

Briefing note
re *Dying with Dignity Bill 2020*
September 2020



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Promoting positive care pathways at end of life

Euthanasia & Assisted Suicide

The *Dying with Dignity Bill 2020* is being brought before the Dáil in Autumn 2020.

Both advocates and opponents of euthanasia & assisted suicide share a common concern to be compassionate to those who may be suffering or are near the end of their life.

However, as the operation of similar laws in other countries have shown, **the consequences of legalisation are catastrophic for older people, and people with disabilities.**

This briefing document explains why:

- Older People;
- People with Disabilities;
- Medical Experts;

all express significant and evidence based concerns about the legalisation of euthanasia and assisted suicide.

What is Being Proposed?

The Dying with Dignity Bill 2020, if passed, will legalise Euthanasia & Assisted Suicide in Ireland.

A very similar Bill was introduced in 2015 by John Halligan TD. The current version is being proposed by Gino Kenny TD.

What is the Current Law & Practice?

- Assisting someone in a suicide is illegal (Per the Criminal Law (Suicide) Act 1993).

- Euthanasia (deliberately ending the life of another) is contrary to both common law and the Criminal Justice Act 1964.

-The position of the Medical Council reflects this view. In section 46.9 of their Guide to Professional Conduct and Ethics (8th Edition 2019) it mandates to registered medical professionals that "You must not take part in the deliberate killing of a patient."

- In 2013, the Supreme Court in the landmark *Fleming v Ireland* decision held that there was no constitutional prohibition on assisted suicide, and that the Oireachtas was free to legislate on this serious matter should it wish to do so.

- In 2018, the Oireachtas Joint Committee on Justice and Equality published their "Report on the Right to Die With Dignity" and it found that "the Committee is not in a position to recommend legislative change at this time."¹

Only **9 countries around the world** have legalised some form of Euthanasia & Assisted Suicide.

Withdrawal of Treatment

It is important to note that both the **current law and Medical Council Guidelines respect the autonomy of a patient to refuse medical care**, and to permit the withdrawal of treatment. Such practice is legal in Ireland, and in compliance with Section 46.3 of the Guidelines.

However, this practice stands in sharp contrast with the deliberate killing of a patient (euthanasia) and assisting in the suicide of another (assisted suicide).

The Consequences

1) Impact on Patients with Serious Illnesses

In California, where Assisted Suicide was introduced in 2016, The American Association of People with Disabilities has widely documented and condemned the cruel practice of insurance companies refusing to cover chemotherapy for cancer patients, but will cover the cost of drugs for assisted suicide.²

Most people who choose to die by euthanasia or assisted suicide do not so on the basis of severe pain. In Oregon in 2019, 59% of people who died in this way said that they felt they were a 'Burden on family, friends/caregivers'.³

2) Prejudice against Older People

In April 2020 The Dutch Supreme Court expanded the ground for euthanasia for people who have dementia.⁴ Even when a patient with dementia does not give consent, and a doctor euthanises her, the doctor will not be prosecuted.

In 2019, a woman with dementia who revoked her consent to be euthanised had to be held down by her family whilst the doctor ended her life. A Dutch court approved this practice, and acquitted the doctor of any wrongdoing.⁵

¹ https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-06-25_report-on-the-right-to-die-with-dignity_en.pdf

² <https://www.aapd.com/when-insurance-companies-refuse-treatment-assisted-suicide-is-no-choice-at-all>

³ <https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/Documents/year22.pdf>

⁴ <https://www.theguardian.com/world/2020/apr/21/dutch-court-approves-euthanasia-in-cases-of-advanced-dementia>

⁵ <https://www.theguardian.com/world/2019/sep/11/dutch-court-clears-doctor-in-landmark-euthanasia-trial>

3) The expansion of grounds to non-terminal conditions

Following the introduction of Euthanasia & Assisted Suicide on narrow grounds, countries increasingly expand the grounds for which they are available:

- In the Netherlands people with **non-terminal psychiatric illnesses can be euthanised:**

- In January 2018, Aurelia Brouwers (29) told BBC News about her situation: "I'm 29 years old and I've chosen to be voluntarily euthanised. I've chosen this because I have a lot of mental health issues."⁶
- In Spring 2020, the Dutch Parliament are currently considering expanding euthanasia for over 75s who are simply 'tired of life'.⁷

- In Belgium, the **grounds for euthanasia have expanded exponentially**

- In December 2012, deaf twin brothers Marc & Eddy Verbessem (45) were euthanised after discovering that they would soon go blind.⁸
- In September 2013, Nathan Verhelst (44) a transgender man, was euthanised following serious depression after his sex re-assignment surgery failed.⁹
- In 2014 'child euthanasia' was legalised.¹⁰

4) Human Rights institutions have expressed extreme concern at the operation of euthanasia enabling legislation

- The European Court of Human Rights is currently examining abuses of the euthanasia regime in Belgium:

- Tom Mortier's 64 year old mother suffered from depression, and was euthanised by her hospital without the knowledge or consent of her family. After her death Tom received a call from the hospital asking him to sort her affairs. His case against Belgium is pending before the ECHR.¹¹

- The UN Human Rights Committee has expressed shock the operation of the law in the Netherlands.¹² It said:

- "The large numbers involved raise doubts whether the present system is only being used in extreme cases in which all the substantive conditions are scrupulously maintained"
- "The Committee is gravely concerned at reports that newborn handicapped infants have had their lives ended by medical personnel."

5) Even 'narrow' euthanasia & assisted suicide laws have lead to exponential expansion

- In Oregon, where euthanasia is available in narrow circumstances, the number of people who have opted for this way to die has increased over tenfold - from 16 (1998) to 188 (2019).¹³

- In the Australian state of Victoria, in the first year of the operation of their euthanasia laws in 2020, the Voluntary Assisted Dying Review Board reported 124 deaths.¹⁴ This was over ten times higher than the 'dozen' deaths predicted by Health Minister Jenny Mikakos before the legislation was introduced.¹⁵

6) What are the Medical Experts Saying?

Doctors in Ireland at the coal face of caring for dying patients are overwhelmingly opposed to this bill:

- The acting chair of the Irish Palliative Medicine Consultants' Association (IPMCA), Dr Feargal Twomey, has already spoken out publicly against both this particular bill, and the legalisation of euthanasia and assisted suicide.¹⁶
- The Royal College of Physicians in Ireland working group has said that "the potential harms outweigh the arguments in favour of legislation for assisted suicide."¹⁷

⁶ <https://www.bbc.com/news/stories-45117163>

⁷ <https://www.thetimes.co.uk/article/dutch-mp-backs-euthanasia-for-over-75s-who-are-tired-of-life-z8bdp6685>

⁸ <https://www.bbc.com/news/av/world-europe-21039064>

⁹ <https://www.independent.co.uk/news/world/europe/belgian-man-dies-by-euthanasia-after-failed-sex-change-operation-8851872.html>

¹⁰ <https://time.com/9016/belgiums-euthanasia-law-doesnt-protect-children-from-themselves/>

¹¹ <https://apnews.com/8217108af4f841b3a2d551ca73e9cb9c>

¹² U.N. Human Rights Committee, "Concluding Observations of the Human Rights Committee, The Netherlands," U.N. doc CCPR/CO/72/NET, 2001.

¹³ <https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/Documents/year22.pdf>

¹⁴ <https://www.corowafreepress.com.au/national/2020/09/01/1561206/voluntary-death-demand-doubles-in-victoria>

¹⁵ <https://www.theaustralian.com.au/nation/victorian-euthanasia-figures-released-for-first-time/news-story/7b2ae73ae59577b3b719e8af77b83255>

¹⁶ <https://www.rte.ie/radio/radioplayer/html5/#/radio1/11232542>

¹⁷ <https://www.medicalindependent.ie/potential-harms-outweigh-benefits-of-assisted-suicide-law-rcpi-group/>

Conclusion

The *Dying with Dignity Bill 2020* should be opposed because:

- 1) The **choice to die becomes the duty to die** for people with disabilities and terminal illnesses
- 2) **Medical professionals** who provide palliative medicine **are overwhelmingly opposed** to the legalisation of euthanasia & assisted suicide
- 3) Disability Rights Groups highlight how **prejudice against disabilities is compounded by euthanasia & assisted suicide** laws
- 4) It is simply untrue that people with terminal illnesses are left to die in great pain in Ireland
- 5) Great strides are being made in Ireland in the area of suicide prevention. Introducing **euthanasia and assisted suicide** would undo much of this good work and **send all the wrong signals to people who have suicidal thoughts**
- 6) The State should **give priority to assisting people to live**, not assisting them to die
- 7) It is **not compassionate** healthcare to:
 - express in law the belief that **some lives are worth less than others**, by offering suicide to them
 - disincentivise palliative care
 - expose vulnerable people to unwanted pressure to end their lives**



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