

L'ordinanza n. 207/2018 della Corte costituzionale: prime riflessioni su un “nuovo diritto” del paziente alla fine della vita

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The Italian Constitutional Court's Preliminary Order n. 207/2018: First Insights on a “New Right” of the Patient in the End-of-life Decisionmaking Process

Abstract: The preliminary judgment of the Italian Constitutional Court on the constitutional review of the criminal provision on “assisted suicide” (as requested by the Court of Assize in the “Cappato case”), affirms the compelling interest of the State in protecting life and human person, as per se values to be safeguarded under the constitutional personalist principle. At the same time, the Court recognizes the new right of the competent patient, who is suffering and dependent from life-saving medical treatments, to ask the physicians for obtaining death with a lethal substance, after the refusal of the life-sustaining machines, in order to avoid a slow dying-process considered against his dignity.

Keywords: Euthanasia, Informed consent, Dignity at the end of life.

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