

LouvainX: Louv2.01x International Human Rights

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Example 2 is a case where the European Court of Human Rights reads the requirements of Article 8 of the European Convention on Human Rights (right to respect for private and family life), in the context of "right to die" case, by seeking inspiration from the attitude of the Supreme Court of Canada, which had dealt with a similar situation a few years earlier.

European Court of Human Rights (4th sect.), Pretty v. United Kingdom (Appl. No. 2346/02), judgment of 29 April 2002, para. 66:

In the case of Rodriguez v. Attorney General of Canada ([1994] 2 L.R.C. 136), which concerned a not dissimilar situation to the present, the majority opinion of the Supreme Court considered that the prohibition on the appellant in that case from receiving assistance in suicide contributed to her distress and prevented her from managing her death. This deprived her of autonomy and required justification under principles of fundamental justice. Although the Canadian court was considering a provision of the Canadian Charter framed in different terms from those of Article 8 of the Convention, comparable concerns arose regarding the principle of personal autonomy in the sense of the right to make choices about one's own body.

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