

Written contribution to the Human Rights Council's Universal Periodic Review of Colombia

Minnesota Citizens Concerned for Life Education Fund
October 2017



Minnesota Citizens Concerned for Life Global Outreach (MCCL GO), a program of the Minnesota Citizens Concerned for Life Education Fund, is an international non-governmental organization working to secure full human rights for all human beings from conception to natural death. MCCL has consulted and advised like-minded non-profit organizations in nearly 60 countries. MCCL enjoys consultative status with the United Nations Economic and Social Council and is a civil society organization registered with the Organization of American States.

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1. Colombia's Constitutional Court ruled in 1997 that physicians cannot be prosecuted for performing euthanasia if certain conditions are met. The Court asked Congress to pass guidelines to regulate the practice, but protocols were not approved until April 20, 2015, when euthanasia was officially legalized. Euthanasia is now permitted when an adult patient makes a voluntary request for death and has received a terminal diagnosis.

2. But this euthanasia policy is in tension with Colombia's human rights commitments. The Universal Declaration of Human Rights (UDHR) affirms "the inherent dignity and ... equal and inalienable rights of all members of the human family" (preamble). It also states, "Everyone has the right to life, liberty and security of person" (Article 3). The International Covenant on Civil and Political Rights (ICCPR) declares, "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). The American Convention on Human Rights states, "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life" (Article 4.1).

3. Euthanasia, by definition, is the intentional killing of an innocent human being. This is a straightforward violation of the right to life. The right to life is *inherent* and belongs to all human beings, regardless of age, illness, and disability. Moreover, the right to life is *inalienable* and cannot simply be forfeited or waived by the one who bears the right. Euthanasia patients, therefore, have a right to life and may not be intentionally killed. This right must be protected by law.

4. Colombia's policy authorizes the killing of those who are diagnosed with a terminal illness while protecting the lives of everyone else. This distinction in law is contrary to the equality and non-discrimination required by international human rights instruments. The UDHR guarantees the rights and freedoms of everyone "without distinction of any kind" (Article 2) and states, "All are equal before the law and are entitled without any discrimination to equal protection of the law" (Article 7). The ICCPR also prohibits discrimination (Article 26). The Convention on the Rights of Persons with Disabilities (CRPD) considers "discrimination against any person on the basis of disability ... a violation of the inherent dignity and worth of the human person" (preamble). Parties to the CRPD "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" (Article 10).

5. Even if voluntary euthanasia is not a violation of the rights to life and nondiscrimination, the voluntariness of the practice is difficult to guarantee. Requests for death—even among terminally ill patients—are closely associated with depression that is potentially treatable.¹ But depression, bereavement, and similar mental factors can hinder a person's judgement and prevent proper consent. In the U.S. state of Oregon, which permits assisted suicide for patients

¹ H.M. Chochinov et al., "Desire for Death in the Terminally Ill," *American Journal of Psychiatry*, Vol. 152, No. 8 (1995), pp. 1185-91.

who have received a terminal diagnosis, some patients with depression have undergone assisted suicide.² In the Netherlands and Belgium, where euthanasia is legal and more well-established than in Colombia, some patients known to have mental health problems are euthanized.³ And some patients who have made no explicit request for death at all are killed.⁴

6. Colombia's practice of euthanasia threatens the rights to life and nondiscrimination protected by international human rights instruments. To fulfill its obligations, Colombia should revise its law to prohibit euthanasia and protect the lives and health of all patients.

² Linda Ganzini et al., "Prevalence of Depression and Anxiety in Patients Requesting Physicians' Aid in Dying: Cross Sectional Survey," *BMJ: British Medical Journal*, Vol. 337 (2008), a1682.

³ Scott Y. H. Kim et al., "Euthanasia and Assisted Suicide of Patients with Psychiatric Disorders in the Netherlands 2011 to 2014," *JAMA Psychiatry*, Vol. 73, No. 4 (April 2016), pp. 362-68.

⁴ Bregje D. Onwuteaka-Philipsen et al., "Trends in End-of-Life Practices Before and After the Enactment of the Euthanasia Law in the Netherlands from 1990 to 2010: A Repeated Cross-Sectional Survey," *The Lancet*, Vol. 380, No. 9845 (September 8, 2012), pp. 908–15.