



Bundesministerium
für Gesundheit

Political Possibilities to Improve and Expand Palliative Care – Experiences from Germany

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What can *policy* do to improve end of life care?

Answers will only work if specific national, even regional “circumstances” are taken into account.

Societal, cultural, religious and other ways of

- individual and groupwise
- thinking and inter-acting (including communication)

National policies

- based on a Constitution
- further developed by (raised) public awareness and discussions

Article 1 of the
German Constitution (from 1949):

*“Human dignity shall be
inviolable. To respect and protect
it shall be the duty of all state
authority.”*

Human dignity

- how to be understood in concrete situations?
- how to be best protected?

“Progress is a snail”

Günther Grass, 1972,
From the diary of a snail

In Germany, awareness-raising through a public debate on physician-assisted suicide 2014/2015.

Difference

- **euthanasia**: intentionally ending the life of *another* person on demand of that person
- **physician-assisted suicide**: intentionally ending of *one's own* life with the help of a health professional

In Germany:

- Euthanasia out of question
- But how to protect best human dignity if someone does not want to live any longer? → What to offer him or her and *all others* at the end of their life?
→ comprehensive approach consisting of several pillars

1) Generally improving the situation of persons in need of long-term care, particularly the elderly, and of their families as well of the care-givers

2) Ensuring patients' rights to an informed decision about their medical treatment, including the option of self-determined limitation or termination of life-prolonging treatment

three legal instruments:

- living will
- formal authorisation of someone to decide for you
- advance care planning

"The right of a person [...] to ask freely for treatment to be broken off in a futile situation, if further treatment would only extend the inexorable dying process [...], is undisputed. [...] A person who does not wish to live any longer may renounce nutrition and liquid if palliative support is provided." (Statement of the Protestant Church in Germany)

3) Further developing palliative care abilities of health professionals and diminishing legal obstacles for adequate palliative care

4) Specifically supporting and expanding palliative and hospice care facilities throughout the country, in particular *team-based* approaches

"There are [...] many terrors that surround dying. What people can do to enable people to die [...] peacefully still remains to be determined. The **friendship of the survivors**, the feeling of the dying that they are not embarrassing them, is certainly part of this."

Norbert Elias, 1982,

The loneliness of the dying in our days

"Charter for Caring for Critically Ill and Dying People in Germany" - a Manifesto, adopted 2010 by over 50 medical and socio-political institutions stating five guiding principles

5) Strengthening suicide prevention, particularly through the “National Suicide Prevention Programme for Germany”
(inter alia: early detection and help)

6) Banning organized and businesslike suicide assistance:

"Anyone who, with the intention of encouraging the suicide of another person, provides, creates or brokers the opportunity to such person as a business service shall be punished with imprisonment of up to three years or by a fine.“(German Penal Code § 217, 1)

"A participant shall be exempt from punishment if he or she is not acting commercially and is either a relative of the person named in Paragraph 1 or is close to such person." (German Penal Code § 217, 2)

"One cannot and one does not need to regulate everything. [...] The important thing is *trust*: in a close relative, in the doctor providing treatment, in the nurse or the priest. There is still an everyday culture which allows standards for the right behaviour to grow in an atmosphere of deep affection." (Udo di Fabio, 2015, former constitutional judge in Germany)

Policy can „only“ set the legal and financial *framework*.

Such a framework is a *necessary*, but *not a sufficient* condition.

To establish and maintain palliative care as an essential part of a humane society, it also takes

- public awareness and
- the engagement of many (individuals, groups, institutions) on *all* levels

→ Civil Society must *live* the values

Thank you for your attention!
Grazie per la Sua attenzione!

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