

## **GUIDELINES FOR MEDICAL PRACTITIONERS on EUTHANASIA**

### **Introduction**

(Active) Euthanasia is defined as the act of deliberately ending the life of a patient, even at the patient's own request or at the request of close relatives.

Medical Practitioners are often faced with a patient who is suffering and terminally ill and want the doctor to end their life by way of lethal injection e.g.

This is a very difficult situation to deal with correctly, because doctors have taken an oath to preserve and protect life, however, when people are suffering, empathy often becomes astoundingly overwhelming and trying to treat a person with dignity and allowing them to die with same intact, sometimes places Medical Practitioners in a difficult position.

### **What is a Living Will?**

A Living will is drawn up when a patient is mentally competent. This document dictates his/her clear intentions, to the care givers and next of kin, as to what should or should not be done in the event of a permanent and incurable illness or condition.

The terms may vary from active euthanasia to prescription of drugs the side effect of which may hasten death.

The so-called living will is of course not a will in the true sense of the word. It is at best a declaration which a person in anticipation of certain future events, gives rise.

We should also remind ourselves that every person has the right to refuse medical treatment of any sort, even if such refusal has the imminent death is expedited as a result thereof.

We cannot deny that such a document is in essence, not legal at all.

In the South African context and law, a person can't give consent to be harmed/injured etc.

Thus, drafting a document in which you provide consent to be put to death, does not provide any legal argument which will stand in a Court.

### **Assisted Suicide**

Assisted suicide is the provision, but not the administration of a legal drug or weapon.

### **What to do when receiving a Living Will or request for Active Euthanasia or Assisted Suicide**

At the moment, when taking into account the current South African legislation, the only a medical practitioner can do is to refuse to act on the request for Active euthanasia/assisted suicide or for executing of a Living Will.

In all instances, the action taken in bringing forth the result of death of a patient, will be deemed to be murder and will lead to a conviction for murder.

Mitigating circumstances will be taken into account by the Court, but the validity of any argument which supports a medical practitioner in such an action, will be depleted by the fact that Section 9 of the Constitution provides every person in this country with the absolute right to Life.

Should any practitioner be confronted with such a document or situation, the best thing to do is to report the request to the immediate Senior or Human Resources Manager and Superintendent of the Hospital.

Further to the above, you can also contact SAMA for legal advice and confirmation of what has been set out in this document.

It is of extreme importance that no action be taken in this regard, until the relevant management and superiors have been informed.

Active Euthanasia, Assisted Suicide and Living Wills are illegal.

Do not engage in providing assistance in any manner which could be seen as assistance to expedite, as this will result in a sure conviction for murder.