



GOVERNMENT
OF MALTA

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PRINCIPLES AND SAFEGUARDS PROPOSED

ON **ASSISTED
VOLUNTARY**
EUTHANASIA

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The proposed eligibility criteria for assisted voluntary euthanasia are strict, and there are several safeguards, including three certificates from medical professionals and a process of approval by a regulatory board.

Not everyone with a terminal illness will be able to undergo assisted voluntary euthanasia.

Who can undergo assisted voluntary euthanasia?

The request for assisted voluntary euthanasia can only be made by the expressed, free, and documented will of a person suffering from an irreversible terminal illness, who meets a specific criteria.

The patient must be at least 18 years old and provide proof, via an identity card, that they have been a resident in Malta for at least 12 months.

To qualify for assisted voluntary euthanasia, the patient must have a certificate from a medical consultant specialising in their particular condition, certifying that the illness is reasonably expected to end their life within six months.

Is one certificate enough?

No, one certificate is not enough.

In addition to the certificate by the medical consultant specialising in their particular condition, another certificate from another medical doctor is required to confirm that the patient is terminal and irreversible. A certificate from a psychiatrist confirming that the patient is in a mental state capable of making their own decision and is making an informed decision, is also needed.

The medical team assisting the patient has the duty to inform them about palliative care services that can help alleviate their suffering.

What constitutes a terminal and irreversible illness?

The legal definition of a terminal illness is that the patient has a terminal illness or progressive medical condition that will lead to the end of their life and cannot, in any way, be cured or overcome. As a result of these medical facts, the medical professional will reasonably conclude that the patient's life expectancy will not exceed a six-month period.

Who will regulate the process?

There will be a Regulatory Board within the Ministry of Health, led by a former judge and with members from the medical and legal professions, who will be informed of the case. The board will actively monitor the entire process and, within a prescribed period of no more than two weeks, will issue its decision after speaking with both the medical professionals who issued the certificates and the patient themselves, following a reflection period for the patient regarding their decision.

The patient has the right to change their mind at any point during the process and withdraw their decision.

What is the procedure for assisted voluntary euthanasia?

Once the approval of the regulatory board has been obtained, the procedure for assisted voluntary euthanasia can **ONLY** take place in a dedicated location within a government hospital or in the patient's private residence, according to their wishes.

The patient must decide whether they want their relatives to be present, and the patient's wishes and choices must always be respected.

The final procedure must always be conducted with dignity and empathy, in the presence of a medical professional who assists the patient. After the patient gives their consent once more, the patient will carry out the final procedure on themselves.

In the case of physical limitations, the patient can delegate this responsibility in writing, through a healthcare proxy, to a trusted person who is willing to accept this role.

The termination of life through assisted voluntary euthanasia should be considered a natural death once the regulatory board verifies and certifies that all legal procedures have been followed.

What controls will there be in the final procedure?

Any required equipment and/or medication prescribed to carry out the patient's will for assisted voluntary euthanasia must be provided by the state hospital pharmacy as part of the national health service.

The medical professional assisting the patient in the final moment must personally ensure that any unused equipment and medication are returned within 24 hours to the state hospital pharmacy from which they were taken.

Are there other safeguards to ensure ethical practices?

Yes, there are several other safeguards.

No one, including the medical team, should propose or in any way pressure the patient into requesting assisted voluntary euthanasia. If this occurs at any stage, it would be a criminal offense, and legal steps will be taken.

The regulatory board is responsible for reporting to the relevant authorities if any suspicions arise about such cases.

If, at any stage, it is found that the patient has been pressured into requesting assisted voluntary euthanasia, or if the patient changes their mind, the process must immediately stop.

The procedures for assisted voluntary euthanasia, under no circumstances, allow for them to be commercialised for profit, and therefore, they must be carried out within the context of public health services.

The regulatory board is responsible for maintaining an audit trail of each case and, once a year, must publish statistics on the number of requests made, the number of cases that were denied and the reasons for denial, cases that were interrupted because the patient changed their mind or for other reasons, and the number of assisted voluntary euthanasia cases that were carried out.

Who does not qualify for assisted voluntary euthanasia?

No one qualifies for assisted voluntary euthanasia **EXCEPT** for patients who meet the eligibility criteria as explained earlier.

Persons with disabilities, those with mental health conditions, and those with health problems associated with ageing cannot undergo euthanasia due to these conditions.

Can a medical professional refuse to participate in the assisted voluntary euthanasia process?

Yes, a medical professional can refuse to participate at any stage of the process leading to assisted voluntary euthanasia. At the same time, each medical professional is obligated to respect the will and wishes of the patient and must refer the patient to other professionals.

Can you request euthanasia with a living will or advance medical directives?

A living will (also called advance medical directives or advance care plans) can be very useful for patients, their families, and the medical team as they provide clarity about what kind of care the person would want in various health conditions. However, if a request for assisted voluntary euthanasia is made in these documents, it cannot be acted upon unless the patient meets the eligibility criteria.

What is the purpose of a living will?

There are several medical situations in which a person, with informed choice, can establish what type of care and treatment they would want or not want if, at some point in their life, such care becomes necessary. Medical professionals are required to respect the autonomy of the patient and follow the instructions provided in these medical advance directives or care plans.

How can medical wills with care plans be created?

There are various templates for medical conditions that can be consulted. Ideally, the person should seek informed advice from a trusted medical professional. A living will with a care plan must be made before a public notary, registered, and accessible in digital form on the MyHealth system. Ideally, family members should also be informed about it.

The person has the right to modify these directives at any point in their life regarding their care.

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