



LETTER TO THE EDITOR

The debate on euthanasia in minors



El debate de la eutanasia en menores

Dear Editor:

The recent article published by Alija et al.¹ discusses the evolution of Spanish legislation on the subject of the rights of minors as a result from the changes in how society and the legal system perceive and treat minors, from a more traditional and protective stance to a more modern and participatory perspective that recognizes their rights and autonomy. Albeit slowly, the legal framework evolves in response to changes in social values, and it has increasingly recognized the autonomy of minors and their progressive decision-making capacity.

Meanwhile, Spanish legislation has regulated euthanasia in recognition of patient autonomy in health care through Organic Law 3/2021, of 24 March (known as LORE, for the Spanish acronym). At present, this law does not allow euthanasia in minors. Thus, article 5, which addresses the requirements for receiving medical assistance in dying, specifies that it is necessary, among other things, to be of *legal age* (which in Spanish law corresponds, unequivocally, with having reached 18 years of age).

In addition, cultural differences notwithstanding, it is obvious that, in the current context of globalization, societies are constantly subject to the influence of other cultures and legal frameworks. In this regard, we may consider the fact that in 2014, Belgium decriminalized euthanasia for minors, lifting age limits, so euthanasia would be possible as long as the minor met all other criteria, had the consent of the parents and was deemed competent to make the decision. In the Netherlands, euthanasia has been allowed for decades in infants from birth to age 12 mo in the framework of the so-called Groningen Protocol and in

children with a capacity of 12 years or older under the same conditions as adults.² Since February 1, 2024, it has been extended to minors aged 1 to 12 years³ (in this case, with parental consent).

At this point, three and a half years after the enactment of the LORE in Spain, the debate on the practice of euthanasia in minors is likely to reach our territory. If this were to occur, it would not make sense to avoid or suppress it. On the contrary, the example of the Dutch debate, at both the clinical and ethical levels, can be extremely useful. The debate on euthanasia, from the perspective of bioethics and of jurisprudence, is unquestionably complex, encompassing multiple disciplines, approaches and perspectives, and there is considerable diversity in ethical, cultural, social and even deontological positions, even within the medical profession.⁴ In any case, balanced debate is an enriching and necessary process in modern and mature societies and it is reasonable to assume that, should the debate reach Spain, the opinion of professionals in the field of pediatrics will be taken into account, but for that to happen, the collective must have debated it in advance.

References

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