

Assisted suicide ruling cannot ignore right and wrong, says judge

By John Bingham
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MORAL questions of right and wrong cannot be "ignored" when deciding whether to allow assisted suicide, a senior judge said yesterday.

Lord Sumption, one of nine Supreme Court justices hearing a landmark challenge to euthanasia laws, questioned claims by lawyers that questions about the sanctity of human life should be excluded in reaching their decision.

Lawyers representing right-to-die campaigners told Britain's highest court that the question was not a case of "right



Paul Lamb, 58, a former lorry driver, from Leeds, was severely injured after a car accident in 1990

or wrong" but balancing human rights and protections.

The crime of assisting someone to take their own life is being challenged by the widow of Tony Nicklinson, who suffered "locked-in syndrome" after an accident, Paul Lamb, a former lorry driver left quadriplegic by a car accident and another man known only as "Martin".

The ban on assisted suicide has come under intense scrutiny in recent years amid a steady stream of terminally ill and severely disabled Britons travelling to Switzerland to end their lives.

Speaking before the hearing, Mr Lamb

said the current law was inhumane. Jane Nicklinson said she was "hopeful" for a breakthrough after a series of legal disappointments in lower courts.

She said the fact that the court had convened a panel of nine justices to hear the case, rather than the usual five, was a sign that they "clearly mean business".

Opening the case, Paul Bowen QC, ran through a long list of cases in which people with profound disabilities wanted to end their lives but were unable to do so.

"They are legion," he said. "And all of us may one day share their fate."

He told the judges that the case hinged on the question of how far the state could interfere with "human dignity" under Article Eight of the European Convention on Human Rights, which guarantees the right to "private and family life".

"The question is not one of right or wrong," he said. "It is a question of weighing relative risks that can be objectively ascertained from evidence."

He acknowledged that the right to die raised "very strong moral and ethical views" but added: "The question of whether the restriction interferes with the appellants' rights is a legal issue."

Lord Sumption asked: "Are you going to address 'protection of morals' or are you going to assume that that is off the agenda? Because it might not be off everybody's agenda."

Lord Sumption said opponents based their argument on the "sanctity of life".

"That's not a question of evidence, it is a fundamental moral construct," he said. "I am not suggesting that it is conclusive ... but it is likely to be an issue which can't be ignored."