

## From Denmark

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Since the EAPC produced their first statement in 1994, *Regarding Euthanasia*, it has been used in Denmark and in the Nordic countries as an inspiration for statements made by the Danish Association for Palliative Care and the Nordic Association for Palliative Care. We have found it very useful and welcome the fact that the EAPC's Task Force has revised the position on euthanasia.

As an introduction to the key issues of this view from an EAPC Ethics Task Force on euthanasia and physician-assisted suicide it is said that: 'Respect for autonomy is an important goal of palliative care, which seeks to strengthen and restore autonomy, and not to destroy it.'

One of the arguments most frequently cited in favour of making active euthanasia legal is the belief in the value of the individual's autonomy over his or her own life. The argumentation is that one is in charge of oneself, one's life and hence also one's death.

Since respect for autonomy is an important goal in palliative medicine and at the same time the key issue in the question of euthanasia, a clarifying discussion of the concept of autonomy is needed. We need to be more precise about the concept of autonomy, and pose questions as to the understanding of what is actually meant by autonomy.

Under Danish law euthanasia is not legal and considered as an act of killing. In 1992, the Danish Parliament passed a new law allowing the withholding of treatment and withdrawing treatment in terminally ill patients. One of the implications of these rules is that the patient can always reject treatment and can thus, for example, avoid being kept alive artificially. If life-prolonging treatment is futile, the doctor must desist from it in principle.

On the issue of life-prolonging treatment, the Danish Parliament has, in other words, attached decisive emphasis to respecting the patient's right of self-determination and to avoiding the maintenance of life at any cost.

However, some people also wish to see the option of euthanasia introduced in Denmark. They wish to have the option of obtaining medical assistance under certain conditions to end a life of unbearable suffering. The

debate on euthanasia has been the subject of great attention and in Denmark an association for 'Death with Dignity' was formed in 2001.

Under Danish law, the doctor must respect the patient's autonomy with regards to foregoing treatment. If the patient makes a nontreatment decision, either in the form of a declaratory statement in a current illness situation or in the form of a living will (or advance directive) drafted beforehand, the doctor must comply with the patient's wishes.

Doctors have an effective right – and in some cases a duty – to provide 'passive euthanasia' and hence to be indirectly instrumental in shortening the patient's life.

If a patient is imminently dying – which in practice means that death is expected to occur within days or weeks, despite the use of whatever treatment is available – the doctor is authorized to:

- forego treatment that merely defers the time of death;
- use symptomatic treatments even though they may inadvertently hasten the time of death (double effect).

In other words, disconnecting a respirator or administering a drug that accelerates death is permitted under Danish law in certain situations. Danish law permits the use of terminal sedation if the intention is to relieve intolerable suffering and not to kill the patient.

The Danish Council of Ethics has in 1997 published a report on euthanasia.<sup>1</sup> The majority of the council voted against legalization of euthanasia. A minority (one member) voted for legalization of euthanasia. In 2002 the Danish Council of Ethics has published two reports on care of the dying. The first report was on Spiritual Care for the Dying and in November the council published a report on Treatment of the Dying – the Difficult Decisions.<sup>2</sup> The report describes the ethical aspects that are relevant in cases where decisions must be made on starting, withholding or withdrawing treatment of the dying. The Danish Council of Ethics is currently preparing a new report on euthanasia.

As far as I can see the situation in Denmark and the attitude towards euthanasia is very much in accord with the statement from EAPC's Ethics Task Force.

## References

- 1 The Danish Council of Ethics. Euthanasia? Summary of a report for use in the public debate. Prepared by Lene Stærbo, journalist, in collaboration with the Danish Council of Ethics, 1997. ([http://etisk.inforce.dk/graphics/03\\_udgivelser/publikationer/ENG003.HTM#1](http://etisk.inforce.dk/graphics/03_udgivelser/publikationer/ENG003.HTM#1))
- 2 Det Ethiske Råd. Behandling af døende. Copenhagen 2002. ([http://etisk.inforce.dk/graphics/03\\_udgivelser/publikationer/svaerebeslut/ren.htm](http://etisk.inforce.dk/graphics/03_udgivelser/publikationer/svaerebeslut/ren.htm))