

Decision T-970 of 2014 RIGHT TO DIE WITH DIGNITY, euthanasia. The Colombian Constitutional Court Reiterates the considerations made in the decision C-239 of 1997.

The petitioner claims that a health care company violated her fundamental right to life and to die with dignity because she was denied the option for a medical-assisted suicide despite she was suffering a terminal disease which had been properly diagnosed by her physician and in the presence of an informed consent. The Court ensured the right to die with dignity and it ordered the Ministry of Health to work out all the necessary arrangements to set up an interdisciplinary committee composed of hospitals, clinics, IPS, EPS, and in general, all health-care providers which must fulfill the following criteria:

“The autonomy of the patient must be privileged: the physicians must discuss the patient cases taking into account that patient’s will always prevail. Only under objective and impartial circumstances, it will be possible to question the patient’s will. Expedited procedure: the right to die with dignity cannot be derogated at any time, since this would imply an undue burden on the patient. The procedure must be fast, nimble and without excessive formalities that could impede the full exercise of this right. Timely care: implies that the patient’s will is fulfilled on time, so that the suffering of the patient is not unduly prolonged and in this way avoid his death in painful conditions.”

Impartiality:

“Health care professionals who perform the procedures to fulfill the right to die with dignity must be neutral. They cannot give preference to their personal positions which may be ethical, moral or religious and which may lead them to deny this right. In the event that the physician refuses to perform these procedures because of his convictions, he cannot be forced to do so. In this case, another physician will be appointed. The Court also asks Congress to regulate the fundamental right to die with dignity taking into account this decision.”