

# #ITakeControl

## Impact litigation for the decriminalization of physician-assisted suicide in Colombia

Official press release **01**



Bogotá, Colombia. May 11, 2022.

### **The right to die with dignity is completed in Colombia: The Constitutional Court decriminalized physician-assisted suicide, after ruling in favor of DescLAB's lawsuit**

Today, the Colombian Constitutional Court marked a global milestone by allowing a new mechanism to exercise the right to die with dignity. **DescLAB | Laboratory on Economic, Social, and Cultural Rights** challenged the Criminal Code and the Court allowed physician-assisted suicide (P-AS) as a legal option. By resolving in favor of the lawsuit filed by **DescLAB**, Colombia becomes the first Latin American country to enable P-AS as a legal option.

Physician-assisted suicide is added to the mechanisms that already exist and are fully legal in Colombia: euthanasia, the adaptation of the therapeutic effort, and palliative care.

With a sentence of Justice Antonio José Lizarazo Ocampo, the Plenary Chamber of the Constitutional Court, in a 6 to 3 voting, allowed P-AS to be practiced without criminal responsibility under the same criteria as euthanasia:

1. When the person has expressed their free, informed, and unequivocal consent.
2. When the person is properly diagnosed with a serious and incurable illness;
3. When a product of the diagnosis, the person is subjected to physical or psychological pain.
4. The assistance must be provided by a physician.

Twenty-five years after the decriminalization of euthanasia in Colombia (May 1997), **both mechanisms are recognized as part of the constitutional right to die with dignity**. This means that, when the criteria are met, medical assistance at the end of life is fully legal, either when a physician causes the death (euthanasia) or when the physician provides effective assistance so the person can cause their own death (P-AS).

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The lawsuit filed in August of 2021 by Lucas Correa-Montoya and Camila Jaramillo-Salazar from **DescLAB**, argued that, by criminalizing physician-assisted suicide, Congress violated several constitutional rights, namely: the right to die with dignity, to a dignified life, to autonomy since it prevented people in Colombia from accessing the necessary medical help to perform the life-ending act.

“This judicial decision is a decisive step for our country to consolidate itself as one of the most advanced in the world when it comes to the right to die with dignity. Currently, both mechanisms are legal in countries such as Luxembourg, the Netherlands, Canada, and Spain,” said **plaintiff Lucas Correa-Montoya, director of investigations at DescLAB**.

“With this decision, Colombians will be able to access a free, safe, and accompanied death. The challenge will be to create a regulation that eliminates the barriers for this new mechanism to be fully implemented and that whoever decides so can exercise their right to medical assistance in dying, either through euthanasia or physician-assisted suicide,” said **plaintiff Camila Jaramillo-Salazar, a researcher at DescLAB**.

**DescLAB** is an innovative and visionary law firm committed to setting in motion the right to die with dignity. To achieve this, we mobilize ideas, create strategies, and provide legal services to generate deep changes in the way our society understands and makes decisions about the end of life and death.

**DescLAB** will continue to use the Law for social change and community empowerment. We are committed to deepening and expanding the fundamental right to die with dignity in Colombia and Latin America.

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## ABOUT DESCLAB

**DescLAB | Laboratory on Economic, Social, and Cultural Rights** is an innovative and visionary law firm committed to setting in motion the right to die with dignity. To achieve this, we mobilize ideas, create strategies, and provide services to generate profound changes in the way our society understands and makes decisions about the end of life and death.

To protect the fundamental right to die with dignity in Colombia, DescLAB has led **#TakeControl** since 2017. We offer resources and tools, generate high-level knowledge, and lead high-impact cases that help advance the right to die with dignity.

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