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## Campaign for assisted suicide heads to ConCourt

2014-08-21 05:00

Emma Thelwell, News24

Cape Town - Campaign group Dignity SA has revealed plans to take the debate over legalising assisted suicide to the Constitutional Court.

Lee Last from **Dignity SA** told News24 that the organisation's directors plan to meet with six senior legal counsels to discuss the human rights of assisted suicide.

If the experts agree that assisted dying has a case as a human rights issue, Dignity SA and a terminally ill patient seeking an assisted death will take the matter to the courts, Last said.

The news comes amid increasing calls for a national debate following the suicide of IFP MP Dr Mario Oriani-Ambrosini on Saturday.

Ambrosini, who was in the final stages of terminal lung cancer, decided to end his life in order to put an end to his "long battle of suffering", his family said.

In a statement his family added: "This was a positive and very conscious decision on his part. He did not want to suffer anymore, nor did his family too."

His death follows calls from Archbishop Emeritus **Desmond Tutu** last month for government to reconsider its laws on assisted dying.

In an open letter in the UK's Observer newspaper, Tutu argued that South Africa's laws "are not aligned to a Constitution that espouses the human right to dignity".

He also claimed that **Nelson Mandela's** prolonged death was an "affront to **Madiba's** dignity".

Last pointed out that human dignity is at the heart of the Constitution - and is mentioned more than a dozen times.

This is in contrast, for example, to the US Constitution which does not refer specifically to human dignity.

Though South African law currently prohibits assisted dying, Mandela himself commissioned a report and draft bill on assisted dying in 1998 from the South African Law Commission and tabled it in Parliament in 2000.

But according to Dignity SA, nothing has come of it - Mandela's draft bill has simply "collected dust", said Last.

Despite attempts from News24 to contact the department of justice for clarification, no response was given.

### 'The parliament route'

Last, however, said that changing the law through "the parliament route" could take years of lobbying.

She said second option is to tackle it from a human rights angle, which is why Dignity SA is holding



(Picture: Sapa)

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Internationally, the debate gathered pace earlier this week when the Canadian Medical Association (CMA) softened its stance towards assisted death.

Despite its long-standing position against assisted death, delegates to the CMA's general council voted on Tuesday in favour of supporting "the right of all physicians, within the bounds of existing legislation, to follow their conscience when deciding whether to provide medical aid in dying".

The Canadian newspaper **The Globe and Mail** said that though the CMA's statement was "carefully crafted", it acknowledged that, while assisting death is still illegal in Canada, "the attitudes of Canadians, including those of physicians, are changing quickly, and so is the law".

Meanwhile in the UK's parliament, the House of Lords debated plans to legalise assisted dying for about 10 hours in July.

More than 130 peers asked to take part in the debate over the legislation - the outcome of which will be decided after the summer recess.



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