

The Campaign for Truth in Advance Care Planning
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Via Email to ccpr@ohchr.org

Office of the United Nations High Commissioner
For Human Rights
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland

RE: Human Rights Committee Draft 36 interpreting Article 6 of the International Covenant on Civil and Political Rights (ICCPR)

Dear High Commissioner Zeid:

We are physicians, nurses and other professionals in the United States who promote truth in conversations about end of life care, particularly through The Campaign for Truth in Advance Care Planning. We oppose euthanasia and assisted suicide because they violate the inherent right to life of every human being, undermine the trust between patients and their physicians and other medical professionals, violate long-standing medical ethics, and disparately impact the disabled, the poor and other vulnerable members of society and as such are not in the common good.

We object to Paragraph I.10 of the Draft, which states:

[While acknowledging the central importance to human dignity of personal autonomy, the Committee considers that States parties should recognize that individuals planning or attempting to commit suicide may be doing so because they are undergoing a momentary crisis which may affect their ability to make irreversible decisions, such as to terminate their life. Therefore,]

States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations.

At the same time, States parties [may allow] [should not prevent] medical professionals to provide medical treatment or the medical means in order to facilitate the termination of life of [catastrophically] afflicted adults, such as the mortally wounded or terminally ill, who experience severe physical or mental pain and suffering and wish to die with dignity. In such cases, States parties must ensure the existence of robust legal and

institutional safeguards to verify that medical professionals are complying with the free, informed, explicit and, unambiguous decision of their patients, with a view to protecting patients from pressure and abuse.

Introductory Sentence

The first bracketed clause in Paragraph I.10 fails to recognize that many people struggle with suicidal thoughts over long periods of time. Previous attempted suicides are a significant risk factor for future attempts at committing suicide. This clause should be corrected. The next sentence is satisfactory. We agree that States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations.

Endorsement of Assisted Suicide and Euthanasia

The last two sentences of Paragraph I.10 openly endorse States that legally permit assisted suicide or euthanasia. These practices are incompatible with the declaration in paragraph I.2 of the Draft General Comment that the right to life is “the supreme human right from which no derogation is permitted”.

Inherent Right to Life; Abuses in the Netherlands

Article 6 (1) of the International Covenant on Civil and Political Rights 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.*” The Human Rights Committee has previously expressed concern¹ about the law on the *Termination of Life on Request and Assisted Suicide* in the Netherlands:

The Committee remains concerned at the extent of euthanasia and assisted suicides in the State party. Under the law on the Termination of Life on Request and Assisted Suicide, although a second physician must give an opinion, a physician can terminate a patient’s life without any independent review by a judge or magistrate to guarantee that this decision was not the subject of undue influence or misapprehension. (art. 6)

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.

¹ HUMAN RIGHTS COMMITTEE Ninety-sixth session Geneva, 13-31 July 2009, **CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT, Concluding observations of the Human Rights Committee: NETHERLANDS** CCPR/C/NLD/CO/425 August 2009, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhSrU3mlyiFhtCrYPBecWJaXyifOhoEt6xE3Gy3bUUART%2bXrCYoEsgSjsYArFCER%2fjzKZBVx2RmEEi5najeaLFu%2bxgZN1tObZVUOqRRWDDIBQk>

Over the years, the number of involuntary and unreported euthanasia deaths in the Netherlands has grown steadily,² thus affirming the past concerns of the Human Rights Committee about safeguards.

Inalienable Right to Life

The Universal Declaration of Human Rights proclaimed by the United Nations General Assembly in Paris on 10 December 1948, begins with a solemn declaration that:

“recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,” It goes on to enumerate among these “equal and inalienable rights” in Article 3 that *“Everyone has the right to life”*.

Inalienable means “Not subject to being taken away from or given away by the possessor.” The “right to life”, like the right in Article 4 “No one shall be held in slavery or servitude” is inalienable; it cannot be given away by the possessor. In relation to Article 4 this means that no person can agree to become a slave.

In relation to the inalienable right to life in Article 3 this means that no person can agree to have their life intentionally ended. This prohibits the following practices: suicide by murder in which a person hires someone to kill them (for example to prevent an insurance claim being voided by a suicide clause), dueling, fights to the death for sport or betting, killing for cannibalism by agreement (either as a fetish or even in a survival situation), and private societies (gangs) in which members agree to be killed if they violate oaths or disobey the leaders.

Recommended Restatement of paragraph I.10

States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations.

States should not permit by law, and should take appropriate measures to actively prevent, any acts of assisted suicide or euthanasia whether performed by a medical professional or any other person.

² **Netherlands study: 431 people were killed without explicit request in 2015** Alex Schadenberg, Euthanasia Prevention Coalition, June 30, 2017 at

<http://alexschadenberg.blogspot.com/2017/06/netherlands-study-431-people-were.html>

Thank you for the opportunity to provide our comments.

Sincerely,

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