



## Notification given of application concerning the right to assisted suicide for patient with amyotrophic lateral sclerosis (ALS)

The European Court of Human Rights has today given notice<sup>1</sup> to the Government of Hungary of the application **Karsai v. Hungary** (no. 32312/23) and has asked them to submit their observations on its admissibility and merits. The case concerns the right to a self-determined death of a person affected with amyotrophic lateral sclerosis (ALS), a type of motor neurone disease.

It is a criminal offence in Hungary to help somebody to end his/her own life, including when that person is of sound mind but has an incurable degenerative disease and does not wish to live any longer. In its questions to the parties, the Court has asked, among other things, whether the Hungarian legal framework and the way it operates in practice is compatible with Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and/or 9 (freedom of thought, conscience and religion) of the Convention.

The applicant, Dániel Karsai, is a Hungarian national, who was born in 1977 and lives in Budapest. He is a lawyer by profession.

Mr Karsai is in an advanced stage of amyotrophic lateral sclerosis (ALS), a progressive neurodegenerative disease with no known cure. It consists in the gradual loss of motor neurone function, and hence of the voluntary control of muscles. At the end-stage of ALS, most muscles responsible for volitional motion are paralysed; speech, unaided breathing and swallowing become very difficult and ultimately impossible. Sensory and cognitive abilities may stay largely intact, and patients may maintain their intellectual functions and consciousness throughout the progression of the disease.

Mr Karsai first experienced the symptoms of ALS in July 2021. He is no longer able to walk and take care of himself without assistance. He maintains that within a year from now he will be completely paralysed and will not be able to communicate; he will be “imprisoned in his own body without any prospect of release apart from death” and his existence will consist almost exclusively of pain and suffering.

He would like to end or at least to shorten that phase of his disease through some form of assisted dying before he reaches a state that he considers to be unbearable; however, euthanasia and assisted suicide are illegal in Hungary. He maintains that, even if he were to die of assisted suicide or euthanasia outside Hungary, the relevant provision of the Criminal Code would apply and anyone assisting him in ending his life could face criminal charges in Hungary. He argues that the lack of any prospect of ending his life on his own terms is having a detrimental effect on his mental state and his ability to cope with the challenges of the disease.

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The application was lodged with the European Court of Human Rights on 10 August 2023.

Given the nature of the case, the Chamber has decided to grant the application priority under Rule 41 of the [Rules of Court](#).

<sup>1</sup> Under Rule 54 § 2 (b) of the Rules of Court: “the Chamber or the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply.”

On 26 September 2023 the Government of Hungary were given notice of the application, with questions from the Court. A [statement of facts](#) submitted to the Government is available in English on the Court's website.

The Government have three weeks to submit their written observations.

The Chamber has decided to hold an oral hearing on the admissibility and merits on 28 November 2023.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and/or 9 (freedom of thought, conscience and religion) alone and in conjunction with Article 14 (prohibition of discrimination) of the European Convention of Human Rights, Mr Karsai complains that there is a blanket and extraterritorial ban on assisted suicide. He alleges that the lack of any possibility for him to decide how to die is disproportionate and that Hungary is under an obligation to provide a possibility for him to end his life on his own terms with dignity.

Relying on the same provisions in conjunction with Article 14 of the Convention, Mr Karsai argues that the choice to die is open to those who by nature of their disease can terminate or shorten their life by declining life-prolonging treatment, but not to those who – like himself – do not require such treatment. In his opinion, that makes him a victim of discrimination.

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