

FIAMC statement on legislation of euthanasia

19 January 2004

On Thursday, 29 January 2004 the Parliamentary Assembly of the Council of Europe will hold a discussion on the Marty Report on Euthanasia (Doc. 9898), drafted by the Swiss Rapporteur of the Social, Health and Family Affairs Committee, Mr Dick Marty. Mr Kevin McNamara, Rapporteur of the Committee on Legal Affairs and Human Rights for the United Kingdom will submit his opinion document on the same issue. The Marty report aims at introducing, in the Countries where they do not exist yet, laws exempting the physicians who help incurable patients put an end to their lives (if they request it) from legal prosecution. In other words, the Marty Report will ask all European Countries to promote the introduction of an euthanasia law, similarly to what has already been done in Holland and Belgium. Although not coercitive for the individual countries, the resolution, if approved, will constitute a tremendous element of pressure on national Parliaments, medical doctors and public opinion, and it could lead, in the future, to incentives for the countries permitting euthanasia and restrictions for those which oppose it. As Catholic Doctors, we protest against the Marty report and its possible legal consequences.

1. First of all, we are afraid that it will exert a pressure on physicians (both as individuals and as a profession) to act against their conviction and to act against to the Geneva Human Rights Convention when it states that the mandate for the physician is for him "to preserve the utmost respect for human life from its beginning even under threat and I will not use my medical knowledge contrary to the laws of humanity". In addition, we identify a risk that the exercise of the medical profession will be precluded in the future to physicians, who will not accept to perform euthanasia or physician assisted suicide, as it already happened for certain categories in some countries with reference to abortion. We demand that in all laws concerning medical ethical matters physicians and nurses are guaranteed the right to lawfully abstain from actions that are in conflict with their religious faith and/or moral convictions.

2. Recent medical research has shown that colleagues who are poorly trained in palliative medicine and colleagues who are overburdened are the ones seen to consider euthanasia and physician assisted suicide in difficult clinical situations^{1, 2}. Notwithstanding the principal issue of euthanasia and physician assisted suicide, it must be considered outrageous if patients are killed or assisted in taking their own life because of poor medical conduct. We therefore demand that the European Council acts to encourage the individual governments to provide training of physicians in palliative medicine, both during their basic medical training and during their vocational training. We also find it important that palliative medicine be established as a medical speciality in all European countries in the same way that it has been done, for example, in the United Kingdom.

3. The role of the medical profession must never be that of killing patients. Provisions for optimal palliative care at the end of life, especially for the weak patient, are mandatory for a society that wishes to be characterised as advanced. This care should be offered in a loving environment where the patient does not feel himself a burden to neither his relatives nor the society. It is the responsibility of the society to guarantee such care facilities.

4. While we are against any participation of medical doctors in euthanasia or physician assisted suicide, at the same time we are against any therapeutic obstinacy that cannot cure patients, but only prolong the process of dying.

5. We protest against the use of physicians to provide an unethical and unnecessary medical solution to a problem that is basically of a social nature: Solitude of the elderly and poor care at the end of life. It is exactly these problems that prompt demands for euthanasia and physician assisted suicide. Recent documents produced by important professional societies, as the European Association of Palliative Care (EAPC) made this view very clear.

We strongly urge the Members of the Parliamentary Assembly of the Council of Europe to vote against the draft resolution proposed by the Marty Report and to stand firmly against any attempt of promoting euthanasia and physician assisted suicide in Europe.

The Members should also feel the moral duty to be present during the debate on January 29th and to propose amendments to the Marty Report before the deadline of Wednesday 28 January at 3 pm.

On behalf of the World Federation of Catholic Medical Associations (FIAMC)

Gian Luigi Gigli, MD (President)