

The UN Human Rights Committee on the Right to Life and Nuclear Weapons

The International Covenant on Civil and Political Rights is a major human rights treaty with 117 states parties, including every nuclear-armed state except China. Article 6(1) of the Covenant provides: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

On October 30, 2018, the United Nations Human Rights Committee, a body established by the Covenant, adopted a new General Comment on the right to life set out in Article 6. The comment has an excellent paragraph, para. 66, on nuclear and other weapons of mass destruction. It provides in full (footnote references omitted):

The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale is incompatible with respect for the right to life and may amount to a crime under international law. States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations. They must also respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control and to afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility.

While the General Comment was being developed, the International Association of Lawyers Against Nuclear Arms and Swiss Lawyers for Nuclear Disarmament (SLND) made two submissions to the Human Rights Committee, authored by SLND President Dr. Daniel Rietiker and LCNP Executive Director Dr. John Burroughs with input from Professor Roger Clark, an LCNP advisor, and Professor Emilie Gaillard. The eventual text of the paragraph on nuclear weapons and other weapons of mass destruction was generally consistent with our submissions.

For more, see Daniel Rietiker, “Threat and use of nuclear weapons contrary to right to life, says UN Human Rights Committee,” November 6, 2018, and video and speakers’ texts for December 10, 2018 event, “The Right to Life Versus Nuclear Weapons,” all available at www.lcnp.org.