



Case referred to the Grand Chamber

At its last meeting (7 October 2013), the Grand Chamber panel of five judges decided to refer one case and to reject requests to refer 13 other cases¹.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

Gross v. Switzerland (application no. 67810/10): The case concerns the complaint of an elderly woman, who wishes to end her life but does not suffer from a clinical illness, that she was unable to obtain the Swiss authorities' permission to be provided with a lethal dose of a drug in order to commit suicide.

Referral accepted

[Gross v. Switzerland \(application no. 67810/10\)](#)

The applicant, Alda Gross, is a Swiss national who was born in 1931 and lives in Greifensee (Switzerland). For a number of years, she has wanted to end her life. Although not suffering from any clinical illness, she submits that she is over 80 and unwilling to continue suffering the decline of her physical and mental faculties. Having unsuccessfully attempted to find a doctor willing to issue the prescription required to obtain a lethal dose of sodium pentobarbital, she applied to the Health Board, which rejected her request to be provided with the drug in a decision eventually upheld by the courts in April 2010.

Ms Gross complains that by denying her the right to decide by what means and at what point her life would end the Swiss authorities breached Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

In its [Chamber judgment](#) of 14 May 2013 the Court held, by a majority, that there had been a violation of Article 8 of the European Convention. It held in particular that Swiss law, while providing the possibility of obtaining a lethal dose of a drug on medical prescription, did not provide sufficient guidelines ensuring clarity as to the extent of this right. This uncertain situation was likely to have caused Ms Gross a considerable degree of anguish. At the same time, the Court did not take a stance on the question of whether she should have been granted the possibility to acquire a lethal dose of medication allowing her to end her life.

On 7 October 2013 the case was referred to the Grand Chamber at the request of the Government.

Requests for referral rejected

Judgments in the following 13 cases are now final².

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes

Requests for referral submitted by the applicants

Zeynalov v. Azerbaijan (application no. 31848/07), [judgment](#) of 30 May 2013;

Sereny v. Romania (no. 13071/06), [judgment](#) of 18 June 2013;

Maskhadova and Others v. Russia (no. 18071/05), [judgment](#) of 6 June 2013;

Enver Kaplan v. Turkey (no. 40343/08), [judgment](#) of 25 June 2013;

Gavula v. Ukraine (no. 52652/07), [judgment](#) of 16 May 2013.

Requests for referral submitted by the Government

Delvina v. Albania (no. 49106/06), [judgment](#) of 21 May 2013;

Martin v. Estonia (no. 35985/09), [judgment](#) of 30 May 2013;

A.F. v. Greece (no. 53709/11), [judgment](#) of 13 June 2013;

Teodor v. Romania (no. 46878/06), [judgment](#) of 4 June 2013;

Avilkina and Others v. Russia (no. 1585/09), [judgment](#) of 6 June 2013;

Davitidze v. Russia (no. 8810/05), [judgment](#) of 30 May 2013;

Turluyeva v. Russia (no. 63638/09), [judgment](#) of 20 June 2013;

Hasanbasic v. Switzerland (no. 52166/09), [judgment](#) of 11 June 2013.

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Press contacts

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

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

Nina Salomon (tel: + 33 3 90 21 49 79)

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

Jean Conte (tel: + 33 3 90 21 58 77)

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.

final when the panel of the Grand Chamber rejects the request to refer under Article 43.