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Guidelines in England for Assisted Suicide

By [SARAH LYALL](#)

LONDON — Assisted [suicide](#) has been illegal in England for nearly 50 years. But, ordered by the courts to clarify the law, the country's top prosecutor on Wednesday set out [a list of conditions](#) under which his office would be unlikely to prosecute people who helped friends or relatives kill themselves.

The new guidelines are likely to make it easier for the terminally ill and those with degenerative diseases to receive help in committing suicide. But the prosecutor, Keir Starmer, the director of [public prosecutions](#), appears to have waded into a legal and emotional thicket.

While there is little legislative appetite to make assisted suicide legal here, prosecutors have tended to interpret the existing law flexibly, quietly and case by case. The new guidelines are an attempt to codify their decision-making, but they have raised other issues, including questions about the role of doctors in assisted suicide, experts say.

In a statement, Mr. Starmer said that the law — under which “aiding, abetting, procuring or counseling” suicide is punishable by up to 14 years in prison — had not changed and that there were “no guarantees against prosecution.”

But he listed 13 factors that could influence the authorities not to prosecute. These include the person aiding a suicide being motivated by compassion; the deceased clearly wanting to die; and the deceased being terminally ill, being severely physically disabled or suffering from an incurable degenerative disease.

By the same token, Mr. Starmer listed 16 factors that could influence his office to prosecute. These include the deceased being under 18, mentally handicapped or not sure about his or her wishes, or not being seriously disabled, being terminally ill or suffering from a degenerative disease. They also include the person aiding the suicide pressing someone into it or being motivated by personal gain.

Mr. Starmer said that the guidelines were an interim measure that would remain in place while his office sponsored a period of public consultation from now until Dec. 16. Final guidelines will be published in the spring, he said.

Mr. Starmer issued the interim guidelines after a legal victory by Debbie Purdy, a woman who suffers from [multiple sclerosis](#) and who sued for clarification on whether her husband might be arrested if she decided to kill herself.

After losing in a succession of lower courts, [she won](#) when the Law Lords, [Britain's](#) highest court, ruled in July that while it was up to Parliament to make the law, it was incumbent on Mr. Starmer's office to make it

clear what factors it considered when enforcing it.

In a statement announcing the guidelines, Mr. Starmer said, "It is my job to ensure that the most vulnerable people are protected while at the same time giving enough information to those people, like Ms. Purdy, who want to be able to make informed decisions about what actions they may choose to take."

In her own statement on Wednesday, Ms. Purdy said: "I am relieved that common sense has won the day. I, and many others like me, want to be able to make informed decisions about the time and manner of our death, should our suffering become unbearable. We want to know whether someone we love will be prosecuted for helping us to die, even if that assistance is simply being with us at the end."

Simon Gillespie, chief executive of the [Multiple Sclerosis Association of Great Britain and Northern Ireland](#), criticized the guidelines for allowing people to "explore assisted suicide without the support of medical professionals," so that "their only likely resource is Google."

He added, "Whether society is ready to accept assisted suicide is too big a question for the director of public prosecutions, or the courts, or for people with a long-term condition to decide."

Indeed, said Penney Lewis, a professor of law at the center for medical law and ethics at King's College London, the guidelines "close down any kind of movement toward physician-assisted suicide" and ensure "that it doesn't become a professional activity conducted by doctors or would-be suicide advisers," as it is in Switzerland.

Because assisted suicide is illegal here, more than 100 terminally ill or severely disabled Britons have traveled to Switzerland — where it is legal — in recent years and killed themselves under the auspices of the [Dignitas](#) clinic in Zurich. None of the people who assisted them have been prosecuted, although the authorities conducted investigations and considered bringing charges in eight of those cases, they said.

Within Britain, prosecutors have brought charges against people in connection with [16 cases of suspected assisted suicide](#) since 2005.

The new guidelines apply to people who travel abroad to commit suicide, as well as to those who do it in England and Wales. (Scotland has a separate legal system.) [Euthanasia](#) and so-called mercy killing — taking someone's life, instead of helping him or her do it — are still considered murder or manslaughter.

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