



AT THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS, ORGANIZATION OF THE UNITED NATIONS. GENEVA.

Subject: Draft general comments (No. 36) on art. 6 of the International Covenant on Civil and Political Rights with regard to the right to life (article 6 of the Covenant).

1.- Initial Application. Include the Right to Life of the unborn child.

The European Federation "**One of us, for life and the dignity of man**" shows absolute accordance with the number written in the project 1-2-3- according to which the right to life is a "**supreme law**" of "**fundamental importance**" whose recognition is the indispensable **condition for the enjoyment of all other human rights** "so that" **the right to life is a right that must be interpreted narrowly** " **without distinction of any kind**".

We believe from this Federation that this general comment, which replaces the previous general observations number 6 (sixteenth session) and number 14 (twenty-third session), adopted by the Committee in 1982 and 1984 respectively, has worsened and spirit the original wording of Article 6 of the ICCPR, which is none other than to defend the right to life without any kind of encroachment, respecting the sovereignty of the Member States in order to realize their full legislative potential in order to defend this fundamental right without it the enjoyment of other human rights cannot be produced.

The original wording of Article 6 should be maintained, including the affirmation of the principle of protecting the right to life of the unborn or the unborn child, allowing us to remember that this right as well as belonging to Natural Law was included in the International Pact since its inception.

We regret that the proposed current wording has been removed the protection of the right to life of the unborn result of the conflict with the so - called "**right to abortion**", invented by the CCPR. Drafting the latter that is proposed to us that limits and closes the right to life. Keeping the project in its current form leaves the wording of Article 6 ineffective as it allows people to be arbitrarily deprived of their lives. The recognition of the right to life for all people must also be recognized to the fetus, which is unprotected against abortion. It is not acceptable to include in the Project the "right to abortion" since it implies a deprivation of the right to life for deliberate or otherwise, preventable or preventable damages, or injuries that end life, caused by an act or omission, a formulation which is against the text proposed by the Commission.

Not including the right to life for the unborn and give freedom to States parties to legislate for the right to abortion or to decriminalize it, may result in violations of article 6 of the Covenant even when the threats have not been translated into effective loss of life. All of this content of Draft General Observation 36 currently contains a very disturbing content with regard to the protection of human life that is moving towards an "international right to abortion" against which we have to oppose.



We are also surprised that the right to life of the unborn child is not consolidated when it is granted a special protection when dealing with the issue of the death penalty settling in **paragraph 52** that to pregnant women do not can be applied the penalty death, protection that will unfold its effects while the woman is pregnant, ceasing to have effect when it is no longer. Hence we must deduce that the protection of the right to life fully reaches the unborn child, giving full capacity to be subject to this protection. This is a position that clashes frontally with the permissiveness of abortion regulation. Similarly the prohibition set out in **paragraph 53** of executing people with physical or mental disabilities, but the execution is allowed, because abortion does not stop being that, when defects occur or disabilities are detected in the unborn.

Ultimately, the right to life must be respected and protected as a whole set out in **Article 6** which is included in the list of non - derogable rights as set out in **Article 4, paragraph 2 of the Covenant** and must reveal the contradictions between article 6 and the paragraphs of the General Comment that promote abortion, euthanasia or assisted suicide, contradictions that we highlight below and which we denounce since keeping them in final wording would be as much as repealing it through the establishment of development policies of abortion, euthanasia and assisted suicide.

2. - Contradictions of General Comment number 36.

Observed in the wording proposed, that there are numerous contradictions regarding the right to life Article 6 of the ICCPR, contradictions that could have been avoided by not having introduced the term "**arbitrarily**", as opening this possibility it makes the right to life is not conjugated as an absolute right. The introduction of this term recognizes situations in which the right to life can be deprived in a non-arbitrary way although the situations that the Observation raises can be considered as arbitrary from an objective point of view or at least one can raise the doubt more than reasonable of their arbitrariness.

Other contradictions are identified below:

Paragraph 24 states that "**States parties should enact a legal framework for protection containing criminal prohibitions effective to protect among others infanticide**" wording with which we fully agree, paradoxically in **paragraph 9** established a series of measures to promote and invent the right to abortion on the grounds that in this way a "**safe access to abortion**" is guaranteed, having to say that abortion is never a safe environment because ultimately always death occurs an innocent, so talk of security in this type of situation is completely unsustainable.

Similarly, **paragraph 25** which it states: "**They must take appropriate protective measures, including continuous monitoring, with a view to prevent, investigate, punish and remedy the arbitrary deprivation of life by legal private entities, such as private transport companies, private hospitals and private security companies**". This is a curious situation in which such measures are proposed and yet they empower States parties to legislate widely on abortion, turning hospitals into places where the right to life can be arbitrarily deprived.



In the same contradiction fall editors when in **paragraph 28** states that: "**People with disabilities, including psychosocial and intellectual disabilities are entitled to special protection measures to ensure its effective enjoyment of the right to life in pre-equality with the rest**". This protection of pre-equality is not guaranteed when the disability occurs in the unborn, since if this is the case, the States parties are empowered to legislate by allowing abortion in the alleged eugenics, forgetting that the human being is always a continuum and that each of us began to exist at the moment of conception; so that even the unborn child is one of us, be embryo, fetus, newborn, child, young, adult or old, since these are various forms of the same human reality, and therefore the right to the life with all its prebends in all the phases of the human being. **How then is it possible to determine obligations for States parties and campaigns to raise awareness about domestic violence and to improve access to medical examinations and treatments aimed at reducing maternal and child mortality and then to legislate and abortion or euthanasia against the letter itself and the spirit of the covenant?**

We must also emphasize the disparity of criteria established in the proposed wording between the protection of the right to life and the measures taken by establishing a right to die. Faced with this position we have to indicate that the right to life does not contain and cannot be understood to include a right to die. States parties have an obligation to protect all human life from unlawful and unlawful attempts to end it. This includes attempts made by an individual against himself and medical treatments or medical means to facilitate the termination of adult life.

3. - Conclusion.

In view of the foregoing, we request that the right to life of the unborn child be included in the drafting of General Comment No. 36, urging States parties to take measures to help women overcome the difficulties of pregnancy difficult or unwanted.

Paragraph 9 of General Comment No. 36 should also be omitted, excluding the right to abortion, otherwise the elimination of children would be favored. This is an aspect that should be left to the freedom of States parties according to their own characteristics. This elimination would be recommended by the contradiction of the right to abortion with the right to life.

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