

2025.09.08

3.1 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding consideration given to the difference between unbearable suffering for terminal patients and unbearable suffering for patients with incurable illness (OQ. 201/2025):

Will the Minister advise whether, during the development of the Draft Assisted Dying (Jersey) Law 202-, further consideration was given to the difference between unbearable suffering for terminal patients and unbearable suffering for patients with incurable illness; and will he explain the extent to which incurable illnesses were considered within the drafting of the law?

Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services):

I am afraid the answer to both parts of the Deputy's question is negative. No further thought has been given to either of the matters stated. As the Deputy will know, the draft law is based on the P.18/2024 proposals that were agreed by this Assembly in May of that year. In that debate, the Assembly agreed that assisted dying should be permitted for people whose physical medical condition is expected to cause death within 6 months or 12 months where neurodegenerative conditions are involved. However, the Assembly rejected proposals to permit assisted dying for people experiencing unbearable suffering. Whatever Deputy Southern's view, or my view for that matter, might have been on the issue, I am afraid we both have to accept that the draft law can only reflect the detail of the collective decisions that were made during the earlier debate.

3.1.1 Deputy G.P. Southern:

In the Minister's assessment could it be that, as stated in the Assisted Dying Law, it is open to challenge whether the difference between the 2 groups of candidates is discriminatory and open to challenge under H.R. (human resources) law.

Deputy T.J.A. Binet:

That is a question that I am afraid I cannot answer standing here. I am certainly happy to take further advice on that, but it is certainly something I have not got the knowledge to answer that question without making reference to somebody who knows about it more than I do.

3.1.2 Deputy M. Tadier of St. Brelade:

During the course of drafting the current law that is being proposed, did the Minister take any advice on the future likelihood of any discrimination challenges for those Members of the public who may wish to avail themselves of assisted dying, but who do not currently meet the fairly tight description provided for in the proposals?

Deputy T.J.A. Binet:

No, I have not. I did not consider that to be particularly within my remit. My remit was for the team to go away and draft the laws in accordance with the decisions we have taken. I think I have got sympathy for the views of both Deputies here and I am hopeful that at some point in the future a proposition will be brought to the Assembly to have another vote on that area.