

## Is there evidence that chronically ill and disabled lives will be seen as disposable and devalued?

Citing ‘Nothing About Us Without Us’<sup>1</sup>, the Church of Scotland Joint Report of the Theological Forum and the Faith Action Programme Leadership Team on Assisted Dying note that:

“In Canada when MAiD (Medical Assistance in Dying) initially excluded those with disabilities to protect the vulnerable of society, it was disabled people who sued and won the right to be included in MAiD.”

Respecting and enabling personal agency of those who are chronically ill and/or disabled can be achieved within a robustly regulated system of safeguards. Denying personal agency is increasingly viewed as an act of significant devaluation. As Christopher Riddle notes:

“Denying people with disabilities the right to exercise autonomy over their own life and death says powerfully damaging things about the disabled, their abilities, and their need to be protected.”<sup>2</sup>

As part of the campaign of opposition to assisted dying, opponents’ claims have been used to amplify concerns of some disabled and chronically ill individuals and groups. In addition, the past decade has seen reports of a Westminster government that has encouraged PIP bullying (with attendant deaths), the bedroom tax, the Dash Report<sup>3</sup> into the problems with the Care Quality Commission, and the attendant scandals in care, and on 15th September last year the new Westminster government announced that 1.6m disabled OAPs were set to lose winter fuel payments.<sup>4</sup> In March 2025 Labour in Westminster announced potential severe cuts to disability support in England, with a likely knock-on effect on funding in Scotland, which further

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<sup>1</sup> Book, Brett Ryan. Nothing About Us Without Us. Canadian Bar Association. August 24, 2022 <https://www.cba.org/Sections/Health-Law/Resources/Resources/2022/HealthEssayWinner2022>

<sup>2</sup> Riddle, C.A. (2017) Assisted Dying & Disability. Bioethics 31: 484-9. Cited in <https://policyscotland.gla.ac.uk/wp-content/uploads/2021/09/PolicyBriefingDisabilityAndAssistedDyingLaws.pdf>

<sup>3</sup> Department of Health & Social Care (2024) *Independent report: Review into the operational effectiveness of the Care Quality Commission: interim report*. <https://www.gov.uk/government/publications/review-into-the-operational-effectiveness-of-the-care-quality-commission/review-into-the-operational-effectiveness-of-the-care-quality-commission-interim-report>

<sup>4</sup> Helm, Toby (2024) *Charities demand to meet UK ministers as 1.6m disabled OAPs set to lose winter fuel payments* [https://www.theguardian.com/society/2024/sep/15/charities-demand-to-meet-uk-ministers-as-16m-disabled-oaps-set-to-lose-winter-fuel-payments?fbclid=IwY2xjawFTbO1leHRuA2F1bQ1xMQABHRVJRNHE2xXo6ke97b-ID85E62UXHMijsiNfCldvAjFm4mu-yzWoE6M30A\\_aem\\_q0wZ3VTNyF17cvPtG-HU-A](https://www.theguardian.com/society/2024/sep/15/charities-demand-to-meet-uk-ministers-as-16m-disabled-oaps-set-to-lose-winter-fuel-payments?fbclid=IwY2xjawFTbO1leHRuA2F1bQ1xMQABHRVJRNHE2xXo6ke97b-ID85E62UXHMijsiNfCldvAjFm4mu-yzWoE6M30A_aem_q0wZ3VTNyF17cvPtG-HU-A)

amplified general concerns amongst the disabled community. It is with good reason that some in the disabled community would remain suspicious of government-led propositions. However, the Social Care (Self-directed Support) Act 2013 was put in place in Scotland to ensure that care and support is delivered in a way that supports choice and autonomy in each disabled person's life, and the recommendations of the Feeley review<sup>5</sup> of adult social care for the Scottish government, which involved direct consultation with the Scottish disabled community, indicates a positive direction of travel in terms of protections and support for Scottish disabled people.

## **Real opinions about AD in the disabled community**

Despite a justified cynicism towards government, support for assisted dying remains high within the disabled community. A majority of disabled and chronically ill people support assisted dying.

According to a 2013 Yougov poll<sup>6</sup> for Dignity in Dying only 8% of disabled people surveyed believed that disability rights groups should maintain their opposition to assisted dying, while of the 1,036 disabled people asked, 79% supported a change in the law.

A 2021 survey of 140 disability rights organisations in the UK indicated that only 4% explicitly oppose assisted dying laws. A substantial majority either remain silent (84%) or explicitly endorse neutrality (4%) on assisted dying<sup>7</sup>.

While a number of anti-AD disability activists took a stance opposing assisted dying in 2007, "75% of disabled people in general taking part in the 2007 British Social Attitudes Survey believed that those with a terminal and painful illness should be allowed an assisted death."<sup>8</sup>

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<sup>5</sup> <https://www.gov.scot/publications/independent-review-adult-social-care-scotland/pages/2/>

<sup>6</sup> <https://www.dignityindying.org.uk/news/just-8-disabled-people-surveyed-believe-disability-rights-groups-maintain-opposition-assisted-dying/#:~:text=The survey found that of 1,036 disabled,assistance to die to non-terminally ill people. 29/04/25>

<sup>7</sup> Box, G. & Chambaere, K. (2021) Views of disability rights organisations on assisted dying legislation in England, Wales and Scotland: an analysis of position statements. *Journal of Medical Ethics*. Published online first 5 January 2021. doi: 10.1136/medethics-2020-107021. Cited in <https://policyscotland.gla.ac.uk/wp-content/uploads/2021/09/PolicyBriefingDisabilityAndAssistedDyingLaws.pdf>

<sup>8</sup> Slouch, Roddy (2016) *Assisted dying: the search for a good death*. *Critical and Radical Social Work* vol 4, no 1: 93–102 [https://www.academia.edu/78819091/Assisted\\_dying\\_the\\_search\\_for\\_a\\_good\\_death](https://www.academia.edu/78819091/Assisted_dying_the_search_for_a_good_death)

In a 2015 poll 88% of people who identify as disabled supported a change in the law in at least some circumstances.

The 2021 University of Glasgow study “Disability and Assisted Dying Laws Policy Briefing”<sup>9</sup> concluded that people with disabilities are not generally opposed to assisted dying laws. The study also confirmed that assisted-dying laws do not harm or show disrespect for people with disabilities, nor does the introduction of such legislation damage healthcare for people with chronic illness and/or disabilities.

A 2023 YouGov poll<sup>10</sup> in Scotland found that 79% of disabled people support legalising assisted dying.

### **Is there evidence that vulnerable people have been coerced into ending their lives or experience other pressures to do so?**

While to date, based on a wealth of international research there appears to be a dearth of independently peer-reviewed evidence from reliable sources to support the proposition, the proposition that the introduction of AD will lead to ‘unwilling’ deaths in the future is nonetheless worth exploring.

In advance, individuals can complete Advance Decision to Refuse Treatment (ADRT) form or a living will - an advance directive detailing their preferences if in the future for medical reasons they are unable to be consulted. A Power of Attorney or Welfare Power of Attorney can be registered with the Office of the Public Guardian in Scotland to confer the right to ensure the individual’s preferences and best interests are a communicated by a nominated individual. There is a lack of evidence to suggest coercion has played a part in this process in Scotland.

My Death, My Decision<sup>11</sup>, state that:

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<sup>9</sup> University of Glasgow (2021) *Disability and Assisted Dying Laws Policy Briefing*. <https://policyscotland.gla.ac.uk/wp-content/uploads/2021/09/PolicyBriefingDisabilityAndAssistedDyingLaws.pdf>

<sup>10</sup> <https://www.theguardian.com/uk-news/2023/sep/17/majority-of-scottish-voters-support-assisted-dying-bill-poll-reports>

<sup>11</sup> A campaign group in favour of legalising AD for adults of sound mind who are either terminally ill or suffering intolerably from a physical, incurable condition.

“There are other situations in healthcare, notably the refusal of life-saving treatment, where coercion is just as hypothetically possible, and the consequences equally profound, yet we allow these decisions, to respect patient autonomy. An assisted dying law would provide a regulated process.”<sup>12</sup>

It would be remiss however to ignore the extensive international research and proof relating to AD that coercion simply is not the issue claimed by opponents. Professor Battin et al, concluded in a comprehensive study on this topic:

“Where assisted dying is already legal, there is no current evidence for the claim that legalised [assisted dying] will have a disproportionate impact on patients in vulnerable groups.”<sup>13</sup>

Sir Graeme Catto noted:

“In Oregon the law was changed 16 years ago [now 27 years ago] to allow terminally ill, mentally competent adults the choice of an assisted death. There has been no evidence of coercion; those who opted for an assisted death, while often physically frail, were feisty, articulate individuals who had made their views well known, often against the wishes of their family.”<sup>14</sup>

As Dr Alison Payne (A British GP practicing in New Zealand) stated:

“I have not yet seen evidence of coercion—more often the family are reluctant for it to happen.”<sup>15</sup>

Opponents of assisted dying claim that families pressurising the vulnerable to end their lives, either for convenience or for personal gain is a very real and

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<sup>12</sup> House of Commons, Health and Social Care Committee, Assisted Dying/Assisted Suicide. Second Report of Session 2023–24: Report, together with formal minutes relating to the report: 62 <https://committees.parliament.uk/publications/43582/documents/216484/default/>

<sup>13</sup> Battin et al (2007) *Legal physician-assisted dying in Oregon and the Netherlands: evidence concerning the impact on patients in "vulnerable" groups*. *J Med Ethics* Oct;33(10):591-7. <https://www.ncbi.nlm.nih.gov/pubmed/17906058>

<sup>14</sup> Catto, G & Finlay IG (2014) *Assisted death: a basic right or a threat to the principal purpose of medicine?* *J R Coll Physicians Edinb* 2014; 44:135 [https://www.rcpe.ac.uk/sites/default/files/current\\_controversy\\_0.pdf](https://www.rcpe.ac.uk/sites/default/files/current_controversy_0.pdf)

<sup>15</sup> House of Commons, Health and Social Care Committee, Assisted Dying/Assisted Suicide. Second Report of Session 2023–24: Report, together with formal minutes relating to the report: 32 <https://committees.parliament.uk/publications/43582/documents/216484/default/>

likely danger if assisted dying legislation is enacted in Scotland. They provide no reliable evidence from countries that already offer assisted dying. The inference is therefore that Scottish people are somehow unique as a nation of avaricious 'Burke & Hare grave-robbers' pressurising the vulnerable to kill themselves. Families often oppose the choice of their loved one to seek assistance in dying. Many only come around to the idea as they see how terribly their loved one is suffering. Nonetheless, the Scottish bill creates a separate offence, punishable by up to fourteen years in prison and/or a fine, in addition to stringent multi-stage checks.