

JUSTICE MINISTER APPEALS BC DECISION

The Euthanasia Prevention Coalition (EPC) applauds the decision by Justice Minister, Hon Rob Nicholson, who announced the appeal of the decision by Justice Lynn Smith in the Carter decision in BC on July 13, 2012. The Carter decision legalized euthanasia and assisted suicide in Canada, while giving Gloria Taylor a constitutional exemption to be killed by euthanasia or assisted suicide within 12 months.

EPC intervened in the Carter case and responded to the

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MEDIA DISTORT DUTCH EUTHANASIA TRENDS

The long awaited 2010 nationwide examination of the euthanasia law in the Netherlands was published in the *Lancet* on July 11, 2012. The study confirms our belief that euthanasia deaths have increased since 2005 from 2425 to 4050 in 2010.

The media ignored both the *Lancet* article and its abstract, and instead quoted the more limited press release. The press release stated that the current percentage of deaths due to euthanasia has not changed significantly since before the law was changed. Our analysis draws a very different conclusion.

Historical Facts

Euthanasia in the Netherlands was first legalized through court decisions. In 1984, the Supreme Court established a set of criteria to be followed by a physician wishing to euthanize a patient without fear of prosecution.

From 1984 to 2002 a series of legal decisions widened the application of

euthanasia. The courts allowed euthanasia for people living with chronic depression (mental pain), children born with disabilities, and other vulnerable groups.

In 2001, the Netherlands parliament official legalized euthanasia along the guidelines that were approved by the successive court decisions. The law officially came into effect in April 2002. With the law came a change in the definition of euthanasia.

Euthanasia Is Increasing

In 2003, the first full year of legal euthanasia in the Netherlands, there were 1815 reported cases of euthanasia. By 2010, there were 3136 reported cases. *Lancet* reports an approximate (20 – 23%) rate of under-reporting. Based on the *reported* number of euthanasia deaths there has been a 73% increase in euthanasia deaths since 2003.

Furthermore, there is a huge increase in the use of terminal sedation, a prac-

tice that may be euthanasia without the tedious paperwork.

The Media Reports

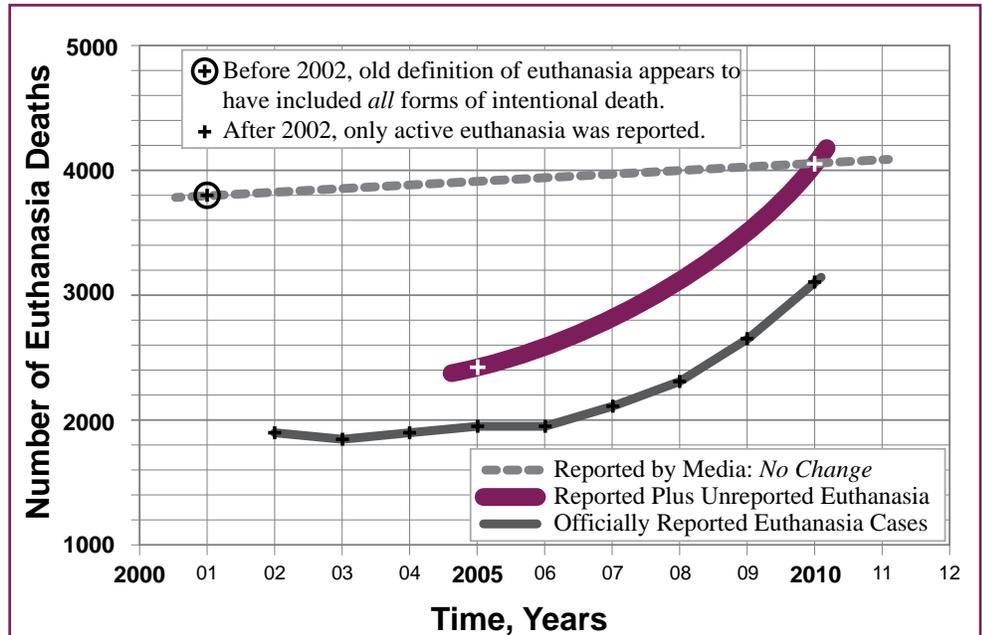
The *Medical Daily* reported: “Rates of Euthanasia are steady since 2002 legalization.” *Fox News* reported: “Little change in Dutch euthanasia post-legality.” *ABC.net.au* reported: “Euthanasia number remain the same after legalization – study.”

Clearly, the media bought into a common position based on the press release from the *Lancet*, rather than reading the study to uncover significant concerns.

On March 1, a euthanasia clinic in the Netherlands launched six mobile euthanasia teams. They anticipate that the mobile teams would complete 1000 euthanasia deaths per year. Legalizing euthanasia and assisted suicide is not safe. Safeguards devised to control euthanasia do not protect the dying, but rather they protect the doctor.

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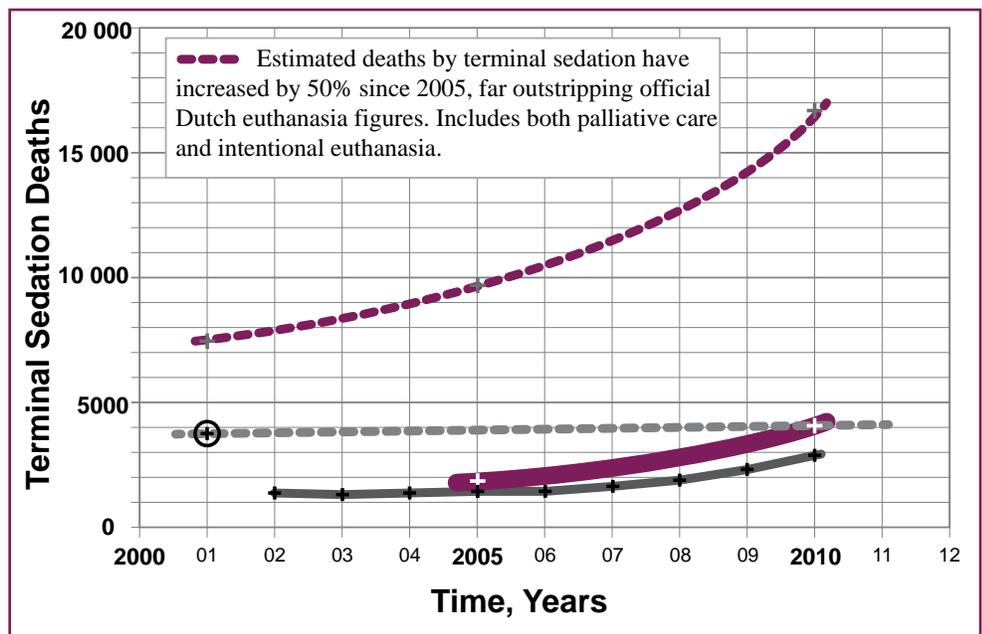
- The number of euthanasia deaths has grown 67% since 2005 (4050 in 2010, 2425 in 2005)
- The rate of increase of reported euthanasia deaths has accelerated over the past few years with a 19% increase in 2010 and a 13% increase in 2009.
- The under-reporting of euthanasia in the Netherlands has grown since 2005 (23% in 2010, 20% in 2005)
- The percentage of requests for euthanasia being fulfilled has increased (45% in 2010, 37% in 2005)



- The number of deaths without request or consent has decreased (300 in 2010, 550 in 2005)
- It appears that in 2001, the year selected for the press release, the definition of “euthanasia” included *all* forms of intentional death. See graph above. In 2002, the year that the new law was first applied, the number of reported euthanasia deaths appeared to decrease. We believe that this is more likely the result of the changed definition of legal euthanasia.

• Terminal sedation is usually done by sedating a person and withdrawing fluids and food. Terminal sedation is viewed by some people as an alternative to euthanasia. When a person is not otherwise dying, the act of terminal sedation is more accurately a slow form of euthanasia. See graph right.

- There has been a 50 percent increase in the number of deaths by terminal sedation since 2005 (12.3% in 2010, 8.2% in 2005)
- The number of deaths by terminal sedation is almost four times greater than the number of official euthanasia deaths.



- It appears that once made popular, the practice of euthanasia spreads easily to other, less supervised means.

NEWS FROM AROUND THE GLOBE

AUSTRALIA

In South Australia, a bill introduced by Bob Such MP (Ind) to legalize euthanasia was defeated in the legislature by a vote of 22 to 20 on June 13, 2012.

Steph Key MP (Labor) has stated her intention of introducing another private members bill to legalize euthanasia in the next few months. Key attended the presentation on June 27 by Alex Schadenberg in the South Australian legislature. Key has introduced two euthanasia bills in the past few years.



Paul Russell, the leader of HOPE, the group working to defeat euthanasia in Australia, believes that the members of the South Australian legislature are tired of constantly debating and then defeating bills on euthanasia. There have been 5 bills to legalize euthanasia in the past 3 years in South Australia.

Philip Nitschke, Australia's Dr. Death, has permanently moved his residence to South Australia. He announced plans to open a euthanasia clinic in Adelaide, if euthanasia is legalized.

TASMANIA

Nick McKim MP (Greens) has stated that he will be presenting a discussion paper on the legalization of euthanasia in the next few months. McKim also

stated that he will be introducing a bill to legalize euthanasia in Tasmania by the end of the year. Alex Schadenberg spoke to members of the Tasmanian legislature June 28.

On June 28, just after McKim announced that he would introduce a bill to legalize euthanasia in Tasmania, Nitschke stated that he would open a euthanasia clinic, with a mobile euthanasia unit, in Hobart Tasmania.

NEW ZEALAND

Maryan Street MP (Labor) stated her intention of introducing a bill to legalize euthanasia in New Zealand. On June 30, Alex Schadenberg debated Ms. Street on the Q + A TV program.

MASSACHUSETTS

The assisted suicide referendum in Massachusetts will be on the ballot for the November 6 election. The process of collecting and verifying signatures was completed a few weeks ago.

Second Thoughts, the disability rights group that opposes assisted suicide that is led by John Kelly, has taken a leadership role in Massachusetts.

FRANCE

The new President of France, François Hollande, has opened up the euthanasia debate: "Can we go further in exceptional cases where withdrawing treatment is not enough to ease the suffering of patients going through irreversible pain which calls for a deliberate medical act, taken after a shared, thought-through decision?"

Hollande, elected on May 15, 2012 on a pro-euthanasia platform, appointed Professor Didier Sicard, the President of the national ethics committee, to seek input from the French people.

MINNESOTA

The Minnesota Court of Appeals has upheld the conviction of William Melchert-Dinkel, 49, on two counts of assisted suicide. Melchert-Dinkel was convicted for assisted suicide in the deaths of Canadian university student,



Nadia Kajouji, 18, and Mark Drybrough, 32, of Coventry, England.

Kajouji died by suicide in 2009, after meeting Melchert-Dinkel online. Melchert-Dinkel, who claimed to be a 28-year-old female nurse, created a false and predatory relationship with his victims. He established a suicide pact with Kajouji, who was living with serious depression, and urged her to fulfill the suicide pact.

Melchert-Dinkel appealed his conviction based on "free speech" and his lawyers argued that both of his victims had already decided to commit suicide. The Minnesota Court of Appeals rejected the arguments and upheld the double conviction for assisted suicide.

Terry Watkins, the lawyer for Melchert-Dinkel indicated their intention of appealing the decision to the Minnesota Supreme Court.

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decision by Justice Smith by identifying how this decision was a recipe for elder abuse that threatened the safety, security and equality of Canadians.

The press release from the Department of Justice today stated:

“After careful consideration of the legal merits of the June 15, 2012 ruling from the British Columbia Supreme Court, the Government of Canada will appeal the decision to the British Columbia Court of Appeal, and will seek a stay of all aspects of the lower court decision.

The Government is of the view that the Criminal Code provisions that prohibit medical professionals, or anyone else, from counselling or providing assistance in a suicide, are constitutionally valid. The Government also objects to the lower court’s decision to grant a “constitutional exemption” resembling a regulatory framework for assisted suicide.

The laws surrounding euthanasia and assisted suicide exist to protect all Canadians, including those who are most vulnerable, such as people who are sick or elderly or people with disabilities. The Supreme Court of Can-

ada acknowledged the state interest in protecting human life and upheld the constitutionality of the existing legislation in Rodriguez (1993).

In April 2010, a large majority of Parliamentarians voted not to change these laws, which is an expression of democratic will on this topic. It is an emotional and divisive issue for many Canadians.

The Government of Canada will provide its full position before the British Columbia Court of Appeal when the matter is heard. As the matter continues to be before the court, the Government will not comment further.”

EPC is pleased that Justice Minister Nicholson appealed the disturbing decision by Justice Smith. Minister Nicholson has also appealed the “constitutional exemption” that was given to Gloria Taylor, that he referred to as a “regulatory framework for assisted suicide.

The decision by Justice Smith must be overturned. Legalizing euthanasia or assisted suicide is simply not safe. EPC continues to support the report of the Parliamentary Committee on Palliative and Compassionate Care released last November, while opposing euthanasia and assisted suicide.

**PROTECTING PEOPLE:
ORDER THE PAMPHLET**

EPC has replenished its supplies of the *Protecting People* Pamphlet, published by EPC to clarify what euthanasia and assisted suicide actually are. After selling out of the pamphlet, EPC has reprinted the pamphlet in both English and French.

Protecting People is available for a donation of \$25 per 100 copies, (\$20 per 100 for orders of greater than 500). Please include a donation for shipping costs.

Back Talk

I Want To Live

My name is Sherri. I am 32 years old and require a wheelchair. I want to thank you for trying to protect my right to live! I have read of more cases in both the U.S and Netherlands where innocent people have been murdered under “assisted suicide” or euthanasia laws and it terrifies me to the core that once again there is a fight to legalize this here in Canada. As a person with disabilities I struggle with the lack of accessibility and discrimination but I do love life and want nothing more than to live. A law like this is scary and if it passes I don’t think I could seek any further medical care. I have an abusive family who would love to take advantage of such a law. Thank you again for trying to protect my right to live!

Sherri

Coming Up

**EPC National Conference
Ramada Hotel London ON
November 10, 2012**

Confirmed speakers include: Margaret Dore, Choice is an Illusion, Amy Hasbrouck, Not Dead Yet, Linda Couture, Vivre dans la Dignité and Dr. Margaret Cottle, Vice President – EPC.

We plan to conclude with a special dinner celebration.

Save the date!

Contact us for registration