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Euthanasia in France: conscientious objectors achieve well-deserved victory

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In France, euthanasia will remain banned in all private institutions that choose to do so, including Catholic ones. It is sufficient for them to declare their respect for life in their statutes or a code of ethics. This right has been recognised and guaranteed following

the Constitutional Council's decision to uphold the law sought by Macron and the left whilst including conscience clauses not provided for in the original text.

This is an important victory, and like those achieved at a pan-European level in 2010 and 2012, it teaches us to be courageous, cultivate expertise and undertake hard parliamentary work, as well as establish serious collaborative networks. This enables us to reaffirm the truth and reasonableness of non-negotiable principles, and the correct interpretation of human rights, even today.

Similarly, all pharmacists have been granted the opportunity to practise their profession while enjoying guaranteed rights and freedoms of conscience – rights and freedoms that were denied by the governing majority. The official promulgation of the French law on end-of-life care, published in the Journal Officiel, confirms this.

In the context of an unjust law, much like the constitutionalisation of abortion also sought by Macron, safeguarding the right to freedom of conscience is a modest yet significant victory for civilisation. Gregor Puppinck, leader of the European Centre for Law and Justice (ECLJ), one of the organisations that submitted opinions to the Constitutional Council, states that 'we can thank God for this victory'. In France, there will be places of refuge where vulnerable people will not be in mortal danger. We will now continue this battle in other countries in order to guarantee freedom for religious institutions as well. In France, we are preparing to challenge the implementing decrees that will be adopted by the government in the coming months".

The Archbishop of Paris, Laurent Ulrich, welcomed the amendments in his 19 August message to the faithful, describing them as 'an opportunity' and urging institutions dedicated to caring for the seriously ill and specialising in palliative care to find 'in these reservations an incentive to maintain their specific character and to remain places where no one will be killed'.

As expected, the remainder of the Constitutional Council's ruling confirmed all the other provisions of the law, as described in detail on this website. These include the failure to notify family members, the absence of any right of appeal and the euthanasia of people under legal guardianship. The original version of the text stipulated that, if a person was admitted to hospital or was living in facilities subject to the legislation, the head of the facility must allow professionals involved in the procedure to carry out their duties, as well as granting access to anyone accompanying the person requesting to die. This was to be permitted without exception, even if the institution itself objected, whilst no conscience clause was guaranteed for pharmacists.

The involvement of Catholics, including bishops, in requesting that the Constitutional Council respect the conscience clause is clear. This is a well-deserved but by no means guaranteed success, which could pave the way for further appeals to the European Court of Human Rights in Strasbourg. Among the members of the Constitutional Council who made the decision were two euthanasia advocates and activists, Jacques Mézard and Alain Juppé. This means that the decision on the constitutional legitimacy of the text is open to challenge. In this case, the 'external' and strongly critical submission on the text approved by parliament — sent to the Constitutional Council on 30 July by the UN Special Rapporteur on freedom of religion and conscience, Nazila Ghanea — could strengthen the appellants' position and arguments.

Allow me to make a personal comment. Sixteen years ago, the Parliamentary Assembly of the Council of Europe adopted an 'impossible' resolution and recommendation (No. 1762/2010), thanks to the overwhelming support of left-wing, socialist and liberal parties for the original text. This text was openly backed by major multinationals involved in abortion and euthanasia, and prohibited conscientious objection for individuals and religious healthcare institutions. At that time, thanks to courageous leadership on my part, the solidarity of a handful of parliamentary friends (including Renato Farina) and the guidance of Christian NGOs (including Gregor Puppinck and Roger Kiska, then head of Alliance Defending Freedom in Europe), the 'impossible' defence of the founding values of the European People's Party became possible.

Guided by our expertise and the rational certainty of non-negotiable human and Christian principles, as well as our trust in divine providence regarding the outcome, what had seemed a certain victory for opponents of life and violators of human rights turned into their first stinging defeat. In 2012, this was followed by the adoption of an

amendment to the resolution on end-of-life declarations which explicitly prohibited 'euthanasia' (defined as the intentional killing of a non-self-sufficient human being for an alleged benefit).