

Law Reform Proposal regarding Assisted Dying

In the UK The Suicide Act 1961 under section 2, states that assisting someone to commit suicide is illegal and can lead to up to 14 years imprisonment. Yet, in each case, once the evidential stage has been finished, the Director of Public Prosecution (DPP) will provide consent before the suspect can be prosecuted.¹ The consent of the DPP is provided according it is in the public interest to prosecute. In R v. DPP², the judges obliged the DPP to clarify which factors are considered for and against prosecution with regards to the cases of assisted suicide. In 10th December 2010, Kei Starmer, the current DPP QC stated that his consultation about assisted suicide proves that there is support from people for and against the factors affecting assisted suicide³, However, the most significant in the responses was whether the status of the victim has to be a relevant factor or the actions and motives of the suspect alone⁴.

Since the 1970s, there have been several surveys conducted to understand public opinion towards assisted suicide. Over time it appears as if there has been an increase in the support of the public regarding associated suicide as proved by the Voluntary Euthanasia Society (VES) and British Social Attitudes (BSA). The survey was discovered to having issue in identifying who can be eligible for assisted suicide.⁵ Moreover, there is high support for legally assisted death due to severe sickness.⁶

¹ Director of Public Prosecutions, 'Policy for prosecutors in respect of cases of encouraging or assisting suicide', p 1

² [2009] UKHL 45

³<http://www.livinganddyingwell.org.uk/sites/default/files/LDW%20-%20Report%20-%20Considering%20the%20Evidence.pdf>

⁴ Ibid

⁵ House of Lords, Assisted Dying for the Terminally Ill Bill [HL], vol I, p 127

⁶ Ibid

The interpretations of the European Convention on Human Rights by the **European Court of Human Rights** played an important role in the development of the law regarding **assisted suicide**. The request to the DPP by Diane Pretty⁷ that her husband should not be punished for assisting her to commit suicide was taken to the House of Lords and to ECHR in 2002. ECHR held that the decision of DPP to provide a precaution against imprisonment for her husband did not violate her rights under article 2,3,8,9 and 14 of the HRA⁸.

In **Switzerland**, The **Swiss Penal Code 1942** states that if a legally considered adult and the assister do not/should not have any personal motive, then the assisted suicide can be justified. However, in **the Netherlands** according to **The Termination of Life on request and Associated Suicide Act 2001**, the patient's request must be carefully considered and patient should be suffering from a disease which has no hope of improvement before the assisted suicide is justified.

Debbie Purdy's argument was mainly about her **individual autonomy** which can be proven by her following statement

I want to be in control of my life, and that means I want to be able to live it as long as I can, but I want to be able to choose what quality of life is livable; I don't want somebody else to tell me that 'the quality of your life's ok, what are you complaining about?' I want to be able to make those choices myself. I want the help and support to make it

The **suggested content of the bill**, after considering the current law in the UK, as well as some international countries, impact of ECHR, public opinion and ethical basis, are as follows:

⁷ Ibid 2

⁸⁸ Human Rights Act 1998

- a suitable medical professional can help a person in assisted suicide if the person is over the age of 18,
- certification from the court that the person is eligible under the passed law is required,
- there should be some time given for the person to reconsider his/her decision,
- the person should be able to express the voluntary intention to die, and if the person is not capable of making a decision by him/herself then the personal guardian and government health authority decisions should be considered

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