

Rt Hon Robert Buckland QC MP
Secretary of State for Justice
Ministry of Justice
102 Petty France
London SW1H 9AJ

25 November 2020

Dear Mr Buckland,

Following the Court of Appeal's decision in my recent assisted dying legal case, I am writing to urge you to take notice of this decision and launch an inquiry into assisted dying, and ask if you might meet with me to discuss this important matter.

As you will recall, I became irreversibly quadriplegic following a road traffic accident in 1990 and am paralysed below the neck. For more than thirty years, this has meant enduring chronic pain and the daily indignities of needing someone else to do everything for me. But, whilst I may have grave misgivings about my current life and its quality, I have not yet reached a point where I would want to end it. Instead, I want the security of knowing that when my pain inevitably worsens and eclipses every aspect of my life, I won't be forced to continue living in a body which has become my prison.

I understand and respect that you are personally unconvinced by the arguments in favour of letting me choose the moment and manner of my death, and I am grateful for the kind words and 'sympathy' you offer me instead.

However, pity has never been the root cause of my legal case. All I have ever wanted is for my choice, over when my life has become intolerable, to be respected. If the Court's ruling on the matter is the final word, I will be condemned to watch as my suffering progresses, and live with the torment of knowing that there is nothing I can do to avoid the fate I am most scared of; unless I want to slowly starve myself to death. I wonder what you think that says about how the law respects me?

Although I am devastated by the Court of Appeal's decision, it has been unambiguous in its view: it is the responsibility of Parliament to examine and resolve the violations of my autonomy and dignity by banning legal, safe, and compassionate assisted dying. As you will recall, this too was the majority view of our Supreme Court in 2014, when I brought a separate appeal alongside Jane Nicklinson, the widow of Tony Nicklinson.

I appreciate that there are legitimate and weighty concerns about legalising assisted dying; chiefly among them how a scheme could be devised to protect potentially vulnerable people.

Nevertheless, I hope you would agree that the evidence available to scrutinise these concerns is now materially different than it was more than a decade ago when Parliament last investigated the issue; or in 2015, when it last debated legislation which would have specifically only helped the terminally ill and excluded those in my position. To highlight but one example, the option of a safeguarded assisted death has only been available in Canada since 2016, and as a result a wealth of new evidence now exists specifically on the issue of protecting vulnerable people. An independent

investigation published this year by Dr James Downar et al concluded that traditionally vulnerable demographics are less likely to have an assisted death than others in society.¹

In view of the Court's decision, I hope you would also agree that if Parliament alone can review the law preventing me from having the death I want, then future Parliamentary debates must be informed by impartial and robust evidence – including the example mentioned above.

On several occasions, whilst you have recognised the importance of impartial information, you have stated that the Government has no position on assisted dying. Instead, you have said that it is a matter for Parliament's individual conscience. Subsequently, you have also suggested that if an exercise should be conducted to gather the evidence on assisted dying, then it should be via a Select Committee or All-Party Parliamentary Group.

However, given the importance of such an inquiry being seen to be impartial, I am concerned that groups who oppose a change in the law would choose not to participate in either a Select Committee or All-Party Parliamentary Group investigation. This is because they have chosen precisely that in the past, see for example Lord Falconer's Commission on Assisted Death. Instead, your repeated assurances of the Government's and your own ministerial neutrality mean that the only body which would be capable of facilitating an informed debate within Parliament is the Government. This would not mean that the Government would have to adopt a position on assisted dying, it would merely ensure that both those in favour and opposed to a change in the law are given a balanced opportunity to present their evidence.

Therefore, I sincerely hope as Secretary of State for Justice and Lord Chancellor you will consider the views of everyone, and take this moment to turn your sympathy into action. Given this, I urge you to reconsider the issue of a call for evidence, and hope you might be willing to meet with me at the earliest opportunity to discuss this matter further.

Yours sincerely,

Paul Lamb

¹ Dr J. Downar *et al*, 'Early experience with medical assistance in dying in Ontario, Canada: a cohort study' CMAJ February 24, 2020 192 (8) E173-E181; available at: <https://www.cmaj.ca/content/192/8/E173>