

Mandate of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

REFERENCE:
AL OTH 221/2021

22 September 2021

Dear Ms. De Waele and Ms. Nedea,

I have the honour to address you in my capacity as Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, pursuant to Human Rights Council resolutions 45/5

In this connection, I would like to bring to your attention information I have received concerning the **negative impact on human rights of the restrictive measure against Belarusian carriers mandated by the Council of the European Union Decision (CFSP) 2021/908 of 4 June 2021**, which raises grave rule of law and human rights concerns. Council Decision (CFSP) 2021/908 specifies that “(European Union) Member States shall deny permission to land in, take off from or overfly their territories to any aircraft operated by Belarusian air carriers, including as a marketing carrier, in accordance with their national rules and laws and consistent with international law, in particular relevant international civil aviation agreements.”¹

The decision followed a call for new measures against Belarus made by the European Council in a meeting on 24 and 25 May 2021 in which it “strongly condemned the forced landing of a Ryanair flight in Minsk, Belarus, on 23 May 2021, endangered aviation safety, and the detention by Belarusian authorities of journalists Raman Pratasevich and Sofia Sapega”. In that meeting, the European Council stated that the incident “demonstrated the unreliability of the Belarusian aviation authorities, endangered aviation safety on the basis of fabricated evidence with the objective of enabling the detention by Belarusian authorities of journalist and opposition blogger Raman Pratasevich and Sofia Sapega, and constituted a further step in the repression of civil society and democratic opposition in Belarus.”² Also in that meeting, the European Council “call(ed) on all EU-based carriers to avoid overflight of Belarus,”³ a move that the EU carriers implemented as early as 24 and 25 May 2021.⁴

Although the restrictive measure applies to all Belarusian air carriers, the primary target is the National Airline Company “Belavia” JSC (Joint Stock Company) (hereinafter Belavia). It is by far the largest air carrier in Belarus with a fleet of 29 aircrafts, and it operates scheduled flights carrying passengers and freight internationally.⁵ Several much smaller passenger and cargo air companies also exist in

¹ Council Decision (CFSP) 2021/908, art. 1, *Official Journal of the European Union*, L 197 I, Vol. 64, 4 June 2021.

² Council Regulation (EU) 2021/907, preamble, para. 3, *Official Journal of the European Union*, L 197 I, Vol. 64, 4 June 2021.

³ European Council, “European Council conclusions on Belarus, 24 May 2021,” press release, 24 May 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/05/24/european-council-conclusions-on-belarus-24-may-2021/>

⁴ E.g., Laurence Frost, “Air France halts Belarus overflights following EU decision,” Reuters, 25 May 2021, noting that Air France halted flights on 25 May and sister company KLM halted flights on 24 May, <https://www.reuters.com/article/belarus-politics-air-france-idUSL5N2NC1F3>

⁵ Belavia, “Aircraft fleet,” https://en.belavia.by/company/air_fleet/

Belarus.⁶ Because of Belavia's overwhelming dominance in the sector, particularly with regard to its activity in the European Union, and because EU Member States proceeded to impose the restrictive measure against Belavia, one can conclude that Belavia was targeted intentionally.

While the concerns detailed here relate specifically to the prohibition of Belarusian air carriers from EU airspace, I note that the ban contributes to the proliferation of a broader practice of limiting access to airspace in unilateral sanctions (the United States, for example, has banned air carriers from Cuba, Iran, Venezuela and certain other states from its airspace, with narrow exceptions for Cuba). My concerns thus extend to the role of the EU restrictive measure in furthering the spread of the human rights problems described below.

According to the information received:

Belavia is unable to operate two-thirds of its regularly scheduled flights because of the restrictive measure.

Among the flights impacted were the only remaining direct flights between EU Member States and Belarus, as EU-based air carriers had already stopped flying in Belarusian airspace.

The impact of the restrictive measure on Belavia has negatively affected the well-being of around 2,000 employees and more than 5,000 of their family members.

The restrictive measure also prevents hundreds of thousands of individuals in various regions of the world from enjoying the right to freely choose their means of travel, negatively affecting their freedom of movement.

Belavia and its employees were not involved or otherwise engaged in the events that resulted in the restrictive measure.

Belavia and its employees have not been accused of any wrongful conduct by any official or other body in any jurisdiction in connection with said events.

Belavia regularly passes certification audits demonstrating compliance with the International Air Transport Association Operational Safety Audit Program (IOSA), and is highly ranked among European airlines for flight safety under the European Civil Aviation Conference's Safety Assessment for Foreign Aircraft (SAFA) program.

Each of the aircraft operated by Belavia complies with international safety standards and can operate internationally without any limitations in this regard.

The European Council imposed the restrictive measure before the International Civil Aviation Organization (hereinafter ICAO) began an investigation into the events in question, and in the absence of any determination about the lawfulness of the events by any official body in any jurisdiction.

⁶ Grodno Aviakompania (passenger); Genex, Rubystar Airways, TransAVIAexport Airlines and Rada Airlines (cargo).

My concerns about the restrictive measure as it relates to breaches of human rights are threefold: (1) their negative impact on the labour and other rights of the employees of Belavia, their families and other dependents, as well as of other individuals as the result of business done with Belavia, whether said individuals are nationals or residents of Belarus or of the European Union; (2) their negative impact on human rights of the population of Belarus as well as of the populations of EU Member States; and (3) the wrongful imposition of the restrictive measure and the erroneous targeting of Belavia, both indicative of a lack of adequate due diligence by the European Council.

In addressing my first concern, I wish to highlight Belavia's plan to reduce its workforce as a result of the restrictive measure forcing it to cancel many flights.⁷ This negatively impacts the right to work of the affected employees in Belarus and in EU Member States, which is enshrined in the Universal Declaration of Human Rights (hereinafter UDHR)⁸ and in the International Covenant of Economic, Social and Cultural Rights (hereinafter ICESCR).⁹ All EU Member States, having ratified the latter, are required by international law to comply with its obligations to proactively safeguard the right to work and to not unfairly deprive individuals of employment.

The effects of depriving Belavia employees of their right to earn a living through freely chosen work can negatively affect the right to a standard of living that is adequate for the well-being of themselves, their family members and other dependents. This right is also enshrined in the ICESCR.¹⁰

Although individuals employed by Belavia are not accused of any misconduct and are not personally targeted by the restrictive measure, they are targets nonetheless by virtue of the negative impact on their rights. The targeting of Belavia as an air carrier inherently harms the rights of all employees, constituting a form of collective punishment for events that have not been legally established as crimes, are unrelated to any activity carried out by Belavia, and in which Belavia's employees had no involvement.

I wish to note that this violates the employees' due process rights, including the right to be presumed innocent, the right to be informed promptly about the nature and cause of any accusation that might exist against them, the right to fair trial and the right to defend oneself, all enshrined in the International Covenant on Civil and Political Rights (hereinafter ICCPR).¹¹ I am deeply concerned that the restrictive measure additionally deprives Belavia's employees of the right to effective remedy, the right to protection by law and the right to defend one's reputation; these are also ensured by the ICCPR.¹² Additionally, the restrictive measure creates an obstacle to any effort by the Belavia employees to contest the denial of the aforementioned rights as it impedes their right to freedom of movement to the venue of any such contestation within the European Union. The obligation to protect the right to freedom of movement is contained in the ICCPR¹³ and the European Convention on Human

⁷ Belavia, "Belavia News: The answers for the most popular questions currently upcoming to Belavia," 27 May 2021, <https://en.belavia.by/news/4724349/>

⁸ Article 23.

⁹ Article 6.

¹⁰ Article 10.

¹¹ Article 14.

¹² Articles 2, 17.
Article 12.

Rights (hereinafter ECHR)¹⁴, both ratified by all EU Member States.

I wish to remind the European Council that in view of Belavia's operations in the European Union prior to the restrictive measure, the carrier has numerous employees in EU Member States, some of whom are EU citizens, and their rights to due process, freedom of movement and other rights breached by the restrictive measure are additionally protected by the Charter of Fundamental Rights of the European Union.

I further wish to highlight that by denying the numerous rights elaborated here to the Belavia employees as a group, the restrictive measure conflicts with the notion established through multiple international criminal processes that collective punishment is inappropriate.¹⁵

My second concern, regarding the harm to rights of the populations of Belarus and of EU Member States, relates to the disruption of Belavia's activities. I wish to point out that by applying the restrictive measure, the European Council knowingly and intentionally impedes these populations from enjoying their right to freedom of movement. The link between freedom of movement and the use of EU airspace by non-EU air carriers has been specifically acknowledged by the Council of the European Union (hereinafter COE); soon after the restrictive measure was imposed, freedom of movement was highlighted as a benefit of the COE's approval of aviation agreements with Armenia, Qatar, Tunisia and Ukraine.¹⁶

I also wish to note that Belavia is blocked by the restrictive measure from transporting special categories of passengers between Belarus and the European Union for which it is specifically prepared, including "medical passengers whose physical, mental or health condition requires special attention, people with disabilities and persons with reduced mobility, persons with hearing disabilities, persons with sight disability, persons with temporary physical limitations, pregnant women (and) senior citizens."¹⁷ Although there is an exemption allowing flights of Belarusian air carriers within EU airspace when "required for humanitarian purposes,"¹⁸ EU Member States are not known to have applied this clause to any Belavia flights that carry individuals in the abovementioned categories. The measure thus prejudices the right to health, and ultimately the right to life, of Belarusian and EU nationals with special medical needs.

I also emphasize that by supplementing the European Council's call for EU-based air carriers to stop flying in Belarusian airspace, the restrictive measure essentially completes the blockage of direct transportation of goods by air between the European Union and Belarus. This impedes the right of Belarusian and European Union populations from enjoying the right to freedom of expression, as Belavia is a primary transporter of international mail on the routes that it serves.¹⁹ The Universal

¹⁴ Article 2.

¹⁵ E.g., the Nuremberg Tribunal, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. See Quincy Wright, « International Law and Guilt by Association, » *American Journal of International Law* 43 (4), 1949, p. 746-55; Tracy Isaacs, "Introduction," in *Accountability for Collective Wrongdoing*, Tracy Isaacs and Richard Vernon, eds., p. 3 of pp. 1-19.

¹⁶ Council of the European Union, "International aviation: Council greenlights signing of major agreements with four countries," press release, 28 June 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/06/28/international-aviation-council-greenlights-signing-of-major-agreements-with-four-countries/>

¹⁷ Belavia, "Categories of the passengers," https://en.belavia.by/categories_of_passengers/

¹⁸ Council Decision (CFSP) 2021/908, article. 2.

¹⁹ Belavia, "Carriage of cargo," https://en.belavia.by/carriage_of_cargo/

Postal Convention, to which all EU Member States and Belarus are parties, obliges all parties to transport and deliver international priority items and airmail by the fastest possible means.²⁰

The UDHR states that “(n)o one shall be subjected to arbitrary interference with his (...) correspondence,”²¹ while the ECHR ensures the right to correspondence “without interference by a public authority and regardless of frontiers;”²² and “delays in delivering mail” – a process that includes transporting postal items – are deemed by the European Court of Human Rights (hereinafter ECtHR) as constituting such interference.²³ The ECHR also ensures the right to freedom of expression, including the freedom to exchange information and ideas without interference by a public authority. While the ECHR allows States to limit the right to freedom of expression for specified objectives “in the interests of national security, territorial integrity or public safety,”²⁴ the events addressed by the European Council’s restrictive measure do not conform to this requirement.

Applying the restrictive measure against Belavia also compromises the right to freedom of expression by prohibiting within the territories of EU Member States advertisements that appear on the sides of aircraft operated by the airline.²⁵ Under ECtHR case law, all forms of expression, including information of a commercial nature, are protected by the ECHR.²⁶ Outdoor advertising on aircraft, a form of media equivalent to billboards, is protected by the Charter of Fundamental Rights of the European Union, which obliges respect for the pluralism of the media as part of ensuring the right to freedom of expression and information,²⁷ while the Council of the European Union states in its guidelines on freedom of expression that “diverse and independent media are essential in any society to promote and protect freedom of opinion and expression and other human rights.”²⁸

I further note that the European Council’s restrictive measure wilfully damages the Belarusian population’s right to development by endangering the sustainability of the level of development of Belarus. The COE, in announcing the aforementioned aviation agreements, stated that “more efficient connectivity” by air between EU Member States and other States “will promote (...) economic and social development,”²⁹ thereby signalling that reducing air connectivity is detrimental to development. The United Nations also refers to aviation as “a key enabler of economic activity,” adding that “(a)ir transport plays a leading role in tourism and trade, facilitating connections, social inclusion and the exchange of knowledge and

²⁰ Article 17-113.

²¹ Article 12.

²² Article 10 (1).

²³ *Silvestru Cotleş v. Romania* (2003), cited in Guide on Article 8 of the European Convention on Human Rights Right to respect for private and family life, home and correspondence.

²⁴ Article 10 (2).

²⁵ IAC Aircraft Painting, “IAC works with Belavia on its first ever aircraft billboard advertising,” n/d, <https://iac.aero/iac-works-with-belavia-on-its-first-ever-aircraft-billboard-advertising/>

²⁶ Markt Intern Verlag GmbH and Klaus Beermann (1989), para. 26; *Casado Coca v. Spain* (1994). Also see Amandine Garde, “Freedom of Commercial Expression and Public Health Protection in Europe,” in *The Cambridge Yearbook of European Legal Studies, 2009-2010* (vol. 12), Catherine Barnard and Okeoghene Odudu, eds. (Oxford: Hart Publishing, 2010), p. 230.

²⁷ Article 11 (2).

²⁸ Council of the European Union, “EU Human Rights Guidelines on Freedom of Expression Online and Offline,” 12 May 2014, <https://www.consilium.europa.eu/media/28348/142549.pdf>

²⁹ Council of the European Union, “International aviation: Council greenlights signing of major agreements with four countries,” press release, 28 June 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/06/28/international-aviation-council-greenlights-signing-of-major-agreements-with-four-countries/>

ideas; it also supports economic competitiveness (...).”³⁰

In regard to my third area of concern, the wrongful imposition of the restrictive measure and the erroneous targeting of Belavia, I wish to note that the measure was founded in part on the assumption that the incident in question “endangered aviation safety,” but this is not supported by any reports that it compromised the safety of the passengers, of the Ryanair aircraft, of the fighter jets, of other aircraft or of persons on the ground. Annex 2 to the Convention of the ICAO elaborates rules to ensure safety during military interceptions of civil aircraft.³¹ Such an event “is something that airline pilots are trained to deal with,”³² while military personnel are similarly trained through extensive and lengthy instruction.³³

Moreover, I observe that events of this nature are not rare. Aircraft operated by Ryanair were intercepted by various States’ military fighter jets because of security threats and instructed to land at specified airports on 4 October 2017,³⁴ 13 July 2020,³⁵ 17 July 2020³⁶ and 30 August 2020,³⁷ with no reports that safety had been endangered.

I further note that while the European Council described the reported threat to the Ryanair aircraft on 23 May 2021 as “fabricated evidence” prior to any investigation by the ICAO or any other body, international law required Belarusian authorities to act in response to said threat while the plane was within its airspace.³⁸

As for the restrictive measure’s specific targeting of Belavia, I wish to point out that the air carrier, while state-owned, is a joint stock company operating as a commercial business and has a legal personality separate from the State, as opposed to being an organ of the State;³⁹ and that an act carried out entirely by a State organ with no involvement by Belavia or its employees, such as the interception of the Ryanair flight on 23 May 2021, cannot be attributed to the carrier.⁴⁰ The restrictive measure thus operates as arbitrary punishment of Belavia’s employees by depriving them of the enjoyment of numerous rights, contrary to the obligation of EU Member States under the ECHR to not treat individuals as guilty when they are not found to have

³⁰ UN Economic Commission for Latin America and the Caribbean, “Air transport as a driver of sustainable development in Latin America and the Caribbean: challenges and policy proposals,” FAL Bulletin no. 359 (2017), p. 1, https://repositorio.cepal.org/bitstream/handle/11362/43412/S1800005_en.pdf

³¹ International Civil Aviation Organization, Annex 2 – Rules of the Air, chapter 3, sections 3.7, 3.8, https://www.icao.int/Meetings/anconf12/Document%20Archive/an02_cons%5B1%5D.pdf

³² Charlie Page, “Intercepted – how airline pilots handle military intervention and diversions,” The Points Guy, 25 May 2021, <https://thepointsguy.com/news/how-pilots-handle-military-intervention/>

³³ Gary Coleman, “Military Interception of Civil Aircraft,” Focus on Commercial Aviation Safety, Autumn 2004, p. 11 https://ukfsc.co.uk/wp-content/public_pdfs/Past_Issue/Focus%2056.pdf

³⁴ Tom Powell, “Ryanair flight escorted by two RAF fighter jets into Stansted Airport,” Evening Standard, 4 October 2017, <https://www.standard.co.uk/news/london/ryanair-flight-escorted-by-two-raf-fighter-jets-into-stansted-airport-a3650106.html>

³⁵ Ewan Somerville, “RAF jets scrambled as Ryanair flight makes emergency landing at Stansted after ‘security alert’,” Evening Standard, 13 July 2020, <https://www.standard.co.uk/news/uk/london-stansted-ryanair-security-alert-raf-typhoons-a4497191.html>; Jason Shaw, “RAF Typhoons scrambled after bomb threat note found on Ryanair flight,” Air101, 14 July 2020, <https://www.air101.co.uk/search?updated-max=2020-07-16T07:00:00%2B01:00&max-results=25&reverse-paginate=true&start=25&by-date=false>

³⁶ “Passenger arrested for suspected plane bomb threat,” 20 July 2020, <https://www.stuff.co.nz/travel/travel-troubles/122181942/passenger-arrested-for-suspected-plane-bomb-threat>

³⁷ “Two men detained after Ryanair terror alert released without charge,” TheJournal.ie, 31 August 2020, <https://www.thejournal.ie/two-men-detained-ryanair-flight-security-threat-5191005-Aug2020/>

³⁸ Annex 17 to the Convention on International Civil Aviation (Chicago Convention), 1974.

³⁹ Belavia, “History of the airline,” <https://en.belavia.by/company/history/>; Official Website of the Republic of Belarus, “Boeing to help rebrand Belavia,” 31 October 2014, https://www.belarus.by/en/business/business-news/boeing-to-help-rebrand-belavia_i_16518.html

⁴⁰ Draft articles on responsibility of States for internationally wrongful acts, Article 4.

committed any criminal offence.⁴¹

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

In view of the concerns I have expressed in the present communication, I urge you to rescind Council Decision (CFSP) 2021/908 and lift the restrictive measure in order to restore the protection of the human rights unduly denied to employees of Belavia and other parties, with a view toward full compliance with rule of law principles of legality, legitimacy, necessity and proportionality, as well as with obligations arising from the UN Charter, international human rights law and other international obligations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain, from the perspective of international law, the legal grounds for Council Decision (CFSP) 2021/908 and for its implementation against Belavia.
3. I would be grateful if you could please explain why Belavia was selected as a target of the restrictive measure in the absence of its involvement or that of its employees in the events that led to Council Decision (CFSP) 2021/908.
4. Please describe if the European Council has taken steps to minimize the negative impact of Council Decision (CFSP) 2021/908 on the human rights of individuals affected, including nationals of Belarus and of EU Member States; or whether it intends to do so in the future and in which form.
5. Please explain what precautionary measures were undertaken by the European Council to preclude any adverse impact on the enjoyment of human rights by innocent people living in Belarus and EU Member States.
6. Please also explain whether the European Council is monitoring, or intends to monitor, the impact on human rights of Council Decision (CFSP) 2021/908 during the period of its implementation.

I would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from the European Council will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

⁴¹ Article 7.

While awaiting a reply, I urge that all necessary interim measures be taken to prevent any negative impact on the human rights of persons subject to the restrictive measure imposed under Council Decision (CFSP) 2021/908.

Please accept, Ms. De Waele and Ms. Nedea, the assurances of my highest consideration.

Alena Douhan
Special Rapporteur on the negative impact of unilateral coercive measures on the
enjoyment of human rights

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer to the relevant international norms and standards that are applicable to the issues brought forth by the situation described.

With respect to the right to work and the right to decent employment, I refer to Article 23 of the Universal Declaration of Human rights, in which paragraph 1 states: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”

According to Article 6, paragraph 1 of the ICESCR, “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” The Economic and Social Council’s General Comment no. 18 states that the obligation created by Article 6 “also implies the right not to be unfairly deprived of employment” (paragraph 6). It also notes that “States parties should endeavour to promote the right to work in other countries” (paragraph 30) and that violations include “the adoption of legislation or policies which are manifestly incompatible with international obligations in relation to the right to work” (paragraph 32).⁴²

The right to work is also enshrined in the Charter of Fundamental Rights of the European Union (Article 15).

The right to freedom of movement is covered in article 12 of the ICCPR, article 2 of the ECHR and Article 45 of the Charter of Fundamental Rights of the European Union. The elaboration of this right is similar in all of these documents; as stated in the ICCPR, “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own.”

With respect to the impediments created by the restrictive measures to the expeditious transport of postal items between Belarus and the European Union in either direction, we refer to the ECHR, which ensures the right to correspondence without interference by a public authority (Article 8) and establishes that “Everyone has the right to freedom of expression,” including “freedom to...receive and impart information and ideas without interference by public authority and regardless of frontiers” (Article 10).

With respect to due process rights, we refer to article 14 of the ICCPR. Paragraph 2 establishes that all persons charged with crimes are to be presumed innocent until their guilt is established through legal procedures. As a criminal charge can be essential for establishing one’s innocence as well as guilt, the presumption of innocence can only be strengthened if no criminal charges are levied. As for determining whether a crime has been committed, paragraph 1 holds that everyone charged with a crime “shall be entitled to a fair and public hearing by a competent,

⁴² Economic and Social Council, “General comment No. 18, 24 November 2005, Document E/C.12/GC/186, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Szab0oXTdImnsJZZVQfUKxXVisd7Dae%2FCu%2B13J25Nha7I9NlwYZ%2FTmK57O%2FSr7TB2hbCAidyVu5x7XcqnXn44LZ52C%2BikX8AGQrVyIc>

independent and impartial tribunal established by law,” during which the accused person has the right to defend himself (paragraph 3(d)). This allows the presumption that if no charge is brought, the act in question does not rise to the level of a crime for which a fair hearing shall be held.

I wish to recall that the due process procedure also is addressed by Article 2 of the ICCPR, which states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy” (paragraph 3(a)), and that “any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy” (paragraph 3(b)). Furthermore, Article 15 states that “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed (paragraph 1)”

I additionally refer also to article 17 of ICCPR, which is relevant insofar as it prohibits “arbitrary or unlawful interference with [a person’s] privacy, family, home or correspondence” as well as “unlawful attacks on his honour and reputation.”

I also bring to your attention the ICESCR with respect to the right to an adequate standard of living. According to Article 11, the States Parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions” (paragraph 1). The States Parties are also obliged to “take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

With respect to the right to life enunciated in Article 6 of the ICCPR, it is a non-derogable right. I call your attention to the UN Human Rights Committee’s General Comment No. 36 (2018), in which it states that this right “should not be interpreted narrowly” and that it “concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death.” I further wish to bring to your attention the relevance of freedom of movement in this regard, as it is routine for nationals of a country to travel abroad to seek vital medical treatment that may be more readily available, or only available, in another country. The right to travel abroad for the purpose of ensuring the right to life operates as a corollary to the right to leave one’s country.