Abstract Submissions for 2015 Young Scholars' Conference

"Within/out the Narrow Confines of the Law", March 27th-28th, 2015

<u>Title</u>: The right to die: an extension of the right to respect for private and family life

<u>Author</u> : Crescence Marie France Okah Atenga

PhD Student in Law

<u>Abstract</u>

Background : The right to respect for private and family life proclaimed in article 8 of the European Convention for the Protection of Human Rights : *Everyone has the right to respect for his private and family life, his home and his correspondence*. The European convention did not describe the powers which result from this right. It is the judge who must interpret this provision to clear its meaning. Therefore, the notion of the right to respect for private and family life is flexible.

Purpose : The aim of this study is to show that the notion of the right to respect for private and family life, today, include the freedom to commit suicide (the right to die). It also includes the right to commit voluntary euthanasia.

Methods : To demonstrate that the notion of the right to respect for private and family life has evolved, we rely on the jurisprudence of the European Court of Human Rights. Specifically, we will compare the definition of this concept before and after the case: Pretty v. United Kingdom.

Result : This study shows that, before the Pretty case, The meaning of the right to respect for private and family life did not include a right to die. After this case, the situation change. The court held that article 8 include a right to decide how and when you die.

Conclusions : The regulation can not define the meaning of all the legal concept because the human relationship are dynamic. These ones must adapt to the evolution of thoughts and social needs. The law can be adapted by two ways. Firstly, it is possible to change it, but this process is long. Secondly, the law can avoid defining legal concepts. In this vein, the judge will interpret the law in each case. The European court of human right selected this last option.