



Euthanasia Prevention Coalition

NEWSLETTER

Number 115

February 2011

Third International Symposium on Euthanasia and Assisted Suicide Vancouver - June 3 - 4, 2011

Celebrating our successes; preparing for new challenges

Our Symposium will explain how groups and individuals are defeating the euthanasia lobby world-wide and how we need to prepare for the new challenges we will face in the future

Speakers include:

- Rita Marker, International Task Force - USA
- Alex Schadenberg, EPC Canada
- Linda Couture, Vivre dans la Dignité - Quebec
- Margaret Dore, Elder Law Attorney - Seattle
- Hugh Scher, Constitutional/Human rights lawyer (EPC)
- Marilyn Golden, Disability Research Defense Education Fund - California USA
- Krista Flint, Inclusive Humanity - Canada
- Rhonda Wiebe, Council of Canadians with Disabilities
- Steven Passmore - Disability activist, EPC Canada
- Gordon MacDonald, Care Not Killing Scotland
- John Deighan, Scotland
- Dr. Peter Saunders - Care Not Killing UK
- Paul Russell, Hope Australia
- Dr. Christopher Ryan - EPC - BC
- Harold Albrecht MP (Conservative) - Canada
- Nick Goiran, MLC (Liberal Party) Western Australia
- Senator Greg Hinkle - Montana USA
- Senator Helen Polley - Australia.
- Members of the Canadian parliament representing the Palliative and Compassionate Care Committee.

At the Vancouver Airport Marriott Hotel.

Registration fee: \$199 regular and \$149 for a student or a person with a disability.

Friday night Banquet: \$50.

Banquet speaker: Senator Helen Polley the federal representative from Tasmania.

Accommodation: \$139 /regular room, \$159 /suite. Reserve your room at: 1-877-323-8888 and state that you are attending the Euthanasia Prevention Coalition Symposium.

If you are unable to attend the Third International Symposium, please donate \$199, to enable a student or a person with a disability to attend the full event.

Euthanasia Prevention Coalition of B.C. presents an Information Session

**on Sunday, February 27 from 2 to 4 pm
at the Vancouver Airport Marriott hotel.**

Alex Schadenberg will give an update on the issues and explain several recent significant studies related to euthanasia and assisted suicide.

The group will then have a short discussion.
The cost to attend the event is \$20.

Hawaii Senate Committee rejects assisted suicide bill

The Senate Health Committee in Hawaii unanimously rejected Bill SB 803, which would have legalized assisted suicide in that state. The bill was sponsored by Senator Ige.

The Senate Health Committee heard more than four hours of testimony from people who support and oppose assisted suicide and then voted to reject the bill. Bill SB 803 is not dead, but is unlikely to pass after being unanimously rejected in committee.

• **Continued next page**

Six countries, Six defeats



By Dr. Peter Saunders,
*Campaign director of the
Care Not Killing Alliance*

Last November there was an overwhelming defeat in the Scottish Parliament of Margo Macdonald's End of Life Assistance (Scotland) Bill by the margin of 85 to 16.

Members of Scottish Parliament were persuaded that any weakening of the law to allow euthanasia or assisted suicide would put vulnerable people under pressure to end their lives.

This was not an isolated incident. In January 2010, an 'Oregon Style' assisted suicide bill was defeated in the US state of New Hampshire by a vote of 242 to 113.

On April 21, the Canadian parliament defeated Bill C-384, a bill that would have legalized euthanasia and assisted suicide by a vote of 228 to 59.

In November a bill that would have legalized euthanasia in South Australia was defeated by 12 to 9.

The pace of rejection of similar bills has continued into 2011.

On 19 January, in a preliminary reading, the Knesset (Israeli House of Representatives) rejected a law proposal that would have allowed terminally ill patients to self-administer drugs that would cause them to die. Only 16 MKs voted for the law, while 48 voted against it.

On 20 January the European Court of Human Rights ruled that while there is a 'human right' to suicide, the state has no obligation to provide citizens with the means to commit suicide. 'The Court notes that the vast majority of member States place more weight on the protection of an individual's life than on the right to end one's life and concludes that the States have a broad margin of appreciation in that respect,' explained Grégor Puppinck, the director of the European Center for Law and Justice in a press release about the decision.

The court therefore concluded that states have no direct responsibility to help their citizens commit suicide by providing lethal drugs and also ruled that respect for the right to life compels the state to prevent a person from committing suicide if such a decision is not taken freely and with full knowledge.

And on January 25 the French Senate rejected proposals to legalise assisted suicide and euthanasia, by 170 votes to 142. Francois Fillon, the French prime minister, had spoken out strongly against the proposals.

The pace of rejection of such legislation is exceeded only by the frenetic rate at which pro-euthanasia groups are desperately bringing forward new bills.

But it's not working because parliamentarians and judges who consider the matter carefully are not being fooled by emotive arguments, hard cases and misinformed public opinion.

In a democratic society there are limits to human autonomy. The law exists primarily to protect vulnerable people and public safety will always trump the demands of determined individuals backed by pressure groups who want to undermine existing laws.

As Lord Falconer's discredited Commission on Assisted Dying moves into its third month trying to craft a justification for changing the law in the UK, one hopes that British parliamentarians are reading their newspapers and learning from the wisdom of jurisdictions all around the world.

Comment by Alex Schadenberg:

I thank Dr. Peter Saunders, from the Care Not Killing Alliance and one of the speakers at the Third International Symposium on Euthanasia and Assisted Suicide, for publishing his article about the defeats worldwide of bills to legalize euthanasia and assisted suicide.

His article was published one day before the bill in Hawaii was defeated in the Senate Health Committee. His article didn't report on the defeat of the euthanasia bill in Western Australia by 24 to 11 in September 2010.

The people who think that legalizing euthanasia and assisted suicide is inevitable need to examine the reality.

Dr. Saunders' comments are important. Assisted suicide bills are being debated in Montana, Vermont, New Hampshire, Hawaii, and in Quebec.

Hawaii Senate Health Committee rejects assisted suicide bill (Continued from page 1)

Before the hearing, Sen Josh Green, the Health committee chairman told the Honolulu Star Advertiser that he supported the bill. After hearing the testimony Sen Green stated:

"After considering the large body of testimony presented to us, I have determined that community sentiment here today has been overwhelmingly opposed to moving this measure forward in its present form. There is truly compelling testimony on both sides of this matter - for and against - but from my perspective, for an issue of this magnitude, I believe we need to have more agreement as a community So for now we

need to find other ways to support those dealing with end-of-life decisions, with the greatest possible compassion and respect."

Some of the most moving stories involved people who suggested that legalizing assisted suicide represented a possible threat to their lives.

Martin Riggs, who uses a wheelchair, said he had no feeling in his hands or legs but showed up to testify against the proposal to prove a point to doctors and others who have told him he could not do things.

Kevin Inouye spoke from his wheelchair about how he thought about killing

himself for five years following a car wreck, and he said he would have lied to doctors to make it happen if the law had allowed him to.

"All I thought about was killing myself. I had no hope," said Inouye, who wore a yellow sticker saying, "No doctor prescribed death." "As soon as my situation got a little bit better and I learned to live with my disabilities, I wanted to live again."

Congratulations to those who are working to defeat Bill SB 803 in Hawaii.

Safeguards: the Precautionary Principle and the Tasmanian Premier

By Paul Russell -
HOPE Australia

The commitment of newly appointed Tasmanian Premier Lara Giddings to supporting a euthanasia and assisted suicide agenda in that state's parliament would seem to elevate the issue to a new alert level in the Apple Isle. The Labor/Green alliance forged by her predecessor, David Bartlett, with Greens leader, Nick McKim will, no doubt, be honoured in the next few months by the introduction of yet another euthanasia bill.

This leaves me to wonder at the enduring nature (or lack of) and consideration given to the two inquiries conducted by the Tasmanian Parliament on euthanasia and assisted suicide in the last decade or so. In 1998, the Community Development Committee's Inquiry into the Need for Legislation in Tasmania on Voluntary Euthanasia for the Terminally Ill rejected euthanasia clearly and emphatically. In 2009, the committee set up to examine McKim's own Dignity with Dying Bill rejected his approach also.

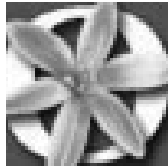
While the 2009 inquiry dealt specifically with the bill in question, it inescapably echoed the findings of the earlier inquiry. The 1998 inquiry, it should be said (to this writer at least) is a document worthy of being read by anyone interested in the issue. Certainly, for the current Tasmanian Parliament, it should be on every MP's reading list.

Consider Finding #8: The Committee found that the codification of voluntary euthanasia legislation could not adequately provide the necessary safeguards against abuse.

Remember that this is a general comment about euthanasia – not about a particular euthanasia bill. In that context and by reflection on the failure of recent bills here and overseas and also upon the mounting data showing the rates of abuse from jurisdictions where euthanasia is practiced, the statement is clearly true in an absolute sense.

Euthanasia legislation can never be made safe from abuse. Safeguards, so-called, can never provide certainty.

(As Wesley Smith once observed, safeguards are really only included so as to make legislators (and all of us into the bargain) feels somewhat at ease about legislating for killing.)



HOPE
Australia

Interesting that the 2009 inquiry should then make the following observation: The Dying with Dignity Bill 2009 has been described as containing insufficient safeguards or for

having too many safeguards to enable a sufferer seeking assistance to end their life. (Finding #2)

How is it that a bill could be simultaneously criticised for having too many or too few safeguards? We can understand insufficient safeguards in terms of the finding of the earlier inquiry, but what are we to make of the counter claim by some that McKim's bill contained too many?

South Australian Green MLC, Mark Parnell gives us a clue in his speeches on his failed attempts in the SA Upper House in 2009 and 2010:

"One of the dilemmas that we have got is that we want safeguards, but we do not simply want to put obstacles in the way of people so that they cannot ever use it. We have got to get the balance right." (2009)

"I know that some people will not be happy until enough hurdles are put in place to make the laws unworkable, and that is always the tension in law reform like this. We want safeguards. We want strong safeguards, but the safeguards need to have a purpose behind them, and the purpose needs to be the prevention of misuse or abuse." (2010)

"In terms of some of the comments that other members made, the Hon. Ann Bressington, as she did last time, has sympathy and support for some of the concepts in voluntary euthanasia and, in particular, the people in the terminal phase of a terminal illness. That might be something that we need to revisit: whether the eligibility criteria are simply too broad for members of parliament to

accept, but that will be a decision for another day." (2010)

Parnell has a dilemma: not enough safeguards would mean that his bill would fail to attract enough votes to pass. Too many safeguards would render his bill ineffective in terms of its stated aims. His suggestion that 'we have got to get the balance right' would seem to be a denial of the reality that drafting a bill that would prevent abuse is an impossibility. The inexhaustible variations to personal circumstances and diagnoses alone should tell us that; let alone the vagaries of human nature.

So, considering safeguards as points on a line, we could observe that moving toward fewer safeguards increases the risk of abuse while swinging back towards more safeguards, while certainly decreasing risk, can never remove risk entirely.

This would seem to be an argument for the status quo, that is, a firm no to euthanasia. But on our line the starting or 'zero point' is not a place where no risk exists. As Parnell also acknowledges, euthanasia already exists; with and without consent. It is merely, therefore, only a point where we have not legislated to create an opportunity for abuse, pure and simple.

It strikes me, therefore, that the precautionary principle should apply in the upcoming debate in Tasmania. It should fall to the Premier, or to whomever it is that sponsors the new bill, to prove beyond doubt that no risk of abuse exists in their model of legislation. The use of this principle is an accepted standard across the globe in many spheres of activity (such as environmental protection and drug approval), why not in matters of life and death? There should always be a higher burden of proof upon those who want to usher in change than upon those who argue for the status quo.

Paul Russell is Director and founder of the national network HOPE: Preventing Euthanasia & Assisted Suicide. He will be a speaker at the Third International Symposium on Euthanasia and Assisted Suicide.

French Senate defeats euthanasia bill

On January 25, the Senate in France defeated a bill that would have legalized euthanasia by 170 to 142.

The euthanasia bill was sponsored in the French Senate by Jean-Pierre Godefroy (Parti Socialiste), Alain Fouché (UMP) and François Autain and Guy Fischer (Parti communiste-Parti de gauche).

The bill would have allowed euthanasia for people with disabilities, those with chronic conditions and people who are defined as terminal.

French Prime Minister François Fillon spoke against the euthanasia bill a few days earlier. Mr. Fillon said:

“Although he had never had to face the nightmare of living with someone as they died, he was still against a law

allowing actively helping someone to die.”

He thought such a law would not fit in with the “basic values of our society” and that to legislate giving the right to end someone’s life was a limit “we should not go beyond.” He said it was also “very dangerous” as it did not allow for any consultation with the family.

Mr. Fillon said the debate should also take account of the actions taken since 2008 by Nicolas Sarkozy who has made the care of terminally ill people “an absolute priority.”

That had led to the development of a palliative care programme that has seen the creation of 1,200 new beds and the start, last March, of specific financial aid to allow families to care for terminally-

ill loved ones.”

A recent poll in France found that:
- 52% of the respondents thought that legalizing euthanasia would include a “risk of abuse.”

- 60% of the respondents thought that France should make the development of palliative care a priority before considering the legalization of euthanasia, while 38% thought that France should legalize euthanasia.

The concerns of the French citizen is well founded. Recent studies in Belgium found in the Flanders region that 32% of the euthanasia deaths were done without explicit request or consent and another study found that 47.8% of the euthanasia deaths were not reported.

Rep Charles Weed introduces a bill to legalize assisted suicide in New Hampshire - again

House Bill HB 513 was introduced by Representatives Weed, Parkhurst, and Vaillancourt.

The bill is slightly amended from the bill that was introduced by Rep Weed and defeated in January 2010 by a vote of 242 to 113. Once again, the bill is an “Oregon style” bill that claims to have tight safeguards.

The previous assisted suicide bill was a recipe for elder abuse. The current bill has similar problems.

The sponsors of the assisted suicide bill have pushed it into the Health, Human Services and Elderly Affairs

committee rather than the Judiciary committee.

The new strategy of the suicide lobby is to promote their bills as health care bills rather than amendments to criminal law. The suicide lobby believes that politicians are more likely to accept assisted suicide if it is defined within a medical model rather than a legal model.

Bills to legalize Assisted suicide have been introduced in Montana, Hawaii, and New Hampshire. Vermont Governor, Peter Shumlin, promised to legalize assisted suicide in Vermont. We are expecting a bill in Vermont soon.

Idaho Bill S1070 to ensure that assisted suicide is clearly prohibited

Last summer, Compassion & Choices, formerly the Hemlock Society, made a claim that since Idaho does not have a specific statute concerning assisted suicide, that doctors in Idaho could assist the suicides of their patients.

This was another lie from Compassion & Choices. Nonetheless, Bill S1070 was introduced in Idaho on February 9 to clearly prohibit assisted suicide.

Complimentary booklet on Euthanasia and Assisted Suicide

If you renew your \$25 membership in Euthanasia Prevention Coalition and make a donation, you will receive a complimentary copy of the new booklet *Palliative Care, Not Euthanasia*, by Jean Echlin, our founding Vice-president and a nurse practitioner in palliative care. She wrote this book for her presentation to the Parliamentary Committee on Palliative and Compassionate Care (October 2010). This document should be viewed as part of a blue-print for palliative care.

Montana Senate debates Assisted Suicide

On February 9, the Montana Senate debated Senator Hinkle’s Bill SB 116 to prohibit assisted suicide and Senator Blewett’s Bill SB 167 that would legalize assisted suicide in Montana.

The debate over the legalization of assisted suicide in Montana is based on the Baxter decision by the Montana Supreme Court, on December 31, 2009. It did not overturn the assisted suicide law in Montana or give Montana citizens a “right” to assisted suicide, but rather it stated that if prosecuted, a physician could use the defense of consent.

Sen Blewett is trying to legalize assisted suicide by establishing the rules that a physician must follow in order to assist the suicide of a patient.

Sen Hinkle’s bill would prohibit assisted suicide in Montana by reversing the Baxter decision. Sen Hinkle stated:

“The infirm no longer able to make their own decisions could be taken advantage of by others who want to hasten their death.”

“The purpose of this bill is to protect the elderly from the possibility of abuse.”