

11 December 2020

"Historical"- ÖGHL welcomes VfGH decision on aid in dying



©VfGH/Achim Bieniek. Press photo of the VfGH.

In May 2019, an individual application was submitted to the Austrian Constitutional Court (VfGH) with the aim of examining the constitutionality of Section 77 of the StGB "Killing on Request" and Section 78 of the StGB "Participation in Suicide".

On 11 December 2020, the VfGH ruled and declared the offence of "aiding in suicide" in Section 78 of the German Criminal Code (StGB) unconstitutional as of 31 December 2021.

The following is the press release of the ÖGHL dated 11.12.2020:

"Historical"- ÖGHL welcomes VfGH decision on aid in dying

Central step for self-determination even at the end of life

Self-determined death is now also a human right in Austria. The VfGH clears the way for a modern approach to dying and judged that assisted suicide – in which the suicide annal himself takes the final steps in the presence of the doctor – is allowed. In an initial reaction, the ÖGHL (Austrian Society for a Humane End of Life) is very satisfied with the VfGH decision to legalize assisted suicide. Austria is thus following in the international comparison,

albeit with some delay. It is a central step for self-determination even at the end of life.

"We see the decision of the VfGH as a historic breakthrough. It abolished a deeply inhumane penal provision from the time of Austro-fascism. It is a decision that makes dying a little more humane for seriously ill people who no longer want to suffer," says Wolfgang Obermüller, spokesman for the ÖGHL. The scope of the decision is comparable to the introduction of the time-limit solution in 1975, which is no longer called into question.

The ÖGHL will now work to ensure that the now legal aid in dying in Austria is actually available, as requested by the VfGH. "We will analyse the VfGH decision in detail and discuss the next steps in our committees in the coming weeks," Obermüller announces.