

**Conclusion** This study supports the introduction of a clear law that disciplines End-of-life Decision Making in Italy.

## Afternoon Breakout 2—Legal

### 123 THE LEGAL CONSEQUENCES OF PHYSICIANS WHO PRACTICE EUTHANASIA IN ITALY: A REVIEW

D Veshi<sup>1</sup> *<sup>1</sup>CIRSFID (Research Centre of History of Law, Philosophy and Sociology of Law, Computer Science and Law), Italy, Bologna*

10.1136/bmjspcare-2013-000491.123

**Background** There was an increase in medical discoveries that led to the reconsideration of our lives.

**Aim** The punishment of the physician who practices euthanasia in Italy.

**Method** In Italy, where there no law about euthanasia, judges interpret the Criminal Code through the Constitutional right to health and the ‘European Convention on Human Rights and Biomedicine’ (‘Oviedo Convention’) of 7 April 1940.

**Result** Passive euthanasia to an unconscious patient and active euthanasia to a conscious patient are considered as homicides. Moreover, active euthanasia to a non-consensual patient is considered as intentional homicide. But, passive euthanasia to a consensual patient is treated as assisted suicide. However, it should be emphasised that, except in cases of active euthanasia to non-consensual patient, judges enhance the internal legislation by interpreting it through the constitutional right to health and the ‘Oviedo Convention’ of April 4, 1997. Article 32 of the Italian Constitution recognises the ‘Right to health’ which grants patients the right to consent to or even withhold from medical treatment. Furthermore, article 9 of the ‘Oviedo Convention’ gives full legitimacy to the ‘Advance Directives’ by considering them as ‘statements of intent’ and not as ‘declaration of intent’.

**Discussion** Interpreting the Italian Criminal Code with fundamental rights recognised in the Italian Constitution and in the ‘European Convention on Human Rights and Biomedicine’ is an effective way to fill the gap in the Italian legal framework.