

End of life: should we go beyond the current legal provisions?

Press release of the French National Academy of Medicine

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The French National Academy of Medicine (ANM), which has for a long time been involved in the reflection on the end of life ¹, has always asserted that it is not the doctor's mission to give death, and that we cannot hide the real suffering of caregivers to move from care to active assistance in dying.

Two legislative proposals have recently been presented by some members of parliament, dealing specifically with "active assistance in dying"². This concerns assisted suicide and euthanasia. Assisted suicide, also known as assistance to suicide or medically assisted suicide, characterizes the conduct of a patient who self-administers a lethal substance prescribed by a physician due to an incurable disease and a near end of life. Euthanasia concerns the situation of a patient who asks his/her doctor to perform the lethal act himself.

The law of February 2, 2016³, known as the second Claeys-Léonetti law, created new rights for sick people and people at the end of their life. "Everyone has the right to a dignified end of life accompanied by the best possible relief of suffering.....". A dignified and peaceful end of life is ensured by the quality of care, by appropriate palliative care and, if necessary, by proportionate sedation, or even in some cases deep and continuous sedation "causing an alteration of consciousness maintained until death, associated with analgesia and the cessation of all life-sustaining treatments". This sedation is possible for a patient suffering from a serious and incurable disease, whose vital prognosis is engaged in the short term. Other provisions reinforce the importance of advance directives, which are now binding on the doctor, and of those of the trusted person, whose testimony "prevails over any other testimony"⁴[4].

Should we go beyond these provisions?

¹ The Academy has expressed itself on the subject on several occasions. The most recent works: Regarding the new rights in favor of the sick and people at the end of life, D. Pellerin, J-N. Fiessinger, March 5, 2015; ANM Ethics Committee, Contribution to reflection on end of life, document for the CCNE (National Consultative Ethics Committee), March 9, 2018.

² Text recorded at the Presidency of the Senate on Nov. 17, 2020, n ° 131, and text recorded at the Presidency of the National Assembly on Jan. 19, 2021, n ° 3755.

³ Law n ° 2016-87.

⁴ Art. L 1110-5, 1110-5-2, L 1111-6 and L 1111-11 of the public health code.

- According to recent evaluations of the 2016 law, after more than five years, health professionals' knowledge of the provisions adopted for the end of life is insufficient⁵ [5]. The same lack of knowledge can be observed among the population, which, depending on the nature of the questions asked, biases the responses to the polls on a subject as sensitive as assisted suicide or euthanasia.

- In practice, there is still a great inequality in access to end-of-life palliative care.

While committing to continue its work on this topic, the Academy is focusing its current recommendations on the effective application of the existing system.

The French National Academy of Medicine stresses that a new legislative mechanism should not be adopted while the current healthcare provision and training of those in charge are still far from being fully implemented to meet the needs and concerns of our fellow citizens.

It highlights the need for:

- an in-depth training on the end of life be provided to all categories of health professionals, in particular on the practice of palliative care and the modalities of deep and continuous sedation,
- an objective and detailed information to the public on the legislation in force be actively pursued, everyone having to know his/her current rights in the area of end of life, and being able to express his or her wishes in this field,
- a rigorous evaluation of the application of the provisions in place be carried out, in particular in order to know whether these provisions make it possible to deal with all the situations of people at the end of their life.

The French National Academy of Medicine is ready to contribute to this assessment work.

⁵ In particular Social Affairs Commission, Senate, hearing of Dr. Sarah Dauchy, President of the Strategic Orientation Council of the National Center for Palliative Care and End of Life (CNSPFV), April 7, 2021, www.parlons-fin-de-vie.fr