

The Dutch Euthanasia Law

**Drs. Bert P. Dorenbos, President, Schreeuw om Leven (Cry for Life)
Ruitersweg 35-37, 1211 KT Hilversum, The Netherlands
Ph. +31 35 6244352, E-mail info@schreeuwomleven.nl**

It is very important not to focus on the emotional side of the discussion when we talk about the Dutch euthanasia law, but to look very careful how the law is functioning within the framework of the Foundational law of Holland and the other laws of the free world countries around the world.

The basic foundation of all law is that every person's human life is protected. All the universal declarations about mankind such as the Universal Declaration of Human Rights of 1948, the Charter of the United Nations (UN), the Declaration about the children, and many other declarations are all based on the firm article that life should be protected -- protected even against your own will to kill yourself or to be killed.

In recent years there is a very significant development that countries are adding to these declarations a more precise definition that nobody will be discriminated against, because of race, gender, religion or whatever. It seems to be needed because the virus of discrimination is trying to take its toll again and again. And we know what happened through the centuries and the last World War and even the recent history when we think about Rwanda, Kosovo, Sudan and many other places around the world. With the recent confrontational situation in the world there is all the reason to fight very hard to stick to the Universal Declaration of Human Rights and the basic law of the right of protection of everybody's life.

This right is obvious because nobody can claim life for himself, because life is given outside every one's own decision. Life is a given. So nobody can take life without violating the fundamental human right to life.

The Dutch discussion of euthanasia is not seen from the patient's perspective, but from the perspective of the doctor's fear of being prosecuted for violating the Criminal Code if he practices euthanasia. The Dutch Criminal Code is very clear that killing a person's life is a crime (Article 293 of the Dutch Criminal Code). Nobody is entitled to kill somebody else. And especially a medical doctor is

never to practice his skill by killing his patient. Killing can never be a medical treatment. History is very clear from the ancient days of Hippocrates to the Nazi doctors, that doctors are violating their own oath: when using their medical skills to kill a person. The extermination of 6 million Jews started with the so-called T4 program of killing demented and handicapped people. The Nazi propaganda film, "Ich klage an" (I accuse), is a very clear confirmation of the wrong mindset to euthanise people of insufficient quality of life. This euthanasia mentality came from the scientific circles at the universities in Germany with the well-known names of Bindung and Hoche and others.

In the Dutch Criminal Code killing a person's life on his request is liable to imprisonment up to twelve years. But the Criminal Code was changed adding to article 293 addendum 2 which excludes doctors from imprisonment when killing their patient as stated in Section 2 of the Termination of Life on Request and Assisted Suicide Act.

This change is a dramatic change in the previous objective rule that nobody is allowed to terminate another life. By excluding the medical doctors, the Criminal Code has become subjective. There is now a possibility that in the future other people will be excluded besides the doctors. With this change in the Criminal Code the protection of every person's life is in principle subject to subjective judgement. Now medical doctors can no longer be seen as the fierce protectors of human life. They have to decide in every situation, which request to be killed can be executed and which request or case cannot. For the ethical code of the medical doctors this development is dangerous and against the centuries long assurance that at least every doctor can be trusted never to kill his patient.

This change of the Dutch Criminal Code represents a great danger for the free world democratic societies. It is a big hole in the universal agreement as stated in the Universal Declaration of Human Rights. This is the reason that the global community urges that the Dutch should stick to the agreements they signed together with their fellow countries. It is

not without reason that this Universal Declaration was formulated and signed just after the Second World War with so many examples of violations of these basic human rights. It is obvious that the international bodies are asking the Dutch government to change their policy and Euthanasia law. It is hard to understand why the Dutch government is so resistant to these arguments, because the Dutch are always promoting international co-operation and unity. The recent report of the UN Human Rights Committee with their questions about the objectivity of the application of the Dutch Euthanasia law should be taken serious.

The Dutch Euthanasia law is an attempt to free the doctors from the fear of being prosecuted when committing euthanasia. After governmental research it became clear that 60 % of the doctors did not report their cases to the municipal pathologist. Parliament tried to satisfy the doctors by protecting them from the possibility of prosecution. The latest decision is to appoint a regional committee existing of an ethicist, a lawyer and a medical specialist to judge the euthanasia case on its legal merits in order to encourage the doctors to report their euthanasia cases. The first results after two years are that in spite of the expectation no more doctors are reporting their euthanasia cases. It seems that even a higher percentage of the doctors are not reporting their cases. But it is against all logical legal understanding and practice to enable potential criminals by making it easier for them to commit their crime. The reasoning behind making it easier for the doctors to practice euthanasia is that the government trusts the doctor that he will never misuse his skill to kill. But trust is never the foundation of a law. Trust has to be proven by evidence and, if needed, law enforcement. The result of distancing the doctor from the prosecutor is that the rights of the patient are in danger or are diminished. The change in the Criminal Code makes it possible for the doctor to misuse his practice. Not only the rights of the doctor should be protected, but also the rights of the patient.

The Criminal Code states that killing a person's life on request by the doctor will not be an offence if it is committed by a physician who fulfils the due care criteria set out in Section 2 of the Termination of Life on Request and Assisted Suicide Act.

The text of the Euthanasia Act, Chapter II, Section 2, Due Care Criteria, states that in order to comply

with the due care criteria referred in Article 293, paragraphs 2, of the Criminal Code, the attending physician must:

- a. Be convinced that the patient has made a voluntary and carefully considered request;
- b. Be convinced that the patient's suffering was unbearable, and that there was no prospect of improvement;
- c. Have informed the patient about his situation and his prospects;
- d. Have come to the conclusion, together with the patient that there is no reasonable alternative in the light of the patient's situation;
- e. Have consulted at least one other, independent physician, who must have seen the patient and given a written opinion on the due care criteria referred to in a. to d. above; and,
- f. Have terminated the patient's life or provided assistance with suicide with due medical care and attention.

This article of the Dutch Euthanasia Law is related to article 293 of the Criminal Code. It is a matter of life and death. The due care criteria should be very clear and sufficiently objective to be able to decide if the patient's death was assisted with clear compliance with the rules.

The first legal comment is that it is contrary to common legal practice that the person who has committed a crime will be expected to report the crime himself. Normally, it has to be proven if the man who killed his patient is the criminal.

The second comment is that the patient, in this case the victim, is dead. He cannot testify that what the doctor is saying is the truth.

All criteria mentioned in subparagraphs a. through f., above, are talking about the doctor who has "to be convinced of..." The doctor has to fill in the forms, but the patient is dead.

None of these criteria are objective. The only fact, which is very objective, is that the doctor killed his patient. Who is protecting the patient's rights?

Article 293 of the Criminal Code speaks about taking a person's life. The Due Care Criteria only speak about conditions of the patient's life. There is no description or definition what is a patient.

Somebody requesting euthanasia is never a patient, because euthanasia is not a medical treatment. It is possible that a patient is asking for euthanasia, but also a non-patient can ask to be assisted in death.

The doctor has to be convinced and informed that killing his patient/person is legal. But there are no objective criteria to judge that the patient has made his request voluntarily and carefully.

What are the objective criteria? When is the patient's suffering unbearable? What are the objective conclusions that euthanasia is the only alternative?

A physician who agrees before hand with his colleague's decision can actually satisfy the requirement for a second opinion by another independent consulting physician. This whole article is approached from the doctor's perspective. Protection of the interests of the patient is not addressed anywhere. There is no requirement that the patient must have made a written and signed request. Only the doctor has to be convinced that the patient has made a voluntary decision. The patient's rights are at stake. A patient can no longer be sure if the doctor in the white jacket is coming to cure or to kill him.

The conclusion is very clear; there is no way to make this due care criteria objective. If judgement about life and death has become subjective, every life is in principle subject to subjective rules and measures of timely governments. It is very obvious that if life is a given and nobody has the right to kill, to take life, that the Dutch Euthanasia Law is very dangerous, because it opens the door to subjective judgements. This practice is already happening. Many cases can be reported. The Christian Medical Association of the USA produced a shocking video in which some cases were reported.

Two Dutch Governmental investigations of more than 20.000 cases conclude that euthanasia was practised in one way or the other. In at least 1000 cases every year the patient is killed without his consent. In more than 3000 cases every year the doctor killed his patient. Withdrawal of fluid and food is seen as medical treatment and not euthanasia. Diminishing care is also more and more the medical norm.

With the approval of the Euthanasia Law by the Upper House this year, the Free Euthanasia Union celebrated a victory. They now announced that in spite of the Prime Minister's promise after the vote that the acceptance of the law will be the end, to start a public debate about the legalisation of the so-called death pill (the Drion pill). Everybody should have this pill, to start with elderly people. This debate will continue for months to come.

It is very clear that the discussion about euthanasia is not about unbearable suffering and no prospect for the patient life, but about the legal right for everybody to be killed at his request, at the time of his choice, executed by a doctor. It is the denial of the right of protection of life. When life is no longer protected by objective rules, everyone's life is in danger. With the international euthanasia promotion fuelled by the Dutch government more and more countries are in danger. The global fight for the protection of everyone's life is very strategic. The world is warned. This Dutch euthanasia virus will spread throughout the world.

Within the framework of the demographic developments in more and more countries around the world where the population replacement level is already too low to sustain the population and the percentage of elderly people is growing, social and economical problems are already on the horizon. The danger of euthanasia practice can be anticipated. With the growing costs of healthcare, financing of it becomes more and more difficult. Within the growing climate of euthanasia, the decisions and the priority of who will be given which treatment will lead to the dangerous situation that elderly people and people with low quality of life will not get appropriate medical care. Within the Dutch euthanasia practice and thinking it is to expect that medical teams in hospitals will make their decisions about whom to treat and whom to kill more and more easily. You will not know whether the doctor is coming to treat you, or to kill you.

The euthanasia discussion and dispute is often marked by religious and non-religious arguments. The pro-euthanasia lobby tries to prevent the anti-euthanasia, pro-life movement by declaring their arguments to be religious and not important. The arguments are universal and for a Christian because of the Lord's creation. They remain the same and universal for everybody. It is very obvious that only on the basis of the universal principles can a society

be built. It is extremely important to make this point very clear. Of course religious people are against euthanasia because they believe in the universal principles stated in the Universal Declaration of Human Rights. Christians believe in creation, fall and recreation; the Universal Principles of Human Rights are based on these.

The denial of these principles by non-Christians brings society to a dangerous situation. In a society where killing becomes an option, everyone's life is in danger. This is not a religious statement, but an objective universal principle.

Euthanasia is also an attempt to get rid of suffering. Euthanasia is promoted in this way. Those against euthanasia are portrayed as fundamentalists and brutal people who propose to extend suffering instead of mercifully killing. It is quite obvious that it is impossible to ban suffering from society. After the fall, suffering belongs to mankind. One day it will be vanished when the New World of righteousness and justice will come. The answer to suffering is not killing the patient, but caring for the patient. If the doctor cannot cure the patient, the time has come to care for the patient. Palliative care becomes urgent as care and love for the dying. The hospice movement in England is an excellent example how to care for a patient so he can die in dignity. Caring for the patient till he dies. Suffering is also very often a way and a time to reconcile, to come to terms, with life, with others and eternal life.

When the time of dying comes, the doctor has to withdraw. It is also against life, if a patient is forced to have another medical treatment, if the end of his life is obvious and he is ready to die.

Euthanasia seen in a broader context is part of the hedonistic ego, materialistic mindset, where mankind thinks that it has the right to decide about everything he wants. It is the society where everybody thinks of himself. When mankind is floating away from the universal principles of love, righteousness and justice, life is at stake. Not only in the context of euthanasia but in many aspects. To resist euthanasia is also resisting the deterioration of society, where the threat is that only those who are strong will live -- the fight for the "survival of the fittest" again. Euthanasia is a Darwinistic, evolutionary principle. The basis for mankind is that the strong take care for the weak, from conception to grave. Mankind is crying for a way out, often not knowing where to go. The fight for life creates a

mission field, because life is life only in the eternal perspective of the new heaven and the new earth. During these apocalyptic times within which we are living, it becomes very clear that killing human life anytime from conception to grave is the brutal offence against the Creator of Life. Without any doubt the ordeals over such a killing society will come. Only through repentance and living in the expectation of the Lord's eternal Kingdom is there a way out. In the midst of the recent apocalyptic disasters, we are called to repent and return to the eternal universal commands of our Creator. If we continue to shed innocent blood and to exterminate the weak fellow human beings of our society, the judgement of the Almighty will come for sure as in the days when King Solomon allowed his heathen wives to sacrifice their children to the idol Moloch (1 Kings 11 and 12). Israel was divided into two nations of 10 and 2 tribes. And later on, during the prophets Jeremiah and Isaiah the valley of Ben-Hinnom, outside the walls of Jerusalem, was full of the blood of the sacrificed children, screaming for their lives when they were thrown in the heated arms of the idols to die. God's judgement was that the Jews were all sent into exile. Most of them are scattered until today. Only a few came back to the land of Palestine because of God's eternal promise to Abraham regarding the coming of Messiah, Jesus.

Today we are killing unborn children and weak elderly people. This is the modern day sacrifice to Moloch. As in biblical days, God's judgement will come for sure. If we touch the children, the elderly and the weak, Jesus is very clear about his judgement. The present terrorist actions and the war rumours have much more to do with the shedding of innocent blood, than most of us think. All these disasters are apocalyptic wake-up calls to before the final battle of Armageddon, after which Gods eternal kingdom of justice and righteousness will come. We have to continue to protect life till He comes. It is time to declare: **THE ABOLITION OF ABORTION and EUTHANASIA.**

Drs. Bert P. Dorenbos, President Schreeuw om Leven (Cry for Life)

Ruitersweg 35-37
1211 KT Hilversum
The Netherlands
Phone +31 35 6244352
Fax +31 35 6249141
E-mail info@schreeuwomleven.nl
Internet www.schreeuwomleven.nl