**Comments on the Draft General Comment on Article 6 of the International Covenant on Civil and Political Rights – Right to life**

I welcome the UN HRC’s expansive interpretation of the right to life as enshrined in Article 6 of the ICCPR. As the UN HRC has affirmed in paragraph 30 of the Draft General Comment, the right to life should not be interpreted narrowly. It should be interpreted in broad terms to encompass the right to live with dignity. This right requires the states to ensure the minimum needs for survival such as food, housing, water and medical care. The approach that the UN HRC has adopted in paragraph 30 of the Draft General Comment clearly reinforces the existential rather than the physical understanding of the right to life.

Although this is a positive development, the UN HRC has failed to provide a justification for its expansive approach to the interpretation of Article 6 of the ICCPR. I would urge the UN HRC to explicitly acknowledge in the General Comment the relevance of the principle of indivisibility of human rights which provides a justification for its expansive reading of the right to life. While in part V of the Draft General Comment, the UN HRC has explicitly acknowledged the interrelatedness and interactions of the right to life with other provisions of the ICCPR, it has failed to explicitly acknowledge the interrelatedness of the right to life and socio-economic rights, and more specifically the provisions of the ICESCR.

Explicit references to the principle of indivisibility of human rights and to the interrelatedness of the right to life and the norms of the ICESCR (in particular, the right to an adequate standard of living as enshrined in Article 11 of the ICESCR) are particularly important. As the experience of the ECtHR has shown, expansive interpretations of human rights treaties are subject to criticism. Lord Hoffmann, for example, argued in the past that the principle of dynamic interpretation, which has enabled the ECtHR to extend the scope of the protection beyond the areas envisaged by the drafters of the ECHR, does not entitle the ECtHR to introduce new concepts, such as environmental protection, into the ECHR which makes no mention of them, simply because it would be more in accordance with the spirit of the times.[[1]](#footnote-2) Similar views can be advanced in respect of the UN HRC and its existing approach to the right to life. The principle of the indivisibility of human rights can lend legitimacy to, and provide the basis for expansive interpretations of human rights provisions such as the one at issue. For this reason, it should be explicitly mentioned in the General Comment. An explicit acknowledgment of the overlap of the right to life with the provisions of the ICESCR in the General Comment will also contribute to affirming the states’ broader human rights responsibilities and obligations.

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1. Lord Leonard Hoffmann, ‘The Universality of Human Rights’ (2009) 125 LQR 416, 428-429. [↑](#footnote-ref-2)