



News Release

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PPS PUBLISHES INTERIM GUIDANCE ON PROSECUTING CASES OF ASSISTED SUICIDE AND LAUNCHES PUBLIC CONSULTATION

The Director of Public Prosecutions for Northern Ireland, Sir Alasdair Fraser today published his interim guidance on prosecuting cases of assisted suicide and urged the people of Northern Ireland to respond to a 12-week consultation on public interest factors in favour of prosecution and those against prosecution for this offence.

The PPS Interim Guidance on the Offence of Assisted Suicide which comes into effect today, Wednesday 23 September, will be reviewed in light of the public consultation exercise now being undertaken. The consultation will run until Wednesday 16 December 2009 and a final policy published in Spring 2010.

Commenting on his interim guidance, Sir Alasdair said: **“The law on assisted suicide here is in essence the same as that in England and Wales. The observations of the Law Lords in the case of Debbie Purdy therefore have the same relevance in this jurisdiction.**

“We have worked closely with the Crown Prosecution Service to produce interim guidance which is applicable to both Northern Ireland and England and Wales.

“The interim guidance published today identifies those public interest factors which must be weighed both for or against prosecuting someone

for assisting another to take their own life. Assisting suicide has been a criminal offence in Northern Ireland since the Parliament at Stormont passed the Criminal Justice (Northern Ireland) Act 1966, some 43 years ago. This interim policy does nothing to change that. That is a matter for Parliament

“There can be no guarantees against prosecution and it is essential that the most vulnerable in our society are protected while at the same time giving sufficient information to those who want to be able to make informed decisions about what actions they may choose to take.

“As this guidance explains, assessing the public interest is not simply a matter of adding up the number of factors on each side and seeing which side [of the scales] has the greater number. Each case must be considered on its own facts. If such a case should arise public prosecutors will decide the importance of each public interest factor and make an overall assessment as to whether prosecuting for assisted suicide is required.

“There are many who hold strong views on this subject and it is right that there should be a period of public consultation. Prosecutors do not hold a monopoly on wisdom and I would encourage the community to respond so that the policy we are considering protects those who are vulnerable and at the same time is sensitive to the needs of those who face a terminal illness or a severe and incurable physical disability or a severe degenerative condition from which there is no possibility of recovery.”

Notes to Editors

A copy of the interim guidance and the consultation questionnaire is available at www.ppsni.gov.uk

The public consultation runs to December 16th, after which a summary of the consultation responses will be published. It is envisaged that the finalised guidance will be issued in Spring 2010.

Public interest factors in favour of prosecution

The public interest factors in favour of prosecution are set out below.

- 1) The victim was under 18 years of age.
- 2) The victim's capacity to reach an informed decision was adversely affected by a recognised mental illness or learning difficulty.
- 3) The victim did not have a clear, settled and informed wish to commit suicide; for example, the victim's history suggests that his or her wish to commit suicide was temporary or subject to change.
- 4) The victim did not indicate unequivocally to the suspect that he or she wished to commit suicide.
- 5) The victim did not ask personally on his or her own initiative for the assistance of the suspect.
- 6) The victim did not have:
 - a terminal illness; or
 - a severe and incurable physical disability; or
 - a severe degenerative physical condition;from which there was no possibility of recovery.
- 7) The suspect was not wholly motivated by compassion; for example, the suspect was motivated by the prospect that they or a person closely connected to them stood to gain in some way from the death of the victim.
- 8) The suspect persuaded, pressured or maliciously encouraged the victim to commit or attempt to commit suicide, or exercised improper influence in the victim's decision to do so; and did not take reasonable steps to ensure that any other person did not do so.
- 9) The victim was physically able to undertake the act that constituted the assistance him or herself.
- 10) The suspect was not the spouse, partner or a close relative or a close personal friend of the victim.
- 11) The suspect was unknown to the victim and assisted by providing specific information via, for example, a website or publication, to the victim to assist him or her in committing suicide.
- 12) The suspect gave assistance to more than one victim who were not known to each other.

- 13) The suspect was paid by the victim or those close to the victim for their assistance.
- 14) The suspect was paid to care for the victim in a care/nursing home environment.
- 15) The suspect was aware that the victim intended to commit suicide in a public place where it was reasonable to think that members of the public may be present.
- 16) The suspect was a member of an organisation or group, the principal purpose of which is to provide a physical environment (whether for payment or not) in which to allow another to commit suicide.

In most cases, factors (1) to (8) above will carry more weight than the other factors in deciding that a prosecution is required in the public interest.

Public interest factors against prosecution

The public interest factors against prosecution are set out below.

- 1) The victim had a clear, settled and informed wish to commit suicide.
- 2) The victim indicated unequivocally to the suspect that he or she wished to commit suicide.
- 3) The victim asked personally on his or her own initiative for the assistance of the suspect.
- 4) The victim had:
 - a. a terminal illness; or
 - b. a severe and incurable physical disability; or
 - c. a severe degenerative physical condition;from which there was no possibility of recovery.
- 5) The suspect was wholly motivated by compassion.
- 6) The suspect was the spouse, partner or a close relative or a close personal friend of the victim, within the context of a long-term and supportive relationship.
- 7) The actions of the suspect, although sufficient to come within the definition of the offence, were of only minor assistance or influence, or the assistance which the suspect provided was as a consequence of their usual lawful employment.
- 8) The victim was physically unable to undertake the act that constituted the assistance him or herself.
- 9) The suspect had sought to dissuade the victim from taking the course of action which resulted in their suicide.

- 10) The victim has considered and pursued to a reasonable extent recognised treatment and care options.
- 11) The victim had previously attempted to commit suicide and was likely to try to do so again.
- 12) The actions of the suspect may be characterised as reluctant assistance in the face of a determined wish on the part of the victim to commit or attempt to commit suicide.
- 13) The suspect fully assisted the police in their enquiries into the circumstances of the suicide or the attempt and his or her part in providing assistance.

In most cases, factors 1) to 7) above will carry more weight than the other factors in deciding that a prosecution is not required in the public interest.

Background:

It was a felony at common law for a sane person of the age of responsibility to kill himself either intentionally or in the course of trying to kill another.

In Northern Ireland, suicide ceased to be a crime by virtue of section 12 of the Criminal Justice (Northern Ireland) Act 1966, an Act passed by the then Stormont Parliament.

Section 13(1) of the Act provides:-

“A person who aids, abets, counsels or procures the suicide of another shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.”

Prosecution for this offence requires the consent of the Director of Public Prosecutions for Northern Ireland.

There is similar provision in England and Wales under section 2(1) of the Suicide Act 1961.

The PPS and the Crown Prosecution Service in England and Wales have worked together to produce an interim policy which outlines the principal factors for and against prosecution. A consultation exercise will now take place to take into account the full range of views on this subject.

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