

BHA BRIEFING 2009: DPP 'Interim Policy' on Assisted Suicide

Director of Public Prosecutions (DPP) Consultation on the Interim Policy for Prosecutors in Respect of Cases of Assisted Suicide – Briefing from the British Humanist Association

What's happening?

The Director of Public Prosecutions (DPP) has issued guidelines clarifying the issues that will be taken into account when deciding whether or not to consent to the prosecution of individuals who assist someone to die, including when people have accompanied loved ones abroad for an assisted death.

These issues are now open for a public consultation period that ends on 16th December, and we strongly recommend that Parliamentarians express their views. You can read the British Humanist Association's response to the consultation on our website at: www.humanism.org.uk/campaigns/ethical-issues/assisted-dying. Our response takes the form of a memorandum which details our position in relation to the law on assisted dying generally, and the DPP's 'Interim Policy' specifically.

The guidelines are being prepared as a result of the prominent case of Debbie Purdy, a multiple sclerosis sufferer, who recently won her case in the UK's highest court. The judgment required that the DPP publish clear guidance, showing when it would or would not prosecute someone for assisting someone to die.

This is not a change in the law; assisted dying remains illegal. However this does represent a significant and positive change to the present situation.

Our position

The BHA supports the development and publication of the 'Interim Policy' as we believe it helps to give considerable clarification on the factors that the DPP will take into consideration when deciding whether or not to prosecute somebody who has assisted another to die. This is especially important in that it gives information that provides people with greater choice over their decisions on these matters. It is welcome that the 'Interim Policy' indicates that it is unlikely that those who compassionately assist another to die would be prosecuted.

While compassionately assisting another to die remains a criminal offence in the UK, the decision whether or not to prosecute rests with the DPP. Until the publication of this 'Interim Policy', it has not been clear on what basis the DPP will decide whether or not to support a prosecution. That ambiguity places further and unnecessary pressure on those suffering from severe and terminal illnesses or conditions, and their loved ones. We believe precisely because this is a sensitive subject that clarification is required – the status quo is deeply unsatisfactory. Therefore we welcome the 'Interim Policy' and very much support its publication.

However, it is our firm position that the law on assisted dying the UK is in need of extensive reform. We believe that legalisation, with strict safeguards in place, is ethically far preferable than our present law and would be by far the best way to protect vulnerable people.

Why your views matter

It is vital that the consultation receives an accurate and representative view on the subject of assisted dying. Most importantly, the principle that guidelines are required should be positively acknowledged.

The Roman Catholic Church has traditionally expressed the strongest opposition to assisted dying, but it has been a broad religious lobby, led particularly by the Church of England Bishops in the House of Lords, that has blocked attempts to create a humane and ethical law on assisted dying. We know in the context of this consultation that a vocal religious lobby will be responding negatively to this 'Interim Policy'.

Although vocal and well-organised, the position against reform in the law on assisted dying and against the publication of these DPP guidelines are not representative. Around 80% of the public, and the figures are similar for religious and non-religious people, support assisted dying for terminally ill people.

The principle of the guidelines should be acknowledged as an improvement. Where possible, the contribution of personal experience and considered views would be beneficial towards the development of these guidelines.

How to respond to the consultation

You can find the BHA's response on our website at www.humanism.org.uk/campaigns/ethical-issues/assisted-dying and you are welcome to use it as extensively as you like to inform your own response. Alternatively, please contact Naomi Phillips at naomi@humanism.org.uk or 020 7079 3585.

You can find the consultation form on the Crown Prosecution Service website:
www.cps.gov.uk/consultations/as_index.html

The consultation consists of nine questions listing a number of factors in favour of a prosecution and against. It gives respondents the opportunity to agree or disagree with their inclusion, weight them in accordance with priority, and offer further suggestions. Section 9 of the response form gives you an opportunity to make detailed comments. You can choose either to fill that section in, or make a separate submission, as the BHA has done with its memorandum.

Once you have completed the consultation form or made a separate response, please e-mail your response to assistedsuicide.consultation@cps.gsi.gov.uk

Alternatively, send your printed and completed form to:
Assisted Suicide Policy Team
Crown Prosecution Service Headquarters - 6th floor
50 Ludgate Hill
London
EC4M 7EX

For any further questions or information, please contact Naomi Phillips at naomi@humanism.org.uk, 020 7079 3585 or 07540 257101.

Thank you for all your support.