

## FACTSHEET 37: Voluntary euthanasia in Colombia

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On May 28, 1997, the full bench of the High Court of the Republic of Colombia unanimously agreed that the state could not deny assisted dying for a mentally competent, terminally ill adult. Neither could it impose a penalty on anyone who assists that person out of mercy.

The court determined that the Colombian Constitution justifies intervention in dying for reasons including

1. The individual is autonomous.
2. A pluralistic society implies there will be varying meanings to life. (For some but not all life may be sacred. Both Socrates, who died for his right to question ideas, and Jesus Christ, who died for the sins of others, demonstrated that clinging to life is not the only alternative.).
3. People can freely choose between life and death.
4. Life is a right and not a duty.
5. There is a basic human right - the right not to be forced to suffer - and a person assisting someone to die in these circumstances is removing unwanted suffering.

Following the ruling of the High Court, the government failed to follow up with any regulation to facilitate access to assisted dying by the broader community. Although the court urged passage of a law to regulate the procedure the government took no action. Sympathetic doctors were therefore reluctant to test the law.

In 2012 Senator Armando Benedetti drafted regulations that were approved 11 votes to 5. The senator had introduced three prior assisted dying bills in the Colombian Congress. Once requested by the patient and confirmed by a committee of health professionals, voluntary euthanasia may now be delivered by the hospital, or arranged to take place within another institution, within 15 days. Interdisciplinary medical committees tasked with analysing each case comprise one doctor who specializes in the relevant illness, a lawyer, and a psychiatrist or clinical psychologist; all of whom will be designated by the hospital. Eligibility criteria include

- only a medical professional can assist with a patient's death
- importance is placed on the state's duty to protect life
- rigorous procedures - including psychiatric assessment and counselling - must be adhered to before the patient can make an informed decision
- only Colombian nationals or foreign residents can avail themselves of the practice to prevent euthanasia tourism
- only adults would be able to make the decision
- a doctor must declare the patient to be in the terminal phase of illness
- the law explicitly excludes minors and patients with degenerative diseases from access to assisted dying.

The first assisted death in Colombia was for a cancer patient in the city of Pereira on July 3, 2015.

#### References:

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Navas, M 'Colombian Public Doctors Must Now Provide Euthanasia By Law' Pan Am Post June 4<sup>th</sup> 2015 <https://panampost.com/maria-suarez/2015/06/04/colombian-public-doctors-must-now-provide-euthanasia-by-law/>