



Italy may be the first major country to introduce a law on assisted dying through a referendum.

[For immediate release](#)

15th February 2022

World Federation of Right to Die Societies

janebarrett@worldrtd.net

+31.6.47594091

The Italian Constitutional Court will decide on February 15th whether to admit the results of a referendum thus paving the way for the legislation of euthanasia in Italy. “This could mark a historic moment for the dignity of Italian citizens thanks to the democratic participation of many citizens who have signed the proposal,” said Asunción Alvarez, President of the **World Federation of Right to Die Societies**.

The referendum initiative aims to partially repeal Article 579 of the Italian Penal Code which outlaws active euthanasia. If the Constitutional Court admits the referendum question, Italy could become the first major country in the world to introduce a law on assisted dying through a referendum which is most likely to be held in the spring, between the 15th of April and the 15th of June.

“We are confident that the Italian Constitutional Court will rule positively on the admissibility of a referendum that fully embraces the fundamental principle of self-determination already contained in various laws of EU member states and in the jurisprudence of the European Court of Human Rights,” said Rob Jonquière, Executive Director of the **World Federation of Right to Die Societies**.

For further information or comment - Please feel free to contact

Rob Jonquière rob.jonquiere@worldrtd.net +31.653647585 or

Jane Barrett janebarrett@worldrtd.net +31.6.47594091

Stefania Cicco stefania.cicco@associazionelucacoscioni.it +39 328 314 6032

www.wfrtds.org

NOTES TO EDITORS: The World Federation of Right to Die Societies' goal is to ensure that everyone has the right to die with dignity, peacefully and without suffering. Founded in 1980, the federation comprises 58 right-to-die organizations from 29 countries and facilitates the cooperation between member societies to utilize the experience and expertise of professionals already lawfully assisting people to die. For more information, please visit www.wfrtds.org

Fact Sheet: THE CAMPAIGN FOR A REFERENDUM FOR THE LEGALISATION OF EUTHANASIA IN ITALY

In April 2021, Associazione Luca Coscioni launched a campaign for the collection of 500.000 certified signatures aimed to call for a referendum to partially abrogate art. 579 of criminal code ("Murder of the consenting party") which punishes anyone who causes the death of a man, with his consent, with imprisonment from six to fifteen years.

Thanks to the outstanding participation of civil society, 1.239.423 certified signatures were collected in the short period of 1 July - 30 September 2021. Several advocacy initiatives are currently ongoing whilst the Constitutional Court is evaluating the referendum question's admissibility. The decision of the Constitutional Court is expected tomorrow 15 February 2022.

If the Italian Constitutional Court would admit the referendum question, citizens would be allowed to vote between 15 April and 15 June 2022. In case of non-admissibility, the will of 1.239.423 citizens will not be taken into consideration and they will not have the opportunity to exercise the right to democratically vote.

Why is a referendum necessary?

1) Institutions are silent

- In 1984, 37 years ago, Loris Fortuna, Socialist Party parliamentarian, prepared the first draft of a law on end of life, which has never been discussed as well as other drafts submitted afterwards.
- In 2013, a bill of popular initiative for the legalization of euthanasia (67 thousand signatures) was deposited at the Italian Chamber of Deputies. The Italian Parliament has been silent for years and has never tabled a discussion.
- In 2018, the Constitutional Court acknowledged the lack of adequate protection for certain situations by the Italian end-of-life regulatory framework and gave the Parliament one year to intervene with appropriate discipline. The Parliament never intervened. Its silence brought the Constitutional Court to declare the partial unconstitutionality of Article 580 of the Criminal Code in the ruling 249\2019 Cappato\Dj Fabo.

2) Possible Discriminations

In Italian current legislation,

> active euthanasia is prohibited by both in the direct version (art. 579 cp murder of the consenting party) and in the indirect version (art. 580 c.p. incitement and suicide aid), without prejudice to the discriminatory requirements introduced by the Constitutional Court ruling 242\2019 (Cappato\Dj Fabo)

> passive euthanasia is considered criminally licit especially when the interruption of treatment has the aim of avoiding the c.d. "therapeutic obstinacy" and has been positivized by law 219/2017 (on the living will).

> There are ambiguous cases that often do not allow easy to distinguish whether it is euthanasia by action or omission.

> There are cases in which the simple interruption of treatments may not lead serious and suffering patients to death.

> The Constitutional Court Ruling 242/2019 (Cappato/Dj Fabo) allows the person to procure assisted death only autonomously, but there are cases in which this person cannot physically take the drug, due to totally incapacitating illness.