

## Should law be changed on 'mercy killings'?

As Kay Gilderdale walked free from court after being cleared of the attempted murder of her daughter, the judge in the case questioned whether pursuing this charge had been in the public interest.

Mr Justice Bean praised the jury for their "common sense, decency and humanity" and asked who had decided to prosecute the 55-year-old for attempted murder after she had admitted aiding and abetting her daughter Lynn's suicide.

He was told the decision had been taken at the "highest level".

A spokeswoman for the Crown Prosecution Service - which prosecutes criminal cases in England and Wales - later said: "The reviewing lawyer reviewed the case and the Director of Public Prosecutions was consulted." The judge's comments have been seized upon by campaigners who say the law on so-called "mercy killings" is out-of-date and needs to be changed.

Jo Cartwright, spokeswoman for Dignity in Dying, said: "This case shows we need to make the distinction between the different acts of assisted dying, assisted suicide, mercy killings and murder.

"Society has moved on and medical advances have moved on and the law has to move on too."

She says there does need to be a distinction between cases where loved ones ask for help to kill themselves and where they are not able to do so, but she says the existing law is too rigid.

Mrs Gilderdale, from East Sussex, administered lethal drugs to end Lynn's life in -December 2008 after her daughter called her for help when her own attempts at suicide failed.

Her daughter had repeatedly asked for help to end her 17 years of suffering after she contracted ME.

Last week another mother, Frances Inglis, was jailed for nine years for murder after she injected her brain-damaged son with a lethal dose of heroin.

She too had argued she had acted "out of love" and not malice, but her son never had the opportunity to ask her for help to die after he suffered serious head injuries after falling out of an ambulance.

The judge in her case said there was "no concept in law of mercy killing" and that it was still a killing "no matter how kind the intention

### **Mandatory sentence**

Ms Cartwright said if someone was charged with murder under the current system they faced "the full force" of the murder law, with a mandatory life

sentence if found guilty.

Mrs Inglis's family want to see a change in the law to recognise "mercy killings".

Dr Evan Harris, the Liberal Democrat's science spokesman, also believes the law on murder and assisted dying needs to be overhauled.

"Prosecutors are too willing to prosecute for murder," he says.

He favours the idea of first degree murder and second degree murder, as has been previously suggested by the Law Commission, which reviews and recommend reforms of the law in England and Wales.

This would allow for a greater distinction to be made between the circumstances surrounding cases. Otherwise we will get juries acquitting or the public unhappy with the outcome," he says.

But Dr Peter Saunders, director of Care Not Killing, believes it is not appropriate to change the law on murder in the light of "hard cases" like this. "Assisted suicide and so-called 'mercy killing' are illegal in order to protect vulnerable people from exploitation and abuse and the current law acts as a powerful deterrent".

He argues many cases of "financial, physical or emotional abuse occur within the context of so-called loving families".

"If we remove or lessen the penalty for so-called 'mercy killing' we will leave vulnerable people without adequate legal protection and also contribute to a mindset that the lives of sick or disabled people are somehow less worth living".

### **Guidelines issued**

Mrs Gilderdale had admitted assisting suicide, an offence under the spotlight since Debbie Purdy, who has multiple sclerosis, succeeded in getting prosecutors to produce guidelines on when relatives of the terminally ill are likely to face prosecution for assisting the death of their loved one. Following Ms Purdy's challenge in the House of Lords last year, the Director of Public Prosecutions Keir Starmer QC issued interim guidelines in September on assisted suicide cases.

Assisted suicide remains a criminal offence, but the guidelines set out the factors which weigh in favour of and against prosecution in different cases.

Mrs Gilderdale was given a 12-month conditional discharge for aiding and abetting suicide after her lawyers argued that had she faced this charge today, she would not be prosecuted under the new guidelines.

But the head of the CPS is adamant it was correct in pursuing the attempted murder case.

Mr Starmer said Mrs Gilderdale was a "devoted mother" and he accepted the verdict, but putting the case before a jury had been in the public interest because of the evidence and seriousness of the allegation.

Earlier the CPS had said: "The law does not allow someone to take the life of another, regardless of how compassionately they do it."

Q1: What do you think about mercy killing?

Q2: Why did they choose mercy killing to kill people?

Q3: Do you think mercy killing is legal?

Q4: Do you think it is a good way to decline population?

Q5: Is there any solution to decline population?

Q6: Have you had an experience (including watch video) on mercy killing? What did you think about it?

Q7: Did you agree this way to finish a life? Why?

Q8: If there haven't have mercy killing now , the world will become good or worse?

Q9: If you want to protest mercy killing, how do you want to do?

Q10: If you want to convince us mercy killing is good, how do you tell us?