

## Luxembourg constitutional crisis averted

### Procedure for constitutional revision

The Constitution can be amended following the review process that determines itself in article 114, under which a revision of the Constitution must be adopted by the Chamber of Deputies in two successive votes separated by an interval of at least three months, each at least 40 of 60 votes.

The text adopted on first reading may, under certain circumstances, be subject to a referendum in which replaces the second vote of the House.



Luxembourg was thrown into a constitutional crisis last Tuesday after Grand Duke Henri threatened to block a law legalising euthanasia in the event that it is ratified by parliament. Prime Minister Jean-Claude Juncker responded quickly by saying the country would change its constitution to reduce the powers of the sovereign.

M. Juncker said "Because we wish to avoid a constitutional crisis, but at the same time respect the opinion of the Grand Duke, we are going to take out the term 'approve' from article 34 of the constitution and replace it with the word 'promulgate,'"

The decision came after two hours of emergency talks with political party leaders who gave their support for the measure. A constitutional change such as this would require a two-thirds majority in parliament.

Despite M. Juncker's personal opposition to the Act he said "I understand the Grand Duke's problems of conscience. But I believe that if the parliament votes in a

law, it must be brought into force," Luxembourg Minister for Justice, Luc Frieden, said that the Grand Duke "will no longer participate in the legislative process, he will just sign the law to mark the completion of the procedure," François Bausch, the leader of the Luxembourg Green party, which has supported the Euthanasia Bill, said: "I hope the law will pass through Parliament by the end of the year. I hope that the Grand Duke will respect the consensus which has always prevailed in Luxembourg."

53 year old, Grand Duke Henri has been Luxembourg's sovereign since the year 2000 and he reportedly informed political party leaders on Monday evening that he would not sign the bill "for reasons of conscience". Traditionally, the sovereign has maintained a position of political neutrality. This is the first time in Luxembourg's history that a sovereign has attempted to block a decision agreed in parliament.

Although in 1912, Luxembourg's Grand Duchesse, Marie Adelaide, waited a month to decide before signing a law which reduced

the hours of religious instruction in primary schools. A few years later on 23 December, 1916, she exercised her constitutional power to dissolve parliament and call new elections.

The proposed new law will make euthanasia, in certain controlled cases, legal and is expected to be adopted later this month after its second and final reading. Normally it is the Grand duke's role to "approve and promulgate" the law by merely signing it off within three months. The draft act was approved in February with 30 votes in favour and 26 votes against.

Comparisons have already been drawn with Belgium when in 1990, King Baudouin of Belgium, the Grand Duke's uncle, abdicated for one day to avoid signing a Belgian law liberalizing abortion that he opposed on religious grounds. It has been reported that Grand Duke Henri has said that he will not stand in the way of any change to the constitution.

The Luxembourg Parliament will vote on the law for the change to the constitution on 11 December and on the Euthanasia Law (Bill 4909) on 18 December.

### Euthanasia: a continent divided

Europe is deeply split over how it treats its terminally ill.

Active euthanasia: which is the taking deliberate action such as an injection to end a patient's life  
Passive euthanasia: withdrawing medical treatment with the deliberate aim of ending life.

**The United Kingdom** - As the law stands in England, Wales and Scotland, deliberate or "active" euthanasia will normally leave anyone assisting suicide or death liable for murder. Since 1993, "omissions" that are principally the removal of life-saving care, are not illegal.

**Germany** - The law on assisted suicide is not clear. It is no longer illegal, but it cannot involve a doctor because that would violate the code of professional medical conduct and might contravene a doctor's legal duty to save life.

**The Netherlands** - In 2002 the Netherlands was the first country in the world to legalise euthanasia, although it had been widely tolerated since the early 1970s. The rules are strict and cover only patients



with an incurable condition who face unbearable suffering.

**Sweden** - Passive euthanasia is now possible in Sweden because of new medical guidelines which allow doctors to halt life-extending treatment if a patient asks.

**France** - Under the "end of life" law, doctors are advised to avoid taking extreme measures to keep dying or brain-dead patients alive.

**Switzerland** - Assisted suicide is not illegal in Switzerland and can have the involvement of non-physicians. Many Europeans have travelled to Zurich to end their lives because of Dignitas, an organisa-

tion set up in 1998 to help people with terminal illnesses. According to Swiss law, a person can be prosecuted only if helping someone commit suicide out of self-interested motivation.

### Right to Die with Dignity Association delivers petition to Parliament

The Luxembourg Association for the Right to Die with Dignity in conjunction with Sokrates.lu

handed over a petition containing 10,000 names on 3 December to the President of the Chamber of Deputies, Lucien Weiler.

This was a petition for the adoption of the Bill 4909, decriminalizing euthanasia and was in direct response to a petition by the Wort newspaper against the adoption of this law.

Marthy Putz, a cancer sufferer herself, has been a longtime campaigner for the Right To Die With Dignity Association and 352 asked her what she thought of the Grand Dukes recent statement.

"I am very disappointed these matters do not concern the Grand Duke, he should always remain neutral. I believe that M. Juncker has done the right thing in proposing to change the constitution" "We had just over 2000 people who signed our petition eight months ago and now we have 10,000 names. This reflects the public interest in favour of this law. Our Association pour le Droit de Mourir dans la Dignité was founded by a medical doctor, Henri Clees, in 1988. He served as president until he died, 6 years ago. Today we have over 800 members. "



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