

## German doctors criticise proposals for new law on assisted suicide

Annette Tuffs

Heidelberg

German doctors, hospice organisations, and church representatives have criticised a draft law on helping terminally ill people to end their lives for its lack of clarity over who would be prosecuted.

The proposals, released by the Ministry of Justice in July, are the first attempt to establish a legal framework in Germany under which relatives or friends can help someone who is terminally ill to die. The draft bill says that doctors and nurses who have a personal relationship with the patient will also be able to help them die without legal recriminations.

The new law aims to stop organisations such as Dignitas Deutschland and Sterbehilfe (Euthanasia) Deutschland from operating in Germany, because the government disapproves of commercialism in the care of people at the end of life.

Currently doctors' professional regulations forbid them from assisting a suicide, but the regulations are not legally binding. However, the justice ministry emphasised that doctors are not legally required to help someone end their life if asked to do so and that this will not change under the proposed law.

The president of the German Medical Association, Frank Ulrich Montgomery, described the draft bill as a charter for medically assisted suicide. He said in a public statement that it was bizarre to ban commercial groups from helping people to end their life while at the same time providing a legal basis for doctors and nurses to assist suicides.

The president of the German Hospice Organisation, Eugen Brysch, said that the draft law is not clear enough about who and what actions will be criminalised.

The law is meant to protect people from commercial offers by organisations such as Sterbehilfe Deutschland and Dignitas. Sterbehilfe Deutschland has helped several elderly people who did not have a terminal illness end their life for a fee of several thousand euros. Its founder, Roger Kusch, a former justice

senator in Hamburg, has been able to continue his activities despite a court ruling against him in 2009 when he was found guilty of handing out drugs that needed a medical prescription.<sup>1</sup> The court also said that suicide was legal but that Kusch's dealings offended common moral values.

Dignitas Deutschland was founded by Ludwig Minelli, who also runs the Swiss Dignitas. Both organisations are funded through individual memberships, however, and legal experts are uncertain whether the new law will stop their activities, because activity of groups that are funded through membership fees might not legally count as commercial activity.

The federal justice minister will have to determine whether the government will go ahead with the draft law.

After a storm of public criticism the justice minister, Sabine Leutheuser-Schnarrenberger, of the libertarian Free Democratic Party, tried to explain the draft law. In a statement in the daily newspaper *Die Welt* on 12 August 2012 she said that the bill is not yet final and is still being discussed by government.<sup>2</sup>

Leutheuser-Schnarrenberger said that the bill would penalise only commercial organisations involved in helping people die and would not prosecute close relatives or friends of someone for assisting a suicide.

"The state has to be cautious in these difficult situations," she said. That friends may also be doctors was taken into account in the proposed legislation, which does not affect doctors' professional regulations, she added.

- 1 Tuffs A. Behaviour of former justice senator in Hamburg prompts court to rule against commercial suicide assistance. *BMJ* 2009;338:b658.
- 2 Leutheuser-Schnarrenberger S. Das Strafrecht hat sich zurückzuhalten. *Die Welt* 12 Aug 2012. [www.welt.de/debatte/kommentare/article108580068/Das-Strafrecht-hat-sich-zurueckzuhalten.html](http://www.welt.de/debatte/kommentare/article108580068/Das-Strafrecht-hat-sich-zurueckzuhalten.html).

Cite this as: *BMJ* 2012;345:e5477

© BMJ Publishing Group Ltd 2012

Reproduced with permission of copyright owner.  
Further reproduction prohibited without permission.