

### **Haas v. Switzerland – ECHR judgment of 20.01.2011**

Facts – The applicant has been suffering from a serious bipolar affective disorder for about twenty years. Considering that his illness made it impossible for him to live in dignity, he asked a Swiss private-law association that offered services including assistance in suicide to help him end his life. The applicant asked several psychiatrists to prescribe him a lethal prescription drug (sodium pentobarbital), but to no avail. He then sought permission from various federal and cantonal authorities to obtain the drug from a pharmacy without a prescription through the association, again without success. The applicant appealed to the administrative courts and ultimately the Federal Court. In a judgment of November 2006 the Federal Court dismissed his appeals, finding that a distinction had to be made between the right to decide on one's own death – which was not at issue – and the right to assistance in suicide from the State or a third party, which could not be inferred from the Convention. Before the European Court, the applicant argued that his right to end his life in a safe and dignified manner had not been respected in Switzerland, on account of the conditions that had to be met in order to be able to obtain the lethal substance, namely a medical prescription issued on the basis of a thorough psychiatric assessment.

### **Koch v. Germany – ECHR judgment of 19.07.2012**

The applicant was the widower of a woman who had been almost completely paralysed and in need of constant care since 2002. Since she wished to put an end to her life, which she perceived as undignified and requested from the Federal Institute for Drugs and Medical Devices to be provided with a lethal dosis of a certain substance. The Institute turned this request down, arguing inter alia that article 8 ECHR, on which the wife of the applicant had relied, did not encompass a right to assisted suicide.

The wife of the applicant lodge an appeal against this decision. Before this appeal was decided upon, she had herself transported more than 700 km to Switzerland, where she committed suicide with the help of the Swiss organization 'Dignitas' (an organization advocating for a self-determined and dignified death).

After her death, the Federal Institute for Drugs and Medical Devices rejected her appeal. The applicant as her widower filed an action with the Cologne Administrative Court. He asked the court to rule that the refusal to procure the requested substance to his late wife had been unlawful.

The Administrative Court ruled that the action was inadmissible, because the applicant could not claim that his own rights had been violated and therefore had no standing. It did not deal with the merits, but briefly mentioned in a so called 'obiter dictum', that means in a remark that does not form part of the ruling by the Court that the right to private life and family life under article 8 of the European Convention on Human Rights did not encompass a right to an assisted suicide.

The applicant appealed against the judgment without success and submitted an application to the Constitutional Court. In both cases, the Courts found the action inadmissible and did not enter into an examination of the merits of the case.