

GOVERNMENT OF JERSEY: ASSISTED DYING PUBLIC ENGAGEMENT

Response from Channel Island Humanists,
April 2022



ABOUT CHANNEL ISLANDS HUMANISTS

Channel Islands Humanists is a part of Humanists UK. At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 100,000 members and supporters, over 115 members of the All-Party Parliamentary Humanist Group, and by humanist members of the Jersey and Guernsey Assemblies.

We have long supported attempts to legalise assisted dying across the Channel Islands, to afford freedom of choice to those who have made a clear and free decision to end their lives and who are physically unable to do so themselves. In many cases, the person in question will be terminally ill. However, we do not think that there is a strong moral case to limit assistance to terminally ill people alone and we wish to see reform of the law that would be responsive to the needs of other people who are permanently and incurably suffering. In recent years we have intervened in all the UK court cases on assisted dying, and have supported all legislative attempts to legalise assisted dying for the terminally ill. We are a co-founder of the Assisted Dying Coalition, the UK, Ireland, and crown dependencies-wide coalition working for assisted dying. End of Life Choices Jersey is also a member of the coalition.

ASSISTED DYING IN JERSEY

In 2021, Jersey's Citizens' Jury on Assisted Dying overwhelmingly recommended the legalisation of a right to die. Humanists UK gave oral and written expert evidence to the panel. 78% of the panellists recommended that assisted dying should be permitted for adults in Jersey and 70% recommended that it should be available to adults of sound mind, who are either terminally ill or experiencing unbearable suffering, subject to robust safeguards.¹ In 2021, Jersey's States Assembly approved the principle of legalising assisted dying. A further debate on processes and safeguards is due to be held this year and a draft law to be discussed and voted on in 2023.²

THE CASE FOR CHANGE

- **Research from the Assisted Dying Coalition has found that more than one person a week from the UK and crown dependencies is now forced to end their life abroad.**³ However, many others cannot afford the high costs of travelling abroad. **The right to die should not be limited to those with means.** Those who are able to travel abroad to die often do so before it would be necessary if they did not need to travel.
- **The current law forces families to make an intolerable choice:** either to let their loved ones suffer; or support them and risk criminal investigation.

¹ Humanists UK. '78% of Jersey's assisted dying citizens' jury back changing the law'. 2021.

<https://humanists.uk/2021/06/22/78-of-jerseys-assisted-dying-citizens-jury-back-changing-the-law/>

² Humanists UK. 'Jersey Assembly votes for humane right to die law'. 2021.

<https://humanists.uk/2021/11/25/jersey-assembly-one-step-closer-to-passing-a-right-to-die-law/>

³ The Assisted Dying Coalition. *Briefing: Number of UK citizens going to Switzerland to seek an assisted death*

https://humanism.org.uk/wp-content/uploads/2019-2-1-KM-Assisted-Dying-Briefing_-Number-of-UK-citizens-going-to-Switzerland-to-seek-an-assisted-death-1.pdf



- A Medix survey has established that 45% of British doctors believe that some health professionals assist the death of patients.⁴ **A safer system of stringent safeguards is the best way to protect patients, as well as doctors and families, from being prosecuted for crimes of compassion.**
- **There is no credible evidence from jurisdictions that have legalised assisted dying that vulnerable people will be pressured to end their life.** In fact, Professor Battin *et al* concluded in the most comprehensive study on this topic: 'Where assisted dying is already legal, there is no current evidence for the claim that legalised PAS [physician-assisted suicide] or euthanasia will have a disproportionate impact on patients in vulnerable groups.'⁵

PUBLIC, MEDICAL, AND DISABILITY COMMUNITY OPINION

90% of the public in Jersey favour assisted dying reform. A poll of 2,801 adults in Jersey, Guernsey, and the Isle of Man found that at least eight in ten people favour assisted dying.⁶

In Britain, **88% of people with a disability favour assisted dying for both those who are terminally ill or incurably suffering.**⁷ This is reflected by an independent study of 140 UK disability rights organisations that found that 97% do not oppose law reform.⁸

The majority of UK doctors and nurses support assisted dying reform.⁹ For example, 55% of GPs agree or strongly agree that the law on assisted dying should change.¹⁰ The British Medical Association, the Royal College of Physicians, the Royal Society of Medicine, the Royal College of Nursing, and the Royal College of Psychiatrists all also either support or have a neutral stance. The Royal College of Surgeons is currently reviewing its position. The Royal College of GPs remain opposed to a change in the law. The RCGP conducted a review in 2021, and found a majority wanting it to move from opposition to neutrality and support.

INTERNATIONAL CONTEXT

Over 200 million citizens worldwide now have access to assisted dying.¹¹ There are predominately two models of assisted dying around the world. The first, found in **Austria, Canada, Belgium, Germany, Luxembourg, the Netherlands, Colombia, Switzerland, and Spain** provides

⁴ House of Lords. *Select Committee on Assisted Dying for the Terminally Ill Bill Volume I: Report*. 2005. <https://publications.parliament.uk/pa/ld200405/ldselect/ldasdy/86/86i.pdf>

⁵ Battin et al. 'Legal physician-assisted dying in Oregon and the Netherlands: evidence concerning the impact on patients in "vulnerable" groups'. *J Med Ethics* 2007. <https://www.ncbi.nlm.nih.gov/pubmed/17906058>

⁶ Island Global Research Ltd. Dignity in Dying Poll, 18 May 2021 <https://www.islandglobalresearch.com/View?id=2232>

⁷ Populus. *Dignity in Dying Poll*. 2015. <https://www.populus.co.uk/wp-content/uploads/2015/12/DIGNITY-IN-DYING-Populus-poll-March-2015-data-tables-with-full-party-crossbreaks.compressed.pdf>

⁸ G Box *et al*, 'Views of disability rights organisations on assisted dying legislation in England, Wales and Scotland: an analysis of position statements' *J Med Ethics* 2021 <https://pubmed.ncbi.nlm.nih.gov/33402428/>

⁹ *British Medical Journal*. 'Most UK doctors support assisted dying, a new poll shows'. 2019. <https://www.bmj.com/content/360/bmj.k301>

¹⁰ Dignity in Dying. 'Majority of doctors want medical bodies to have neutral stance on assisted dying'. 2019. www.dignityindying.org.uk/news/majority-of-doctors-want-medical-bodies-to-have-neutral-stance-on-assisted-dying/

¹¹ *British Medical Journal*, 'Assisted dying: a question of when, not if'. 9 September 2021 <https://doi.org/10.1136/bmj.n2128>



assisted dying for both the terminally ill and incurably suffering.¹² The second, found in 11 US jurisdictions, Columbia, New Zealand, and five Australian states, only provides assistance to those who are terminally ill (likely to die within six months or fewer).

SCOPE AND SAFEGUARDS

We advocate for a compassionate assisted dying law for the terminally ill and intolerably suffering. We believe those who have made a clear decision, free from coercion, to end their lives should be able to do so. There is no moral case for limiting the law to the terminally ill.

We recognise that any assisted dying law must contain strong safeguards, but the international evidence from countries where assisted dying is legal shows that safeguards can be effective. Assisted dying should not be considered an alternative to palliative care, but should be offered together, as in many other countries. We support the decisions made in the Citizen's Jury's Final Report and as such an assisted dying law in Jersey should include the following safeguards and criteria:

- The law should apply only to those over the age of 18
- There should be a conscientious objection clause for medical professionals
- Assisted dying should only be allowed at certain approved locations, such as at home, at the hospital or at a specialist facility
- There must be an official format of the request such as a written, witnessed request
- Withdrawal of a request for an assisted death is permitted at any time
- There should be a 'cooling-off period' to allow subjects to change their mind.

In addition to this, there should be regular general reporting on assisted dying in Jersey with no disclosure of individual identifying details.

For more details, information, and evidence, contact Humanists UK:

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¹² Humanists UK, *Assisted Dying Around the World*, 2021: <https://humanists.uk/wp-content/uploads/Humanists-UK-Mapping-Assisted-Dying-Laws-Around-The-World.pdf>



ANNEX: FAQs ON ASSISTED DYING

Q: What do disability and medical charities think?

A: Most disability and medical charities are neutral on assisted dying. But most people with conditions such as motor neurone disease and most disabled people support a change in the law, as do most doctors as evidenced by the recent British Medical Association poll on assisted dying.

Q: What if people change their minds?

A: Adequate safeguards should be put in place to make sure that any decisions people make are clear and settled wishes, arrived at free from coercion. In Switzerland, this means having a psychological assessment, and also a waiting period to make sure a person's wishes don't change.

Q. What if there is a cure in the future?

A: People can make their own decision as to the likelihood of this happening weighed against their current suffering.

Q: Isn't it enough that people can go to Switzerland?

A: That prolongs the suffering of people who have already made the decision but where it takes time to arrange it; paradoxically, it means that some people end up going sooner than they otherwise might, before they become too sick to fly. Further, it is only available to those that can afford it. It also means that people are denied the option to die at home or in familiar circumstances.

Q: Assisted Dying is rarely prosecuted, isn't that enough?

A: Where people are helping others to die they are doing this without safeguards and at the risk of a criminal charge. This is not enough. And if it's happening already, why not legislate and regulate the situation?

Q: Why are Channel Islands Humanists focusing on this?

A: Humanists defend the right of everyone to live by their own personal values, and the freedom to make decisions about their own life as long as this does not result in harm to others. Assisted dying clearly affords people freedom of choice, dignity, and autonomy. This is a common view amongst humanists.

Q: In country X, assisted dying has led to involuntary deaths.

A: In places where assisted dying is legal, the evidence is overwhelmingly of success – people accessing assisted dying free from coercion. The result is a reduction in suffering.

Q: Isn't palliative care enough? Shouldn't we work to make people happier, not to end it?

A: Improving palliative care is vital. But good palliative care and legal assisted dying are not mutually exclusive. Instead the best care that can be given is for people to be given the best palliative care available, and then be able to have the right to die should they find that that's not good enough.

Q: Will doctors find it hard to assist a death?

A: 55% of UK GPs agree or strongly agree that the law on assisted dying should change. Doctors will be following the wishes of their patients and using their medical skills to ensure that the procedure is dignified and humane. It is likely that any legislative scheme would create a new group of medical professionals who would carry out assisted dying and provide for healthcare workers to conscientiously object from taking part.

