

## FACTSHEET 4: Voluntary Euthanasia in the Netherlands

---

In 1984 the Royal Dutch Society for the Advancement of Medicine (RDSM) came out in favour of the possibility of Physician Assisted Dying. During the seventies, a growing acceptance of the practice developed after a number of court cases where a physician had been accused of criminally ending the life of a patient. The first was the Postma case in 1973, when Dr Geertruida Postma was found guilty of assisting her mother to die, but given a one week suspended gaol sentence and 12 months probation. This finding set a precedent for subsequent cases, with the courts finding that the doctor had been acting in the best interests of their patient.

Over time, the Dutch judicial system, in consultation with the Royal Dutch Medical Association, developed protocols for the administration of voluntary euthanasia and assisted dying. Provided these protocols were followed, it was agreed that a doctor would not be prosecuted.

Following the 1991 Rummelink Report on euthanasia in the Netherlands (chaired by former Attorney General of the High Council of the Netherlands Prof Jan Rummelink), various proposals were put before Parliament and in 1994 the Parliament formalised the arrangements through amendment of the Burial Act. Assisting a person to die remained a criminal offence but doctors would be exempt from criminal liability if they followed the due care criteria and reported their actions.

Following continued discussion in the Netherlands, Els Borst, the Minister of Health, supported by the Dutch Medical Association, introduced a Bill which detailed the criteria under which euthanasia and assisted dying would be allowed. The Bill passed the Senate on April 10 2001, 46 for and 28 against. After 30 years of debate in the Netherlands, and with 90% popular support, the *Termination of Life on Request and Assisted Suicide (Review Procedures) Act 2000* was enacted in 2002. Though euthanasia remained a criminal offence, doctors are not prosecuted if they followed specific rules:

- request by the patient to be voluntary and well considered
- evidence that the patient's suffering is lasting and unbearable
- the patient is informed of the diagnosis and prognosis
- the patient holds the conviction that there is no other reasonable treatment option for the medical condition
- at least one other independent physician has seen the patient and has confirmed the due care criteria have been met
- the death occurs with due care and can be carried out by the patient or the doctor.

Operation of the legislation is monitored through five regional review committees which provide annual reports on all cases and a national survey of doctors which has been undertaken every five years since the Rummelink Report.

Regional Review Committee findings can be viewed at <https://english.euthanasiecommissie.nl>

See also data on use of the law at <http://www.dyingforchoice.com/resources/fact-files/netherlands-2015-euthanasia-report-card>