



## Ireland disagrees with British Columbia's euthanasia ruling

*Why B.C. Court of Appeal should overturn B.C. Supreme Court ruling this month*

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While Quebec is busy legalizing euthanasia, the B.C. Court of Appeal could decide by month's end to force federal politicians to make it legal across Canada.

The British Columbia Supreme Court overturned Canada's law against euthanasia last June through the ruling in *Carter versus Canada*. This ruling also gave Gloria Taylor, living with ALS, the right to have a doctor help her kill herself before any laws changed.

The case landed in the B.C. Court of Appeal, where a decision is due any day now. While we don't know how it will go, we can hope that British Columbia will learn from the Irish example.

Just this past April, the Supreme Court of Ireland upheld their law banning assisted suicide.

**The case presented to Irish courts was closely modeled after the case in B.C.**

The B.C. court had heard evidence of abuses where euthanasia and/or assisted suicide are legal. These included thousands of people killed without their consent in the Netherlands.

The court was told there was no evidence of vulnerable people being endangered by Dutch law. Note that killing infants without their consent is legal in Holland.

Despite this, Justice Lynn Smith of B.C. concluded that "In my view, the evidence supports the conclusion that the risks of harm in a regime that permits physician-assisted death can be greatly minimized."

She decided that the plaintiff's right to life included a right to assisted suicide.

The case was promptly appealed.

In the meantime, pro-legalization forces in Ireland modeled their case on the Canadian one, putting forth similar evidence.

However, after hearing that evidence, the Irish judges decided to uphold their law. This happened first in the Irish High Court, and then was repeated in the Irish Supreme Court.

### **Explicit disagreement with the B.C. Supreme Court**

The Irish High Court found Justice Smith's dismissal of a slippery slope "too sanguine".

They wrote: "...the fact such a strikingly high level of legally assisted deaths without explicit request occurs in countries such as Belgium, Netherlands and Switzerland without any obvious official or even popular concern speaks for itself as to the risks involved in any such liberalisation."

The Irish Supreme Court viewed the Canadian decision as an outlier. "...It is not consistent with many judgments from supreme and constitutional courts of other nations."

They concluded, contrary to Justice Smith, that the right to life afforded in their constitution "does not import a right to die."

**As hard as the lawyers argued that the Canadian case should be its guide, the Irish courts viewed it as a breach of international standards, not as the new common wisdom.**

Does the right to life include the right to die?

In Canada, Justice Lynn Smith blazed a new trail in deciding it does. In Ireland the answer was no because the justices recognized that suicide itself is not a right in Irish law.

**The Irish High Court considered the issue of deaths without consent to be an important one. Are even a few such deaths acceptable or are they evidence of deadly abuse?**

The fact that the Irish Supreme Court came to the opposite conclusion as Justice Smith shows that there is reason for the B.C. Court of Appeal to quash her decision.

"[M]any elderly people in the Netherlands are so fearful of euthanasia that they carry cards around with them saying that they do not want it," according to a statement in the British House of Lords.

If the B.C. Court of Appeal doesn't overturn Justice Smith's decision, the Canadian market for such cards could heat up.

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