



Assisted dying must be legalised

Keir Starmer

In 2009, the highest court in the land required me, as director of public prosecutions, to publish guidelines for prosecuting assisted suicide cases.

Two principles underpinned my approach. First, that the criminal law should rarely (if ever) be used against those who compassionately assist a loved one to die — so long as that person had reached a voluntary, clear, settled and informed decision to end their life. Second, that strong safeguards are needed to protect those who might be pressurised into taking their own lives: those who encourage the vulnerable to die should feel the full force of the law.

But I have become increasingly concerned about two inherent limitations in the guidelines since they were published five years ago. The first is that although those who have reached a voluntary, clear, settled and informed decision to end their lives can now be confident of the assistance of loved ones without automatically exposing them to the criminal law, they cannot obtain professional medical help unless they traipse off to Dignitas in Switzerland.

That is an injustice we should not tolerate any longer. There is no case for limiting that assistance to the amateur kind offered by family or the professional kind provided by Dignitas.

The second inherent limitation concerns safeguards. I accept the case for strong safeguards to protect those who might be pressed to take their own lives. But the truth is that the only safeguard I was able to put in my guidelines was an “after the event” criminal investigation into the motive of the individual who assisted the suicide. Strong and robust safeguards before someone ends their life would be far better than “after the event” inquiries.

The safeguards in the Assisted Dying Bill are certainly strong and robust. A person may only be provided with assistance to end their life if a High Court judge is satisfied that they have a voluntary, clear, settled and informed wish to do so. An order can only be made if the person has made a declaration about their wish to end their life, which must be counter-signed by a witness who must not be a relative or a person directly involved in the person's care or treatment. And only those diagnosed by a registered medical practitioner as having a terminal illness and less than six months' life expectancy may apply to the High Court.

So long as these safeguards are enshrined in law, the wish of those who want to die with dignity at home with professional medical assistance can be met without compromising protection for the vulnerable. In such circumstances, it is impossible to justify continuing the injustice inherent in the current arrangements.

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