

The Legality of Active Euthanasia in Relation to Human Rights and Legal Approaches to Active Euthanasia in Different States

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Abstract: This paper has its focus on the relation between active euthanasia (AE) and human rights. Additionally, it researches the differences between the approaches of different states on the justification of AE. The two most significant sources, which are interpreted in this paper, are the European Convention on Human Rights (ECHR) and the two cases of the European Court of Human Rights (ECtHR).

The paper attempts to provide solutions to an issue regarding the relation between AE and human rights as the ECHR values the life of a human very high but, however, does not directly prohibit AE. Furthermore, the paper observes whether justification for AE could be deduced from other human rights.

The conclusion that might be drawn from this study is that there may be some human rights, which could potentially provide the justification for AE. However, as there exists also rights, which may be considered as opposite to the justification, it might be stated that deriving the justification for AE from human rights would be difficult as well as time-consuming.

Keywords: Active euthanasia, human rights, justification, sources

INTRODUCTION

The legality of AE has been and is a multidimensional as well as a controversial topic that has led to debates and discussions among different states and citizens.¹ In addition, the relation between the legality of AE and human rights is an issue that has as well been much discussed, and AE has received both support and opposition. To refer to the human rights perspective, there is no specific right to euthanasia, such as a right to die, codified in the ECHR. On the contrary, the ECHR includes Article 2 that guarantees an individual's right to life. In addition, there are differences between states' juridical approaches to AE within the European Union, and thus the laws of different states on euthanasia may vary from one another. For example, where few states in the European Union, such as the Netherlands and Belgium have legalized AE, Finland has decided to illegalize it like most of the other states of the European Union.²

There are some variable definitions for active euthanasia. However, in general, AE occurs when a physician intentionally causes the death of a patient by giving some lethal substances to a patient upon his or her request that must be based on certain conditions.³

In this research, I will focus on the relation between the legality of AE and human rights perspective, and hence a considerable part of the research is based on the two significant cases that are related to euthanasia, *Pretty v. the United Kingdom* (the UK) and *Haas v. Switzerland* in which

¹ Bamgbose, O. Euthanasia: Another Face of Murder. *International Journal of Offender Therapy and Comparative Criminology*. Vol. 48. No.1. 2004, p 111. Accessible: <https://doi.org/10.1177/0306624X03256662>

² Korkee, E. *Eutanasia sallittu vain neljässä maassa – Kuolinapu jakaa lääkäreiden mielipiteitä Suomessa*. Aamulehti. 2016. Accessible: <https://www.aamulehti.fi/kotimaa/eutanasia-sallittu-vain-neljassa-maassa-kuolinapu-jakaa-laakareiden-mielipiteita-suomessa-23983200>

³ *Lääkärin Etiikka. Elämän Loppu*. Eds. Samuli Saarni, Mervi Kattelus, Vuokko Nummi. Vol.7. Helsinki: Suomen Lääkäriliitto, 2013, p. 159

human rights perceptive is strongly involved as the different Articles of ECHR are interpreted. I will also compare legal approaches to AE in the Netherlands, Belgium and Finland in order to give a concrete example of the different approaches to AE occurring at the moment. To further specify, my research is based on the following questions. Could active euthanasia get justification from the human rights perspective by deriving the justification from other human rights that already exist in the treaties, for example, in the European Convention on Human Rights as there is no direct right that prohibits or allows AE exiting? How do the legal approaches to AE differ in the Netherlands, Belgium, and Finland?

1. THE RELATION BETWEEN LEGALITY OF ACTIVE EUTHANASIA AND HUMAN RIGHTS

As written above, the relation between AE and human rights can be considered as a complex topic, for instance, as there is no direct mention or a right that directly prohibits or allows AE in the ECHR. However, the research will focus on the possibility to approach the ECHR, in a way that justification for AE would be derived from other human rights that are already acknowledged and existed, such as a right to life, a prohibition of torture, a right to respect for private and family life and a prohibition of discrimination, which are all codified in the ECHR in the Section 1 as Articles 2, 3, 8 and 14. The ECtHR has applied those aforementioned rights in relation to euthanasia and assisted suicide in its earlier case law and, the two significant cases by ECtHR are *Pretty v. UK* and *Haas v. Switzerland*.⁴ In addition to the ECtHR, the United Nations Human Rights Committee (UNHRC) has also taken a position on euthanasia. Additionally, when pondering the legality of active euthanasia in relation to human dignity, human self-determination might be involved, which usually can be referred to people's right to decide on their own lives.⁵

1.1. Pretty v. the UK – Right to life, prohibition of discrimination, right to respect for private and family life, prohibition of torture

The case of *Pretty v. the UK* is significant in relation to euthanasia even though the case was mainly about assisted suicide.⁶ The decision of the ECtHR can be considered to be based on common law jurisdiction.⁷ Mrs. Pretty, the applicant, was suffering from terminal motor neuron disease and eventually, she died in 2002.⁸ Before her death, the disease had paralyzed her from her neck down, and hence the applicant asked for the Director of Public Prosecutions (DDP) to let her husband, who agreed with the applicant, to assist her to commit suicide without the husband being subjected to criminal liability, as the applicant herself wasn't physically able to commit suicide without any external help.⁹ DDP refused on the request, and the applicant appealed for DDP's decision but the Divisional Court and later the House of Lords refused the applicant's application.¹⁰ Thus, the case

⁴ Rietiker, D. From Prevention to Facilitation-Suicide in the Jurisprudence of the ECtHR in the light of the Recent Haas v. Switzerland Judgment. *Harvard Human Rights Journal*. Vol. 25. 2012, p 86.

⁵ Leenen H. J. J. Dying with Dignity: Developments in the Field of Euthanasia in the Netherlands. *Medicine and Law*. Vol. 8. 1989, p 517. Accessible: <https://heinonline.org/HOL/P?h=hein.journals/mlv8&i=527>

⁶ Cherkassky, L. *Text, Cases and Materials on Medical Law*. Pearson Education Limited, 2015, p 730.

⁷ Nugent, J. Walking into the Sea of Legal Fiction: An Examination of the European Court of Human Rights, *Pretty v. United Kingdom* and the Universal Right to Die. *Journal of Transnational Law & Policy* Vol. 13. No. 1. 2003, p 185

⁸ Millns, S. Death, Dignity and Discrimination: The Case of *Pretty v. United Kingdom* 3. No.10. *German Law Journal*. Cambridge University Press. 2002. Accessible:

<https://pdfs.semanticscholar.org/3fdb/7e651bfa7b823459629052eb4188ac54806e.pdf>

⁹ *Pretty v. the United Kingdom*, para. 10. no. 2346/02. ECHR 2002

¹⁰ *Ibid.*, para. 11-14

was brought to the ECHR by the applicant who argued that the DDP with its decision had violated her certain human rights.

1.1.1. Pretty v. the UK – Article 2 – Right to life

The applicant argued that a right to life, guaranteed by Article 2 of ECHR, protects not only an individual's right to life but an individual's decision on choosing whether to live or die and that a right to die could be derived from Article 2, and consequently Article 2 does oblige a state to guarantee an individual's right to die as well as a right to life.¹¹ On the contrary, the UK's Government, the respondent, argued that Article 2 may establish positive obligations for a state, and hence to safeguard an individual's life.¹² The applicant argued that her right to life was violated by DDP. According to the ECtHR's statement regarding the argument of the applicant, some of the Articles of the ECHR may include the opposite to the right, but that does not apply to Article 2, and hence a right to die could not be derived from the right to life.¹³ In addition, the ECtHR confirmed the respondent's position on Article 2 and held that Article 2 also obliges a state to safeguard and secure an individual's life even from an individual himself.¹⁴

1.1.2. Pretty v. the UK – Article 3 and Article 14 – Prohibition of torture and prohibition of discrimination

According to the applicant, the illness was causing her such terrible suffering that was considered as derogatory treatment under the prohibition of torture, and even though, the state was not directly responsible from such treatment, it still had a positive obligation to safeguard individuals from such treatment.¹⁵ On contrary to the applicant's argument, the respondent argued that Article 3 was not to be applied in the case as the prohibition of torture was mainly contained of negative obligations, not positive. Positive obligations were found only in three situations that, however, were not met in the case.¹⁶ The ECHR has stated that the prohibition of torture is one of the most fundamental and essential rights of the ECHR and considered as one of the core values of democratic societies. Additionally, the state's positive obligations to protect individuals from inhuman or degrading treatment are to be found in the previous legal praxis of ECtHR.¹⁷ The ECtHR's case law has as well defined the "treatment" to mean more specifically "ill-treatment" and specified when the treatment of an individual may be covered by Article 3.¹⁸ For example, ECtHR has stated the following in its previous case law: "Where treatment humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance, it may be characterized as degrading and also fall within the prohibition of Article 3."¹⁹ However, ECtHR held that in the case of Pretty v. the UK, the state has provided adequate treatment for the applicant and has not caused any "ill-treatment" for her, nor cannot the positive obligation be found to arise from Article 3 and, hence Article 3 has not been breached.²⁰

Additionally, the applicant invoked to the prohibition of discrimination, Article 14, by arguing that she was treated in the same way as those who were capable of committing suicide, and hence

¹¹ *Ibid.*, para. 35

¹² *Ibid.*, para. 36

¹³ *Ibid.*, para. 39, 40

¹⁴ *Ibid.*, para. 38

¹⁵ *Ibid.*, para. 44

¹⁶ *Ibid.*, para. 47

¹⁷ *Ibid.*, para. 51

¹⁸ *Ibid.*, para. 52

¹⁹ *Ibid.*, para. 52

²⁰ *Ibid.*, para. 56

was exposed to discrimination.²¹ The respondent, however, argued that Article 14 was not to be applied, as the situation of the applicant was different than the situation of those who were capable of committing suicide without any external help. ECtHR stated that the state could be committed to discrimination in a situation where people in different positions are treated differently and, in a situation, where people in the same position are treated in a similar way and held that Articles 8 and 14 were engaged together as well.²² Thus, it held that there occurred no violation of Article 14.²³

1.1.3. Pretty v. the UK – Article 8 – Right to respect for private and family life

The applicant argued that based on a right to respect for private and family life, he has a right to decide on the time and the ways of his death, and a state cannot restrict the right by limiting an individual's right to die with the assistance of another individual.²⁴ The respondent stated that a state has a right to limit the actions of a person that may violate her even if Article 8 does contain a right to die.²⁵ ECtHR has not directly denied that the prohibition of dying with assistance would violate an individual's right to respect for private and family life. However, it held that no violation has occurred in that specific case.²⁶

1.2. Haas v. Switzerland – Article 8 – Right to respect for private and family life

The case of Haas v. Switzerland can be considered as a significant case in relation to euthanasia and the interpretation of Article 8 of the ECHR. Haas, the applicant, was a national of Switzerland and suffered from bipolar affective disorder and he was no longer able to live a life that would be considered as valuable, and thus he tried to commit suicide for a couple of times but failed. Eventually, he asked for several physicians to prescribe him a fatal amount of lethal medicine, called sodium pentobarbital, but his attempt was no successful. The applicant asked for different state authorities to grant him a permit of exception, but no authority granted such a permit.²⁷ Authorities stated, that Article 8 doesn't impose a positive obligation for a state to offer euthanasia the conditions that guarantee painless and definite death.²⁸ Hence, the applicant appealed to the Federal Court who rejected the applicant's appeals based on the rationale of the authorities. Swiss penal code, Article 115, permits assisted suicide only for unselfish reasons.²⁹

The applicant argued that the respondent had violated Article 8 by disallowing the applicant to decide on how and when he wants to die by not providing lethal sodium pentobarbital for him, and stated that taking the sodium pentobarbital was the only way to guarantee dignified, quick and painless suicide.³⁰ The respondent argued that even though Article 8 could be considered to confer a right for an individual to decide on how and when he wants to die, a violation could be justified on the grounds of Article 2. The ECtHR held that the respondent had not violated Article 8 even though

²¹ *Ibid.*, para. 85

²² *Ibid.*, para. 89

²³ *Ibid.*, para. 90

²⁴ *Ibid.*, para. 58

²⁵ *Ibid.*, para. 60

²⁶ *Ibid.*, para. 78

²⁷ Harmon, S.H. and Sethi, N. Preserving life and facilitating death: What role for government after Haas v. Switzerland. *European Journal of Health Journal*. Vol. 18. No. 4. 2011, p 356. Accessible:
<https://heinonline.org/HOL/P?h=hein.journals/eurjhlb18&i=365>

²⁸ Haas v. Switzerland, para. 10, no. 31322/07. ECHR 2011.

²⁹ Gamondi, C., Pott, M. and Payne, S. Families' experiences with patients who died after assisted suicide: a retrospective interview study in southern Switzerland. *Annals of oncology*. Vol. 24. No. 6. 2013, p 1640. Accessible:
<https://academic.oup.com/annonc/article/24/6/1639/180484>

³⁰ Haas v. Switzerland, para. 33, no. 31322/07. ECHR 2011.

Article 8 could grant a right for an individual to decide on their deaths and lives and it also referred to the case of *Pretty v. the UK* by stating that Article 2 doesn't have an opposite right – a right to die.³¹ Eventually, the reasoning for the decision was based on Article 2 which was prioritized high as it guarantees a right to life.

1.3. Arguments about the human rights in relation to AE based on the cases

It can be argued that the applications and meanings of Articles 2 and 8, a right to life and a right to respect for private and family life, have received the most significant importance and observations in relation to AE. In the cases of *Pretty v. the United Kingdom* and *Haas v. Switzerland*, neither of the applicants reached the desired decision by the ECtHR as it held in both cases that the respondents had not acted against the applicants' rights, and thus there occurred no violations of the applicants' rights. However, especially the case of *Pretty v. the UK* can be considered as a significant precedent on euthanasia as it provides great arguments and interpretations of certain human rights in relation to euthanasia.

1.3.1. Arguments that can be stated based on the case of *Pretty v. the UK*

In the case of *Pretty v. the UK*, for example, Articles 2, 3, 8 and 14 were analyzed and taken into account by the parties and the ECtHR. As said above, the main emphasis can be seen to be placed on Articles 2 and 8 and their reciprocal relation, and hence they will get the greatest attention and observation in this chapter. However, firstly, Articles 3 and 14 in relation to AE are taken into consideration.

In general, the purpose of Article 3, that is considered as one of the most fundamental for individuals, in relation to AE in a situation where an individual is suffering from a terminal disease that causes horrible pain, could be thought of as quite simple – Article 3 should protect an individual from such a situation. However, the ruling of the ECtHR in the case of *Pretty v. the UK*, has shown that the relation between euthanasia or assisted suicide and Article 3 is not that simple nor straightforward, and it can be argued and stated that Article 3 cannot directly or automatically grant an acceptance or justification for active euthanasia either. In addition, it must be noticed that the ECHR and its Articles should be interpreted as a whole and not to give too much emphasis on one specific right by ignoring others. Based on the decision of the ECtHR considering Article 14, the right to euthanasia cannot probably be directly or automatically derived from the prohibition of discrimination even in a situation where individuals in different positions are not treated differently.

The main emphasis is on Articles 2 and 8. In the case, the ECtHR verified that even though some of the rights can have an opposite right in the ECHR, but Article 2 is not such a right that could have the opposite meaning – a right to die. The issue that might arise from the interpretation is that how some rights can be granted the opposite right and others cannot be granted such a right. Such an interpretation could, in general, be considered as questionable as it in a way puts some rights in an unequal position depending on if an opposite right is to be granted. However, when analyzing the position of ECtHR on euthanasia, the right on active euthanasia cannot be derived from Article 2 as it cannot be considered as a right that has the opposite right to its original meaning as well. The deviant position on justification on euthanasia is presented by Article 8 and its interpretation on AE. According to the interpretation of the ECtHR, Article 8 can be considered to grant a right to an individual to decide how and when he or she wants to die and face death. However, in the case, the ECtHR held that there occurred no breach of Article 8 as other rights of the ECHR must be taken

³¹*Ibid.*, para. 50,61

into account and one right cannot be too much emphasized. However, the ruling and the decision show that it can be possible to derive justification on AE from Article 8 of ECHR.

1.3.2. Arguments that can be made based on the case of Haas v. Switzerland

The case of Haas v. Switzerland was mainly focused on Articles 2 and 8. Even though the decision of the ECtHR was not favorable to the applicant, the interpretation of Article 8 could be considered as compliant and approbative in relation to AE as Article 8 was applied to grant a right for an individual to decide on his or her death and life. This interpretation of the ECtHR shows that there might occur a possibility to deduce justification on active euthanasia from one of the human rights that is acknowledged in the ECHR, a right to respect for private and family life, even though the other human rights, such as a right to life, must be also taken into account when analyzing the possibility of justification for AE in relation to human rights. The case of Haas v. Switzerland in some way confirmed that generally Articles and rights of human rights treaties, such as Articles and rights of the ECHR, are to be applied together as a whole. However, in this case, the ECtHR can be considered to have verified the position of Article 2 by, a right to life, by valuing it very high as it could be considered to give priority to Article in question over Article 8. Based on the decision of the ECtHR, it can be stated that euthanasia and the possible deaths of individuals are taken seriously and approached carefully and thoughtfully from different perspectives.

1.4. The United Nations Human Rights Committee on Euthanasia

As stated above UNHRC has also taken a position on euthanasia. To specify the aforementioned statement, UNHRC has interpreted an individual's right to life, which is guaranteed by the International Covenant on Civil and Political Rights (ICCPR), in its draft called General Comment No. 36. Based on the draft, UNHRC can in some way be considered to support legalizing euthanasia and assisted suicide as the draft provides the following: "States parties [may allow] [should not prevent] medical professionals to provide medical treatment or the medical means in order to facilitate the termination of life of [catastrophically] afflicted adults, such as the mortally wounded or terminally ill, who experience severe physical or mental pain and suffering and wish to die with dignity."³²

However, it should be noticed that the interpretation of the UNHRC concerns the ICCPR and not the ECHR. Nonetheless, as it can be seen the ICCPR also guarantees some and certain human rights, such as a right to life. The approach and the interpretation of UNHRC can be considered in some parts to refer to the acceptance of performing euthanasia or at least its approach can be seen as referring to the neutral position on euthanasia. In addition, the statement can as well be considered to provide juridical protection for states to legalize and allow performing active euthanasia, and at least for those states that have already legalized it, such as the Netherlands and Belgium. The position and approach of the UNHRC towards euthanasia expresses that the justification for euthanasia may be deduced from other human rights. The UNHRC also mentions dying with dignity, that is usually taken into account and included into discussions on euthanasia.

³² Human Rights Committee. 10/2018. General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life. Para. 10. Accessible:
https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/GCArticle6_EN.pdf

2. LEGAL APPROACHES TO ACTIVE EUTHANASIA IN THE NETHERLANDS, BELGIUM AND FINLAND

As said above, the legal approaches and laws on euthanasia and to specify, on AE, in Netherlands and Belgium are seemingly different than in Finland, as both the Netherlands and Belgium have legalized active euthanasia not only for adults but for minors as well, and Finland itself has made euthanasia illegal for everyone. Thus, there occurs a variation between states' legal approaches and laws.

2.1. Current legal situations in the states aforementioned

The Netherlands enacted a law on euthanasia, Termination of Life on Request and Assisted Suicide Act, that came into force on 1st of April 2002.³³ It permits performing euthanasia by a physician under specific conditions and due care, such as a voluntary and frequent request by a patient and a mortal illness that causes unbearable pain, and if such conditions are not obeyed by a physician, he or she might be prosecuted under Dutch Penal Code.³⁴ In addition, a child who has reached the age of 12 can require euthanasia based on her or his will under strict circumstances.³⁵ Belgium as well has legalized AE under certain circumstances, and hence the law on legalizing euthanasia came into effect on the 23rd of September 2002, permitting euthanasia and verifying that it is not criminalized when a physician obeys perquisites and the conditions based on the law.³⁶ In 2014, Belgium removed the age limit of euthanasia and legalized euthanasia for the children suffering from terminal illnesses under strict conditions.³⁷ On contrary to the laws of the Netherlands and Belgium, Finland has no law on euthanasia. However, AE is illegal in Finland on the grounds of the Criminal Act and Act on the Status and Rights of Patients, and hence ending a patient's life by a physician or another assistant is considered as killing or homicide and is strictly punishable.³⁸ Euthanasia cannot legally be performed for adults or minors. Yet, euthanasia has been debated topic also in Finland. In 2016, the citizens' initiative on euthanasia got over 60 000 supporters and proceeded to the Parliament. Eventually, the Parliament voted for the rejection.³⁹

2.2. Arguments on the differences occurring in the Netherlands, Belgium and Finland

Based on the laws of the Netherlands, Belgium and Finland, euthanasia and active euthanasia can be treated very differently between different states within the EU. As it is written above, where the laws of the Netherlands and Belgium permit performing AE by a physician, the legislation of Finland considers performing the treatment as a criminal act, and thus punishes those who commit it. However, the progress of the initiative to the Parliament has shown that there is also a genuine

³³ Buruma, Y. Dutch tolerance: On drugs, prostitution, and euthanasia. *Crime and Justice*. Vol. 35. No. 1. 2007, p 99

³⁴ Janssen A. The New Regulation of Voluntary Euthanasia and Medically Assisted Suicide in the Netherlands.

International Journal of Law, Policy and the Family. Vol. 16. No. 2. 2002, p 260. Accessible: <https://heinonline.org/HOL/P?h=hein.journals/intlpf16&i=268>

³⁵ Bovens L. Child euthanasia: should we just not talk about it? *Journal of Medical Ethics*. BMJ. Vol. 41. No. 8. 2015, p 634. Accessible: <https://www.jstor.org/stable/44014168>

³⁶ Burkhardt S., La Harpe R., Harding T-W., Sobel J. Euthanasia and Assisted Suicide: Comparison of legal aspects in Switzerland and other countries. *Med. Sci. Law*. Vol. 46. No. 4. 2006, pp. 290-291. Accessible: <https://heinonline.org/HOL/P?h=hein.journals/mdsclw46&i=287>

³⁷ Bovens L., *supra nota* 35, p. 631

³⁸ Lääkärin Etiikka. *Elämän Loppu*. (2013), *supra nota* 3, p. 160

³⁹ Vartiainen, N. (2018) Eduskunta äänesti eutanasiasta sallimisen kumoon. *Helsingin Sanomat*. 3.5.2018. Accessible: <https://www.hs.fi/politiikka/art-2000005665880.html>

willingness among some citizens of Finland to legalize euthanasia, and hence to make changes to the current legislation that prohibits euthanasia. It can be observed that the mindsets on legalizing euthanasia between different states can be very similar even though the laws might deviate considerably from each other. Juridical approaches towards AE are hence completely different when comparing the Netherlands and Belgium to Finland. However, the treatment, even though it's legalized in the Netherlands and Belgium, is not performed lightly or easily, yet it is thoroughly considered as there are the possibility and risk of prosecution under the law. In addition, in the Netherlands and Belgium euthanasia is allowed to perform also to minors, which seemingly places minors to an equivalent position with adults. This decision can be considered to emphasize a mindset that despite the individual's young age and minority if a minor is suffering from a terminal illness that causes unbearable pain he or she has an equal right and possibility to euthanasia under the laws of the Netherlands and Belgium. Therefore, it can be argued that in some states AE is also a right that is not dependent on an individual's age.

CONCLUSION

As I have already emphasized earlier in this research, the situation with active euthanasia and its legalization in relation to human rights is not unequivocal, and it truly has been, and is a controversial topic, on which people and states' have taken a different and varied approaches as some people and states are for it and others against it. In addition, the position of the ECHR does not really clarify the situation as the ECHR does not include a clear prohibition or justification for active euthanasia, nor does it directly provide a right to death, contrary to a right to life that is guaranteed by Article 2.

The two cases of *Pretty v. the United Kingdom* and *Haas v. Switzerland* have both included significant legal argumentation on assisted suicide and euthanasia as well as clarified and strengthened the position of the ECtHR. Thus, they may be considered as two of the most important cases on assisted suicide and euthanasia. The question of whether active euthanasia could receive justification from human rights perspective by deriving the justification from other human rights that already exist in the treaties, for example, form the rights of the ECHR, can be researched by analyzing the abovementioned cases. Based on the decisions and arguments of ECtHR, the justification on active euthanasia cannot be directly or easily deduced from the other human rights and Articles, such as from Articles 2, 3, 8 and 14. The Article 2, a right to life, can be considered as the most significant obstacle to the justification for euthanasia as ECtHR has prioritized and valued it considerably high as it guarantees and secures an individual's life. However, based on the statements of ECtHR, the Article 8, that guarantees a right to respect for private and family life, can be considered as granting a right for an individual to decide on his death as well. Thus, it is basically possible to derive the justification on active euthanasia from Article 8. However, as the rights of ECHR form a whole and must be analyzed together, in general, the justification on AE by deriving it equally from other human rights above, can be considered as difficult and improbable. Additionally, despite that some institutions, referring to the UNHRC, have taken an approving position on euthanasia, the issue of euthanasia remains complex and not straightforward as stated earlier.

As said earlier, active euthanasia is treated totally different in NL and Belgium than in Finland, as the latter has illegalized and criminalized euthanasia by law. However, even though euthanasia is legal for adults and minors in the first two countries mentioned above, there is a possibility for a physician to be prosecuted under the law if he acts against the conditions that are determined by the

law. Thus, it can be concluded that even though active euthanasia is legal in a few countries, it is never performed on light grounds and it requires compliance with the law.

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