



Zurich-Forch, 2 October 2020

A note from “DIGNITAS – To live with dignity – To die with dignity”

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## **Ireland: The vote on assisted dying is a vote on a human right**

**The nonprofit membership association DIGNITAS – To live with dignity – To die with dignity in Switzerland welcomes the move by TD Gino Kenny for the Dáil to reconsider a Dying with Dignity Bill. The freedom to decide on the time and manner of one’s own end in life is a human right, and suffering Irish people should be allowed the choice of ending their suffering and life in a legal, safe and self-determined manner at home. A rising number of states have legalised assisted dying, and their experiences prove the fearmongers wrong.**

### **A human right**

The freedom to decide one’s own end in life is a human right. In 2011, in a case brought by DIGNITAS, the European Court of Human Rights confirmed an individual’s human right and freedom to decide by what means and at what point his or her life will end<sup>1</sup>. Since then, several court judgments in Germany, Italy and Canada have decriminalised assisted dying, which includes the right to make use of the voluntary and professional help of others<sup>2</sup> and a further case is underway in Austria. The 2013 Irish Supreme Court judgment in the Marie Fleming case is important here too. A growing number of states in Australia and the USA have introduced or are working on introducing laws that give people more choice regarding how and when to end their suffering – and their life.

### **Soothe suffering to improve quality of life**

Improved medical science has considerably prolonged life expectancy. This is a blessing and, for many grievously suffering individuals, palliative and hospice care are the right choice: it soothes their suffering and improves their quality of life to a degree acceptable to them. Naturally, such people must be cared for and state funds to further improve this option must be increased. However, for some people palliative or hospice care is not what they consider to be the right choice for themselves as they do not wish to be dependent on others nursing them nor on a doctor’s estimate of how much pain medication is enough. They should have the right and the choice to soothe their suffering by ending their life at home, legally, in a safe way, assisted professionally, and surrounded by their loved ones.

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<sup>1</sup> <http://hudoc.echr.coe.int/eng?i=001-102940>

<sup>2</sup> [http://www.dignitas.ch/index.php?option=com\\_content&view=article&id=56&Itemid=90&lang=en](http://www.dignitas.ch/index.php?option=com_content&view=article&id=56&Itemid=90&lang=en)

## **Medical professionals' duty**

Death and dying are part of life just as much as birth and youth. All through our life, medical professionals use their expertise to help us out of dire health situations. But when it comes to help for a self-determined end of suffering and life, many doctors refer to the ancient Hippocratic Oath invoking Greek gods. This oath has long been replaced by the World Medical Association's Declaration of Geneva<sup>3</sup> which obligates doctors to respect the autonomy and dignity of a patient and, moreover, not to use medical knowledge to violate human rights and civil liberties.

## **An uncomfortable truth**

Hundreds of Irish people take the drastic measure of a “do-it-yourself”-suicide, and we must always remember that, as well as the number of deaths by suicide<sup>4</sup>, a much higher number of people attempt suicide but fail: research results show that there are up to 50 times more failed attempts than deaths by suicide<sup>5</sup>, often with dire consequences and more suffering for the individual, their loved ones, and others such as rescue teams.

To say that these are simply “cries for help” by “depressed individuals” is to indifferently stigmatise and belittle them.

Others choose to leave their homes to go to DIGNITAS in Switzerland. But to be able to travel they may have to make that journey earlier than if they could have the same help to die in Ireland. And all of this comes on top of having to travel in the shadow of the fear of being detained, labelled incompetent, and having their loved ones criminalised.

The current legal position in Ireland violates the state's duty to respect the right to self-determination and to protect life and it violates human rights.

## **The opponents' fearmongering**

Opponents of choice over one's own end in life create fear with arguments such as “vulnerable” people being “pushed to end their days”, or a “slippery slope” which claims that legalising assisted dying would create an unstoppable increase in the number of individuals choosing this option.

The reality, though, is very different. Evidence from places where assisted dying has been possible for many years shows that it is the well-educated, the autonomous and the strong-willed who make use of such a choice. Switzerland has a 35-year history of offering a physician-supported voluntary end-of-life-option for mentally competent adults to be accompanied by professionals when they choose to bring their suffering – and their life – to an end. And the number remains low: in Switzerland, after these 35 years, this option accounts for only some 1.6 % of all deaths in one year. Furthermore, to insinuate that suffering individuals could be “pushed over the edge” says a lot about the fearmongers' grim view of human nature: they obviously suspect everyone – especially family members – of being unethical crooks. In reality, and this is the everyday experience at DIGNITAS, it is families and friends whose first reaction is to reject the idea of assisted dying when a loved one falls ill and expresses his or her wish to choose this option.

Creating fear is not a constructive way to solve social issues, and it ignores the wishes of the severely suffering amongst our fellow citizens.

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<sup>3</sup> <https://www.wma.net/policies-post/wma-declaration-of-geneva>

<sup>4</sup> cf: World Health Organization WHO, “Suicide in the world, Global Health Estimates”

<sup>5</sup> cf: <http://www.dignitas.ch/images/stories/pdf/diginpublic/referat-wf-kongress-suizidversuche-e-15062012.pdf>

## **It is time to respect an individual's rights and wishes**

Are the Irish and their wishes and hopes at the end of life really so very different to Swiss people or Canadians and others who do have the choice of an assisted death? Surely a modern democratic society like Ireland should stop denying people the choice of an assisted death? The time is right for Ireland to offer its citizens compassion and empathy at the end of life rather than compelling them to end their life by risky and terrible do-it-yourself suicide or to travel to Switzerland. What has worked well in Switzerland for 35 years, the legal, free and personal choice of self-determination over the end of one's suffering and one's life, can work in Ireland too. It is time to respect the individual's personal end-of-life choice and the human right to decide on the time and manner of one's own end in life.

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### **BACKGROUND:**

**DIGNITAS – To live with dignity – To die with dignity** was founded in May 1998 with the aim, through international legal and political work, to make the proven Swiss model of freedom of choice, self-determination and personal responsibility in life and at life's end also accessible to individuals abroad.

DIGNITAS' advisory concept – combining palliative care, suicide attempt prevention, advance directives/decisions and assisted dying – offers a basis for good decision-making to shape life until the end.

Through litigation, DIGNITAS obtained a judgment of the European Court of Human Rights in 2011 acknowledging the right/freedom of a competent individual to decide on the manner and time of his or her own end in life and confirming this to be protected by Article 8 of the European Convention on Human Rights.

DIGNITAS has been engaged in many lawsuits in Europe and Canada, and has provided in-depth submissions and received visits by expert and parliamentary committees from Great Britain, Australia, Canada, etc. when laws were discussed and planned for the protection of a patient's autonomy and human dignity.

The founder of the charitable DIGNITAS organisation is Ludwig A. Minelli, an attorney-at-law specialising in human rights. The team of DIGNITAS consists of 28 part-time employees and it is supported by several external experts in the fields of medicine, law, IT and auditing.