

Collection of signatures to call a referendum regarding the repeal of the punishment for assistance in dying of a consenting individual

In 2013 the Association Luca Coscioni (the Association) has presented a popular law proposal regarding the legislation of euthanasia, supported by 56.000 citizens (actually about 140.000), the proposal was never discussed by the parliament or the committees of Justice and Health.

In 2018 the Supreme Court, in the DjFabio case, ruled that in certain circumstances like unbearable sufferance and lack of prospective of recovery and which survival depends on mechanical devices (treatment of life support), the assistance to suicide was permitted, inviting the parliament to legalize within a year the assisted suicide. The suspect Marco Cappato was acquitted. Nothing happened.

In 2020 the Court of Appeal ruled in the Trentini case that assistance in dying of a consenting part was permitted for patients depending on life-supporting machinery but also patients who receive “all kinds of health treatment or realized through pharmaceutical treatments or through assistance by medical or paramedical staff or with the support of medical equipment including the artificial nutrition and hydration”. The suspects Mina Welby and again Marco Cappato were acquitted.

As the silence of the Parliament continued, the leaders of the Association – Filomena Gallo, Marco Cappato, Mina Welby – have deposited on Tuesday 20 April 2021 in the Court of Cassation in Rome the question of the referendum, “by popular initiative”, to repeal partly article 579 of the Penal Code (murder of the consenting person) as follows (in bold the proposed phrases to be repealed):

Article 579 Criminal code and related proposed repeals

Anyone who causes the death of a person, with his consent, is punished with **imprisonment from six to fifteen years. The aggravating circumstances indicated in article 61 do not apply. Are applied** the provisions relating to murder (articles Criminal code 575-577) if the crime is committed:

- 1) against a person under the age of eighteen years.
- 2) against a mentally ill person, or who is in a condition of mental deficiency. or another infirmity or for the abuse of alcohol or drugs.
- 3) against a person whose consent has been extorted by the perpetrator with violence threat or suggestion. or obtained through deception.

After the approval of the Court of Cassation. we started a capillary campaign in Italy to collect the 500.000 signatures required by law to call the referendum. The collection ends 30 September 2021.

Besides the local campaign we try to get in touch with the 5.486.081 Italian citizens residing abroad to inform them about our initiative. In fact, they can sign the request to call the referendum at the local Embassy/Consulate from the 1st of July until the 30rd of September or, in the case they are temporary in Italy during this period at any Municipality on the Italian territory. The organizing committee called a web meeting on 22 June open to all the Italians abroad who want to feel themselves involved in this Great Shift, with the aim of drawing up all together an effective strategy that will lead to convince as many 'expats' as possible to join the campaign, because we need as many local Italian contacts as possible which act as a 'booster' of the initiative through the local community.

therefore, we ask the support of all member associations belonging to the Federation to circulate this memorandum between their members, inviting them to inform their Italian contacts about the possibility to sign for the call of the referendum and the opportunity to attend the meeting.

In conclusion the text of the posed question:

Do you want that article 579 Penal Code will be repealed (murder of the consenting party) approved with Royal Degree 19th of October 1930, number 1398, paragraph 1 limited to the following words "the imprisonment from six to fifteen years", paragraph 2 in full and paragraph 3 limited to the words They apply?

in Italian

Volete voi che sia abrogato l'art. 579 del Codice penale (omicidio del consenziente) approvato con R.D. 19 ottobre 1930, n.1398 comma 1 limitatamente alle seguenti parole "la reclusione da sei a quindici anni,", comma 2 integralmente e comma 3 limitatamente alle parole "Si applicano".

We thank all of you for your cooperation, every signature counts!

Kind regards,

Marco Cappato

Treasurer of the Associazione Luca Coscioni

For more information please contact Virginia Fiume mail virginia.fiume@eumans.eu, Luca Giuliani mail luca.giuliani@eutanasialegale.it or Johannes Agterberg mail:johagterberg@gmail.com or visit the website: <https://referendum.eutanasialegale.it/>