

Presidenza del Consiglio dei Ministri



Abstract

**BIOETHICAL REFLECTIONS ON MEDICALLY
ASSISTED SUICIDE**

18 July 2019

The Committee addresses the issue of the assisted suicide following the ordinance n. 207/2018 of the Constitutional Court, which intervened on the issue, raised by the Milan Court of Assizes (ordinance dated February 14, 2018), regarding the case of Marco Cappato and the suspected constitutional illegitimacy of art. 580 of the penal code. The opinion, while intervening on the ordinance in a specific way and framing it in the regulatory context of the Italian legal system, deals with the topic of assisted suicide on a general level.

The document focuses in particular on the meaning of assisted suicide, on its implementation modalities, on similarities and differences with euthanasia and on the most relevant and delicate ethical issues concerning the request for assisted suicide: the expressed will of the individual; the professional values of the doctor and health care workers; the slippery slope argument; palliative care. Each of these themes is analyzed in a dialectical way, giving space and listening room to arguments both in favour and against. The different opinions which have emerged from this comparison are outlined in the document.

Some members of the ICB are against legitimating medically assisted suicide, both ethically and legally, and converge in believing that the defence of human life must be affirmed as an essential principle in bioethics, whatever the philosophical and/or religious foundation of this value, that the mandatory duty of the doctor is absolute respect for the life of the patient and that "facilitating death" marks an unacceptable transformation of the paradigm of "curing and caring".

Other members of the ICB are, on the moral and juridical level, in favour of legalizing medically assisted suicide on the assumption that the value of the protection of life must be balanced against other constitutionally relevant good, such as patient self-determination and personal dignity. This balance must take particular account of the conditions and procedures which are a real guarantee for the sick person and for the doctor.

Still others point out that, there is no immediate transmutability from the moral sphere to the legal sphere. Moreover, they highlight that, decriminalization or legalization of so-called medically assisted suicide along the lines of those carried out by some European countries, would lead to the concrete risks of the start of a slippery slope in the present reality of Italian healthcare.

Despite these divergent positions, the Committee has reached the formulation of some shared recommendations, first and foremost hoping that wherever discussion on this issue may take place – including Parliament – debate on medically assisted suicide will develop in full respect of all opinions on this matter, but also with due attention to the moral, deontological and juridical-constitutional problems that it raises and with the due in-depth study required of such a lacerating issue for the human conscience. The Committee also recommends a commitment to provide adequate care for those suffering from incurable illness; it requests that adequate information be given to the patient regarding the possibilities of treatment and palliative care which are to be documented within the care report; it considers essential that every effort be made to implement information for citizens and health professionals on the regulatory provisions concerning access to palliative care; it hopes for promotion of the broadest citizen participation in the ethical and legal discussion on the topic as well as the promotion of biomedical and psychosocial scientific research and the bioethical training of healthcare workers in this field.

Three personal remarks were drawn up and published together with the Opinion; the first by Prof. Francesco D'Agostino confirming the negative vote he gave to the Opinion; the other two were by Prof. Assunta Morresi and Prof. Maurizio Mori who, despite their having approved the document, wanted to clarify the reasons for their dissenting positions on certain topics that were dealt with.