

Holland decriminalises voluntary euthanasia

Tony Sheldon *Utrecht*

The Netherlands has become the first country in the world to pass a law decriminalising voluntary euthanasia. Dutch doctors carrying out the practice under strict conditions will no longer be judged automatically as criminals when the law comes into force this autumn.

The legislation will give statutory force to the conditions that apply to voluntary euthanasia, ending decades of uncertainty for the medical profession.

It will empower the regional committees of doctors, lawyers, and ethicists, to whom doctors must report euthanasia cases, to decide whether a doctor has acted with due care and if so to close the case. Currently that power rests with the public prosecution service: the committees can only make recommendations to the service.

An estimated 3600 cases of voluntary euthanasia are carried out each year in the Netherlands. The normally sober Dutch senate witnessed angry exchanges during the two day debate on

the measure as opponents spoke of "Nazi practices," a reference denounced as "disgraceful" by supporters.

Outside the Parliament building 11000 mostly Christian demonstrators prayed and held banners declaring "euthanasia remains murder." Since members of parliament passed the bill last November (*BMJ* 2000;321:1433) senators have been inundated by 60 000 letters and emails on the topic from the public, but the balance of opinion has been in favour of the bill. The senate backed the government by a majority of 46 to 28.

The spokeswoman for the opposition Christian Democratic party, senator Yvonne Timmerman, had called for doctors to be given a specific legal rights not to cooperate with euthanasia on moral grounds. She feared euthanasia could become a "viable treatment option," creating a culture in which "doctors have to defend their choices not to commit euthanasia."

However health minister Els Borst said that professional standards already ensured that staff with moral objections could refuse to work on euthanasia cases, to carry out abortions, or to participate in in vitro fertilisation without any consequences. Ms Borst believes that enacting the law will not result in an increase in the annual number of voluntary euthanasia cases.



Christians at the Dutch parliament pray in protest against euthanasia

She said that she had never met a doctor who agreed to a euthanasia request lightly. "A request for euthanasia presents a struggle for every doctor. That remains and should not be changed," she said.

Johan Legemaate, a professor of health law at Rotterdam's Erasmus University, said it was not the bill's intention to change procedures but to give the correct legal basis for those already existing.

The Royal Dutch Medical Association has long urged a formal legislative framework which would resolve the "paradoxical legal situation" and ensure that doctors acting in good faith and with due care would not face

criminal proceedings.

The new legislation states that doctors must be "convinced" that the patient's request is voluntary and well considered and that the patient is facing "unremitting and unbearable" suffering. Doctors must also have advised patients of their situation and prospects and reached a firm conclusion with the patient that there is "no reasonable alternative solution." Additionally, the doctor must consult "at least one other independent physician." The law also offers legal recognition of written euthanasia declarations and allows minors aged 12 to 16 to request euthanasia with the consent of their parents. □

Hungary curbs drug company advertising

Carl Kovac *Budapest*

Hungary's pharmaceutical manufacturers are facing a clamp-down on the methods they use to advertise and market their products to doctors. A health ministry decree, due to become effective within the next few weeks, will drastically limit what has been termed "rampant marketing" by manufacturers. "The era of uncontrolled drug advertising, unsupervised vaccine programmes, leaflets promoting pharmacies, and medications jamming mailboxes is over," said health minister István Mikola.

The new decree is seen by the health ministry as essential to bringing down the country's drug costs. The advertising bill

for prescription drugs, over the counter medications, and other healing products totalled 11.4bn forints (£26.4m; \$39.6m) last year. Promotions for these products, including those aimed at doctors, adds an estimated 50bn forints to the drug bill annually, according to the media research firm Médiagnózis.

The decree will strictly limit the amount manufacturers spend on conferences and other events—usually held in exotic foreign locations—to promote their products and will prohibit them from paying for doctors' trips to these events. Dr Kinga Karlinger, secretary of the Hungarian Doctors Chamber, said:

"Doctors don't like [the decree] because the average general practitioner can't afford to attend conferences abroad without [financial] help, and hospitals can't afford to send their staff doctors."

Drug companies will no longer be able to entice doctors with expensive gifts; the cost of such presents will be limited to 1% of Hungary's monthly minimum wage, currently 40 000 forints (£93). The decree also limits the number of free pharmaceutical samples doctors may accept and prevents doctors from receiving drug samples directly from manufacturers or importers. Such "freebies" will instead come through the chief pharmacist's office.

Additionally, representatives of drug companies, most of them doctors on a company's payroll, will be prohibited from pushing their products on fellow

doctors during office hours. In Hungary, doctors working for drug firms make several times more than doctors practising medicine, whose average monthly take home income is about 80 000 forints. Consequently, the number of medical school graduates forsaking the profession for more lucrative careers as pharmaceutical representatives is growing annually.

Drug companies are concerned about the decree primarily because they say drug advertising in Hungary is already regulated by advertising and pharmaceutical laws, and the industry code of ethics. Advertising agencies are appalled, contending that the decree is an unlikely remedy for Hungary's ailing healthcare system. A spokesman for one agency called the measures "nonsense" and said the decree would "only give way to more corruption." □