

Paris / Zurich-Forch, 25 September 2023

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

Right to a self-determined end of life in France

The European Court of Human Rights continues the proceedings initiated by DIGNITAS against the French State

The European Court of Human Rights (ECHR) has decided to communicate to the French Government the applications filed by 31 people residing in France and to continue the proceedings initiated by DIGNITAS against the French State. This decision is an important step forward in ensuring that freedom of choice concerning the end of life is respected, and it should be of interest for the political debate and the ongoing preparatory work for an end-of-life-choice law in France.

The association “DIGNITAS – To live with dignity – To die with dignity” (DIGNITAS for short) is pleased by the decision of the European Court of Human Rights (ECHR) to communicate to the French government [the applications by 31 people residing in France, filed on 28 April 2023](#). The Court's decision to continue the proceedings initiated by DIGNITAS against the French state is an important milestone and a sign from Strasbourg that France must finally guarantee its citizens the (human) right to a self-determined end of life. It is all the more remarkable given that only between 5 and 10% of applications against the French state are considered relevant by the ECHR.

In the case of "[A. and others v. FRANCE](#)", the applicants, invoking Articles 2, 3, 8 and 9 of the European Convention on Human Rights, complained of a violation of their right to life, their right not to be subjected to inhuman or degrading treatment, their right to personal autonomy and their right to freedom of thought and conscience, resulting from the absence in French law of appropriate and sufficient guarantees concerning the right of each person to end his or her own life at a time of his or her choosing, consciously, freely and with dignity.

Ludwig A. Minelli, founder and Secretary General of DIGNITAS says: *“The experience of the last 25 years has shown that in matters of assisted dying, the political/legislative path, in France and in other countries, is uncertain and often does not lead to a satisfactory result, i.e. true freedom of choice. The aim of our legal proceedings is to ensure that French people can exercise their*

(human) right to decide themselves on the manner and time of their own end of life, a right already confirmed by the European Court of Human Rights in 2011¹.”

Proceedings lasting several years

In 2021 and 2022, DIGNITAS submitted two applications to the “Conseil d’État”, France’s highest administrative court, supported by several dozen private individuals residing in France, the majority of whom are DIGNITAS members. The first application dealt with the legality of the current total ban on the medication sodium pentobarbital in human medicine. The second application addressed the question of whether it is legally permissible for the law currently in force in France, known as the “Claeys-Leonetti law”, to leave aside any form of assisted dying (i.e., assisted suicide and/or voluntary euthanasia).

On 29 December 2023, the Conseil d’État ruled against both of DIGNITAS’ applications. Subsequently, on 28 April 2023, a group of 31 persons residing in France, represented by Patrice Spinosi, lawyer at the Council of State and the Court of Cassation (Conseil d’État and Cour de cassation), filed a series of applications with the European Court of Human Rights against France to ensure that freedom of choice at the end of life is respected and to help pave the way for assisted dying in France.

DIGNITAS – To live with dignity – To die with dignity

For 25 years, the Swiss non-profit organisation “DIGNITAS – To live with dignity – To die with dignity” has been campaigning internationally – both legally and politically – for the right of an individual to end their own suffering and life at a time of their choice and to receive support in this. Among other things, it helped to ensure that this right was recognised by the constitutional courts in Germany² and Austria³ in 2020. Since 1998, DIGNITAS has made it possible for people all over the world to choose the option of an assisted suicide on the basis of Swiss law and thus to end their own lives in a safe manner and with professional support. The association’s members include more than 1000 persons living in France⁴.

In Switzerland, physician-supported assisted suicide has been an undisputed practice for 40 years; the general legal framework is sufficient, and the legislator explicitly decided against a special law in 2011. This progressive-liberal regulation has proved its worth. In contrast, what remains prohibited in Switzerland is voluntary euthanasia, i.e., the administration of a lethal medication, by a third party (homicide at the request of the victim).

-oOo-

¹ Judgment by the ECHR of 20 January 2011, n° 31322/07, HAAS v. Switzerland, <http://hudoc.echr.coe.int/eng/?i=001-102940>; “*In the light of this case-law, the Court considers that an individual’s right to decide by what means and at what point his or her life will end, provided he or she is capable of freely reaching a decision on this question and acting in consequence, is one of the aspects of the right to respect for private life within the meaning of Article 8 of the Convention*”.

² <http://www.dignitas.ch/images/stories/pdf/medienmitteilung-26022020-e.pdf>

³ <http://www.dignitas.ch/images/stories/pdf/medienmitteilung-11122020-e.pdf>

⁴ http://www.dignitas.ch/index.php?option=com_content&view=article&id=32&Itemid=72&lang=en

e-mail: info@dignitas.ch web: www.dignitas.ch

Facebook: [dignitas.ch](https://www.facebook.com/dignitas.ch) Twitter: [dignitas_org](https://twitter.com/dignitas_org)

[subscribe to newsletter](#)



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 34 part-time employees and it is supported by several external experts in the fields of medicine, law, IT, and auditing.