

CURRENT LEGAL ASPECTS REGARDING THE RIGHT TO LIFE IN THE EUROPEAN UNION

Ilinca Gabriel-Florin

Alexandru Ioan Cuza Police Academy, Bucharest, Romania

E-mail address: business.igabi@gmail.com

Lecturer PhD Cătălina Năstase

Alexandru Ioan Cuza Police Academy, Bucharest, Romania

E-mail address: catalinanastase2012@gmail.com

Abstract (en): *The right to life is the most fundamental human right, enshrined in both international treaties and national constitutions. This paper explores the current legal challenges and ethical implications surrounding this right, analyzing how it is protected and interpreted in the European context. The study addresses controversial issues such as abortion, euthanasia, organ transplantation, and the death penalty, with comparative insights from Romania, Poland, and the United States. The section on abortion highlights the restrictive Polish legislation and contrasts it with the more permissive Romanian framework, illustrating how different legal and cultural environments influence the recognition of women's rights. The research also examines euthanasia and assisted suicide, drawing attention to the tensions between the individual's autonomy and the state's duty to preserve life. Moreover, the legal and ethical dimensions of organ transplantation are investigated, especially regarding informed consent and equitable access. One of the key contributions of the paper is the discussion of artificial intelligence in medicine, emphasizing its transformative role in diagnostics and treatment, while also questioning accountability and data protection. The study further reflects on the impact of the COVID-19 pandemic, especially the moral dilemmas raised by limited medical resources, prioritization of care, and access to treatment. By using a qualitative approach and legal analysis, the paper offers a comprehensive understanding of how the right to life is challenged and protected in today's dynamic social, legal, and technological environment. Ultimately, it aims to contribute to the academic and policy debate on the future of human rights protection in the EU, providing both legal insights and policy recommendations for strengthening the legal framework surrounding the right to life.*

Key words: *Right to Life, Abortion, Euthanasia, Death Penalty, Artificial Intelligence in Medicine*

1. Introduction

The right to life is one of the most fundamental human rights, protected both nationally and internationally. It forms the foundation upon which all other fundamental rights and freedoms are built, as without its guarantee and respect, other rights cannot have any real effect. In a state governed by the rule of law, the protection of life is not just a moral obligation but also a legal one, with the state being responsible for adopting effective measures to guarantee this right. [1]

International regulations such as the Universal Declaration of Human Rights and the European Convention on Human Rights stipulate that every person has the right to life, and

this right must be protected by state authorities. National legislations, including the Romanian Constitution, enshrine this right as inviolable.

Legally, the right to life is guaranteed by international treaties and national laws. Article 2 of the European Convention on Human Rights states that "everyone's right to life shall be protected by law" and explicitly prohibits arbitrary killing. Beyond the general protection of life, national legislations include specific regulations such as the abolition of the death penalty in most European states, strict regulation of armed interventions and the use of lethal force by authorities, as well as provisions on emergency medical assistance to protect patients' lives. Romanian criminal law penalizes offenses that endanger life, such as murder, grievous bodily harm, or negligent acts that endanger others' lives.

In addition to legal implications, the right to life is also the subject of ethical and bioethical debates. The most controversial issues include abortion, euthanasia, and assisted suicide, as well as genetic experiments and human cloning. Questions about the beginning and end of life generate multiple perspectives on how this right should be protected. In the case of abortion, debates focus on when life begins and whether the fetus can be considered a person with rights. Some states allow abortion up to a certain term, while others prohibit it almost entirely. Euthanasia and assisted suicide raise questions about the conflict between individual self-determination and the state's obligation to protect life. Countries such as the Netherlands and Belgium allow euthanasia under strict regulations, while in Romania, it remains illegal. Moreover, scientific advances in genetic experimentation raise questions about the limits of intervention in human life and the associated ethical risks.

The state has the obligation to protect citizens' lives through legislative, administrative, and preventive measures. These responsibilities include ensuring public safety by combating crime, terrorism, and other threats to life; guaranteeing access to medical services for all citizens regardless of their social status; preventing and combating domestic violence by implementing protective measures for victims; and protecting vulnerable groups such as the homeless, refugees, and victims of human trafficking.

The European Court of Human Rights has established that states must not only refrain from violating the right to life but also adopt effective measures to prevent situations where people's lives are at risk. For example, in the case *Osman v. UK*, the Court found that authorities have a proactive duty in situations of imminent risk. Thus, the right to life is not just a legal norm but also an ethical and social responsibility, and it is essential that it be protected through a clear legislative framework and concrete intervention measures.

2. Abortion

Abortion is a sensitive subject that has sparked and continues to spark heated debates in contemporary society. The issue raises fundamental questions about individual rights, the morality of medical actions, and the legal framework regulating this practice. Below, we will examine various perspectives on abortion, addressing both women's rights and the rights of the fetus, as well as the procedure's impact on public health and society. [2]

One of the greatest disputes regarding abortion centers on the conflict between a woman's right to choose and the fetus's right to life. Supporters of abortion rights emphasize that a woman has the right to decide what happens to her body, including in the case of pregnancy. They argue that without access to legal abortion, women may be forced to carry unwanted pregnancies or face severe physical and psychological risks. Thus, abortion is seen as an extension of women's fundamental rights over their own bodies a right to self-determination and control over one's life.

On the other hand, opponents of abortion advocate for fetal rights, considering that life begins at the early stages of pregnancy. In their view, abortion is equivalent to the killing of a human being. This perspective is supported by many cultures and religions that consider life sacred and inviolable from the moment of conception. Therefore, protecting the life of the fetus becomes a priority over the rights of the woman.

Abortion is often analyzed from ethical, religious, and legal perspectives. Ethically, the question is about the moral status of the fetus and its right to life compared to the woman's right to choose. Different ethical theories offer varying responses some argue the fetus becomes a person with full rights only at birth, while others believe it deserves moral protection from conception.

From a religious standpoint, many traditions such as Catholicism, Islam, and Judaism—condemn abortion as a violation of divine principles. Life is seen as a sacred gift, and abortion is perceived as an act against divine will. However, some religious groups adopt more permissive views under certain circumstances, depending on their interpretation.

Legally, abortion laws vary significantly between countries, reflecting cultural, religious, and political differences. In many states, abortion is legalized only under certain conditions, such as in cases of rape, incest, or risk to the mother's life. Others allow abortion on demand within a limited time frame.

Abortion has a significant impact on public health and social structures. On one hand, legalizing abortion can reduce risks associated with illegal and unsafe procedures, which endanger women's lives and health. In countries where abortion is regulated and safely performed, there is a notable decline in deaths and complications related to unsafe abortions. Abortion can also prevent the birth of children with severe malformations or those who would be raised in extreme poverty, which has long-term social and economic implications.

On the other hand, some argue that abortion may have negative psychological effects on women, such as depression or post-abortion trauma. In some societies, frequent abortion may be perceived as a way to avoid the responsibility of raising children, potentially leading to declining birth rates and a shrinking young population.

From a social perspective, individual decisions about abortion affect the entire society, both demographically and culturally. For example, in a society where abortion is allowed, there

may be a more permissive attitude toward women's rights, promoting gender equality. In contrast, societies with restrictive abortion laws may reflect a more conservative mindset, limiting women's options and freedoms.

3. Organ transplantation

Organ transplantation is a major medical procedure that saves lives but also raises several ethical, legal, and technical questions. The procedure involves transferring an organ from a donor to a patient in need due to severe illness or organ failure. While transplantation is life-saving for many patients, it presents challenges related to ethical donation, associated risks, and equitable access.

Organ transplantation is strictly regulated in most countries to ensure ethical and fair donation and transplant processes. This includes rules on consent, donor selection, and organ allocation. In many countries, organ donation is based on explicit consent by the donor or their family, though some states have adopted a "presumed consent" system.

Ethically, organ transplantation raises questions about the definition of "death" and how to determine the appropriate moment for organ harvesting. Brain death is legally and medically accepted in most countries as the point at which a person is considered dead, even if some bodily functions are maintained artificially. The ethics of organ transplantation, especially in cases of deeply comatose patients maintained on life support, is a subject of intense debate. [10]

Transplants bring major benefits, such as saving the lives of patients who otherwise have little chance of survival, improving quality of life, and allowing some to return to normal life. For example, kidney transplants save patients with chronic renal failure, and liver transplants are vital for those with cirrhosis or severe liver disease.

However, transplantation also comes with significant risks. Organ rejection is a major concern, and recipients must take long-term immunosuppressive medication to prevent this, increasing their vulnerability to infections and severe side effects. Surgical risks, including infection, anesthesia complications, or post-operative issues, are also present.

Another risk is the use of organs from donors who are not entirely healthy or who may have undiagnosed conditions, affecting the transplant's success or even endangering the recipient's life.

One of the biggest challenges is access. In many countries, the number of people needing a transplant far exceeds the number of available organs. This imbalance creates long waiting lists, and many patients do not survive long enough to receive an organ.

Compatibility between donor and recipient also plays a critical role in a transplant's success. Factors such as blood type, tissue type, and histocompatibility must match to

minimize rejection risks. Compatibility is harder to achieve in patients with rare genetic traits or those who have developed antibodies after previous transplants.

To improve access, many countries have implemented better organ donation strategies, including raising public awareness and implementing fairer allocation systems. Despite these efforts, the global shortage of donors remains a serious issue. Research into artificial organs and tissue engineering is ongoing as a potential solution.

4. Abortion in poland

Abortion in Poland is a controversial and highly debated topic due to the extremely restrictive legislation governing this practice. Over the decades, Polish law has undergone significant changes, and abortion has become a symbol in the fight for women's rights. Understanding the evolution of abortion laws in Poland, the motivations behind partial bans, and the social impact of these restrictions is essential to grasp the complexity of the issue.

Polish abortion laws have changed significantly over time, reflecting political and social shifts. During the communist era, Poland had some of the most permissive abortion laws in Central and Eastern Europe. Abortion was legal in cases of unwanted pregnancy or if the fetus or mother had medical issues. The 1956 law allowed abortion up to 12 weeks and later even later in specific cases.[5]

However, in the 1990s, following the fall of communism and the increasing influence of the Catholic Church in public life, abortion legislation became more restrictive. In 1993, a compromise law allowed abortion only in three cases: risk to the mother's life, severe fetal abnormalities, or in cases of rape or incest. This law remained in place for decades.

The partial abortion ban in Poland is closely tied to the Catholic Church's influence on politics and legislation. Poland is predominantly Catholic, and the Church has played a central role in promoting a conservative view of morality and women's rights. Abortion is often considered a sin and a violation of divine principles, which heavily influenced political decisions and led to strict abortion laws.

Besides religion, political and social factors also contribute to abortion restrictions. The Polish government, led mainly by conservative and nationalist parties, views abortion as a threat to traditional values and the family, using the issue to mobilize support. Concerns about declining birth rates have also fueled pro-family policies.

The social impact of the abortion ban is significant. Many Poles believe the harsh restrictions negatively affect women's rights and limit their ability to make critical life decisions. Despite the ban, illegal and unsafe abortions still occur, endangering women's lives and health. This has led to protests and resistance movements led by women and human rights organizations.

Poland's decisions on abortion have drawn international reactions, particularly from human rights groups and other European states. The European Union has expressed concern over the severe restrictions, seeing them as violations of women's fundamental rights. Organizations like the World Health Organization warn about the dangers women face without access to safe, legal abortions.

These measures have also sparked major protests, notably the "Women's Strike" in October 2020, when Poland's Constitutional Court banned abortion in cases of severe fetal abnormalities. Tens of thousands took to the streets demanding legal reform, supported by youth, women, and men advocating for the right of women to make decisions about their own bodies. However, the Polish government and Church supporters defended the strict abortion laws as necessary to protect Poland's national and religious values.

In conclusion, abortion in Poland remains a deeply divisive issue. Recent legal developments and social protests reflect an ongoing conflict between traditional values, women's rights, and religious influence. The future of abortion laws in Poland will largely depend on political and societal changes.

5. The death penalty in Romania

The death penalty is a highly controversial issue in criminal law, with different countries regulating and applying it in various ways. In Romania, the death penalty was abolished in 1989 and is no longer part of the legal system. In contrast, in the United States, capital punishment remains legal in certain states, with significant differences between the two legal systems. Analyzing the history of the death penalty in Romania and the U.S. reveals how political, cultural, and social factors have influenced its regulation and implementation.

Historically, Romania used the death penalty for serious crimes such as murder, treason, or corruption. During the communist regime, it was abused to eliminate political opponents and intimidate the population. After the regime's fall and during the transition to democracy, Romania undertook legal reforms to align with international human rights principles. In 1989, the death penalty was abolished by the National Salvation Front Council a significant step in Romania's integration into international structures like the European Union, which requires respect for fundamental human rights. Life imprisonment replaced capital punishment, marking a move toward a modern and democratic legal system.[7]

In contrast, the United States still allows the death penalty in some states. U.S. law permits each state to decide whether to apply capital punishment, and practices vary widely. States like California, Texas, and Florida continue to use it for serious crimes like aggravated murder, terrorism, or crimes against the state, while others have abolished it. Currently, over 20 U.S. states allow the death penalty, while 23 states have abolished it. These differences reflect diverse legal traditions, cultures, and public opinions.

In the U.S., capital punishment is subject to a complex legal process with multiple appeals and safeguards to ensure fairness. It is generally applied only in extreme cases, and the process can take years, involving multiple trials and appeals. Execution methods vary by state, with lethal injection being the most common, although gas chambers, electric chairs, and hanging are still used in some places.

In Romania, the death penalty is no longer an option. Criminal law focuses on less severe sanctions like life imprisonment or long-term incarceration. Romania has adopted a rehabilitative and reintegrative approach toward offenders, reflecting the country's commitment to human rights, including the right to life.

Arguments for and against the death penalty are varied and complex. Supporters claim it deters criminals and serves justice for victims, especially in cases of horrific crimes such as mass murder or war crimes. They argue it protects society from dangerous offenders. However, critics highlight the risk of judicial error wrongful convictions in death penalty cases are irreversible. Concerns also exist over disproportionate application of the death penalty to ethnic minorities and disadvantaged groups, raising questions about fairness.

Moreover, many argue the death penalty has no significant deterrent effect on crime. Studies show crime rates are not necessarily influenced by the existence of capital punishment, and alternatives like life imprisonment may be equally effective. Morally, many believe the state should not have the right to take a person's life and that the death penalty violates the fundamental right to life.

In conclusion, the differences between Romania and the U.S. regarding capital punishment reflect legal, cultural, political, and social divergences. Romania's abolition of the death penalty represents a modern, human rights oriented approach, while in the U.S., capital punishment remains a contentious and publicly debated issue.

6. Protection of the right to life during the pandemic

The COVID-19 pandemic brought about an unprecedented global crisis, challenging the protection of the right to life. The strict measures adopted by authorities, such as lockdowns and travel restrictions, were essential to prevent the spread of the virus, but they raised dilemmas about balancing public safety with fundamental individual rights, such as freedom of movement and the right to education. These measures, although necessary, significantly impacted personal freedoms and raised questions about the proportionality and duration of the restrictions.[5]

In addition, the pandemic exposed its indirect impact on mental health, with rising cases of anxiety and depression due to prolonged isolation and social distancing. Economic and social inequalities were amplified, and unequal access to medical care put the right to life of vulnerable individuals at risk. Decisions regarding the allocation of medical resources such as hospital beds and ventilators raised ethical and moral questions about the prioritization of treatment.

The pandemic highlighted the need for an equitable and efficient healthcare system that protects the lives of all citizens, regardless of their social status. In the face of the crisis, many governments adopted temporary measures while still guaranteeing fundamental rights, such as access to justice. In conclusion, protecting the right to life during the pandemic was a complex issue that required balancing public health priorities with respect for human rights.

7. The importance of artificial intelligence in medicine

Artificial Intelligence (AI) is having a profound impact on modern medicine, transforming how diseases are diagnosed, treated, and prevented. By integrating advanced technologies, AI improves diagnostic accuracy, personalizes treatment, and optimizes prevention strategies.

In diagnostics, AI uses machine learning algorithms and neural networks to analyze medical images such as X-rays and MRIs detecting anomalies like fractures, tumors, or other conditions with often greater accuracy than human interpretation. This ability enables early disease detection and rapid intervention, essential for favorable outcomes.[7]

In treatment, AI plays a crucial role in oncology, where advanced models analyze genetic and clinical data to identify new biomarkers, aiding screening, diagnosis, and prognosis prediction. This enables the development of personalized therapies tailored to each patient's genetic profile, significantly improving clinical outcomes.

In prevention, AI analyzes health data from various sources to detect disease risks and implement preventive measures before conditions manifest. This approach reduces costs and improves patients' quality of life.

However, the use of AI in medicine also raises major challenges, particularly concerning the protection of personal data. Concerns about privacy, data security, and ethical use are critical for ensuring patients' trust and respecting their rights.

Despite these challenges, AI should be viewed as a tool that complements doctors, supporting decision-making without replacing human abilities. Responsible AI implementation respecting regulations and ensuring patient safety has the potential to significantly improve healthcare delivery.

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