

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

16th May 2018

Proposition No. P2018/24

AMENDMENT

Proposed by: Deputy S T Hansmann Rouxel

Seconded by: Deputy J S Merrett

Requete

ASSISTED DYING

To delete proposition 1 and insert therefor:

' 1. The States agree in principle to the development of a suitable legal regime to permit assisted dying in Guernsey subject to and conditional upon:

- a. the development of appropriate and effective capacity legislation and any other legislation which may be required should be enacted and be in force; and
- b. statutory protection of human rights over and above that already provided under the Human Rights (Bailiwick of Guernsey) Law, 2000 which shall include as a minimum:
 - i. a legal framework ensuring non-discrimination and equality for people with disabilities, consistent with the UN Convention on the Rights of Persons with Disabilities shall have been enacted and is in force;
 - ii. the completion of outstanding work enabling the States to seek UK extension of the international human rights conventions to which it is already committed, in particular the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) and Convention on the Rights of People with Disabilities (CRPD); and
 - iii. the establishment of an independent body concerned with islanders' equality and rights, consistent with the States' Disability and Inclusion Strategy;

and

c. proposition 2. ‘

Explanatory note

The amendment acknowledges that we have a framework for Human Rights, however some extensions of conventions which seek to further embed human rights protections within our laws have yet to have their ratification extended. By making the implementation of any assisted dying regime subject to and conditional upon it seeks to make explicit that any assisted dying regime shall only be implemented within an environment of strong statutory protections of human rights.

Any Human rights protections are only as good as the administration, enforcement of and compliance with the law and therefore the work streams to enable an independent body concerned with islanders equality and rights should be completed and such a body set up prior to any regime.

By making it clear that a legal framework ensuring equality and protection against discrimination for people with disabilities is enacted and in force prior to any regime being implemented, it further ensures that the protection against discrimination for some of the most vulnerable in our society are not delayed by work on any assisted dying regime.

The amendment asks that capacity legislation should not only be developed, but be enacted and in force prior to an assisted dying regime being implemented.