

Attorneys Defend 'Life' in Doctor-Prescribed Death Case

A woman who does not suffer from any fatal disease has sued Switzerland after Swiss authorities would not provide her with drugs to commit suicide.

Alda Gross, a Swiss citizen, failed to find a doctor prepared to prescribe the lethal substance to her, so she appealed to the national courts in 2009.

The Swiss courts held that the restrictive conditions placed on the drug are in place to prevent abuse and cannot be overridden in the absence of a medical prescription.

The national courts also noted that Gross "does not suffer from a fatal disease, but has simply expressed her wish to die because of her advanced age and her growing fragility."

The European Court of Human Rights is allowing Alliance Defense Fund (ADF) attorneys to intervene to defend "life" in a lawsuit filed against the Swiss government.

"The government has an obligation to protect life, not facilitate death," says ADF legal counsel Paul Coleman. "Claims to personal autonomy do not override national laws which are designed to protect the weak and vulnerable. This position is supported by the European Court's existing case law and is enshrined in the European Convention on **Human Rights**."

According to a submission ADF filed with the court Tuesday, "The clear jurisprudence of the court is that there is no right to assisted suicide or euthanasia under the Convention, nor are there any positive obligations on the State in regard to these issues, save the positive duty on the States to protect life under Article 2."

Although Switzerland is one of only four European countries to allow doctor-prescribed death in certain circumstances, individuals can obtain sodium pentobarbital, a drug that can be used to commit suicide, only after a medical examination and prescription by a doctor.

“It is already disturbing that individuals in Switzerland can gain access to lethal substances through medical doctors who are supposed to help preserve life,” says Coleman. “If drugs designed to end life become available without a prescription, as Ms. Gross is arguing for in this case, it will put the lives of thousands of people at extraordinary risk.”

The *Gross v. Switzerland* case is the latest attempt to create a “right” to assisted suicide under the European Convention. Last year, in the very similar case *Haas v. Switzerland*, the European Court of Human Rights unanimously rejected the claim that the country had an obligation to assist individuals in committing suicide.