

Luxembourg (2009-)

Euthanasia and assisted suicide been legal in Luxembourg since 2009. The person requesting euthanasia or assisted suicide must have a serious, incurable and irreversible affliction which leads to unbearable physical or mental suffering.

The [fifth biennial report](#) by the National Commission for Control and Evaluation covering 2017-2018 was published in May 2019.¹

There were 71 cases between 2009 and 2018, all euthanasia by lethal injection except for two cases (one in 2016 and one in 2018) of assisted suicide by oral ingestion of a barbiturate. The number of cases per year has ranged between 7 and 11 since 2012.

The law requires that the person have unbearable suffering that cannot be relieved. This is [assessed largely on a subjective basis](#):

“In most cases, many types of suffering, both physical and mental were present simultaneously. Sufferings have all been described as constant, unbearable and without prospect of improvement.

While certain objective factors can contribute to the estimation of the constant character, unbearableness and lack of any prospect of improvement of suffering, it is largely subjective and depends on the personality of the patient, and his or her own conceptions and values.”²

The Commission would like to see training in euthanasia for all health professionals in Luxembourg as well as the establishment of a specialist euthanasia service as exists in Belgium and the Netherlands. It wants all pharmacies to have euthanasia kits in stock.

Although there is a right for individual doctors to refuse to participate in euthanasia the Luxembourg government and the Commission [agree](#) that:

“Freedom of conscience is an individual and not an institutional freedom. Thus, no hospital establishment can validly invoke this freedom to refuse to allow a doctor to practice within that institution euthanasia or assisted suicide, when the conditions laid down in the law are fulfilled.

At the level of integrated centers for the elderly (aged care homes), it should be noted that the rights of people with serious and incurable conditions are themed as part of the annual accreditation visits. In case of refusal on the part of an institution of the practice of assisted suicide, it is obliged to inform any user before signing the hosting contract. If such is not the case, the center cannot refuse a request for assistance to the suicide from a user ”.³

In July 2019, the State Council [agreed](#) to a proposal by the Minister for Health to amend the law so that death following an act of euthanasia or assisted suicide would be considered a death by natural causes.⁴ However, this proposed amendment has not yet been considered by the legislature.

Although the euthanasia law allows for euthanasia of an unconscious person following a written advanced directive registered with the Commission, and 3137 people have completed such a directive there has so far been only one case (in 2011) of euthanasia giving effect to an advanced directive. In this case there is no requirement for suffering but only for a serious and incurable condition.

¹ <http://sante.public.lu/fr/publications/r/rapport-loi-euthanasie-2017-2018/rapport-loi-euthanasie-2017-2018.pdf>

² <http://sante.public.lu/fr/publications/r/rapport-loi-euthanasie-2015-2016/index.html>

³ Ibid.

⁴ <https://delano.lu/d/detail/news/euthanasia-be-equated-death-natural-causes/207130>