

Luxembourg (2009-)

Euthanasia and assisted suicide have 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 [sixth biennial report](#) by the National Commission for Control and Evaluation covering 2019-2020 was published in March 2021.¹

There were 16 cases of euthanasia in 2019 (doubling the 2018 figure of just 8 cases) and 25 cases in 2020 – a further rise of 56.2%. This brings the total number of cases from 2009-2020 to 112.

Most cases involved euthanasia by lethal injection except for two cases (one in 2016, one in 2018 and two in 2020) of assisted suicide by oral ingestion of a barbiturate.

In 2020 the Commission approved (after the fact) the euthanasia of a 96 year old man based on “fatigue of life” combined with poly pathology, citing the Belgian practice.

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

¹ <https://sante.public.lu/fr/actualites/2021/03/euthanasie/euthanasie-rapport-2019-2020.pdf>

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

³ Ibid.

Although the euthanasia law allows for euthanasia of an unconscious person following a written advanced directive registered with the Commission, and 3,981 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.

The Commission supports euthanasia for psychiatric conditions and asserts that the law permits this although there has not yet been a case.

The Commission also states that discussion on extending the law to allow the euthanasia of minors should not be taboo.