



Living will and Power of attorney (Advance care directive)

Living will :

In Thailand, a living will is a legal document with which the treating doctors must comply. When a person finds themselves in a situation where they are no longer able to decide for themselves on life-sustaining measures, a living will spare those close to them the heavy task of deciding the person's fate.

Under Thai law (Thailand National Health Act 2007), a person has the right to draw up living wills, to refuse public health services that are provided only to prolong the terminal phase or to refuse services intended to put an end to his or her severe suffering due to illness.

It is important to note that living wills and mandates of future protection which have been drawn up in Switzerland are **not recognized** in Thailand. A living will, contains written arrangements made in advance by a person in the event that he or she is no longer able to express his or her wishes clearly. A living will relates to care measures such as medical interventions and are generally linked to the refusal or limitation of measures aimed at prolonging life.

Living wills are very far-reaching provisions and must therefore meet specific requirements. These include the fact that living wills must be drawn up in accordance with the legal provisions of the country in which they will eventually be applied. This means that a living will drawn up at a notary's office in Switzerland is not valid in Thailand, as it has not been drawn up in accordance with Thai legal provisions, even if it has been translated into Thai and authenticated by a notary.

Under Thai law, the living will (prior arrangements made by the person concerned), the translation and the mandate of future protection must be drawn up and certified by a lawyer authorised to practice in Thailand. Another condition is a medical certificate attesting that the mandator is in full possession of his or her mental faculties.

Lastly, a written agreement from a family member, such as a spouse, parent, brother, sister or child, agreeing to the drafting of a living will and a mandate of future protection is required.

The living will can be drafted very individually. While the living will determines which life-prolonging measures should or should not be applied, the mandate of future protection determines the person or persons who will ensure that the patient's living will is respected.

Power of attorney (Advance care directive):

A power of attorney, also known as advance care directive is a legal document that allows a person, natural or legal, to be entrusted with the task of providing personal assistance, administering assets and representing in legal relations a person who is no longer able to carry out these tasks themselves..

In Thailand, **the living will** and/or **the power of attorney** as well as the respective translations must be drawn up and certified by a lawyer authorised in Thailand. Another requirement is a medical certificate attesting that the person making the advance directive is of sound mind. Finally, written consent from a family member such as a spouse, parents, siblings or children is required to authorise the creation of a living will or power of attorney.

Schematic representation of the difference between the rights of a third person in a living will and a power of attorney

