OVERVIEW

Recent years have seen a number of well publicised claims by individuals that laws prohibiting assisted suicide are contrary to respect for their human rights. These claims depend on one view of the value of life underpinning human rights.

This research concerns human rights and regulation of assisted suicide; it adopts the ethical rationalism of Alan Gewirth, that human rights require the protection of life as instrumental to the capacity of people to value their purposes.

From this basis various claims against the DPP are considered:
● Pretty  ● Purdy  ● ‘Martin’

LEGAL CHALLENGES

Suicide Act 1961:
• Section 2(1) an offence is committed where an act is capable of, and intended to, assist a suicide
• Section 2(4) prosecution requires consent of the DPP

Various claimants have challenged the compatibility of the law on assisted suicide:
● Diane Pretty claimed unsuccessfully that various rights under the European Convention on Human Rights were infringed by the Suicide Act in denying her the freedom to commit suicide.
● When Pretty argued her case at Strasbourg the Court considered her claim to choose how and when to die might be protected under Article 8 (right to respect for private life).
● Claim brought subsequently by Debbie Purdy that her Article 8 right was infringed because the DPP’s (Keir Starmer) policy on consent to prosecution was not clear.
● Subsequently, a string of cases at Strasbourg has confirmed this right, culminating in Gross v Switzerland in May 2013. This case concerned an individual who, like Pretty, was uncertain about the application of law to her case. While guidance existed, it did not apply to her because she did not suffer from a terminal illness.

DIFFERING VALUES

Protection of human life is obviously fundamental to morality, which has led to a belief that it is inviolate, so that suicide is a form of impermissible homicide.

Theological perspectives:
● “Thou shalt not kill’ refers to the killing of a man—not another man...” ~ St Augustine Summa Theologica

Secular perspectives:
● Inviolability of life based on the unique dignity of a human being.

A rival view is that it is a chosen life that is inviolate, and suicide is not impermissible.

Classical/Enlightenment perspectives:
● “mee thinks I have the keyes of my prison in mine owne hand” ~ John Donne Biathanatos

Contemporary perspectives:
● Respect for life terminating choices fundamental to human dignity (eg John Harris).

CONCLUSION

● The recognition that Convention rights apply to choices to commit suicide contradicts a view that they uphold life, rather than a chosen life, as inviolate.
● The protection of a ‘chosen life’ requires that states ensure that a decision to end life is taken autonomously.
● The Suicide Act and DPP’s guidance demonstrate limited acceptance that suicide is not contrary to fundamental values.