

القتل الرحيم بين التشريعات الوطنية**والقانون الدولي لحقوق الإنسان- (*)**

Euthanasia between national legislation and international
human rights law

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ألمستخلص

القتل الرحيم ظاهرة غريبة عن عالم الطب و بأسمائها المختلفة وتعريفاتها المتعددة. أن فكرة القتل الرحيم لم تكن نتاج العصر، بل تعود إلى العصور القديمة على أيدي الفلاسفة والمفكرين حتى وتبلورت الفكرة حتى تطورت شيئاً فشيئاً انتقلت من فكرة افتراضية إلى عملية من السهل تنفيذه على أرض الواقع، وتعد هذه الظاهرة من أكثر الموضوعات إثارة وتعد موضوعاً خصباً يتطلب مناقشة مكثفة وتفكيراً عميقاً. أثر القانون الدولي على التشريع الوطني وجعله مستمداً نصوصه. و تبرز أهمية هذا الموضوع من خلال قدسية الحق، فالحق في الحياة من أكثر حقوق الإنسان قداسة وأهمية. لذلك فإن قضية القتل الرحيم تشكل إهداراً لحق الإنسان في الحياة، وهي فعل خطير يحتاج إلى إبرازه والتعامل معه بعمق.

الكلمات المفتاحية: مرض، ألم، قتل الرحيم، قانون، اتفاقية.

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Abstract

The human aspires to perfection with his human instinct and always calls for a dignified and calm life without disease and pain, but there are stages in which the human finds himself either dependent or independent, where human life begins with a meager phase and then becomes strong. But temporary for sure because this strength does not last and then quickly returns to the first stage losing a large part of his independence the human fears this stage when he finds himself in the hospital unconscious or incapacitated and in a state of despair, afraid of needless surgeries and ineffective medicines, then he hopes to Find a solution to the problem that restricts him, to relieve pain.

In this case, the term euthanasia comes as a last solution and treatment for a patient who does not expect recovery but The national laws and international agreements differed in their positions and were divided into supporters and opponents of this idea.

Key words: Disease, Pain, Euthanasia, Law, Agreement.

Introduction

Euthanasia is a new medical research field with its different names and multiple definitions. In fact the idea of euthanasia was not a product of the times, but rather dates back to ancient times and the idea crystallized until it developed little by little at the hands of philosophers and thinkers until it moved from a hypothetical idea to a process that is easy to implement on reality, but The dialectics of the subject appears in that it is one of the

most contested topics by various directions in terms of its connection with humanity and is considered a fertile subject that requires intense discussion and deep reflection. The impact of international law on national legislation and making it derive from its texts. Have all national legislation adopted what is stated in international human rights law.

The importance of the topic

The importance of this subject emerges through the sanctity of the right, as the right to life is one of the most sacred and important human rights. Therefore, the issue of euthanasia constitutes a waste of the human right to life, and it is a serious act that needs to be highlighted and dealt with in depth.

The problem of the topic

Today we live in the twenty-first century, and the issue of human rights is still rubbery. It is interpreted according to the point of view of the parties whose main objectives are the advancement of man and the improvement of his life in order to achieve well-being, well-being, security and safety. However, at the same time, not all attempts or efforts have both desirable and undesirable effects, and sometimes the undesirable effects become so destructive that they threaten to nullify the intended benefits, and this calls into question how the international community and people can do. Laws dealing with euthanasia in terms of legislative disparity in its adoption or abolition.

The hypothesis of the topic

Right to life is a sacred right and a gift from God that may not be waived or wasted except within specific and legally defined limits and in an orderly manner.

Methodology

Due to the nature of the research that depends on the extrapolation of positive laws and then the consideration of international charters and declarations, and what is useful in clarifying the true picture of this issue and its statement, we in this study take a theoretical aspect that depends on the inductive and analytical approach that is based on extracting and deducing results by looking at the available documents About the study problem and then analyzing it to reach answers to the study questions. We will also use the comparative method in order to show the position of various national laws, international agreements and declarations and compare them in this issue.

Structure

In this study, we organized the research into two parts. In the first section we talk about the position of national laws on euthanasia, while in the second section we highlight the international position on this subject.

The position of national laws on euthanasia

Because of the sensitivity of the topic and the different nature of society in each country, the laws did not take a unified position on the issue of euthanasia, and each country differs in how it deals with the issue and its judgment on

who practices this type of murder, Some agree with this topic on humanitarian, social, or medical reasons , and others reject the idea. As a crime with all its components, including the loss of the soul of a living human being, and a criminal aim that includes assaulting the soul of humanity, so in this part we will explain the position of Western and Arab laws on the issue of euthanasia.

First ;The position of Western laws on euthanasia;

There was a great contradiction in Western national legislation that addressed the issue of euthanasia, as it was divided into two parts. While the second part of the laws is unique in criminalizing euthanasia, there are those who consider the perpetrator or assistant to have committed a crime against people, and there are those who consider it a mitigating excuse because it occurred at the request of the victim.⁽¹⁾

A- Laws that allow euthanasia:

When extrapolating Western laws, we see that some of them have allowed euthanasia, including:

1-Netherlands;

The Netherlands is among the countries that have agreed to euthanasia by passing a law allowing euthanasia by a resolution of the House of Representatives and the Senate of 1 April 2001. The law stipulated special conditions for euthanasia, the most prominent of which are.

(1) Mansour Omar Al-Maaydah, Civil and Criminal Liability in Medical Errors, Master's Thesis, Naif Arab University for Security Sciences, Riyadh, Saudi Arabia, 2001,p97-101.

- A) The conviction that the patient's request is voluntary
- B / the conviction that the patient's suffering is intolerable and is not subject to improvement
- C / informing the patient of his health condition and what it will lead to
- D / the conviction that there is no other alternative in the case of the patient's presence
- E / Ensure that the patient consults another doctor and expresses his opinion in writing.

In addition to the requirement that the decision to dispose of the patient's life is taken in coordination with the parents of young people aged 16-18, and between 12-16, parental consent must be obtained and this law came into force on 1 April 2002, to make the Netherlands the first country In the world, legal protection is legislated for euthanasia practitioners without being subjected to legal prosecution, provided that the above-mentioned conditions are met, otherwise the physician will be subject to legal accountability. In addition, since 2004, positive euthanasia has been allowed for children over 12 years of age, and the opinion of the parents can replace the opinion of the child ⁽¹⁾.

As an example of a euthanasia license, a case was brought before the Dutch judiciary in 1983, in which a doctor stole the life of his patient at his request by giving

(1) Nicolas Boisseau, Stéphanie Bessone et Nadine Memran, «Euthanasie - Soins palliatifs aux Pays Bas», Médecine Palliative : Soins de Support - Accompagnement- Ethique, vol 3, n° 2, avril 2004.p59-70.

him a lethal injection. Between the doctor's conviction and his innocence until his acquittal was settled after the case was referred to the Hague Court of Appeal in 1986, where it ruled that there was no cause for action on the reality that murder outside of pity was sufficient justification for the murder. Subject to Dutch law⁽¹⁾.

2-France ;

Euthanasia is primarily governed by law: the 2002 Law relating to the Right of Patients and the Leonti Law of April 22, 2005 relating to the Rights of Patients at the End of Life. The general idea in French law is to promote palliative care, prohibit positive euthanasia, and prevent a physician from exercising unreasonable stubbornness in patient care. At the end of life, but the 2002 law came to rewrite the medical code of ethics which states that a physician must refrain from unreasonable stubbornness in treatment he may refrain from undergoing or continue with treatments which appear to be unnecessary, disproportionate, or have no purpose or effect other than the artificial maintenance of life. Deep sedation to death⁽²⁾.

3-UK;

On the occasion of the case of Sir Tony Rand, a man who had been in a permanent coma for several years by artificial means and was seen by the judges only dead alive, the House of Lords of England declared on 4 February 1993 that

(1) Saed Ateeq, The Murder of Pity, Arab Renaissance House, Cairo, Egypt 2010,p129-131

(2) Paul Sugy ,Euthanasia ; comment la medicalization de cas particuliers fausse le debat , le Figaro ,French,p14

there was nothing left to prevent a man from dying a quiet death. Doctors' resuscitation devices and the court acquitted them and said that some patients had the right to die in peace⁽¹⁾. But English law has set special conditions for euthanasia that must be fulfilled by both the physician performing the homicide and the patient in acute pain, and the statement from the patient is ;

A/ Euthanasia was carried out by a medically qualified physician registered with the Physicians Syndicate.

b / The patient must be sane and have reached the legal age of majority, which is 21 years or more.

C / The disease is incurable, and there is no hope of recovery from it, and it causes excruciating pain to the patient.

D- The patient submits a written consent to end his life approved by the concerned parties, who are doctors and nurses in the same hospital in which the disease is located

E / The patient must be injected with the drug to remain in a complete coma so that he does not feel the pain he suffers before the execution of the killing on him, therefore, when all these conditions are met, it is considered euthanasia, and this is the opinion taken by English law in approving euthanasia at the request and consent of the patient.⁽²⁾

(1) Saed Ateeq, The Murder of Pity ,ets , p60-61.

(2) Mohammed Ali Sobhi, The victim's satisfaction and its impact on criminal responsibility, University Press, Algeria, 1993,p279.

B-laws criminalizing euthanasia -

Some criminal laws in Western countries criminalize euthanasia. There are those who consider that the offender or the assistant has committed a crime against people, and there are those who consider it a mitigating excuse because it occurred at the request of the victim

First : laws criminalizing the act

1-Ireland

Legally, Irish law does not mention euthanasia. On the contrary, according to the Criminal Code of 1993, a person who assists, encourages or advises another person to commit suicide is guilty of a crime and is liable to imprisonment for up to 14 years ⁽¹⁾

2-Polish ;

Polish law did not provide for euthanasia, but considered it a crime against life and health, as Article 148 of the Penal Code states: Anyone who kills a person is punishable by 8 years, 25 years or life imprisonment ⁽²⁾.

Greece:3-

Greek law rejects the idea of euthanasia, and expressly stipulates it in Article 300 of the Penal Code ⁽³⁾, which states: Whoever decides to unlawfully kill after the strong

(1) End of Life Legislation, Ireland, article published on the website, visited on <http://www.etudier.com/> 3/5/2021.

(2) Poland penal code 1997.

(3)The Greek Penal Code 1951.

insistence of the victim, and mercy for the one who suffers from a terminal illness. , is punishable by imprisonment

Second : laws mitigating penalties

A / Switzerland:

The Swiss legislator has agreed to a reduced liability for a doctor who ends the life of a patient at his earnest request, in accordance with Article 114 of the Swiss ⁽¹⁾ Penal Code, which states the following: A serious and urgent request shall be punished by deprivation of liberty for a period not exceeding three years or a fine ⁽²⁾, as stipulated in Article 115 of the same law on: Anyone who, for personal reasons, wants to commit suicide or attempts to commit suicide. A penalty of imprisonment for a period not exceeding five years or a fine shall be imposed if this leads to the person committing or attempting suicide. in it ,According to this article, the committed act is not considered a crime except in the case of encouragement and assistance, whatever the patient's will. Accordingly, it can be said that assisting in suicide and even taking affirmative action to end one's life is not a crime when the patient is required to do so according to Swiss law and Article 115 of the Criminal Code of this country prohibits assistance. In suicide without the patient's request only. This explanation is illustrated by the presence of organizations concerned with providing assisted suicide services without any legal prosecution.

(1) Swiss Criminal Code 1937.

(2)SIMONE Pelletier : De l'euthanasie : l'euthanasie et la Dysthanasie, Revue international de droit pénal, n°3, 1976. P240.

B / Italy:

Article 576 of the Italian Penal Code states: Whoever causes the death of a person with his consent is liable to imprisonment from six to fifteen years⁽¹⁾

c- Sweden

Article 205 of the Swedish Penal Code ⁽²⁾states: Anyone who kills, injures or harms a person with his or her consent shall be punished by imprisonment. Based on this text, a doctor who kills a patient out of pity reduces his sentence to the minimum punishment prescribed for the crime, or he is sentenced to another punishment less than the minimum punishment for the crime without stipulating that this be at the request of the offender. Victim ⁽³⁾

The position of Arab laws on euthanasia

Most of Arab legislation agrees that euthanasia is not legally, but they differ in the type of crime the doctor is asking about. Euthanasia is considered the same as premeditated murder, regardless of the reasons and motives .

First / Laws that take into account the reason for the action:

This kind of legislation includes holding the physician accountable for the crime of euthanasia, but the nobility of the motive is punishable by a reduced sentence.

(1) Italian Penal Code 1930.

(2) The Swedish Criminal Code 1962.

(3) Muhammad Ahmad Taha, Criminal Responsibility in Determining the Moment of Death, Master's Thesis, Naif Arab University for Security Sciences, Riyadh, Saudi Arabia, 2001, p32.

1-Syrian

The Syrian Penal Code ⁽¹⁾ included reliance on the motive so that it expressly stipulated it and made it one of the conditions for mitigating or aggravating criminal responsibility, as Article 192 of it stipulates ((If it appears to the judge that the motive was honorable, he shall be punished with the following penalties;

1. Life imprisonment or fifteen years in lieu of life imprisonment.
2. Temporary imprisonment instead of temporary hard labor.
3. Simple imprisonment instead of imprisonment with work.

Article 193 of the same law stipulates that the motive should be outrageous, so that the punishment for the offender is severe, as stated in the text of the article: If the crime is punishable by life or temporary imprisonment or a disgraceful amount is paid to simple imprisonment, the judge shall replace the permanent imprisonment. With permanent hard labor, from pretrial detention to temporary hard labor, from simple imprisonment to hard labor , the Syrian law also commuted the penalty of a mother who offered to avoid shame to kill her child with whom she became pregnant through incest, as Article 537 of the Syrian Penal Code, the first paragraph of it, stipulates the following: The Syrian legislator has authorized euthanasia and even criminalized it and imposed penalties on its perpetrator as stipulated. In Article 538 of the Penal Code which states ((A person who willfully kills a human being with an act of

(1) Syrian Penal Code No. 48 of 1949.

compassion based on the urgency of the request shall be punished with imprisonment for a term of ten years at most))⁽¹⁾.

A case has been filed before the Syrian judiciary against a woman who killed her. Her husband because he asked her to do so. In front of everyone he grieved and made him go through a state of depression that made him beg those around him to end his life and based on his insistence, his wife injected him with a lethal injection and the sadness hurt her heart. The court ruled five years old because she was out of pity and mercy and because she is old ⁽²⁾.

Based on these texts, we find that the Syrian legislator, like most Arab legislation, does not allow the end of human life out of pity for him, even upon request and with great urgency. Temporary arrest or simple imprisonment...etc ⁽³⁾ .

Lebanon ;:2-

Article 552 of the Lebanese Penal Code ⁽⁴⁾ states the following: Anyone who kills a person with the intent of sympathy shall be punished with imprisonment for a maximum of ten years. It is distinguished by seriousness and determination, and therefore mitigation does not apply if it is

(1) Muhammad Khair Fares Kneher, Mercy killing between supporters and opponents, see the website: Date of visit 11/9/2021 www.thawra.almelda.gov.sy.

(2) Ramada Abdoush, killing out of pity or euthanasia among the files of the judiciary and the opinions of doctors, see the website <http://http://nesasysy.wordpress.com>.

(3) Saed Ateeq, Euthanasia between Permissibility and Criminalization, Al-Mufker magazine, first edition, Biskra, Algeria, 2018,p267.

(4) Lebanese Penal Code No. 340 of 1943.

merely consenting to death in order to rid him of the excruciating pain he suffers, while mitigation does not take effect when the motive for killing is revenge and hatred. Rather, it is required that the motive be the compassion of the patient⁽¹⁾.

UAE :3-

The UAE legislator organized in Article 96 of the UAE Penal Code⁽²⁾ that the motive of pity in killing is a legal excuse to reduce the penalty, as stated in the previous article: ((It is considered one of the mitigating excuses to be young age). A criminal or committing the crime for non-evil motives or ...) Where the criminal in this case is not considered an ordinary criminal, but an exemplary criminal, because he committed his act under the influence of a noble passion, so the UAE law considered the motive of pity as a legal excuse that reduced the punishment.

Second / Laws that do not take the cause of the action;:

1-Algerian

Algerian law does not allow euthanasia, and there is no text that specifically criminalizes this type of killing. Rather, it is considered a premeditated murder. Accordingly, whoever gave the patient medication to facilitate his death or an artificial resuscitation device was placed on him before the death of his brain stem is considered to have committed the crime of premeditated murder. According to Article 256

(1) Muhammad Ahmad Taha, Criminal Responsibility in Determining the Moment of Death,ets,p45.

(2) Federal Penal Code of the United Arab Emirates No. 3 of 1987.

of the Penal Code⁽¹⁾, If he commits these acts by mistake, he is also considered responsible for his death, as the doctor who committed a professional error while carrying out his duties shall be punished with the penalties prescribed for the crime of unlawful killing stipulated in the law. Text of Articles 298-299 of the Penal Code. If the doctor's work is limited to providing assistance to the patient only in order to get rid of his life by committing suicide, the doctor in this case falls to the penalties prescribed for the crime of assisting suicide in accordance with the text of Article 273 of the Penal Code. Even a small chance of survival according to Article 182 of the Penal Code.

Egypt:2-

The Egyptian Penal Code came devoid of any text recognizing the original motives in the field of criminalization, so it is equated with the motive being repugnant or completely opposite, such as clemency or mercy to the patient as in our case. In the face of this silence, it is necessary to adopt the rules of premeditated murder stipulated in Article 230⁽²⁾ of the Penal Code, and the Egyptian jurisprudence went to say that the act is if it is done by a positive act on the part of the doctor. Such as removing the resuscitation equipment from the patient before his natural death out of mercy for him, and he was aware of the patient's need to continue the work of the resuscitation equipment for him, and removing them from him would endanger his life at risk of injury. risk of completion he did so freely and consciously and consciously of the criminal

(1) Algerian Penal Code No. 66-156 of 1966.

(2) Egyptian Penal Code No. 58 of 1883.

consequence, so he is asked about a premeditated murder without the slightest distinction between them. Refrain, and the basis for his refusal is his obligation to provide treatment to anyone in danger as long as he is alive ⁽¹⁾.

It is clear from what was presented that there is a difference between Western laws regarding euthanasia, as they differ in the type of crime that the doctor asks about, and it seems that some think about the motive and others do not.

Jordan:3-

Dr. Kamel Al-Saeed clarifies the position of the Jordanian law on this issue in his book, Explanation of the General Provisions in the Law, by saying: A doctor who commits a crime of murder in order to save the patient from his homeland is considered a violator. He committed a premeditated murder, which does not satisfy the victim, because the human right to life is not considered an inalienable right. Its infringement is justified only for the benefit of the person himself, and the law does not expressly provide for this condition.

However, it is required in advance, since the law does not allow a medical act to be performed unless it is intended to cure diseases and ailments, and also asks for premeditated murder by abstention if his behavior is a refusal to continue treatment. As for the patient,⁽²⁾ as for the doctor removing

(1) Muhammad Ahmad Taha, Criminal Responsibility in Determining the Moment of Death

(2) Abdul Karim Hamza Hammad, Euthanasia, an intentional jurisprudential vision, Journal of Studies in Sharia and Law=

the artificial resuscitation device from the patient at the stage of apparent death, he says: The person is still alive, and therefore lifting the life support devices stops the brain cells and thus the occurrence of medical death. Therefore, it is considered a killer, whatever the justifications for it⁽¹⁾

Iraq:4-

We do not find that the effective Iraqi Penal Code No. 111 of 1969 dealt with this issue and left the issue to fatwas without a binding text for the issue. 405 ((Whoever intentionally kills a person shall be punished with life or temporary imprisonment)).

Article 408 of the same law⁽²⁾ also states the following: “Whoever abets or assists a person by any means to commit suicide, if the suicide was committed on the basis of that, shall be punished with imprisonment for a period not exceeding seven years. Imprisonment shall be if the suicide was not committed. But it was tried. The second paragraph states. From the same article ((If the suicide was under eighteen years of age or was lacking awareness or will, this is considered an aggravating circumstance and the offender shall be punished with premeditated murder or attempted murder, as the case may be. If the suicide was unconscious or unwilling, and it is noted that Iraqi law did not It deals with the issue of euthanasia accurately, and this matter needs to be highlighted in order to put an explicit text that clarifies the position of the Iraqi legislator on euthanasia

=Sciences, University of Jordan, Volume Thirty-four, Number Two, Jordan, 2007.

(1) Muhammad Ahmad Taha, Criminal Responsibility in Determining the Moment of Death.

(2) Iraqi Penal Code(law No. 111 of 1969.

The international position on euthanasia

Assaulting the human soul is a crime of general origin, and this principle stems from the principle of the sanctity of this life and the preservation of it from every attack on it for any reason. Therefore, killing oneself is one of the most heinous crimes committed. International charters and declarations guarantee the right to life, which is one of the most important rights associated with human beings and the emergence of their conditions through international conventions and texts, the most important of which is the 1948 Universal Declaration of Human Rights. Where it stipulated in its third article that "everyone has the right to life and the safety of his person." The position of international organizations, United Nations committees, associations and non-governmental organizations⁽¹⁾

First ; The position of international organizations

The position of the World Health Organization:A-

The World Health Organization has called for comparative studies of various practices to combat pain in different countries and for the publication of these recommendations. It is advisable to focus efforts on initiating intensive treatment programs rather than applying pressure to legalize euthanasia⁽²⁾.

When extrapolating the study presented by the World Health Organization, we find that it is a strange equation

(1) The Universal Declaration of Human Rights 1948.

(2) Traitement de la douleur cancéreuse et soins palliatifs, rapports d'un comité d'experts de l'OMS (série de rapports techniques 804), Organisation mondiale de santé, Genève 1990.

because it suggests that the World Health Organization is retracting its position, not in the prevention or permissibility, but in the necessity of legislation or not in the case of euthanasia. Humans and Biomedicine, which was adopted in Oviedo, Spain, on April 4, 1997, and entered into force on December 1, 1999. Its general principle is that the interests of human beings must always be considered a priority over the interests of science, as it forbids all forms of discrimination based on human genetic inheritance.

It lays down specific rules regarding scientific research, reaffirms the principle of the patient's explicit and clear consent with respect to every treatment outside of emergency situations, and stipulates the patient's right to be informed of his illness unless he expresses his desire to do so. not want to know. After completing its study, the committee reached several conclusions, including :

1-Is there no moral justification for taking measures to extend life because they find no cure for the disease but only to prolong the suffering?

2-It is not possible to refuse to take drugs because they help in controlling pain, but there must be some kind of credibility when using them.

3-Death should not be accelerated when effective drugs are used, but there should be some credibility when using them.

It is clear from the recommendations of this study that the position of the World Health Organization supports the idea of indirect euthanasia when the intention is no longer to kill, on the one hand, and on the other hand, it called for speeding

up death and euthanasia. Failure to take measures to extend life in the face of a terminal illness

B-The position of the United Nations Human Rights Committee:

The UN Human Rights Committee has expressed concern about the passage of Dutch law and considered it its duty to intervene and respond to the position taken by the Netherlands by providing legal protection for acts that intentionally restrict life. She emphasized her deep regret over this issue, and called for the need to protect the human being until he reaches natural death with complete peace of mind⁽¹⁾ It is clear from the above that the position of the United Nations Human Rights Committee is clear regarding the practice of euthanasia.

C- The position of the European Parliament

Parliament asked the Committee on Environment, Public Health and Consumer Protection to prepare a resolution on the status of patients at the end of life in April 1989. On 25 April 1991, the European Parliament passed a resolution fulfilling the following recommendations⁽²⁾

- The need to develop an analgesic treatment
- He demanded attention to positive euthanasia for desperate patients after all medical treatments had failed

(1)LES DOCUMENTS DE TRAVAIL DU SÉNAT Série LÉGISLATION COMPARÉE, Janvier ,1999.

(2) Memeteau(g) , la demande de mort d un malade congress mondial de droit medical , Belgium gent,1979.p24.

The European Parliament has been based on the premise that physical pain is not beneficial and negatively affects human dignity. And she considered that the position of the European Parliament calling for the implementation of euthanasia is not negative but positive, which is certainly the most dangerous

D-the position of the Council of Europe

The European Council issued a recommendation on January 29, 1972, which states Prolongation of life should not be the sole aim of medical practice, but rather the relief of suffering. And only for his own survival as long as this pain and suffering continued⁽¹⁾, These principles, recommended by the Council of Europe, were reaffirmed in 1976, when a Recommendation on the Rights of the Sick and the Dying was issued. Paragraph 6 states: "Life extension shall not be the sole aim of medical practice, which shall nevertheless aim at relieving pain ⁽²⁾ Regarding euthanasia, the European Council noted that euthanasia should be understood, by linguistic definition, as a result of gentle assistance in order to relieve pain and anxiety. The Council of Europe considers it illogical to consider the idea of accepting the application for the death of the patient, considering that he does not deserve to live, and that his dignity has been tainted by a blemish, when it gave him a recommendation on June 26, 1999 That "the wish to die, expressed by a patient with no hope of recovery or dying, cannot constitute a legal basis for his death at the

(1) Senat , dossier euthanasia sur le site www.senat.fr.

(2) Memeteau(g), la demande de mort d un malade congress mondial de droit medical , Belgium gent,1979 .p27.

hands of others. ⁽¹⁾" Biology and medicine have turned to fight intensive therapy, and this silence is even more bizarre, especially since the idea of dignity is key to the euthanasia debate

second; Non-governmental organization;

A-: The World Medical Association:

For the first time, the World Medical Association treated euthanasia in New York in 1950, condemning it in all cases, and in Lisbon in ⁽²⁾ 1981. Recovery remains, in any case, The 1983 Venice Declaration ⁽³⁾ and the 1987 Madrid Declaration confirmed the condemnation of positive euthanasia, stressing that healing remains in all cases the goal of the doctor, ⁽⁴⁾ In 1990, the International Medical Association published the Declaration of Principles of the International Medical Association relating to the provision of treatment to patients with chronic and violent pain in the end stage of disease, which was approved at the conclusion of the 42nd session of the World Medical Association held in Rancho Mirage, California, USA, and put Effective pain management principles according to each individual, even if this involves the use of narcotic substances and it is emphasized that addiction cannot be considered a major problem in the treatment of painful pain. Pain associated with new tumors.

(1) Conseil de l'Europe , assemblée parlementaire . recommandation 779 relative aux droits des malades et des mourant 29 janvier 1976.

(2) Declaration de lisbonne sur la dignite du malade , Assemblée medicale , 1981.

(3) Declaration de venise sur la la phase terminale de la maladie, Assoc . medicale mondiale , 24-26 oct 1983.

(4) Declaration de venise sur la la phase terminale de la maladie , Assoc . medicale mondiale , 24-26 oct 1983.

. In 1992 came the declaration endorsed by the 44th World Medical Association in Marbella, which stated that physician-assisted suicide is immoral and must be condemned by the medical profession. The patient's right to refuse treatment, and in this case it is stated that the doctor's behavior does not contradict public morals, even if respect for this desire leads to the patient's death

B-: The position of the Association for Right to Die with Dignity-AMDM This association was established in France in 1980 and this association works in order for every patient to have the right to end his life with dignity and calm. This association benefits, and hopes to harmonize the various laws on euthanasia, as it calls for the recognition of this last freedom in the principles of the United Nations on the basis of the principles underpinning medical ethics, where it appears that respect for human dignity on the one hand and the preservation of life and safety on the other It is global data and that over-medicalization of death is not an appropriate solution because death is not a disease.

Religious opinion of euthanasia:

Difficult cases today may be curable tomorrow. Based on this concept, all monotheistic religions came to reject the idea of euthanasia and The philosophical and historical basis for this rejection can be answered through religious texts in various heavenly legislation.

so we find in the Christian religion a rejection of the idea of euthanasia, as the church states that everything is a gift from God Almighty, and life is that great gift that God gave to human, In his message "The Secret Body", the Pope

addresses those who consider euthanasia a discovery in human progress and justify it under the pretext of the common good, saying: "Every person acknowledges that this does not contradict natural and divine law." Written in the human heart, it even contradicts all sensitive and civilized humanity⁽¹⁾.

Also We find this rejection in Islamic legislation as well because The right to life in Islamic legislation is a sacred right based on honoring the human being, so killing oneself unjustly is one of the most heinous crimes and is punishable by Islamic law. Or with the help of a doctor who is legally forbidden, and we find that the Noble Qur'an stipulates this matter **((Do not take a 'human' life—made sacred by Allah—except with 'legal' right.1 This is what He has commanded you, so perhaps you will understand))**⁽²⁾

We conclude clearly that religious opinion categorically rejects the idea of euthanasia, because it violates the most sacred human rights, which is the right to life.

(1) John Brick, Life is a Holy Gift, Al-Nour Orthodox Cooperative for Publishing and Distribution, Cairo, Egypt, 2004, p173

(2) Holy Quran - Al-An'am, verse 151

conclusion:

Based on the foregoing, we can say that the issue of euthanasia is complex and among the sensitive issues in both the moral and philosophical fields, and after we shed light in our research on the problem of research, which is the position of internal legislation. Towards euthanasia and how it captures international attention and how far the legislation has gone The Ministry of Interior has decided to go in the same direction that international law has taken on this issue

Results:

National laws differed greatly in the ruling on euthanasia, whether with the consent of the victim, his guardians, or others, between those who permitted killing in all its forms, forms and conditions, and those who permitted it without consent. The victim and his guardians, and among those who prevent euthanasia and the criminals against it The differing opinions of jurists and jurists on euthanasia between supporters and opponents, and the reason for the difference is a result of the reflection of cultures and peoples' ideas.

Suggestions:

1-States must review their national legislation in order to bring it in line with their international obligations and what is stipulated in various international conventions and to ensure respect for human rights

2-The future of euthanasia must be viewed with caution, as arbitrariness is possible if it stipulates the human right to die, especially with the impossibility of limiting the cases in which it can be intervened to end his life.

3-Reason, logic and humanity completely and in detail refuse to deal with the human right to life as the highest human right at all from a purely utilitarian and materialistic perspective that lies around the pleasures and pleasures of life. The true test of acceptance of life is enduring degrees of pain, patience, and contentment as the most important manifestation of faith in God.

4-The human right to life cannot be waived by the patient or anyone else, as it is a right of God Almighty, and the human being is represented in it only the material container for this right, and society also rejects that. Manipulating the capabilities of this right on reality that each society has a specific interest in preserving the lives of its members who are the basis of its social power.

The Authors declare That there is no conflict of interest

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