



Universiteit Leiden
The Netherlands

Euthanasia in the Netherlands

About the law and practice

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Presentation of myself

Chair in health law – Leiden University

Judge – Regional Court Rotterdam

Chair – Complaints Committee Mental Health Law
Amsterdam and surroundings

Conflict of interests - none



Structure lecture

- Law and before
- Criteria for euthanasia and assisted suicide
- Number of cases
- Problematic issues



Law and preceding practice

- Suicide and refusal of care, food and drinks are not forbidden.
- Palliative care # euthanasia
- Euthanasia and assisted suicide are **criminal acts**
- Exception for physicians who abide by Euthanasia Act ('Termination of Life on Request and Assisted Suicide') > adopted in 2001, in force since 2002

Law and preceding practice

- Euthanasia Act builds on case-law (starting from 1952, second case 1973 – both physicians) and consequent guidelines
- Guidelines adopted by physicians and pharmacists – approved by prosecutor general
> no prosecuting if reported
- Still, legal uncertainty

Criteria for euthanasia/PAS in Euthanasia Act

Physician and patient 18 years or as from 12 years

- Voluntary and well-considered request*
- Unbearable suffering without prospect of improvement*
- Informing the patient*
- No reasonable alternative*
- Independent assessment ('consultant')*
- Exercising due medical care*\

Statutory due care criteria

Addition requirements/issues

Advance directive counts as request in case patient is incompetent

Physician must report euth/PAS to **review committee**

Review committee report euth/PAS cases that did not comply due care criteria to prosecutor general (less than 1%)

So far one criminal prosecution > rejected



Number of cases

Number of annual deaths Netherlands: about
170.000

Number of deaths euth/PAS: 9.068 (2023)
=5.4%



Medical status patients (2023)

- cancer (5,105);
- neurological disorders such as Parkinson's disease, multiple sclerosis and motor neurone disease (605);
- cardiovascular disease (393);
- pulmonary disorders (340);
- a combination of conditions, usually somatic (1,599).

Most patients between 70-90 years

Problematic issues

Dementia > not forbidden

Psychiatric patients > extra due care criteria required.

Children until 1 age and between 1-12 years: special procedures



Pending issues

Euth/PAS by family member / non-physician?

Right to die outside criminal code

Right to die for elderly persons with fulfilled life

Precise status do not resuscitate medallion



General observations and conclusions

- Majority of physicians and patients in favour of Euthanasia Act / autonomy with respect to dying
- Patients asking for euth/PAS mainly white non-believer / Christian
- Physicians and pharmacists not required to collaborate
- Number of physicians willing to collaborate is tight > special service, but also shortage

Questions?

