



Assisted-suicide conviction did not breach right to freedom of expression

In today's **Chamber judgment**¹ in the case of [Lings v. Denmark](#) (application no. 15136/20) the European Court of Human Rights held, unanimously, that there had been:

no violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The applicant is a doctor and the founder of a pro-assisted-suicide organisation, Physicians in Favour of Euthanasia. The case concerned his conviction on two counts of assisted suicide, and one count of attempted assisted suicide. He asserted that he had just been disseminating information about suicide.

The Court found in particular that the authorities had acted within their wide discretion in convicting Mr Lings. The relevant law criminalised specific acts of assisted suicide, which the applicant had been found guilty of, rather than general provision of information about suicide. The aims of the authorities – protection of health and morals and the rights of others – had been legitimate.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

Principal facts

The applicant, Svend Lings, is a Danish national who was born in 1941 and lives in Copenhagen.

Mr Lings is the founder of Physicians in Favour of Euthanasia (*Læger for Aktiv Dødsbistand*), an organisation that campaigns for assisted suicide. Under this umbrella, he produced a guide called "Medicines suited to suicide" (*Lægemedler der er velegnede til selvmord*), which he published on the Internet, legally under Danish law. It was a guide as to how to undertake suicide, including detailed descriptions of the different medicines, their required doses, physical methods, and so forth.

In 2017, following a radio interview in which he outlined having assisted someone in committing suicide, Mr Lings was struck off the medical register.

Mr Lings was later charged with two counts of assisted suicide and one count of attempted assisted suicide, and on 26 September 2018 he was convicted on two counts. On appeal, however, the High Court of Eastern Denmark (*Østre Landsret*), convicted him on all three counts. That decision was upheld by the Supreme Court in 2019.

The facts for which Mr Lings was convicted included prescribing medication (Fenemal) to two individuals with knowledge that they intended to commit suicide, and advising another to put a plastic bag over her head, alongside an overdose of medication. Two died and one later recovered, and indeed recovered full mental health following use of prescription drugs.

Mr Lings was finally sentenced to 60 days' imprisonment, suspended, with his age being cited as a mitigating factor.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights the applicant complained that the final domestic-court decision had breached his right to free expression.

The application was lodged with the European Court of Human Rights on 18 March 2020.

Judgment was given by a Chamber of seven judges, composed as follows:

Carlo **Ranzoni** (Liechtenstein), *President*,
Jon Fridrik **Kjølbro** (Denmark),
Egidijus **Kūris** (Lithuania),
Branko **Lubarda** (Serbia),
Gilberto **Felici** (San Marino),
Saadet **Yüksel** (Turkey),
Diana **Sârcu** (the Republic of Moldova),

and also Stanley **Naismith**, *Section Registrar*.

Decision of the Court

The parties did not dispute that the applicant's conviction had been an interference with his free-expression rights. The Court proceeded on that basis. It also found that it had been prescribed by law (Article 240 of the Criminal Code).

It noted that assisted suicide had been illegal in Denmark since 1930, and that the relevant law provided that a specific act of assistance to commit suicide had to have taken place for conviction. However, the Court was not called on to determine whether the criminalisation of assisted suicide was justified, only whether it was "necessary in a democratic society" in this case. It noted in that regard that the authorities have a duty to protect vulnerable members of society.

The Court emphasised that no right to assisted suicide existed under the Convention.

The Court took note of the Supreme Court's final conclusions and saw no reason to disagree with them, in particular that Mr Lings' advice, although based on his guide to suicide, had pushed one of the individuals towards suicide. Although publication of the guide had been legal, the case had rested on the specific advice given to individuals. It held that neither the conviction nor the sentence had been excessive in this case.

Overall, the domestic courts' reasons for taking the decision they did – protection of health and morals and the rights of others – had been legitimate, and they had acted within the wide discretion ("margin of appreciation") afforded to the authorities in this particular case.

The Court therefore found no violation of Article 10 of the Convention.

The judgment is available only in English.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Neil Connolly (tel : + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Jane Swift (tel : + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.