



Involuntary Euthanasia in the Netherlands

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INVOLUNTARY EUTHANASIA IN THE NETHERLANDS

Under the new legislation, unauthorized euthanasia has remained a criminal offence in the Netherlands.¹ Medical actions which accelerate the termination of life must be reported to the Public Prosecutor on special reporting forms.² The Prosecutor decides on a case-by-case basis whether prosecution should follow.

With respect to patients who are incapable of expressing their own free will, additional guarantees have been put in place and the physician has to answer an extra questionnaire in order for the prosecution to assess the situation and to decide whether or not the physician has to be prosecuted. The debate on the acceptability of the termination of a patient's life whose death is imminent, who are suffering heavily and who are decisionally incapacitated at the time of the decision has only started recently. The outcome of this debate remains unclear. In the years to come, the courts will have to decide whether or not the ending of life of a heavily suffering patient without his or her explicit request will be acceptable. However, it is already accepted that the courts will allow such actions under exceptional circumstances. It is the Government's position that it cannot ignore the desire of patients to die with dignity and to shorten unbearable suffering. During the Parliamentary debates, the Government insisted that compliance with the new regulations would be subject to the strictest supervision, and an investigation and prosecution policy has been announced to protect patients who are incapable of expressing their own free will.³

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¹ Law of Mar. 3, 1881, *Staatsblad* (official law gazette of the Netherlands, Stb.) 35, as amended, art. 293.

² Decree of Dec. 17, 1993, Stb. 1993, 688.

³ Press release, Ministry of Justice of the Netherlands, Nov. 1993/F&A 15, p. 2.