

Danielle's Law and the Transformation of a Core Principle of British Criminal Law

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Opening Ethical Crossroads

- Danielle's Law presents a profound ethical dilemma
- Protecting life vs. preserving autonomy
- A challenge to long-standing British legal principles

Danielle's Story

- Danielle Haggerty, 33, died in 2023
- Left unconscious and unaided after domestic violence
- A simple call for help might have saved her



The British Legal Principle No General Duty to Act

- British law distinguishes acts vs. omissions
- Liability usually requires a positive act
- Failing to act is not criminal unless a specific duty exists

Why This Matters

- A person may witness a life-threatening emergency
- They can legally walk away
- This principle is deeply rooted in British liberal philosophy

What Danielle's Law Proposes

Creates a legal duty to assist by requiring:

- Calling emergency services
- Not abandoning someone unconscious or gravely injured
- Not withholding assistance after violence

Focus on Domestic Abuse

- Perpetrators often delay seeking help
- Delays can be fatal
- Danielle's Law closes this gap

A Philosophical Shift:

From Negative Liberty to Positive Responsibility

- British law protects freedom from state coercion
- Danielle's Law introduces a duty to act
- Liability for omissions becomes possible

Expanding Criminal Liability

- Creates a new statutory duty
- Redefines boundaries of criminal omission

Raises questions:

- What is "immediate danger"?
- What is a "reasonable step"?
- How do we treat panic or misjudgment?

International Comparisons

Countries with duty-to-assist laws:

- France
- Germany
- Belgium
- Netherlands
- Switzerland

Concerns About Rights:

Potential Erosion of Individual Rights

- Autonomy and the right not to act
- Risk of over-criminalisation
- Burden on ordinary citizens
- Slippery slope concerns

Safeguards

Danielle's Law would include:

- No obligation to intervene physically
- No liability if unsafe
- No punishment for honest mistakes
- Focus on deliberate, knowing abandonment

Why the Shift May Be Justified

- Prevents avoidable deaths
- Addresses domestic abuse realities
- Reflects modern societal values
- Balances rights with responsibilities

The Core Ethical Question

Should the law allow us to walk away when someone's life is in immediate danger?

Conclusion

- Danielle's Law challenges a foundational principle
- But it also protects the vulnerable
- The goal: balance autonomy with responsibility

Closing Call to Action

- We cannot change what happened to Danielle
- But we can change what happens next
- This conversation must continue