

The Netherlands Pumps the Brakes on Euthanasia

The Netherlands is famous for breaking new ground with progressive legislation. In 2002, it was the first country in the world to legalize euthanasia. But, after 16 years, are the Dutch ready to hit the brakes?

On March 8, the Dutch Ministry of Justice announced it was launching criminal investigations into four instances of euthanasia. This is in addition to one other investigation announced in September. Since the legalization in 2002, the Ministry of Justice had never gotten involved in any euthanasia cases.

Euthanasia in the Netherlands is overseen by regional committees who review every reported instance to make sure the doctor followed the law. Every year, the committees find a couple cases where a doctor acted negligently. The intention of the 2002 bill was for the Ministry of Justice to follow these up with criminal investigations. The Ministry's refusal to do this for so many years began to attract significant criticism. The fact that they now have five open investigations is a belated response to that criticism, but it also indicates a shift in Dutch attitudes towards euthanasia.

The vast majority of instances of euthanasia in the Netherlands are for patients with a physical terminal illness, usually cancer. However, over the last decade, doctors have been pushing the boundaries for legal euthanasia. Fatal injections are increasingly being administered to patients with psychiatric illness, dementia, and "accumulation old age complaints" (i.e., a senior has significant health problems connected to their age but no terminal illness.)

The cases under investigation illustrate the trend. One

concerns an 84-year old woman, who the oversight committee's report describes as "exceptionally strong-willed." She refused to use a walker and also declined some of the treatments her GP offered. She had grown too frail to leave her home, but she did not have a terminal illness. Desperate over the loss of her independence, she requested euthanasia. Her GP declined so she turned to a doctor from the Life's End Clinic in the Hague. One month after first meeting the woman, this doctor administered a fatal injection.

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The Life's End Clinic, which describes itself as an "expertise center for complex euthanasia requests," employs doctors who provide euthanasia to patients when their own GP refuses.

Another case under investigation involved a 67-year old woman with advanced Alzheimer's. When she was still *compos mentis*, the woman made a written declaration stating that she wished to die when her illness became advanced. That's not enough, though. Under Dutch law, a patient must have unbearable suffering to become eligible for euthanasia. One specialist concluded the woman was not suffering. A doctor from the Life's End Clinic disagreed and proceeded to euthanize her.

Euthanasia for patients with physical terminal illnesses enjoys widespread support among the Dutch people. That is not going to be rolled back anytime soon. However, the growing trend of euthanasia for patients with psychiatric illness, dementia or old age complaints is extremely controversial. Even some prominent Dutch euthanasia supporters have spoken up to say things are getting out of hand.

In January, Berna van Baarsen, a member of one of the regional oversight committees, resigned in protest over euthanasia for advanced dementia patients. She denounced this practice as "indefensible" in an [interview](#) with a major Dutch newspaper. In June of last year, Boudewijn Chabot, a psychiatrist who

became famous in 1991 when he euthanized one of his patients before it was legal, published an [op-ed](#) arguing that psychiatric and dementia patients need better legal protections to keep them from being euthanized against their will.

It remains to be seen whether any of the Ministry of Justice's investigations will result in charges being filed. However, the possibility that doctors could face any legal consequences at all is a significant change.

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Life's End Clinic doctors are often among those found to be negligent by the oversight committees. Up to now, they had taken this in stride.

"We always have an internal discussion about what went wrong. We learn a great deal from that, but we've also learned to relativize the 'negligent' ruling. Seven out of nine matters went right and two didn't go completely right. You didn't totally fail but you also didn't get an A+," said Gerty Casteelen, a psychiatrist employed by the Clinic, in an [interview](#) with Dutch public television in 2016.

Dutch doctors will no longer be able to take this attitude. A finding of negligence can mean serious legal trouble. Since the Dutch legalized euthanasia in 2002, the boundaries kept getting wider and wider. Perhaps now, for the first time, those boundaries will be pushed back.

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