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Press release by

DIGNITAS – To live with dignity – To die with dignity

A big Step forward, but more needs to follow

An article in the SOLICITORS JOURNAL¹ provides information about a new court case, started by Noel Conway and his lawyers, to look again at introducing assisted dying laws for England and Wales.

Two important ECHR judgments omitted

This good article omits any reference to a much more important case: the European Court of Human Rights judgement in the case of HAAS v. Switzerland, application no. 31322/07, dated 20 January 2011. In this case, initiated and supported by the Swiss non-profit members society DIGNITAS – To live with dignity – To die with dignity, the Court acknowledged: *“In the light of this jurisdiction, the Court finds that the right of an individual to decide how and when to end his life, provided that said individual was in a position to make up his own mind in that respect and to take the appropriate action, was one aspect of the right to respect for private life under Article 8 of the Convention”*. In this, the Court, for the first time, confirmed that people do have a right or freedom to decide on their own end of life.

Furthermore, the article does not mention another important case which is relevant in this context: ARTICO v. Italy (judgment of 13 May 1980, series A no. 37, no. 6694/74). This judgment set the base for the so-called ARTICO-jurisdiction, when the Court pointed out: *“The Court recalls that the Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective; . . .”*

A Broader Base for arguments

Conclusion and arguments should be:

- 1) The right to determine one’s own end of life is already in place;
- 2) However, such “naked right” is only theoretical and illusory because it does not (yet) give a right to receive help for determining the time and manner of one’s own

¹ <https://www.solicitorsjournal.com/news/201701/new-call-parliament-look-again-introducing-assisted-dying-laws>

end of life in a dignified and accompanied way – but rather sends people off to lonely and risky suicide attempts by hanging, shooting, poisoning themselves or by falling in front of a train, etc. – or by going to DIGNITAS in Switzerland.

An Important Step forward, but more needs to follow

An assisted dying law, allowing terminally-ill patients, with six months to live, access to a dignified death is an important step forward to a humanitarian approach and protection of life at life's end, after finally taking several decades of public demand for it. But the scope – six months life expectancy and being terminally ill – would exclude a very large number of severely suffering individuals, and would therefore constitute an unlawful discrimination of such individuals, which is in conflict with article 14 of the European Convention on Human Rights, thus not solving the issue in a dignified way.

Common Law turned upside down

Furthermore, the requirement of “medical evidence confirming they have capacity to make the decision” turns upside down Common Law which recognises – as a long cherished right – that all adults must be presumed to have capacity until the contrary is proved. Besides, this unnecessarily labels individuals as mentally incompetent when in fact they just wish to make use of their human right to a personally chosen dignified end of suffering and life. Surely, English lawmakers can do better than that!

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BACKGROUND:

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

The non-profit member's society has 7,760 members in 84 countries around the world.

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 time and manner 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 more 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 board members, twenty part-time employees and it is supported by several external experts in the fields of medicine and law.