Input to the Office of the United Nations High Commissioner for Human Rights concerning the human rights of disabled children

**Minnesota Citizens Concerned for Life Education Fund**

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As the High Commissioner for Human Rights considers issues involving the rights of children with disabilities, we urge the High Commissioner to review the expanding practice of child euthanasia.

The euthanasia law in the Netherlands permits the euthanasia of children as young as 12. Doctors in the Netherlands also practice, under the Groningen Protocol, the active euthanasia of sick and disabled infants, including those with disabilities such as spina bifida. Under Belgium’s euthanasia policy, the age limit was removed in 2014, allowing the euthanasia of children of any age. And earlier this year, Colombia passed a resolution expanding its euthanasia policy to children; children as young as 6 years old may seek euthanasia, and children over the age of 14 may receive euthanasia without the consent of their parents. Euthanasia elsewhere, such as in Canada, could also be extended in the future to encompass children.

These developments raise a number of concerns involving the human rights of disabled children. Euthanasia threatens the right to life. The Universal Declaration of Human Rights (UDHR) affirms “the inherent dignity and ... equal and inalienable rights of all members of the human family” (preamble). It also states, “Everyone has the right to life, liberty and security of person” (Article 3). The International Covenant on Civil and Political Rights (ICCPR) declares, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” (Article 6.1). The American Convention on Human Rights states, “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life” (Article 4.1).

Child euthanasia is especially troubling. The immaturity of children inhibits their ability to make sound decisions and give proper consent. The United Nations Human Rights Committee has in the past objected to the euthanasia policy in the Netherlands. “The Committee considers it difficult to reconcile a reasoned decision to terminate life with the evolving and maturing capacities of minors,” the Committee wrote. “In view of the irreversibility of euthanasia and assisted suicide, the Committee wishes to underline its conviction that minors are in particular need of protection.”[[1]](#footnote-1) Likewise, the United Nations Committee on the Rights of the Child wrote in 2015 that it “remains concerned that euthanasia [in the Netherlands] can be applied to patients under 18 years of age.”[[2]](#footnote-2) The Human Rights Committee has also in the past condemned infant euthanasia, which take place entirely without the consent of the person who is killed. “The Committee is gravely concerned at reports that new-born handicapped infants have had their lives ended by medical personnel,” it explained. “The [Netherlands] should scrupulously investigate any such allegations of violations of the right to life (article 6 of the [ICCPR]), which fall outside the law on euthanasia.”[[3]](#footnote-3)

Child euthanasia also threatens equality and nondiscrimination. Child euthanasia policies authorize the killing of those diagnosed with certain disabilities or illnesses while the lives of other children remain protected. This distinction in law is contrary to the equality and non-discrimination required by international human rights instruments. The UDHR guarantees the rights and freedoms of everyone “without distinction of any kind” (Article 2) and states, “All are equal before the law and are entitled without any discrimination to equal protection of the law” (Article 7). The ICCPR also prohibits discrimination (Article 26). The Convention on the Rights of Persons with Disabilities (CRPD) considers “discrimination against any person on the basis of disability ... a violation of the inherent dignity and worth of the human person” (preamble). Parties to the CRPD “reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others” (Article 10). More specifically, the CRPD calls on states to “ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children” (Article 7.1).

In addition, euthanasia threatens the right to health. For example, the United Nations Committee on Economic, Social and Cultural Rights last year expressed concern about Colombia’s “prevailing disparities in the availability, accessibility, quality and affordability of health-care services.”[[4]](#footnote-4) Facilitating euthanasia in these circumstances, rather than working to improve care, may deprive children of their right to health. The Convention on the Rights of the Child protects “the right of the child to the enjoyment of the highest attainable standard of health” (Article 24.1) and calls on nations to “ensure to the maximum extent possible the survival and development of the child” (Article 6.2). It affirms, in particular, “the right of the disabled child to special care” (Article 23.2) and states that “a mentally or physically disabled child should enjoy a full and decent life” (Article 23.1).

Child euthanasia should be reconsidered in light of these human rights concerns. The Declaration of the Rights of the Child says that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection” (preamble). Children, especially disabled children, must be protected.

*Minnesota Citizens Concerned for Life Global Outreach (MCCL GO), a program of the Minnesota Citizens Concerned for Life Education Fund, is an international non-governmental organization working to secure full human rights for all human beings from conception to natural death. MCCL has consulted and advised like-minded non-profit organizations in nearly 60 countries. MCCL enjoys consultative status with the United Nations Economic and Social Council and is a civil society organization registered with the Organization of American States.*

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1. U.N. Human Rights Committee, “Concluding Observations of the Human Rights Committee, The Netherlands,” U.N. doc CCPR/CO/72/NET, 2001. [↑](#footnote-ref-1)
2. U.N. Committee on the Rights of the Child, “Concluding Observations on the Fourth Periodic Report of the Netherlands,” U.N. doc CRC/C/NDL/CO/4, July 16, 2015, paragraph 28. [↑](#footnote-ref-2)
3. U.N. Human Rights Committee, “Concluding Observations of the Human Rights Committee, The Netherlands,” U.N. doc CCPR/CO/72/NET, 2001. [↑](#footnote-ref-3)
4. U.N. Committee on Economic, Social and Cultural Rights, “Concluding Observations on the Sixth Periodic Report of Colombia,” U.N. doc E/C.12/COL/CO/6, October 19, 2017, paragraph 61. [↑](#footnote-ref-4)