



RIGHT TO LIFE

1. Everyone has the right to life.
2. No one shall be condemned to the death penalty, or executed

The right to life has historically been recognised in several human rights instruments, as well as in domestic law. It entails positive and negative obligations concerning Member States. Positive obligations include special protection measures towards vulnerable persons, such as victims of domestic violence, violence against women, and human trafficking. Positive obligations towards victims of violence against women include appropriate risk assessment by law enforcement.

The right to life is at stake when enforcing the principle of non-refoulement which is a guiding principle of asylum law. According to the European Court of Justice, women may be regarded as a social group under the directive 2011/95 and benefit from a refugee status if the conditions stated in this directive are which is the case if, in their country of origin, they are exposed because of their sex to physical or psychological violence, including sexual and domestic violence.

The right to life entails a mandatory provision of a certain level of health care services, including to pregnant women.

The right to life entails the prohibition of the death penalty in all circumstances.

The project documents do not reflect the views of the European Commission.



RIGHT TO LIFE

Relevant norms from international legal documents

Universal Declaration of Human Rights - Article 3

International Covenant on Civil and Political Rights
- Article 6

European Convention on Human Rights
- Article 2

Convention on the Rights of the Child (CRC)
- Article 6

Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 - Rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU

Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection

UN General Comment No. 36 of the International Covenant on Civil and Political Rights on article 6: right to life

CEDAW General Recommendation No. 19: Violence Against Women (1992)

Protocols to the European Convention on Human Rights:
Protocol No. 6
Protocol No. 13

UN General Comment No. 36 on limitations to regulating voluntary termination of pregnancy

Jurisprudence

European Court of Human Rights

ECtHR, A and B v. Georgia (Application No. 13255/07), 10th of May 2022

ECtHR, Opuz v. Turkey (Application No. 33401/02), 9th of September 2009

ECtHR, Y and others v. Bulgaria (Application No. 147/07), 22nd of March 2022

ECtHR, M.H. and others v. Croatia (Application No. 35060/17), 4th of April 2022

ECtHR (Grand Chamber), Kurt v. Austria (Application No. 168/2009/), 15th of June 2021

ECtHR, Ipek v. Turkey (Application No. 25760/94), 17th of February 2004

ECtHR, Sharifi and Others v. Italy and Greece (Application No. 16643/09), 21st of October 2014

European Court of Justice

ECJ, Centre public d'action sociale d'Ottignies-Louvain-la-Neuve v. Moussa Abdida (Case C-562/13), 18th of December 2014,

ECJ, Puppincck and others v. European Commission (Case C-418/18 P.), 19th of December 2019

ECJ, Commissaire général aux réfugiés et aux apatrides v. Mostafa Lounani (C-528/15), 31st of January 2017

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