

A matter of life or death

Police in Britain increasingly turn a blind eye to assisted suicide

As the number of reported cases increases, that of arrests is falling

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Noel Conway, fighting for dignity. Photo Annabel Moeller

THE “right to die” has long preoccupied politicians and judges. In 2014 the Supreme Court rejected a challenge by the widow of Tony Nicklinson, who had suffered from a condition known as locked-in syndrome and had wanted to end his life with the help of a physician. The following year MPs voted down a bill to allow doctor-assisted dying for the terminally ill. On January 6th the argument was rekindled when Noel Conway, a 67-year-old with motor neurone disease, challenged the law on suicide in the High Court.

The present “outdated, unpopular” law serves to “prevent people like Noel from dying in a time, manner and place of their choosing,” says Thomas Davies of Dignity in Dying, a campaign group that has helped Mr Conway with his case.

The law in question is the 1961 Suicide Act, which decrees that any action that helps another person to end his life is illegal, including arranging travel to assisted-dying clinics in more liberal jurisdictions (the best-known is Dignitas, in Switzerland, where 47 Britons ended their life in 2016). In asking the court to review the act, Mr Conway reflects the public mood: seven in ten people polled by this newspaper in June 2015 said they supported the right for the terminally ill to end their life when they chose.

Although aiding a suicide remains illegal, updated guidance from the Crown Prosecution Service (CPS), which decides when it is in the public interest to proceed with charges, has narrowed the circumstances in which a prosecution will go ahead. Its guidelines, issued in 2010 and updated in 2014, state that a prosecution is less likely to be in the public interest if, for example, “the victim had reached a voluntary, clear, settled and informed decision” and the suspect’s actions “were of only minor encouragement or assistance”.

To gauge the impact of these rules, *The Economist* asked all police forces and the CPS for the number of recorded offences of aiding and abetting suicide they held from the start of 2010 to the end of September 2016. We also asked how many people had been arrested and charged. The results suggest that institutional attitudes, as well as public ones, are changing.

The data, which cover England, Wales and Northern Ireland (Scotland lacks a statutory offence of assisting suicide; individuals can be prosecuted under other crimes, such as murder), show a small but rising number of people coming to the authorities’ attention for trying to help friends or relatives to end their lives. In all, 83 separate offences were recorded across 43 police forces (six did not reply) during the period. From single digits between 2010 and 2013, the number of offences rose to 17 in 2014 and 23 in 2015. In the first nine months of last year 12 offences were recorded.

Even as the number of offences coming to their attention has increased, the police have laid fewer charges. Seventeen arrests were made in 2010, and just 13 in 2015, though the number of recorded offences nearly trebled. There were only four arrests in the first nine months of 2016. During the period of nearly seven years, four people were charged with crimes; none has been since 2014.

This tallies with figures published by the CPS. Four-fifths of the cases referred to it by the police between April 2009 and April 2016 were withdrawn or not taken on, suggesting that only rarely is a prosecution deemed to be in the public interest.

Since January 2010 more than 200 Britons have died at Dignitas, says Mr Davies of Dignity in Dying. The group says it has evidence suggesting that hundreds more terminally ill Britons kill themselves each year at home; the fact that only 83 offences have been recorded by the police shows that the law on assisted dying is

not being fully enforced, Mr Davies believes. “If police and prosecutors feel the law is ethically and practically near-impossible to implement then MPs should sit up, listen and change it,” he says.

Before that, the matter will fall to the courts. After a fruitless campaign to be allowed to end his life with the help of a doctor, Mr Nicklinson died in 2012 after refusing food. Now, in considering Mr Conway’s case, judges must again decide whether to grant a terminally ill man the right to end his suffering.

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<http://www.economist.com/news/britain/21714405-number-reported-cases-increases-arrests-falling-police-britain>