



FROM THE INDISPENSABILITY OF CONSENT AT THE END-OF-LIFE TO ITS COMPLETE IRRELEVANCE: WHEN THE ECHR CHOOSES TO RESPECT THE “SENSIBILITIES” OF THE STATE RATHER THAN THAT OF THE HUMAN PERSON.

In its case law on end-of-life care, the ECHR has embarked on a rather questionable path, starting from the express recognition of the essential role of patient consent, gradually declining toward its legal and moral irrelevance. This is based on the assumption that medical (and therefore State) decisions on end-of-life care are sufficient and better equipped to provide proper dignity and adequate protection for the patient's "psychophysical integrity," without the need to seek the patient's and their family's consent. This is a rather ambiguous, paternalistic, and even illiberal trait of the Strasbourg Court's case law that is inconsistent with its role as guarantor of human rights and therefore deserves a radical rethink. This also serves to bring the legal systems of the Member States back on track to respect the ECHR and the value it places on human life and the ability of human beings to make autonomous, informed and conscious choices regarding it.