

Euthanasia: A legal comparison between Italy and the Netherlands

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The Netherlands was the first legislation in the world that legalized euthanasia. On the contrary, in Italy, where there is no law about end-of-life decision making, euthanasia continues to be considered as criminal offense. In concrete, passive euthanasia to an unconscious patient and active euthanasia to a conscious patient are considered as homicides. Furthermore, active euthanasia to a non-consensual patient is considered as intentional homicide. Moreover, passive euthanasia to a consensual patient is treated as assisted suicide. However, it should be emphasized that, except in cases of active euthanasia to non-consensual patient, judges enhance the internal legislation by interpreting it through the constitutional right to health and the “European Convention on Human Rights and Biomedicine” of April 4, 1997. Article 32 of the Italian Constitution recognizes the “Right to health” which grants patients the right to consent to or even withhold from medical treatment. Furthermore, article 9 of the European Convention gives full legitimacy to the “Advance Directives” by considering them as “statements of intent”. In the Netherlands euthanasia is legal. Even if the Holland’s criminal code continues to punish people who commit homicides or assisted suicides, it recognizes an exception for the doctors who help patients to commit suicide only if they observe the criteria predicted in the law that use administrative rule to regulate this event. This kind of proceduralization end-of-life decision making is a good balance between the single right of self-determination and the national interest of the state to maintain humanity.

Biography

Denard Veshi has completed his studies in the University of Bologna School of Law where he was considered as one of the best students. He is one of the World Young Peace Ambassadors awarded from the Peace Conference of Youth in November 2010. Currently, he is continuing his Ph.D. in the first Joint International Doctoral Degree in “Law, Science and Technology” which is an interdisciplinary integrated doctorate, designed to address new challenges in legal, socio-ethical and technical domains arising from the information society and newly emerging technologies.

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