

What is not Assisted Suicide.....

Evidence continues to be taken in Holyrood over the proposed new assisted suicide law. Most commentators seem to think that the bill is likely not to make progress. Certainly the Government does not support a change in the law.

However what is clearly happening is that the issue of assisted suicide and end of life issues generally are getting a lot more media coverage at the moment. Those giving evidence are widely reported and frequently background stories on assisted suicide elsewhere are brought into the mix. The latest of these was the sad story of the cousins who travelled abroad for assisted suicide apparently their desire for it having been induced by their fear of being separated.

With all this coverage it is perhaps appropriate to look again at an “end of life” approach in Scotland and to differentiate it completely from assisted suicide.

In Scotland an adult with capacity has the right to refuse medical treatment. It would appear that increasing numbers of people want to take control of the end of their lives, and to control what medical treatment they wish to receive or not receive where death is imminent. Refusing treatment is not suicide and medical practitioners not administering unwanted treatment is not assisted suicide.

Of course when death approaches many folk will in their last days become unconscious and not be able to communicate. Increasing numbers of clients of member firms of Solicitors for Older People Scotland are choosing therefore to make their refusal of treatment wishes clear in a written document called an Advance Directive. Typically an Advance Directive will state a person’s wish not to be resuscitated after an incident of heart failure if death is clearly imminent. It will probably also state the patients wishes not to be given other treatments which may only prolong briefly a life which otherwise would end naturally and quickly. These are important personal decisions which everyone has a right to make in law as it currently stands.

The existence of an Advance Directive stating clearly someone’s end of life treatment wishes can and does remove a lot of distress from other family members. Being in discussion with doctors at such a time is difficult but huge comfort can be often be found if everybody realises what is happening “treatment wise” accords with what the patient clearly wanted.

So people in the current law have significant rights which they can use to model how their death may happen. It is however important to realise that this area of the law is far removed from the concept of assisted suicide currently being debated at Holyrood.