

Brief Report: The situation of assisted dying in Germany

There are good reasons to think that the situation regarding medically assisted dying in Germany is, at present, the most liberal in the world. This is due to the judgement of the German Federal Constitutional Court in February 2020 which established that it is part of the personal right of every human being to freely decide about the time and manner of the end of his or her life. With this ruling, the Court essentially followed a previous statement of the European Court of Human Rights. It went even further and stated that everyone with a serious and firm wish to end his or her life should have a realistic chance to use the voluntary help of third parties for this purpose. As a human right, this right is not limited to a particular condition the person finds itself in. The person need not be terminally ill or suffer from an incurable or particularly painful disease. The only conditions the person willing to die has to fulfill is that the resolution to end life is made in a state of full competence, with full information about the alternatives, is well-reflected, relatively constant and autonomous, i. e. not due to manipulation or pressure from others, and that the help offered by the assisting person is voluntary. At the same time, the Court granted the legislator the right to introduce legal rules to control the practice, differentiated according to the risks involved.

At the moment, three drafts for a law on assisted suicide are under parliamentary discussion, two with a more liberal, one of a more restrictive tendency. In case this latter succeeds, the German right-to-die societies are resolved to appeal anew to the Constitutional Court. All of them are convinced that a law based on the conservative draft would be unconstitutional because of the obstacles it puts between the wish to die and its realization.

Three German right-to-die societies are at present allowing its members to make use of the legal situation by receiving medical aid in dying in the form of a self-administered deadly medication. The sum total of cases of medically assisted dying in Germany in 2021 was about 360. The largest right-to-die society, the German Society for Humane Dying (DGHS) with around 25.000 members has just now published a White Paper (as a book on the public book market) in which it documents the cases of assisted dying it mediated in 2020 and 2021. Included are the safety standards it followed for assuring that the criteria defined by the Constitutional Court were met. As was to be expected, the great majority of cases are cases of severe illness. The average age was 78. In 15 % of the cases the motives of the wish to die were satiety with life, or the wish not to left alone by a dying partner.