

N.B. This is not an official translation but a translation by the ECLJ.



**External Contribution by Nazila Ghanea, United Nations Special
Rapporteur on Freedom of Religion or Belief, to the French
Constitutional Council**

Introduction

1. The United Nations Special Rapporteur on freedom of religion or belief, Nazila Ghanea, has the honor to provide this *amicus curiae* submission before the Constitutional Council of France as an external contribution, in accordance with Article 13 of the Rules of Procedure governing proceedings before the Constitutional Council regarding declarations of constitutionality, as part of its review of the law on the right to aid in dying, approved by the French National Assembly on July 15, 2026 (Case No. 2026-910 DC). It aims at providing an expert and independent opinion, based on international human rights standards, to inform the Council's deliberations. The Special Rapporteur does not take a position on the ethical or political merits of legalizing aid in dying as such. These observations were drafted in English and translated into French.
2. The mandate of the United Nations Special Rapporteur on freedom of religion or belief was established by the United Nations Commission on Human Rights in 1986 and has been regularly renewed by the Human Rights Council, most recently in resolution 58/5. The Special Rapporteur is part of the "special procedures system," which constitutes "a central component of the United Nations human rights framework and covers all human rights, whether civil, cultural, economic, political, or social"¹. They act as independent human rights experts, selected for their "a) competence; b) experience in the field covered by the mandate; c) independence; d) impartiality; e) personal integrity; f) objectivity." They "are committed to

¹ Office of the High Commissioner for Human Rights ("OHCHR"), Special Procedures of the Human Rights Council, <https://www.ohchr.org/en/hrbodies/sp/pages/introduction.aspx>

defending independence, effectiveness, competence, and integrity by demonstrating probity, impartiality, honesty, and good faith” and “shall not receive any financial remuneration.”²

3. Nazila Ghanea was appointed United Nations Special Rapporteur on freedom of religion or belief by the Human Rights Council on August 1, 2022, and is expected to serve until July 31, 2028.
4. In carrying out her mandate, the Special Rapporteur enjoys the legal status of a United Nations expert on a mission, as defined in Articles VI and VII of the Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on February 13, 1946. In accordance with Article VI, paragraph 22, of the Convention, in her capacity as a United Nations expert on a mission, the Special Rapporteur enjoys the privileges and immunities necessary for the independent exercise of her functions, including immunity from legal proceedings with respect to words spoken or written and acts performed in the exercise of her mission.
5. This *amicus curiae* brief is submitted voluntarily, without prejudice to the privileges and immunities enjoyed by the United Nations, its officials, and its experts on mission, in accordance with the 1946 Convention on the Privileges and Immunities of the United Nations, and shall not be construed as a waiver, express or implied, of those privileges and immunities.
6. The Special Rapporteur further clarifies that no authorization regarding the position and opinions expressed in this document—which are in full accordance with the independence of her mandate—has been sought or granted by the United Nations, the United Nations Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, or by any official associated with these bodies.

Freedom of religion or belief protects both believers and non-believers

7. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) protects freedom of thought, conscience, religion, and belief in general terms, encompassing theistic, non-theistic, and atheistic beliefs, as well as the freedom not to profess any religion or belief. The exercise of freedom of religion or

² OHCHR, Special Procedures of the Human Rights Council.

belief is detailed in the ICCPR and includes worship and the observance of rites, practices, and teaching. Conscientious objection clearly falls within the scope of the observance of rites and practices.

8. Issues related to the intentional ending of human life raise profound moral and existential convictions. For many religious traditions, participation in euthanasia or assisted suicide is incompatible with their faith. Others reach similar conclusions for secular philosophical reasons. Conversely, some people consider aid in dying to be compatible with their religious or ethical convictions.
9. In this regard, it is important to recognize the right to conscientious objection, both in law and in practice, with respect to refusing to participate in acts contrary to one's religious beliefs, and to ensure that such legislation is implemented in a non-discriminatory manner, by adopting reasonable accommodation measures where possible to allow individuals to act in accordance with their beliefs. A framework of genuine pluralism must be preserved, in which the State neither imposes participation nor hinders lawful access through discriminatory measures.

Protection Against Compulsory Participation

10. Freedom of religion or belief includes protection against any coercion aimed at forcing a person to act against their conscience. This principle extends beyond formal professions of faith and encompasses any conduct that would seriously violate deeply held beliefs.
11. Consequently, legislation authorizing aid in dying must guarantee effective protection of conscientious objection for those directly involved in its implementation, including physicians, nurses, pharmacists, and other health care professionals whose participation would be incompatible with their religious or conscientious beliefs.
12. This protection must be concrete and effective, in accordance with Article 18, paragraph 2, of the ICCPR, and ensure that objectors are not subject to any professional sanctions, discrimination, or indirect coercion solely because they exercise their conscience.

Institutional Freedom

13. Freedom of religion or belief also protects the autonomy of religious communities and institutions in areas closely tied to their religious identity.
14. Religiously affiliated hospitals, hospices, and nursing homes should not be compelled to permit or facilitate aid in dying on their premises if doing so would fundamentally contradict their religious ethics or prevent them from continuing their operations.
15. Respect for institutional autonomy falls within the broader framework of the protection afforded to religious communities under international human rights law and contributes to pluralism.

Balance of Rights

16. The protection of conscience must not result in the nullification of rights established by law. Similarly, the legal recognition of aid in dying must not infringe upon the fundamental freedoms protected by France's international obligations.
17. It is therefore necessary to ensure that the legislation strikes a proportionate balance between:
 - legal access to aid in dying when it is authorized;
 - the protection of professionals' freedom of thought, conscience, religion, or belief while providing professional services;
 - equality and non-discrimination; and
 - the integrity and independence of the medical profession.
18. Such a balance is consistent with the principle of secularism, understood as requiring the State's neutrality with respect to competing religious and philosophical beliefs, rather than their exclusion from the public sphere.

Conclusion

19. The Special Rapporteur respectfully submits that the right to freedom of religion or belief requires, at a minimum:

- a) a robust protection of the individual conscientious objection of health care professionals directly involved in aid in dying;
- b) a protection against any discrimination or professional disadvantage resulting from the exercise of conscientious objection;
- c) the respect for the autonomy of faith-based health care institutions, in accordance with their religious or ethical identity; and
- d) an interpretation of the law that upholds France's obligations under Article 18 of the ICCPR.

20. The recognition of aid in dying and the robust protection of freedom of religion or belief are not mutually exclusive. Both derive from the constitutional commitment to human dignity, freedom of conscience, and respect for pluralism in a democratic society.

Respectfully submitted,



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At Oxford, United Kingdom

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