



INTERNATIONAL LAW AND THE “RIGHT TO DIE”

**“Everyone has the right to life, liberty and security of person.”
Article 3, Universal Declaration of Human Rights, 1948**

There is not a “right to die” under international law. Such a “right” cannot be inferred from the ordinary meaning of any human rights document. On the contrary, human rights documents call upon states to protect life. Of the 193 members of the United Nations, only four have legalized euthanasia (the Netherlands, Belgium, Luxembourg, and Canada). The issue continues to be fiercely debated but has been rejected by legislatures in many jurisdictions.

International Law

- Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) states, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
- Article 6(1) of the Convention on the Rights of the Child (CRC) states that “every child has the inherent right to life,” and makes no mention of a right to death.
- Article 10 of the Convention on the Rights of Persons with Disabilities (CRPD) safeguards against, rather than recognizes, a right to death by stating, “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”
- Rather than recognizing a “right to die”, UN treaties implicitly reject this notion by including strong protections for the sick, disabled, and elderly – the people most often affected by the legalization of euthanasia and assisted suicide. For example, Article 23 of the CRC recognizes that “a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.”

UN Documents

- Not only is there no mention of a “right to die” within UN treaties, the interpretation of these treaties over the course of several decades has not resulted in a single piece of support for euthanasia or assisted suicide.
- On the contrary, UN treaty bodies have expressed concern regarding the practice of euthanasia in the small minority of countries where it is legal. For example, the Concluding Observations of the Human Rights Committee on the Netherlands state, “The Committee

remains concerned at the extent of euthanasia and assisted suicides in the State party[.] The Committee reiterates its previous recommendations in this regard and urges that this legislation be reviewed in light of the Covenant's recognition of the right to life." (96th session, 5 August 2009, at § 7.)

Regional Human Rights Law

- Numerous regional human rights treaties recognize the right to life, including Article 2 of the European Convention on Human Rights, Article 2 of the European Charter of Fundamental Rights, Article 4 of the American Convention on Human Rights, and Article 4 of the African Charter of Human and Peoples' Rights – none of which mention or even hint at a "right to die."
- According to the European Court of Human Rights, "Article 2 cannot, without a distortion of language, be interpreted as conferring the diametrically opposite right, namely a right to die; nor can it create a right to self-determination in the sense of conferring on an individual the entitlement to choose death rather than life. The Court accordingly finds that no right to die, whether at the hands of a third person or with the assistance of a public authority, can be derived from Article 2 of the Convention." (*Pretty v. United Kingdom* (2002) 35 E.H.R.R. 1 §§ 39-40).
- Claims to read a "right to die" into privacy rights under Article 8 of the Convention have also failed (see *Gross v. Switzerland*, Application no. 67810/10, 2014 and *Haas v. Switzerland*, Application no. 31322/07, 2011.)
- In 1999 the Parliamentary Assembly of the Council of Europe recommended that member states "respect and protect the dignity of terminally ill or dying persons in all respects [...] by upholding the prohibition against intentionally taking the life of terminally ill or dying persons." (Recommendation 1418 (1999) § 9). In Resolution 1859 (2012) § 5, the Assembly stated, "Euthanasia, in the sense of the intentional killing by act or omission of a dependent human being for his or her alleged benefit, must always be prohibited."

Further Sources

- The World Medical Association (WMA) has consistently and categorically rejected the practice of euthanasia and assisted suicide as being unethical.
- In its Declaration on Euthanasia, adopted by the 38th World Medical Assembly, Madrid, Spain, October 1987, the WMA stated, "Euthanasia, that is the act of deliberately ending the life of a patient, even at the patient's own request or at the request of close relatives, is unethical."
- In its Statement on Physician-Assisted Suicide, adopted by the 44th World Medical Assembly, Marbella, Spain, September 1992, the WMA stated, "Physicians-assisted suicide, like euthanasia, is unethical and must be condemned by the medical profession."