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|  | | | Asiatisk Plads 2  DK-1448 Copenhagen K  Denmark  Phone +45 33 92 00 00  Fax +45 32 54 05 33  E-mail: um@um.dk  http://www.um.dk |
| Enclosure(s) | Case/ID No. | Department | Date |
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**Comments on the draft General Comment No. 36 on article 6 of the International Covenant on Civil and Political Rights – the right to life**

The Government of Denmark takes this opportunity to thank the Human Rights Committee for its draft General Comment No. 36 on the right to life. Denmark welcomes this opportunity to provide comments on the draft and looks forward to a continuing discussion.

Below, please find some general observations followed by comments related to individual paragraphs.

**General observations**

We welcome the elaborate work that has gone into this draft General Comment concerning a right of fundamental importance. However, we do find that the drafting at times is too wide and the use of terms too general. Furthermore, the drafting does not always fully reflect the complicated nuances of the relevant fields of international law and their interplay.

Though the right to life is fundamental, care must be taken not to connect it to all possible aspects of human rights violations. Such an approach may risk resulting in the weakening of the General Comment rather than strengthening the central aspects of the right to life.

Please find comments below referring to paragraphs of particular concern:

**Comments related to individual paragraphs**

While recognizing the fundamental character of the right to life, we note that paragraph 2 seems to presume the existence of a hierarchy of human rights, which may be challenged, *inter alia* from a perspective of the interdependence and indivisibility of human rights. On that basis, it is suggested not to use the term “the supreme right”.

In general, we support the framing and the recommendations made in paragraph 9 on the right to life of the pregnant person. However, we note that in using the term “pregnant woman” the Committee may inadvertently be restricting the application of this paragraph to exclude transgender people who have given birth. Furthermore, we support the Committee’s view that state parties should provide access to safe abortion and not criminalise girls and women who have undergone an abortion, nor the service provider. Finally, we appreciate that it is recommended that state parties should take measures to prevent unplanned pregnancies through adequate information and services and the recognition of their reproductive rights.

In general, we support the considerations made in the first (un-bracketed) part of paragraph 12. However, we are not convinced by the Commission’s view, as presented in the second (bracketed) part of the paragraph. A normative framework assessing lawful use already exists in the form of international humanitarian law, including the Geneva Conventions and its Additional Protocols.

We are concerned that the statement “is, as a rule, arbitrary in nature” in paragraph 21 is too broad. We suggest a formulation like “may be arbitrary in nature”, which also seems to align it better with paragraph 45.

We consider paragraph 30 too broad and too general. It risks resulting in the weakening of the General Comment rather than strengthening the central aspects of the right to life, cf. our general observations. We suggest limiting the paragraph to concrete cases, where state responsibility has been clearly established.