

# End of Life Choice



Newsletter on current debates

## Judicial and legislative action in the United Kingdom

*On September 11, for the first time in 20 years, the UK House of Commons will debate an Assisted Dying Bill.*

Labour MP Rob Marris (Member for Wolverhampton) will introduce the Bill, having won the ballot for Private Member's Bills. The *Assisted Dying Bill* will be based on the Bill debated in the House of Lords in 2014, introduced by former Labor Chancellor Lord Falconer. (The Falconer Bill ran out of time in the House of Lords in the last parliament.) The *Assisted Dying Bill* is a specific, focused piece of legislation based on the recognition that the issue is one for Parliament to address. Courts in the UK have repeatedly ruled that it is the role of the Parliament to resolve moral and social dilemmas, not the Courts. The UK Bill seeks a change to the law that is supported by 82% of the UK public (Populus Poll 2015).

### Tony Nicklinson court cases

One trigger for the Bill was the publicised tragic plight of several British citizens who had experienced unbearable and hopeless suffering from a range of causes. The first was Tony Nicklinson who acquired 'locked-in' syndrome following a massive stroke at 51 years of age. This left Mr Nicklinson, a corporate manager and active sportsman, with tetraplegia; unable to move and with communication limited to blinking to spell out words on a computer. Due to his paralysed state Mr Nicklinson was unable to act on his wish to end his life without assistance.

Nicklinson mounted a legal challenge to allow immunity from prosecution for any professional who assisted his death, arguing the defence of 'necessity'. If that was refused, he sought a declaration that the current state of the law was

incompatible with Article Eight of the European Convention on Human Rights. The High Court finding was that it had no jurisdiction in the matter and that parliament must decide. Following the judgement it was reported that Mr Nicklinson was devastated. He then used his only option to end his suffering – to refuse further food. Mr Nicklinson died from pneumonia in August 2012. This was the tragic culmination of a seven year battle to be able to die.



Tony and Jane Nicklinson

### Impact of Mr Nicklinson's story

The unlikely impetus for subsequent action came from an opponent of law reform, Peter Stanford, who distanced himself from the self-congratulatory stance adopted by other opponents of assisted-dying in response to the court decision. **The former editor of the Catholic Herald, Stanford visited Mr Nicklinson and afterwards admitted to the media 'I emerged with my arguments demolished...and this by a man without the power of speech'.**

Lord George Carey, former Anglican Archbishop of Canterbury, also changed his position on euthanasia after witnessing the suffering of Mr Nicklinson, warning that by opposing reform, the Church he led risked 'promoting anguish and pain, the very opposite of a Christian message of hope.'

An appeal was mounted by the late Mr Nicklinson's wife Jane and other appellants, including Paul Lamb who also lived with tetraplegia following a car accident in 1990. The panel of nine Supreme Court Justices again denied this challenge to the status quo. However, in a highly significant intervention, court president Lord Neuberger said they were doing so partly 'to enable Parliament to consider the position'.

### Supreme Court judgement

Lord Neuberger argued that if MPs and peers did not give serious consideration to

legalising assisted dying, there would be a 'real prospect' that a future legal challenge would succeed. Lord Neuberger said that the court could 'properly hold' that the ban was incompatible with people's autonomy under Article Eight of the European Convention on Human Rights, which enshrines the right to private and family life. Significantly, Lord Neuberger also added that the provisions in Lord Falconer's Assisted Dying Bill might not be sufficient, arguing:

*Far from assisted suicide being something which should be limited to those already facing death, it might be more justified for those with "many years" to live but who feel themselves trapped in a "valueless, miserable and often painful" existence.*

In his judgement Lord Neuberger described the main objection to law reform being a perceived risk to vulnerable people, especially the old and sick. He observed that a law which allowed assistance to someone to die would necessarily create an open and transparent process for monitoring end of life decisions; he considered **a law which legalised assisted suicide would be a more effective way of protecting the vulnerable than a policeman making enquiries after someone died.** <https://www.youtube.com/watch?v=GzJc1BYNfq8>



Lord Neuberger, President of the Supreme Court

Two justices, Lady Hale and Lord Kerr, contended that they were ready to declare the blanket ban incompatible with human rights.

Prime Minister David Cameron stated that although he opposed law reform he would not block ministers and other parliamentarians supporting it.

About 300 UK citizens have travelled to Switzerland to die when their suffering has become unbearable, using the support of Dignitas.

As Mr Marris states:

*Introducing the Assisted Dying Bill provides an opportunity to show we in parliament are not ducking our responsibility to the public and I look forward to continuing the case for a compassionate assisted dying law.*

# SAVES

South Australian Voluntary Euthanasia Society

*saves.asn.au*

Compassion for suffering  
The freedom to choose  
Add your voice to the call

SAVES was established in 1983 to campaign for legal, medically assisted choice in end-of-life arrangements. The aim is to relieve suffering by providing choice for people at the end of their life. SAVES works in the community and with Members of Parliament to achieve law reform.

## SAVE-YA Syndicated Australian Voluntary Euthanasia Youth Advocates

Facebook: Support SAVE-YA Law Reform



A national youth lobby group which aims to provide a youth voice in support of legalising voluntary euthanasia in all States and Territories. Members between ages 18 and 35 are encouraged to join, make contact with their local MP and inform them of their support for voluntary euthanasia law reform.

## Christians Supporting Choice For Voluntary Euthanasia

[christiansforve.org.au](http://christiansforve.org.au)

We are Christians who believe that, as a demonstration of love and compassion, those with a terminal or hopeless illness should have the option of a pain-free, peaceful and dignified death with legal voluntary euthanasia. The overwhelming majority of Australian Christians support choice for voluntary euthanasia.



## South Australian Nurses Supporting Choices in Dying

Facebook: SA Nurses Supporting Choices in Dying

We are a group of passionate nurses who believe in our patient's right to choose the end of life care they wish. The group provides a forum for the nursing voice and perspective on legalising voluntary euthanasia and other patient choices in end of life care.



## MY BODY MY Choice-VE

[facebook.com/pages/MY-BODY-MY-Choice-VE](https://facebook.com/pages/MY-BODY-MY-Choice-VE)

MBMC provides a voice for people with disability in the VE reform debate. MBMC represents the interests of people with disabilities who wish to exercise choice in all aspects of their life, including choice at the end of life, with the view that choice and control are a fundamental human right for everyone.

MBMC argues that people with disabilities know how it feels to lose personal autonomy through their ongoing fight for self-determination, independent living and disability rights.

MBMC believes that people with disabilities, who have struggled to control their own lives and bodies, must be allowed to maintain control and autonomy throughout their life, especially at its end.



## Doctors for Voluntary Euthanasia Choice

[drs4vechoice.org](http://drs4vechoice.org)



We are a national organisation of Australian medical practitioners, both current and retired, who are committed to having a legal choice of providing information and assistance to rational adults, who, for reasons of no realistic chance of cure or relief from intolerable symptoms, would like to gently end their lives. Assistance may be by doctor provision of medication for the patient to consume, or by doctor-administration.

## Lawyers for Death with Dignity

[saves.asn.au/lawyers](http://saves.asn.au/lawyers)

Lawyers for Death with Dignity acknowledges the need for people with profound suffering to have the legal choice for a medically assisted and dignified death. The current law says suicide is not illegal, but assisting suicide is. People in a terminal state may have profound, unbearable suffering and be in the undignified position of being unable to end their life without assistance. Advances in medicine have improved life expectancy, but South Australian law has not changed to reflect the often forgotten deterioration of quality of life that a longer life expectancy may bring.



## BREAKING NEWS BREAKING NEWS BREAKING NEWS

The UK Society for Old Age Rational Suicides (SOARS) was established in 2009 by Michael Irwin, a former Medical Director in the United Nations. SOARS was deliberately established on December 10, a day which celebrates the 1948 adoption of the



UN Declaration of Human Rights. SOARS lobbies for law reform so that very elderly, mentally competent individuals, who are suffering unbearably, are allowed to receive a doctor's assistance to

die, if this is their persistent choice. **SOARS strongly believes that there are many competent, very elderly people who would like the option of a legalised doctor-assisted suicide.** SOARS argues that the pressure for a right to a dignified death will increase as the population ages, noting that by 2020, there will be at least two million people over 85 years of age in the UK. SOARS deliberately uses the word "suicide" to emphasise that it is a rational and positive act by a very elderly mentally competent person who has carefully considered their situation. Four independent polls between 2010 and 2013 in the UK consistently show 76% support for assisted dying for those who are terminally ill and 60% to 67% support for rational suicide. <http://www.soars.org.uk/index.php/sliders>