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Secretariat
Human Rights Committee
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva

**Re: Submissions in advance of Half Day of General Discussion of Article 6
(Right to Life)**

We write to provide submissions in advance of the General Discussion on the preparation of a General Comment on Article 6 (Right to Life) of the International Covenant on Civil and Political Rights (ICCPR).

Introduction

West Coast LEAF is a Canadian non-profit organization that was formed in 1985, the year the equality guarantees of the *Canadian Charter of Rights and Freedoms* came into force. Our mission is to achieve equality by changing historic patterns of discrimination against women through equality rights litigation, law reform and public legal education, with a focus on British Columbia, Canada.

We have particular expertise in human rights issues that impact women, and we are a member of the BC CEDAW Group, a coalition of women's non-governmental and non-profit British Columbia organizations that are committed to advancing the equality interests of women and girls. Through the BC CEDAW Group, we have made a number of submissions to the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, and the Universal Periodic Review process.

Submissions

(1) The scope and nature of Article 6 must be interpreted in a manner that reflects the indivisibility and interdependence of human rights.

It is well established that all human rights — political, civil, social, cultural and economic — are interconnected, interdependent and indivisible from each other. They are all

equally important and none can be fully enjoyed without the others.¹

When interpreting Article 6 and developing the General Comment, the Human Rights Committee must do so in a way that meaningfully reflects these concepts. Specifically, Article 6 must be interpreted in light and of and in support of other articles in the ICCPR, including Article 3 which guarantees equality between men and women. In addition, Article 6 must also be interpreted in a manner that reflects and supports other human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of Persons with Disabilities (CRPD).

Interpreting Article 6 in a manner that reflect the indivisibility and interdependence of all of these human rights instruments necessitates ensuring that its scope protects from more indirect threats to the lives of women, including inequality and discrimination,² a lack of safe housing,³ inadequate access to healthcare⁴ including reproductive healthcare,⁵ a lack of food,⁶ and many other rights. The rights protected in Article 6 are interdependent with all of these rights, and a state's failure to take steps to protect any of these rights can threaten an individual's right to life. Any attempt to define the scope of Article 6 in the General Comment must reflect these principles.

(2) State inaction that results in either a public or private threat to the right to life must be included in the interpretation of “deprivation of life”.

It is also well settled that Articles 2 and 3 of the ICCPR require that states not only refrain from infringing the rights protected in the ICCPR, but also take positive steps to enable every person to enjoy those rights.⁷

In the context of the interdependence and indivisibility of the rights protected by Article 6 and other human rights like those listed in the section above, the state duty to take positive steps to protect direct and indirect threats to the lives of individuals is especially important. This is particularly significant for women, who are less likely to experience infringements of their right to life as a result of direct state action. Instead, they tend to experience human rights violations and threats to their right to life in the private sphere

¹ Vienna Declaration and Programme of Action, s. 5.

² ICCPR Articles 2 and 3; ICESCR Articles 2 and 3; CEDAW Articles 2 and 3; CRPD Articles 5 and 6.

³ ICESCR Article 11; CEDAW Article 14; CRPD Articles 9 and 28; CERD Article 5.

⁴ CEDAW Articles 10, 11, 12 and 14; ICESCR Article 12; CERD Article 5; CRPD Articles 25 and 26.

⁵ CEDAW Articles 10, 11, 12, 14 and 16.

⁶ ICESCR Article 11; CEDAW Article 14; CRPD Article 28.

⁷ Human Rights Committee, General Comment No. 28, Article 3 (The equality of rights between men and women) at paras. 3 and 4.

and at the hands of third parties, such as male spouses or other male family members.⁸ In order to protect the right to life of women under Article 6, states must be required to take *positive* steps to ensure that other basic human rights are protected, and that includes steps to prevent rights violations caused by third parties, such as violence that occurs against women within the private sphere of the family.

It is well-documented that Aboriginal women in Canada experience disproportionate rates of violence that is largely committed by third parties. The Committee to End Discrimination Against Women recently found grave violations of CEDAW on the part of Canada: “The Committee therefore concludes that the violations indicated in the findings above reach the required threshold of gravity given the significant negative consequences of acts of violence on Aboriginal women’s right to life and personal security, as well as on their physical and mental integrity and health.”⁹

The Committee to End Discrimination Against Women’s findings regarding the disproportionate incidence of missing and murdered Aboriginal women in Canada clearly engages a violation of the right to life and the Committee recognized that, while the direct violence against Aboriginal Women in Canada may be committed by individuals, Canada has an obligation to undertake *positive* action to understand, remedy and prevent these rights violations. The Committee’s recommendations to Canada to rectify the grave violations reflect obligations for Canada to take steps to ensure broad social, economic, cultural and civil rights.

Any interpretation of Article 6 must ensure protection from rights violations committed in the private sphere or by third party individuals if the Article is to provide meaningful rights to all women.

(3) “Inherent right to life” must be interpreted to start at birth.

Any interpretation of the rights protected by Article 6 must not create barriers for women accessing abortions. In particular, the right to life protected in the Article must begin at birth and not at conception. This interpretation is consistent with other interdependent human rights protected in CEDAW, including the right to a full range of reproductive healthcare and the right to freely decide when and how many children to have.¹⁰ Such an interpretation is also consistent with previous interpretations of Article 6.¹¹

Any reading of Article 6 that finds that the right to life begins at conception, or that finds that abortion is an exception to the right to life, threatens the human rights of women and fundamentally undermines the human rights instruments intended to protect them. Deaths due to unsafe abortion make up approximately 13% maternal deaths, and the vast majority of abortion-related deaths are due to unsafe procedures. Given the

⁸ United Nations, *Women’s Rights Are Human Rights* at page 26.

⁹ CEDAW/C/OP.8/CAN/1 at page 47.

¹⁰ CEDAW Articles 10(h), 12(1) and 14(b).

¹¹ Human Rights Committee, General Comment No. 28, Article 3 (The equality of rights between men and women) at para. 10.

extreme health and mortality risks for women who do not have access to safe and legal abortions, any interpretation of Article 6 that undermines state obligations to ensure access to safe abortions would in fact be a grave violation of women's right to life.¹²

Conclusion

We appreciate the opportunity to provide these submissions prior to the General Discussion on July 14, 2015.

Yours truly,

A handwritten signature in black ink, appearing to read 'K. Milne', with a long horizontal flourish extending to the right.

Kendra Milne, Director of Law Reform
West Coast LEAF

¹² World Health Organization, *Unsafe Abortion: Global and Regional Estimates of Incidence of Unsafe Abortion and Associated Mortality in 2008*.