

WORKING TITLE

Right to Life and Right to die under European Convention on Human Rights:

A Critical analysis and comparison of Euthanasia laws in Netherlands and United Kingdom.

Right to Life and Right to die under European Convention on Human Rights

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Introduction

The term Euthanasia first originated in the state of Greece which meant 'Good Death'.¹ This term includes within itself a number of dimensions ranging from active to passive. Voluntary to involuntary and also physician assisted. Active euthanasia involves the introduction of something that causes the person to die. Passive Euthanasia is the withholding of treatment or supportive measures that eventually leads to the death of the person. Further voluntary Euthanasia involves the consent of the patient and involuntary euthanasia involves the consent of the guardian of the patient. Euthanasia that is assisted by the physician involves the prescription of the medicine by the physician and the administration of such medicine by the patient or any third party.²

Throughout the globe the appeal for early end of life as resulted in a fierce debate regarding the role of such practice in modern day health services.³ There are a huge number of multifaceted and dynamic issues relating to this debate on Euthanasia ranging from legal, ethical, health, social issues to human rights, religious, economic, spiritual issues.⁴

Since long efforts were being made to create a unified Europe without any borders. Even though that has not been possible the creation of a number of European instruments aim to produce a universal system that would be effective for all the European nations.

Under Article 2 of the European Convention of Human Rights provision regarding the protection for the right to life has been given. Accordingly no person shall be intentionally deprived of his life. The Article also provides for some exceptions which includes the lawful execution under the law. However, even lawful execution had been restricted by Protocols 6 and 13 which speaks of restrictions on death penalty during war and the abolition of death penalty respectively. These Protocols apply to only those states that are parties to the Protocols.⁵

¹Lewy G. Assisted suicide in US and Europe. New York: Oxford University Press, Inc; 2011

²Dowbiggin I. A merciful end: The euthanasia movement in modern America. New York: Oxford University Press, Inc; 2003

³ echr, 'The Right To Life' (2015) <[http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-08\(2006\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-08(2006).pdf)> accessed 5 January 2015.

⁴ Santosh K. Chaturvedi Suresh Bada Math, 'Euthanasia: Right To Life Vs Right To Die' (2012) 136 The Indian Journal of Medical Research <<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3612319/>> accessed 5 January 2015.

⁵ S. B. Chetwynd, 'Right To Life, Right To Die And Assisted Suicide' (2004) 21 Journal of Applied Philosophy.

United Kingdom is the only common law state in the European Union which boasts of a history of both protestant and catholic rule. In the past couple of years a number of attempts has been made to legalize the physician assisted suicide and euthanasia in the country.⁶ The law now attempts to strike a balance by giving proper safeguards for the vulnerable patients and compassion for those individuals who are going through extreme and hard cases.

On the other hand, Netherlands is one country which has legalized euthanasia with proper regulations. Among all other European states this country is known for its secularism and tolerance.

In contemporary times we can observe that this issue of euthanasia has different takers around the world. Different countries have different ideologies, rules and regulations regarding this right to die. In this research study the researcher attempts to critically examine and analyze the laws relating to the right to life and the right to die in the European Convention on human rights with special reference to the laws of Euthanasia in the countries of Netherlands and United Kingdom.

Right to Die and the Right to Life under the European Convention of Human Rights

Right to Life

According to Article 2 of the European Convention of Human Rights the right to life for each and every person is protected by law.⁷ No person can be deprived from his life intentionally except during the execution of a sentence given by a court which is a result of his conviction of a crime and the penalty provided by the law that he receives as a result of his crime.⁸ This has been stated in the first part of the article and the second part of the article states that this derivation of law will not be considered as a contravention of this article when it is a result from the use of force which is not more than what is necessary in the following cases. Firstly, in case of defending a person from unlawful violence, secondly, from preventing the escape of an person

⁶ Chris Karrenberg, 'EUTHANASIA' (1989) 19 Nursing.

⁷ P Havers, 'Impact Of The European Convention On Human Rights On Medical Law' (2002) 78 Postgraduate Medical Journal.

⁸ S. B. Chetwynd, 'Right To Life, Right To Die And Assisted Suicide' (2004) 21 Journal of Applied Philosophy.

from lawful detention or giving effect to any lawful arrest and thirdly, any lawful action taken for stopping a riot or insurrection.

Under the Article 2 of the European Convention of Human Rights the most essential element is the obligation of the state. This obligation is through its agents to refrain themselves from causing the taking away of life. This primarily means that the domestic laws should control the use of weapons or any other deadly force by any officials of the state.

In the case of *McCann v. United Kingdom*,⁹ the Court had considered the obligations that were imposed by Article 2 of the European Convention of Human Rights, where the relatives of the three individuals shot by the members of SAS in Gibraltar had brought forward the case.

Further, Article 21 of the European Convention on Human Rights provides the protections and safeguards for the right to life. In the case of *Makaratzis v. Greece*,¹⁰ in which the judgment was delivered on 20th December, 2004, the court had held out the conditions under which the deprivation of life is justified and the court also holds that this provision provided in the European Convention on Human Rights is one of the most significant and basic convention of the Convention and here no derogation is permitted. Along with Article 2, Article 3 should also be read where it states that prevents or restricts the torture and inhuman treatment of any such punishment. The Article also protects the fundamental norms of the democratic society which makes up for the Council of Europe.¹¹

Additionally, Article 2 of the European Convention on Human Rights provides that everyone has the right to life. Hence it is essential to define the exact meaning of 'life'. Here under the article life refers to human life. It does not include the lives of animals, or the existence or non-existence of any 'legal person. Since animals cannot be considered within the category of persons it is not included in the concept of 'toute personne' or concept of 'everyone'.¹² Hence they are not entitled to any protection under the Convention. On the other hand, 'legal persons' with regard to companies are 'persons' and hence in certain cases they do invoke the Convention

⁹ *McCann v United Kingdom* (1995) 21 ECHR 97 GC ECHR.

¹⁰ *Makaratzis v Greece*.

¹¹ Luminita Dragne and Cristina Teodora Balaceanu, 'The Right To Life A Fundamental Human Right' SSRN Journal.

¹² The Lancet Neurology, 'Right To Die–Right Or Wrong?' (2003) 2 The Lancet Neurology.

under certain circumstances. For instance, with regard to the right to property and right to fair trial relating to the determination of civil rights and obligations, the Convention can be invoked with regard to the definition of 'legal person'. Additionally, for the right to freedom of expression newspaper companies and publishers can invoke Article 2 of the Convention, for the right to freedom of association the right can be invoked by other associations, for the right to freedom of religions the religious associations can invoke this right. But it must be noted that none of these are entitled to have a 'life' in the sense it is given in Article 2 of the Convention.

The Convention nevertheless, does not clarify anywhere as to what the right to life is. Neither does it clarify when the protection given under Article 2 of the Convention commences or ends. Further when there was no legal or scientific consensus on the matter either in Europe or in the entire world, the Court was still hesitant in providing the particular standards in these regards.

Both the Commission and the Court instead of imposing any particular standard, assessed the issues regarding the beginning of life in a trivial manner, depending on the case by case analysis. They also left a substantial amount of freedom for the States for regulating the matters under question. Only they have to keep in mind that the approach needs to be in an appropriate way and appropriate weight also needs to be given the different interests that is at stake. All these can be observed in the case laws of the Convention on termination of pregnancies, euthanasia and assisted suicide.¹³

Right to Die and the European Nations

It is a known fact that the right to die is an extremely controversial matter in the contemporary times. The right to die invokes the provisions of the right to life under the United Nations instruments.¹⁴ To explain the present situation, it is essential that we take the help of a case study.

In the year 2002, Bettina Koch had stumbled on her doorsteps which left her as a completely paralyzed person whose rest of the life depended on artificial respiration. However, she had the support of her husband, Ulrich, who assisted her in obtaining a fatal medication dose and which

¹³ 'ACTIVE EUTHANASIA' (1988) 223 Acta Medica Scandinavica.

¹⁴ A. Mowbray, 'EUROPEAN CONVENTION ON HUMAN RIGHTS: THE 12Th PROTOCOL AND RECENT CASES' (2001) 1 Human Rights Law Review.

ended her sufferings. The couple who were married for the previous twenty five years had pursued legal action but the German courts had held that the rights she was entitled to were not violated. Bettina travelled to Switzerland which was accompanied by a tremendous pain of continuous travel in a stretcher in order to end her life. Later her husband appealed the case in the European Court of Human Rights (ECHR).

Ten years later since the accident of Bettina, the European Court of Human Rights (ECHR) had ruled that the courts in Germany had violated Article 8 of the European Convention on Human Rights which provided for the right to private and family rights. This was ruled during the case of *Haas vs. Switzerland*¹⁵, where it was recognized that for any individual the right chose to how to end his or her life also comes under the provisions of Article 8 of the European Convention on Human Rights. The Court also significantly determined that all the countries in the European Union should make their own laws on right to die or Euthanasia. Hence, depending on the decision of the Court all the countries in the European Union has their laws on Euthanasia and all of these laws vary to a great extent.

With respect to the right to die laws the human rights issues also needs to be considered. During the Belgium Senate the majority vote was taken in which fifty out of sixty-seven members voted in favor of euthanasia rights and this voting session again flared the debate on euthanasia in the entire continent of Europe.¹⁶ Since 2002 doctors in Netherlands and Belgium have been given the permission to administer life-ending drugs to the patient on the request of the patient. The same has been done in Luxemburg since the year 2009. Further, the Belgium House of Representatives voted in the majority for passing the Bill on granting terminally ill children the right to die. Nevertheless, there are very less countries in European Union that deal with this topic on Euthanasia in a very serious manner.

Jakub Jaros, of *Sterbehilfe Deutschland*, which is a Germany organization that deals with the counseling of patients who are inclined to seek the life ending options, had stated that in the Benelux countries there are very strict options relating to the undertaking of active euthanasia

¹⁵ echr, 'Euthanasia And Assisted Suicide' <http://www.echr.coe.int/Documents/FS_Euthanasia_ENG.pdf> accessed 5 January 2015.

¹⁶ Joachim Cohen and others, 'European Public Acceptance Of Euthanasia: Socio-Demographic And Cultural Factors Associated With The Acceptance Of Euthanasia In 33 European Countries' (2006) 63 *Social Science & Medicine*.

measures. These options range from the list relating to the permissible diseases that can be given for euthanasia to special commission set up to determine whether a patient can be given the life ending option. Depending on the above situations the doctor will give the patients appropriate drugs to end her life. Since 2010, the number of cases done by this organization is one hundred and ten and in the year 2012 in the whole of Belgium there were a report of one thousand and four hundred cases.

Most of the European countries support the idea that the person who is the patient can self-determine whether he or she should die and also what procedure or manner should be undertaken to fulfill that wish.¹⁷ However, what varies is the degree of support in the various countries. In 2012, survey was conducted by The Swiss Medical Lawyers Association where different attitudes were observed. On one hand, the Germans supported self-determination with a high percentage of eighty-seven percent and on the other hand, the Greeks supported the self-determination to the least with a percentage of only fifty-two percent.¹⁸

In the country of France the current law is that the doctors are permitted to stop the artificial prolongation of life of any individual who is terminally illness on his or her request. The French President, Francois Hollande had promised make the laws on euthanasia more simple.¹⁹ A Rench public panel had recommended that the assisted suicide was a legal right of any patient who is dying or someone who is suffering from any terminal illness which also is focused on the proper awareness and appropriate consent.²⁰

In the country of Poland has a conservative European model according to Professor Jolanta Pacian from the Medical University of Lubin. In 2011 a report was published by the Romanian Journal of Bioethics where Jolanta made a comparison of the legal framework on the laws of euthanasia in Poland and the laws in other European nations.

¹⁷ J C. Murdoch, 'The Right To Live And The Right To Die' (1981) 283 BMJ.

¹⁸ J. Brierley, "'Right To Die": Changing "Right" To "Duty" May Focus Debate' (2005) 330 BMJ.

¹⁹ B. Clin and O. Ferrant, 'Law Of 22 April 2005 On Patients' Rights And The End Of Life In France: Setting The Boundaries Of Euthanasia, With Regard To Current Legislation In Other European Countries' (2010) 50 Medicine, Science and the Law.

²⁰ Nicole Steck and others, 'Euthanasia And Assisted Suicide In Selected European Countries And US States' (2013) 51 Medical Care.

It was observed that in Poland, the support for euthanasia is comparatively very less. Here the public opinion is primarily influenced by the Roman Catholic roots. The parliament is gaining hold on a lot of discussions on living wills but the attempts to legalize euthanasia in the country is very less.

In the year 2012, the Parliamentary Assembly of the Council of Europe (PACE) had approved a resolution on euthanasia stating that such intentional killings should be immediately stopped. Even though such a resolution is not legally binding, it was the very first time that euthanasia or the right to die was rejected or prohibited in any European nation or political institution.

Herman Nys, who is a professor of the University of Leuven, and is also a member of the European Group on Ethics had stated that euthanasia in the sense it is described in Belgium and Netherlands does not exist in the whole of Europe which relates to the deliberate end to someone's life on his clear request.

Laws on Euthanasia in the United Kingdom

With regard to the laws on right to die in the United Kingdom, primarily a case should be observed. In the case of *Nicklinson & Anor, R v A Primary Care Trust* [2013]²¹, it was held by the Court of Appeal that the restrictions on assisted suicide and euthanasia which act as a cover does not result in the disproportionate intrusion with the rights given under the Article 8 of European Convention on Human Rights which relates to provisions on right to private and family life.²² Additionally, in the dissenting opinion the Court held that the prosecution policy of the DPP had failed to give proper precision on the possibility of prosecution of any person who assists another person to die and such a person does not have any emotional or other close relation with such a patient.

Under the common law, the position was that both euthanasia and assisted suicide was considered as murder. Under the provisions of Section 1 of the Suicide Act of 1961, suicide was later removed from the scope of the criminal law. It was stated that the rule of law that was crime for any person who commits suicide was now removed. Under the present laws, nonetheless, it

²¹ *Nicklinson & Anor, R v A Primary Care Trust* [2013] EWCA.

²² Mackellar, 'Laws And Practices Relating To Euthanasia And Assisted Suicide In 34 Countries Of The Council Of Europe And The USA' (2003) 10 *European Journal of Health Law*.

stands that if any person assists any other person to take his or her life such an act will be considered as an offence when they only help the person to end his or her life and when the person actually ends the life themselves, the act amounts to murder.²³

The primary question that was significant in the case was that when the contemporary law was contrary to the provisions of Article 8 of the European Convention on Human Rights. The query was regarding assisted suicide as a criminal offense especially for those individuals that intend to terminate their life but they are not able to do so with any assistance. Does it amount to unnecessary and disproportionate limit to the Article 8 of the Convention? Apparently, if any patient similar to the one in his case is requesting for lawful assistance to terminate his life in terms of right and respect for private life, it is an invasion on the right.²⁴ The argument on the other side is that assisted suicide would be “slippery slope” and that it is important to criminalize the acts since it is the appropriate method to protect the rights and interests of the sick, the old or the more vulnerable groups of people. These groups of people may be compelled by others to end their lives. Eventually, the question that arose in the Court was that on proportion that whether the act of assisted suicide was to be criminalized and the means in which these vulnerable groups of people are subjected to vulnerable individuals.²⁵

The dissenting opinions given by Lady Hale and Lord Kerr stated that the contemporary law was not compatible with the provisions of Article 8 of the European Convention of Human Rights. It would be more proper if the intervention of the Court is in method of issuance of a declaration of incompatibility as provided under section 4.

The other judges who gave a majority opinion were divided among three judges. Three of these judges concluded that the decision of the Parliament on determining the matter was depended on the respect of the judiciary. The other judges in the majority took a scheming position. They stated that the current status is such that the issuance of declaration of incompatibility is absolutely improper. Nonetheless, the impropriety of the matter may be removed if the Parliament was not able to reconsider the questions raised by the case.

²³ Shishir Akhouri, 'Right To Die' SSRN Journal.

²⁴ R B Zachary, 'The Right To Live And The Right To Die' (1981) 283 BMJ.

²⁵ hanselawreview, 'Euthanasia Legislation In The European Union: Is A Universal Law Possible?' <<http://www.hanselawreview.org/pdf3/Vol2No1Art04.pdf>> accessed 5 January 2015.

There are three main issues relating to the analysis of the court that needs to be highlighted. Firstly, the inter-relation between the doctrine of Margin Appreciation of the European Convention on Human Rights and the doctrine of deference, secondly, the doctrine of legislative judgment deference and thirdly, the difference in between the remedial and adjudicative form of deference and the phenomenon related to the inter-institutional dialogue.

As concluding remarks on this case it can be stated that the Supreme Court did not agree to consider the right to die as a dignified death. The best part of this judgment was that two out of the seven judges had stated that it was on the United Kingdom as a state to decide whether the present laws relating to assisted suicide was contrary to the rights of privacy and dignity as enshrined under the provisions of Article 8 of the Convention. Nonetheless, the majority of the judges concluded that the matter was on the Parliament to decide and not on the Courts.

The present laws of United Kingdom are such that it is legal to withdraw the life saving apparatus and treatments from those individuals who are in the vegetative stage. However, it is not legal yet to assist the terminally ill people in ending their lives. One of the very interesting cases relating to euthanasia in United Kingdom was the case of Diana Pretty.²⁶ This woman was gradually dying as a result of a motor neurone disease which is a degenerative form of a disease and is incurable.

The case was that in the year 2002, Diana Pretty approached the European Court of Human Rights to get justice with a matter relating to assisted suicide. During the proceedings she had argued that right to die was included in the right to life. She gave an ethical point of view with respect to how the right to life engulfs the right to die and also how and whether this right includes the right to assist others in terminating the lives and also the right to be not interfered when others are willing to help.²⁷ The problem lies in the fact that the right to life is generally considered as a negative right since the right is more on the side that no person has the right to deprive any individual from the right to life. Diana Pretty in her contention argued that this right to life is a more positive right rather than a negative right. The right she includes not only the right to remain alive but also the right to do what an individual wants to do with the life and also

²⁶ echr, 'Euthanasia And Assisted Suicide' <http://www.echr.coe.int/Documents/FS_Euthanasia_ENG.pdf> accessed 5 January 2015.

²⁷ J. Cohen and others, 'Different Trends In Euthanasia Acceptance Across Europe. A Study Of 13 Western And 10 Central And Eastern European Countries, 1981-2008' (2012) 23 The European Journal of Public Health.

to dispose of the life if any person intends to. The right to life is also compared to property rights in this regard and further suggests that the right to die appears or exists only when the right to life exists in the proper manner and absolutely.

Diana Pretty stated that she had the right to control when and whether and in what manner an individual wants to terminate his or her life. The fact of the case was that she did not want any undignified death by respiratory failure and she wanted that her husband be given the permission to assist her in committing suicide and she also wanted an assurance that her husband will not be prosecuted for the assisted suicide of Diana Pretty. The European Court of Human Rights opined that the right to life does not give any individual the right to chose death instead of the life. Hence the Court held that the right to die with the assistance of a third person or with the help of any public authority does not exist.

Another significant case relating to the euthanasia and assisted suicide was the Martin case in the Supreme Court of United Kingdom. This case was one that could modify the Suicide Act of 1961 in the United Kingdom.²⁸ This act contains that any person who assists another individual in committing suicide will be punishable with imprisonment for fourteen years.

The patient in this case Martin was disabled as a result of a stroke and hence he went for legal action as he was not successful in getting any professional counsel to terminate his life.

The Director of Public Prosecutions' policy is murky as to whether healthcare professionals assisting Martin would be prosecuted. As a result, Martin argued that his Article 8 rights are being violated. Jo Cartwright, from the UK based organization “Dignity in Dying” organization stated that the medical professionals need to discuss the life ending choices with regard to the patients.

In accordance with the reports of the organization from the year 2002, the number of British citizens who have travelled to Switzerland in order to seek for assisted death is more than one hundred. This organization “Dignity in Dying” states that the healthcare professionals of the country should be allowed by the law give advice the terminally ill patients on the options on life termination that would stop the patients from committing suicide on their own.

²⁸ A. McCall Smith, 'Euthanasia: The Law In The United Kingdom' (1996) 52 British Medical Bulletin.

With regard to the politics in United Kingdom, a politician from the British Labor Party had assisted the bill on right to die in the House of Lords. The Bill if enacted would allow the mentally capable adult individuals to live permission to request for assistance in ending their lives within a period of six months.

Euthanasia under the Netherlands laws

In the country of Netherlands the right to die or Euthanasia is regulated by an Act named "Termination of Life on Request and Assisted Suicide (Review Procedures) Act" since the year 2002. The provision of the Act states that the acts of euthanasia or assisted suicide will not be punishable if the physician acts according to the criteria of due care.²⁹ These criteria of due care relates to the request made by the patient with regard to the termination of life, the unbearable suffering of the patient, all relevant information provided by the patient, the availability of any alternatives, consultation with any other physician and the exact method opted for to terminate the life.³⁰ To see whether these criteria are met the act states that the physicians would report all cases of euthanasia to the review committee.³¹

Termination of Life on Request and Assisted Suicide (Review Procedures) Act which came into effect from 2002 primarily legalizes the right to die or euthanasia but only in specified cases and specified circumstances. The procedures that are codified in the Act were present in the Dutch Medical Community Convention for the past twenty years.³²

According to the provisions of the law the medical review board is permitted to suspend the prosecution of doctors who perform euthanasia under the following circumstances:

- When the patient's suffering is not bearable without any signs of improvement;
- The request for euthanasia by the patient has to be totally voluntary and will also remain such over time; however, this request cannot be granted with the help of anyone else's assistance;

²⁹ D. H. M. Meuwissen, 'The European Human Rights Convention And Netherlands Law: The Impact Of The European Convention On Dutch Law. Theoretical Aspects' (1976) 23 NLR.

³⁰ PaulJ. van der Maas, 'Netherlands: Euthanasia Legislation' (1992) 339 The Lancet.

³¹ Herman Nys, 'A Presentation Of The Belgian Act On Euthanasia Against The Background Of Dutch Euthanasia Law' (2003) 10 European Journal of Health Law.

³² Leenen, 'The Development Of Euthanasia In The Netherlands' (2001) 8 European Journal of Health Law.

- Further, the patient needs to be aware of his or her condition along with the possible options and prospects;
- A consultation of must be made with at least another doctor who also confirms the other criteria;
- The patient's age must be a minimum of twelve years;
- The death of the patient must be carried out in the appropriate medical fashion by the doctor or by the patient in the presence of the doctor;
- And finally the doctor needs to report the death and the cause to the municipal coroner according to the provisions of Burial and Cremation Act.³³

A regional review committee is also to be set up to judge whether in a particular life termination case the ending of life or the assisted suicide has been done in accordance with the criteria of due care. Once the case has been reviewed by the committee, the case will be closed once the conditions are met and the relevant information has been given to the Public Prosecutor.

The legislation further provides that an "euthanasia declarative" is to be maintained. This declaration would recognize the validity of the written declaration regarding the will of the patient with respect to the right to die or Euthanasia. These sorts of declarations may also be used when a person is in coma in under such conditions when they are unable to state whether they want to be euthanized or not.

Nevertheless, in cases where the law is not met appropriately euthanasia would amount to a criminal offense. But there are also exceptions which do not fall under the prohibitions of the law since they are considered to be normal practice. The conditions are as follows:

- The start or stop of any medically futile treatment
- The start or stop of a treatment at the request of the patient
- The speeding up of death as a result of any side-effects in cases of serious sufferings

For children under the age of twelve, euthanasia is illegal in the country. However, there lays a protocol called the Groningen Protocol which if followed prosecutors may be refrained from giving charges.

³³ T. Sheldon, 'Netherlands Sets Up Euthanasia Advisory Body' (1999) 318 BMJ.

In 2012, in the country of Netherlands, there were 4,188 deaths which represented at least three percent of the deaths in the year.

In 2013, a poll was conducted where it was held that ninety one percent of the people supported suicide in hopeless cases. Eighty five percent of the people supported euthanasia for those patients having dementia who do not want to survive with such a condition and fifty six percent favored euthanasia with the help of a suicide pill.

Annually there are almost two-percent deaths in the country of Netherlands due to euthanasia. Euthanasia is generally carried out in the country with the help of general practitioners who are the primary elements of the state's health care system and also by such doctors who are well-known to their patients and their feelings.

Also euthanasia is more possible in Netherlands due to the climate of the country, access to healthcare and income whereas it is not so easily carried out in other countries due to the lack of these facilities. However, it must also be noted that even the people in Netherlands now think that the provisions relating to right to life might now be going too far to the extent that there are organizations that are of the opinion that people above the age of seventy should consider euthanasia even when they are not suffering from any illness.

Conclusion

As concluding remarks it can be observed from the research that the doctors have the ability to use euthanasia in different ways. With the help of the Doctrine of Double Effect, a physician is permitted to render the patient upon their request a medication that speeds up the death process of the patient.³⁴ There also exists another method where the patients refuse treatments and makes a living will and in such cases the doctors forced to consider the will of the patients who are not able to express their views.

The above discussion depicts that the matters relating to euthanasia are quite complicated and it is not very likely that a proper top-down approach to make all the laws relating to euthanasia in the European Union combined and that such an process in all probabilities will not be successful.

³⁴ hanselawreview, 'Euthanasia Legislation In The European Union: Is A Universal Law Possible?' <<http://www.hanselawreview.org/pdf3/Vol2No1Art04.pdf>> accessed 5 January 2015.

Hence the courts will have a lot of scope and discretion to vary the laws regarding euthanasia and such related policy issues.

Different countries have different rights and different religions and hence a combined law would be complicated and not acceptable to many countries.

Hence laws on euthanasia need a lot of modifications with regard to both states which accept euthanasia and states which do not accept Euthanasia. Article 2 of the European Convention of Human Rights as most cases have suggested is extremely vast and includes a number of rights including the right to die. However, there also should be restrictions regarding these rights since an over-dependence on these rights might have negative repercussions.

Bibliography

'ACTIVE EUTHANASIA' (1988) 223 Acta Medica Scandinavica

Akhouri S, 'Right To Die' SSRN Journal

Brierley J, "'Right To Die": Changing "Right" To "Duty" May Focus Debate' (2005) 330 BMJ

Chetwynd S, 'Right To Life, Right To Die And Assisted Suicide' (2004) 21 Journal of Applied Philosophy

Clin B and Ferrant O, 'Law Of 22 April 2005 On Patients' Rights And The End Of Life In France: Setting The Boundaries Of Euthanasia, With Regard To Current Legislation In Other European Countries' (2010) 50 Medicine, Science and the Law

Cohen J and others, 'European Public Acceptance Of Euthanasia: Socio-Demographic And Cultural Factors Associated With The Acceptance Of Euthanasia In 33 European Countries' (2006) 63 Social Science & Medicine

Cohen J and others, 'Different Trends In Euthanasia Acceptance Across Europe. A Study Of 13 Western And 10 Central And Eastern European Countries, 1981-2008' (2012) 23 The European Journal of Public Health

Dragne L and Balaceanu C, 'The Right To Life A Fundamental Human Right' SSRN Journal

echr, 'Euthanasia And Assisted Suicide' <http://www.echr.coe.int/Documents/FS_Euthanasia_ENG.pdf> accessed 5 January 2015

echr, 'The Right To Life' (2015) <[http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-08\(2006\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-08(2006).pdf)> accessed 5 January 2015

hanselawreview, 'Euthanasia Legislation In The European Union: Is A Universal Law Possible?' <<http://www.hanselawreview.org/pdf3/Vol2No1Art04.pdf>> accessed 5 January 2015

Havers P, 'Impact Of The European Convention On Human Rights On Medical Law' (2002) 78 Postgraduate Medical Journal

Karrenberg C, 'EUTHANASIA' (1989) 19 Nursing

Leenen, 'The Development Of Euthanasia In The Netherlands' (2001) 8 European Journal of Health Law

Mackellar, 'Laws And Practices Relating To Euthanasia And Assisted Suicide In 34 Countries Of The Council Of Europe And The USA' (2003) 10 European Journal of Health Law

McCall Smith A, 'Euthanasia: The Law In The United Kingdom' (1996) 52 British Medical Bulletin

Meuwissen D, 'The European Human Rights Convention And Netherlands Law: The Impact Of The European Convention On Dutch Law. Theoretical Aspects' (1976) 23 NLR

Mowbray A, 'EUROPEAN CONVENTION ON HUMAN RIGHTS: THE 12Th PROTOCOL AND RECENT CASES' (2001) 1 Human Rights Law Review

Murdoch J, 'The Right To Live And The Right To Die' (1981) 283 BMJ

Nys H, 'A Presentation Of The Belgian Act On Euthanasia Against The Background Of Dutch Euthanasia Law' (2003) 10 European Journal of Health Law

Sheldon T, 'Netherlands Sets Up Euthanasia Advisory Body' (1999) 318 BMJ

Steck N and others, 'Euthanasia And Assisted Suicide In Selected European Countries And US States' (2013) 51 Medical Care

Suresh Bada Math S, 'Euthanasia: Right To Life Vs Right To Die' (2012) 136 The Indian Journal of Medical Research <<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3612319/>> accessed 5 January 2015

The Lancet Neurology, 'Right To Die—Right Or Wrong?' (2003) 2 The Lancet Neurology

van der Maas P, 'Netherlands: Euthanasia Legislation' (1992) 339 The Lancet

Zachary R, 'The Right To Live And The Right To Die' (1981) 283 BMJ

Makaratzis v Greece

McCann v United Kingdom (1995) 21 ECHR 97 GC ECHR

Nicklinson & Anor, R v A Primary Care Trust [2013] EWCA