

Clare Haughey MSP
Convener
Health, Social Care and Sport Committee
Scottish Parliament

Via email hscs.committee@parliament.scot

Date: 3 December 2024
Our Reference: SHRC2024012

Dear Convener,

Assisted Dying for Terminally Ill Adults (Scotland) Bill - oral evidence follow up

Thank you for inviting Eleanor Deeming Johnstone, SHRC Legal Officer, to participate in the Committee's Stage 1 consideration of the Assisted Dying For Terminally Ill Adults (Scotland) Bill (the "Bill") on Tuesday 12 November 2024.

During the meeting, Joe FitzPatrick MSP asked for panellists' views on self-administration and, particularly, the wording of section 15(1) of the Bill.

As Ms Deeming Johnstone made clear, having considered the Bill's supporting documentation such as the policy memorandum, we have proceeded on the understanding that the intention is that the Bill would require self-administration and have given relevant human rights and discrimination reflections on that basis. It was agreed that we would look more closely at the wording of section 15(1) and follow up in writing.

Section 15(1) states:

"The coordinating registered medical practitioner or an authorised health professional may, provided the conditions in subsections (2) and (3) are satisfied,

provide a terminally ill adult with an approved substance with which the adult may end their own life."

Section 15(5) also refers to the adult deciding to use the substance provided to end their own life.

In our view, if the intention is to require a person to self-administer, then the wording of this section should explicitly state this, which it currently does not.

As stated in our written and oral evidence, it is our view that, given the purpose and intent of the Bill, careful consideration should be given as to whether there is an objective and reasonable justification for drawing a distinction between those who could self-administer and those who would be physically unable to do so but have made the free and informed choice to end their life.

We hope the above comments are helpful.

Yours sincerely,



Professor Angela O'Hagan
Chair
Scottish Human Rights Commission