

From: Balfour J (Jeremy), MSP
Sent: 30 October 2025 13:59
To: Haughey C (Clare), MSP
Cc: Bruce A (Alex)
Subject: Assisted Dying for Terminally Ill Adults (Scotland) Bill

30 October 2025

Clare Haughey MSP
Convener of the Health, Social Care and Sport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Cc: - Alex Bruce Senior Committee Clerk

Dear Ms Haughey,

I am writing to you concerning the *Assisted Dying for Terminally Ill Adults (Scotland) Bill*, which is currently being considered by the Scottish Parliament. Indeed, as someone living with a disability, myself, I am deeply concerned that this proposed legislation fails to address certain forms of coercion that could pressure individuals with disability to access assisted dying and would result in discrimination prohibited by the *UN Convention on the Rights of Persons with Disabilities* which was ratified by the UK in 2009.

The *Assisted Dying for Terminally Ill Adults (Scotland) Bill* indicates in Sections 6(2)(c); 6(4)(c); 8(1)(c); 8(2)(c); 15(3)(b)(ii) that an individual may only access assisted dying '*voluntarily and [if he or she] has not been coerced or pressured by any other person*'. However, the Bill fails to address the reality that coercion and pressures do not only take place by 'another person'. Other experiences, such as the negative image society may have of a situation, the presence of disability, or that there is no alternative due to medical neglect and a lack of critical social support, may be just as coercive and pressurising as if they were caused by 'another person'.

For example, the latest published data (2023) from the 1997 *Oregon Death with Dignity Act*, indicated that some of the reasons why individuals decided to access assisted dying were because of losing control of bodily functions (46.6 %). Another reason was that persons felt that they were a burden on family, friends or caregivers (43.3 %). Moreover, since such reasons to access assisted dying will generally be seen as compelling by those who are ill, elderly, experiencing depression, or living with disabilities, such a situation will be discriminatory.

Because of this, I believe that a final vote on the *Assisted Dying for Terminally Ill Adults (Scotland) Bill* should not proceed until the UN Committee on the Rights of Persons with Disabilities can certify that this Bill aligns with the *UN Convention on the Rights of Persons with Disabilities* – particularly with regard to certain kinds of discriminatory coercive experiences pressurising persons to access assisted dying,

which are not caused by other persons. This is important since Article 3 of the UN Convention (General principles) states:

The principles of the present Convention shall be:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

Please also note that the UN Committee on the Rights of Persons with Disabilities is taking an active role in examining whether proposed legislation around the world on assisted dying, as it effects persons with disability, aligns with the UN Convention.

One of the original aims of the *Assisted Dying for Terminally Ill Adults (Scotland) Bill* was to empower persons to act with autonomous self-determination. But the Bill seems to fatalistically accept, instead, certain kinds of discriminatory coercive and pressurising experiences as legitimate reasons for assisted dying.

I am writing to you directly, because the UK Equality and Human Rights Commission, which is supposed to monitor whether future legislation is conform to the *UN Convention on the Rights of Persons with Disabilities*, did not, apparently, consider other forms of coercion and pressures on page 9 of its response to the Scottish Parliament's *Call for Evidence on the Assisted Dying for Terminally Ill Adults (Scotland) Bill*.

Thanking you in advance for your assistance in this matter, and I look forward to hearing from you at your earliest.

Yours faithfully,



Jeremy Balfour MSP
Lothian Region

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