

13. The full protection of the right to life (and the purpose of the Center for Global Nonkilling) is the end of all intentional killings and a substantive diminution of all unintentional killings; including the ones caused by insufficient fulfillment or lack of respect for other human rights, such as among others the rights to food, to clean water and sanitation, to health services but also the right to development, to a sustainable environment<sup>4</sup> and the right to peace.

14. Rights are indivisible. It is by improving the quality of life, for all, that the right to life will gain full realization.

15. Living in peace is needed to achieve a good quality of life and the realization of all other human rights. The right to peace has not yet gained full recognition<sup>5</sup>. However, the Universal Declaration of Human Rights states, in article 28, that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”. Such a social and international order can indeed only be a peaceful order. Therefore, the comments made in previous General Comments<sup>6</sup> and 14<sup>7</sup> on the right to life regarding war, weapons of mass destruction and the antagonistic nature of war or of war preparation with the progress of human rights remain fully valid. We wish to see them duly expressed and reinforced in the new General Comment on the right to life.

16. Various progress have been made towards the protection of life in armed conflicts (the responsibility to protect, the ban on landmines and cluster bombs, various works on small arms, the ICJ advisory opinion on the use of nuclear weapons, etc.). However, the efforts to end the scourge war or at least to prevent war and its negative effects on the right to life and on all human rights remain a vital task, a duty vested in all humanity, the supreme duty of States and a special responsibility for all human rights bodies, as for all individuals.

17. In this context, the fact that some countries have armies while others do not, and that therefore the later demonstrate that armies are not always necessary or justified, may mean that the tools of war – weapons and armies – hinder or threaten the right to life in an unacceptable manner<sup>8</sup>.

18. The right to conscientious objection to military service (recognized under article 18<sup>9</sup> of the Covenant) or as well the conscientious objection to financially participate to military costs<sup>9</sup> could also be considered an inherent part of the right to life; many conscientious objectors view their objection as a refusal to kill and therefore as their way of protecting the right to life of others.

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<sup>4</sup> For the right to a healthy (or sustainable) environment (or the links between human rights and this right), see the works of the Special Rapporteur on human rights and environment:

<http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx>

<sup>5</sup> For the right to peace, see the work of the Open Ended Working Group on the right to peace.

<http://www.ohchr.org/EN/HRBodies/HRC/RightPeace/Pages/WGDraftUNDeclarationontheRighttoPeace.aspx>

<sup>6</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11)

<sup>7</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11)

<sup>8</sup> Christophe Barbey, *Non-militarisation and countries without armies. A necessary step towards non-killing security institutions*, in *Nonkilling security and the State*, page 153, Hawaii, 2013. <http://nonkilling.org/node/18/#Security>

<sup>9</sup> Conscience and Peace Tax International: [www.cpti.ws](http://www.cpti.ws)

*Progression of the right to life: A duty to prevent!*

19. The proposed Sustainable Development Goal number 16.1: “[To] significantly reduce all forms of violence and related death rates everywhere” is of vital importance for the progress of the right to life, for States policies and reporting and for enhancing the understanding of the worth of life through all humanity<sup>10</sup>. Inasmuch, the data related to homicides in every country is (or should by now) be made easily available through the World Health Organization’s statistics on homicides<sup>11</sup>. Similarly, the “Geneva Declaration on armed Violence and development”, signed by more than a 100 States, provides valuable information on means to curb violence and killing rates<sup>12</sup>. In another perspective, the work being done by the Institute for Economics and Peace with the global peace index, through the pillars of peace and on resilient societies<sup>13</sup>, among other numerous academic works, shows that it is possible and therefore a duty to reduce death rates. Regarding the right to life, prevention at large and of specific risks of breaches is the only possible option to preserve the right. By providing concrete means to reduce the number of violent deaths, all these works make it in our opinion mandatory to require from States that they design accurate policies to reduce violence, killings and killing risks and to become therefore killing free institutions, true promoters of life and universal values.

20. Adding to what was said on self-defense, nonlethal weapons and the use of force, we therefore kindly urge the Human Rights Committee to put a strong emphasis – if not at best a legal obligation – on the need to set up prevention policies and accountability measures in every country for the implementation of policies to reduce violence and killings.

21. It is worth noting also that, often, when the right to life is threatened, the right to security of person (art. 9 ccpr<sup>14</sup>) has been previously hindered. Therefore policies for the prevention of all forms of violence are an integral part of policies designed for the protection and the enhancement of life and of the right to life.

*Learning to be gentle, self-defense and use of force: dignity or unruly consequences?*

22. As they become more readily available, means of nonviolence should be considered and shall take an ever greater importance both while claiming or asserting proportionality in self-defence cases and regarding the taking of life or any maiming by security forces.

So far, they are little studies we know of adapting nonviolence to security forces; they are however numerous civil society experiments<sup>15</sup> and surely by now there is a popular culture and a recent history of humanity that shows that nonviolence can be very effective, moreover this has been measured<sup>16</sup>. If nonviolence would be made more available and used, including by security forces, situations of self-defense or even armed conflict would be less deadly.

23. In another but similar perspective, the possibility of using nonlethal weapons should be much more seriously promoted as a legitimate and general matter of proportionality in self-defense cases as in all situations, both for police and military forces, in order to protect life by

<sup>10</sup> Page 22: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/68/970&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/970&Lang=E) or <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

<sup>11</sup> <http://apps.who.int/gho/data/view.main.VIOLENCEHOMICIDEv>

<sup>12</sup> <http://www.genevadeclaration.org>

<sup>13</sup> <http://economicsandpeace.org/research/understanding-peace/structures-of-peace> or <http://www.visionofhumanity.org/#/page/indexes/global-peace-index>

<sup>14</sup> Human Rights Committee, General comment 35, § 55 recognizes this complementary nature of both the rights to life and security. However, the prevention of violence at large, which protects both rights has not been mentioned in this General Comment.

<sup>15</sup> There was in France an official study on “Non-violent civilian defense”: Jean-Marie Müller, Christian Mellon, Jacques Sémelin: *La Dissuasion civile*, Fondation pour les Études de défense nationale, 1985.

<sup>16</sup> Erica Chenoweth and Maria J. Stephan: *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*, Columbia University Press, New York, August 2011. This is a statistical study of showing that non-violence resistance as violent counterparts.

all the available means. In our opinion, the technology is ready or could easily be made available<sup>17</sup> and law should require it. Moreover, the issue is nothing new as in 1990 the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), general provision 2, called for: “The development of non-lethal incapacitation weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to a person<sup>18</sup>”. Promoting the use of nonlethal weapons should also be done towards military forces and should thereupon have a positive effect on humanitarian law, and help to reinforce the right to life in case of armed conflicts, thus bringing forward the right to life in times of armed conflict as well, ideally through the conjunction of both bodies of law, humanitarian and human rights law.

24. Regarding the use of force, a very good constitutional example of how it can be regulated is found in the new constitution (2012) of the local state of Geneva (in Switzerland), at article 184.3: “*In conflictive situations, it is a priority to avoid the use of force, or to limit it. Concerned persons should concur*”<sup>19</sup>. This article – in a sense of universal value – clearly frames the use of force. It makes it a duty for security forces but also for all persons present or concerned to work towards avoiding any use of force or, if that aim is practically demonstrated to be impossible to reach, then to use force only in an as limited manner as may be, thus limiting accordingly the negatives consequences of any use of force. The fact that concerned persons should concur makes it also a duty for civilians to avoid or limit the use of force, thus delegitimizing force as a common method to address conflict and so forth enhancing alternatives to force in the public opinion as well.

25. However, a strict and ideally independent control of any use of force remains an absolute necessity.

26. The reluctance or the avoidance of security forces regarding the adoption of nonkilling and nonviolence policies or regarding the use of nonlethal weapons and practices can be said to be outrageous. Moreover, security forces that would officially adopt nonviolent and nonkilling tactics would gain a so far never attained degree of dignity and exemplarity, thus bringing a well needed peace to the relations between a large part of the population and their policing institutions. This is especially valid for young people, which form the vast majority of convicts and that too often have a negative image of police forces because of their violence. Moreover, by adopting, practicing and proclaiming such policies, political institutions and security forces could become promoters of the right to life (and of other human rights) instead of the ones too often breaching them<sup>20</sup>.

### *Interrupting life*

27. Suicides should be prevented, not criminalized. As seen, providing for a life worth living may be the best way to prevent suicides. However, policies for the prevention of suicide should

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<sup>17</sup> I.e. : Nick Lewer & Steven Schofield, *Non-lethal weapons for UN military operations*, International Peacekeeping review, **Volume 4, Issue 3**, 1997.

<sup>18</sup> United Nations Congress on the Use of Force and Firearms by Law enforcement: Basic Principles on the Use of Force and Firearms by Law enforcement Officials, §2.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

<sup>19</sup> Article 184, §3 : “Les situations conflictuelles sont traitées en priorité de manière à écarter ou limiter le recours à la force. Les personnes concernées sont tenues d’apporter leur concours”. Translation by CGNK. <https://www.admin.ch/opc/fr/classified-compilation/20132788/index.html#a184>

<sup>20</sup> The constitution of another local Swiss State, Vaud is also worth mentioning as it shows the change of paradigm from force to values in State activities; article 6, §2, lit. c: “In its activities the State shall: (...) see to it that justice and peace prevail and support conflict prevention”. “Dans ses activités, il [l’État]: c. fait prévaloir la justice et la paix, et soutient les efforts de prévention des conflits” (Translation CGNK). <https://www.admin.ch/opc/fr/classified-compilation/20030172/index.html#a6>

be part of all policies designed to protect life and the right to life and full part of policies meant to enhance life's quality<sup>21</sup>.

#### *Ending life in peace*

28. In our opinion, the rights to life include a right to longevity. (Such a right is also covered by the right to social security). This means that any unwanted act that unnaturally shortens one's life span, if not falling under the protection of human right, would fall under the scope of the right to life. It also means that older people deserve the full protection of their lives and the necessary living means needed therefore. Insisting on a right to longevity participates, time wise, in the process of valuing life in all its dimensions.

29. Nevertheless, life as a choice also entails that there is a possible choice to end life, at least when legitimately deemed unbearable.

30. Similarly, pursuing medical treatment beyond hope of healing should not be imposed.

#### *No possible recognition of any right to kill.*

31. In our opinion, a *right* to kill can never be accepted. We recognize that, in some circumstances, a *legal power* to kill might have been conceded, but do not recognize this as a right, as alternatives should be pursued until fulfilled. These exceptions to the right to life and to the duty to respect and to protect life should be reduced and disappear as soon as may be.

32. The power to kill is legally given in only three types of circumstances:

1) In cases of self-defense, if confirmed by a judge. However, as we seen proportionality, nonviolence or nonlethal weapons should make it very rare for self-defense to result in a killing.

2) By death penalty, if deemed legal. We sincerely hope that the new General Comment on the right to life, by putting more emphasis on the right to life and to a good life, among other measures, will help render death penalty unnecessary in the eyes of all and therefore unused.

3) In case of war. As seen threat, use of force and aggression are forbidden in international law, thus making war illegal. And if self-defense is permitted, it is strictly limited, so there again prevention and building a peaceful world is of the essence.

33. Therefore we do question how much weapons and dissemination of weapons are permitted for the potential exercise of right to self-defense, compared to the dangers and breaches these weapons cause or can cause to the right to life. In this regard, in our opinion, disarmament is and remains part of the policies required for the realization of the right to life and as such should be measured in State reports.

34. Similarly, we cannot consider that arms manufacturers can avoid at least moral accountability for their productions and the uses made of these.

#### Conclusion

Celebrating life is showing that life is the greatest treasure given to humanity. Preserving and perpetuating life, achieving a nonkilling world is the gift of gratitude every person can give to humanity, to future generations and to itself. Making life worth living it, for all and by all, sharing life in dignity in and on sustainable world is the best possible use all our human qualities.

It has been a great pleasure and a treasure to answer to the consultation called on the right to life by the Human Rights Committee, thus celebrating the natural gift of life by a conscious effort and a full participation, with our humble means, in the improvement of the respect for life and of the quality of life for each and all, in peace and happiness.

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<sup>21</sup> World Health Organization, *Preventing suicide. A global imperative*. 2014