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

World Right to Die Day 2020: Lawmakers should respect their citizens’ end-of-life decisions

While assisted dying has been legalised in several countries in recent years and initiatives to do so are underway in others, opponents keep spreading myths and trying to create fears about assisted dying. Reality proves them wrong. It is time for lawmakers everywhere to respect their citizens’ wishes regarding freedom of choice and self-determination in end-of-life decisions.

A human right

Discussions about assisted dying often revolve around medical and/or “bioethical” questions. This is understandable in a society in which increasingly people die in hospital or care homes, where medical treatment decisions play a pivotal role. Nevertheless, the end of life remains a deeply personal experience. The freedom to decide on the time and manner of one’s own end in life is first and foremost a human right and a personal choice, and it must be respected as such. In 2011, in a case brought by the Swiss non-profit association “DIGNITAS – To live with dignity – To die with dignity”, the European Court of Human Rights confirmed the right and freedom to decide by what means and at what point one’s own life will end¹. Since then, several court judgments, in Germany, Italy and Canada, have decriminalised suicide assistance, which includes the right of the individual to make use of the voluntary and professional help of others to end his or her life²; a further case is currently underway in Austria. Assisted dying laws are being discussed in Portugal and in Spain, and in a growing number of states in Australia and the USA; also some Latin American countries have introduced or are working on introducing laws which give their citizens more choice regarding how and when to end their suffering and life.

Empowerment through choice

Despite remarkable progress in medical science, improved end-of-life options, patients’ rights, palliative and hospice care etc., not everyone finds relief and a quality of life they personally deem acceptable. They wish for and should have a right to end their suffering and life at home, at a time of their choice, legally, in a safe way, assisted professionally, and surrounded by their loved ones.

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

² http://www.dignitas.ch/index.php?option=com_content&view=article&id=56&Itemid=90&lang=en

Having the option does not necessarily mean using it. Many feel empowered by knowing they have that choice once their suffering becomes unbearable. They are relieved to know there is a safe “emergency exit” available; it gives them peace of mind and, most importantly, the courage to live on. In fact, many DIGNITAS members do not make use of the option, even after they have applied for an accompanied suicide and a Swiss doctor has, based on a thorough assessment of their request and medical files, confirmed that he or she is in principle willing to prescribe a lethal medication.

Denying choice and not allowing the possibility of suicide and corresponding help right from the outset leads to a person feeling rejected and left alone, increasing the likelihood that he or she will attempt a risky, lonely suicide. This is often done by means that do not lead to death but instead cause even more suffering. It is not uncommon for one or more desperate and failed suicide attempts to be described in the stories of individuals who turn to DIGNITAS for professional help to end their suffering.

Myths versus facts

Opponents of choice over one’s own end in life keep spreading myths and misleading information about assisted dying. They try to create fears of “vulnerable” people being “pushed to end their days”, or of a “slippery slope”, claiming that legalising assisted dying would create an unstoppable increase in the number of individuals choosing this option.

The fact is: evidence from countries where assisted dying has been possible for many years shows that it is mainly 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 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.

To insinuate that suffering individuals could be “pushed over the edge” says a lot about the fearmongers’ grim view of human nature; in reality, and this is also the experience at DIGNITAS, it is often families and friends who reject the idea of assisted dying when a loved one falls ill and expresses his or her wish to choose this option.

Lawmakers should respect their citizens' end-of life choices

Citizens everywhere deserve to have the right and the freedom to end their suffering and life at home, and of asking for help in doing so safely and in the presence of their loved ones. Politicians and lawmakers often find cheap excuses not to take a clear stance in favour of what is a human right and freedom and an option that a large majority of their citizens wish to have available in their own country. They turn a blind eye to the wishes of suffering individuals and to the sad fact that their own citizens are forced to either take the risk of a botched attempt or make the strenuous journey to Switzerland, the latter often overshadowed by fear of being stopped, labelled incompetent, and having their loved ones criminalised. This is wrong and inhumane.

It is time for lawmakers to respect their citizens' freedom of choice and self-determination in end-of-life decisions in their own country. There is no reason why what has worked well in Switzerland for 35 years should not work in other countries too. DIGNITAS – To live with dignity – To die with dignity

will continue to work toward having freedom of choice in “last matters” implemented and respected worldwide, as it has done since its foundation over 22 years ago.

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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.