

Health, Social Care and Sport Committee
Tuesday, 18 November 2025
31st Meeting, 2025 (Session 6)

Assisted Dying for Terminally Ill Adults (Scotland) Bill: Jeremy Balfour correspondence – Note by the Clerk

Background

1. On 30 October 2025, the Committee received [correspondence from Jeremy Balfour MSP](#) which raises certain points about the relationship between the Assisted Dying for Terminally Ill Adults (Scotland) Bill and the UN Convention on the Rights of Persons with Disabilities.
2. Specifically, Mr Balfour states:

“... 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.”
3. There are currently [164 signatories to the UN Convention on the Rights of Persons with Disabilities](#). This includes the following countries with some form of law on assisted dying (either at a national level or within specific jurisdictions):
 - Australia (available in all six states but not in the two territories)
 - Austria
 - Belgium
 - Canada
 - Colombia
 - France (currently in the process of becoming law)
 - Germany
 - Italy (no national law but assisted dying has been decriminalised in Tuscany)
 - Luxembourg
 - Netherlands
 - New Zealand
 - Portugal
 - Spain
 - Switzerland
 - USA (the UN Convention has not been ratified but assisted dying is available in 12 US jurisdictions)

4. A background briefing from the Scottish Parliament Information Centre (SPICe) on compatibility of assisted dying legislation with the UN Convention on the Rights of Persons with Disabilities is provided at **Annexe A**.

Decision

5. The Committee is invited to decide whether to write to the UN Committee inviting it to express a view on whether the Bill is compatible with the Convention.
6. In order to make any view that the UN Committee might express most relevant to the Stage 3 proceedings, the Committee would need to attach the “as amended at Stage 2” version of the Bill that will be available immediately after the Stage is completed, in late November.
7. It is proposed that, if the Committee agrees to write, its letter would stipulate a deadline for response that would allow the UN Committee’s view to be considered by MSPs in advance of Stage 3 proceedings on the Assisted Dying for Terminally Ill Adults (Scotland) Bill taking place.
8. Members should be aware that the UN Committee does not meet on a frequent basis, so it is quite possible that it would not be able to respond within such a timescale.

Clerks to the Committee
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Annexe A

UN Convention on the Rights of Persons with Disabilities

Purpose

The purpose of this paper is to provide background information on compatibility of assisted dying legislation with the [UN Convention on the Rights of Persons with Disabilities](#) (UNCRPD). This is in relation to a request from Jeremy Balfour MSP that the Bill does not proceed until the UN Committee on the Rights of Persons with Disabilities certifies that it aligns with the rights guaranteed in the Convention.

The UN Convention on the Rights of Persons with Disabilities

The UNCRPD was signed by the UK in 2007. It is an international human rights treaty intended to protect and promote the rights and dignity of disabled people. Signatories agree to protect the human rights of disabled people, including equal recognition by the law and the prevention of discrimination.

The UN Committee on the Rights of Persons with Disabilities is responsible for monitoring states' compliance with the UNCRPD. It does this through a process of rolling reviews of activities in individual states.

The compliance and complaints processes

Individual states must report on how they are implementing the rights in the Convention. Taking into account these and other reports by interested organisations, the Committee then makes recommendations.

The UK is among the countries which have signed the Optional Protocol to the Convention. For those countries, it is possible for the UN Committee on the Rights of Persons with Disabilities to examine individual complaints and undertake investigations into credible cases of "grave and systematic" violations of the Convention.

Note though that, unlike the European Convention on Human Rights, it is **not** possible for individuals to rely on the rights contained in the UNCRPD in court proceedings in the UK. The legislative competence of the Scottish Parliament is **not** limited where legislation breaches the requirements of the UNCRPD.

The UNCRPD and assisted dying legislation

The UN Committee on the Rights of Persons with Disabilities has [not issued any commentaries](#) on how assisted dying legislation interacts with the rights guaranteed in the UNCRPD. It has also not issued any commentaries on the application of articles 3 (highlighted in Mr Balfour's letter) or 10 (the right to life) of the Convention.

Complaint about proposed assisted dying legislation in France

The UN Committee has recently investigated a complaint from organisations in France about proposed assisted dying legislation there. The proposal would appear to allow people to access “aid in dying” where they have a serious and incurable condition and are experiencing related physical or psychological suffering which is either treatment-resistant or unbearable.

Having received representations from disabled people’s organisations and the French Government, the UN [Committee issued recommendations to the French Government](#), including:

- that it carries out an assessment, with participation from people with disabilities, on alignment between the legislative proposal and the UNCRPD
- that it addresses issues with access to care services, palliative care, personal assistance and employment support
- that it prevents further public statements that the UNCRPD or the Committee recognises the right to die.

For a full summary of the UN Committee’s consideration, see pages 5 to 7 of the above document.

Commentary on Medical Assistance in Dying in Canada

The UN Committee has also commented on Medical Assistance In Dying in its [Concluding Remarks on Canada’s periodic review](#) (2025) – see pages 6 to 8. Its recommendations included:

- repealing provisions which removed the requirement for a reasonably foreseeable death to access MAID assistance
- not proceeding with planned extensions to access to MAID for people with mental health conditions only, to mature minors and to facilitate advance requests
- addressing issues with access to healthcare, housing, mental health support, care services, personal assistance and employment support
- establishing a federal oversight mechanism to monitor, regulate and handle complaints in relation to MAID.

Activities of UN Special Rapporteurs

Special rapporteurs are appointed by the UN Human Rights Council to promote particular human rights interests. UN Special Rapporteurs, including the Special Rapporteur on the Rights of Persons with Disabilities, have released a [press release \(2021\) expressing alarm at access to assisted dying based largely on having a disability](#) or disabling condition (including old age). They stated:

“Disability should never be a ground or justification to end someone’s life directly or indirectly.”

A [2019 report from the Special Rapporteur on the Rights of Persons with Disabilities](#) also discussed issues around assisted dying – see paragraphs 36 to 38 and 69 to 70. It made a number of recommendations to strengthen the right to life of disabled people if assisted dying is legislated for (paragraph 70). These include:

- access to assisted dying should be restricted to people who are at the end of life (and having a disability should never be a justification)
- free and informed consent should be required (and all forms of pressure and undue influence prevented)
- access to appropriate support, including care services and palliative care, should be provided to prevent decisions being made from a lack of choice and control
- systems for collecting and reporting on detailed information about requests for assisted dying should be put in place.

Stakeholder comments on the UNCRPD

A number of respondents to the Health, Social Care and Sport Committee’s call for views on the Assisted Dying for Terminally Ill Adults (Scotland) Bill mentioned human rights, including the UNCRPD. The most comprehensive discussion was in the [response from the Scottish Human Rights Commission](#).

Themes included concern around the impact of legislation on the perception of disabled people; express and implied coercion (including feelings of being a burden or having a life which was not worth living from disabled people themselves); and lack of choice due to poor health care and service provision. Another major theme, although not directly relevant to Mr Balfour’s concerns, was the risk of discrimination because of provisions excluding people with mental health conditions and a lack of supportive processes for assessing capacity.

**Abigail Bremner, SPICe
November 2025**

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