



---

## Is euthanasia allowed in the Netherlands?

In the Netherlands euthanasia (termination of life on request) and assisted suicide are prohibited under articles 293 and 294 of the Dutch Criminal Code. In the Dutch Euthanasia Act an exception has been made for physicians: euthanasia and physician-assisted suicide performed by a physician who has complied with all six due care criteria set out in the Act and has notified the municipal pathologist are not a criminal offence.

### Difference between euthanasia and assisted suicide

- In the case of euthanasia, a doctor administers a lethal drug to the patient.
- In the case of assisted suicide, the physician hands the lethal drug to the patient; the patient takes the drug himself.

Sometimes the word 'euthanasia' is used for both forms of helping to die.

### Only the patient can request euthanasia

The patient must make the request personally. A request for euthanasia made by another person on behalf of the patient cannot be granted. It must always be clear that the request has been made by the patient personally.

The request must have been made without any undue influence from others. The physician must be satisfied that there has been no such influence.

## Euthanasia and minors

Minors may themselves request for euthanasia from the age of 12. The following additional requirements apply:

- If a child is between 12 and 16 years old, the parents or guardian must indicate whether they agree with the child's request for euthanasia.
- If a child is between 16 and 18 years old, the parents must be involved in the decision-making process.

## Oral request for euthanasia

It is not necessary to write down a euthanasia request. A verbal request for euthanasia is sufficient.

## Advance directive

A patient can also draw up a written request for euthanasia, an 'advance directive'. A written request for euthanasia can replace an oral request for euthanasia if a person at a later point is no longer able to express his or her will with regard to euthanasia (due to, for instance, advanced dementia or reduced consciousness). It is important that the patient describe as specifically as possible the circumstances in which they would wish their life to be terminated. It is the responsibility of the patient to discuss their advance directive with the physician when drafting or updating the document. The physician should include this information in the medical records. There is no prescribed format for an advance directive, and the patient can write in their own words.

## Due care criteria

According to the Dutch Euthanasia Act (Termination of Life on Request and Assisted Suicide (Review Procedures) Act) the physician must:

1. be satisfied that the patient's **request is voluntary and well considered**;
2. be satisfied that the patient's **suffering is unbearable, with no prospect of improvement**;
3. have **informed** the patient about his **situation and his prognosis**;
4. have come to the conclusion, together with the patient, that there is **no reasonable alternative** in the patient's situation;
5. have **consulted** at least one other, **independent physician**, who must see the patient and give a written opinion on whether the due care criteria set out in (1) to (4) have been fulfilled; and
6. have exercised **due medical care and attention** in terminating the patient's life or assisting in the patient's suicide.

## Under what conditions is euthanasia possible?

Euthanasia is only allowed for patients who's suffering has a medical dimension. This concerns, for example, cancer or cardiovascular disease, but also a psychiatric

condition, dementia or more age-related conditions. The Euthanasia act does not allow euthanasia or assisted suicide in cases where people deem their lives “completed”.

## **Physician not obliged to perform euthanasia**

Physicians are not obliged to grant a request for euthanasia, even if the due care criteria set out in the Act have been fulfilled. Patients do not have a right to euthanasia, and physicians are entitled to refuse to carry out euthanasia. If a physician is unwilling to perform euthanasia, it is prudent from a medical professional point of view to inform the patient accordingly as early as possible. The patient can then, if they so wish, contact another physician. Physicians may also refer the patient to a colleague.

## **Notification and review**

A physician who has performed euthanasia must always notify this immediately to the municipal pathologist - a doctor who investigates the cause of death - providing him among other things with a detailed report. The municipal pathologist must send the notification, including the various documents, to one of the five [regional euthanasia review committees](#), which then reviews the reports and the euthanasia procedure and [assesses whether the euthanasia was carried out according to the law](#).

If the committee finds that the physician did not fulfil one or more due care criteria, it is legally required to report its findings to the Public Prosecution Service (OM) and the Health and Youth Care Inspectorate (IGJ). They can start an investigation and go to the (disciplinary) judge. The punishment the physician can receive varies:

- In case of euthanasia: imprisonment of 12 years or less, or a fine.
- In case of assisted suicide: imprisonment of 3 years or less, or a fine.

## **Euthanasia or assisted suicide and non-residents**

A physician who performs euthanasia or assisted suicide should be convinced that the due care criteria of the Termination of Life on Request and Assisted Suicide (Review Procedures) Act are met.

This means that the physician has to have sufficient knowledge concerning the patient’s medical history to be able to assess whether the patient’s suffering is unbearable and without prospect of improvement. In addition, the physician has to be convinced that the patient’s request is voluntary and well-considered.

This concerns a complex and multi-faceted assessment, and it is up to the physician to decide whether this is possible in case of a request done by a person who does not reside in the Netherlands and has only recently arrived here.

## **Not euthanasia**

The following types of cases do not fall under the Termination of Life on Request and Assisted Suicide (Review Procedures) Act:

- the physician discontinues or does not start a medical procedure at the patient's request;
- the physician desists from performing a procedure that is medically pointless;
- the physician tries to relieve a patient's distress by administering increasingly strong medication with the aim to alleviate suffering, that as a side effect may shorten the patient's life;
- the physician administers drugs to render the patient unconscious at the end of life, with the aim to alleviate symptoms that can no longer be relieved in any other way ([palliative sedation](#)).