**Right to Die Europe (RtDE) in the European Parliament**

**Thursday 12 October 2017**

**Dignified End-of-Life in Europe**

***A Worthy End of Life is a Human Right: How to Guarantee this?***

**11:10**. A talk by Ms **Isabel Alonso Dávila**, President of DMD Catalunya, Spain:

***“Developments in Spain”***

Good Morning. Firstly, I would like to thank RtDE, and especially their president, Dr. Aycke Smoock, for his invitation, which allows me to be here today. I would also like to thank Deputy Hilde Vautmans.

I am going to speak about four subjects:

1.- Who we are? I mean DMD, *Derecho a Morir Dignamente,*  Right to Die with Dignity in Spain.

2.- The current situation in Spain regarding the right to a dignif**i**ed end of life.

3.- What DMD wants.

4.- The latest news in **2017.**

**1.- What is DMD?**

The Spanish association for the Right to Die with Dignity (DMD) was found**e**d in 1984. It has, therefore, 33 years of history in the struggle for the rights of people at the end of their lives **and** especially for the legalisation of **eu**than**a**sia in Spain. (ALARGAR LAS PAUSAS EN LA LECTURA).

I would like to briefly list some of our association's m**i**lestones:

**In 1986**, DMD wrote and publicised the first Living Will in Spain. '86 also saw a new **H**eal**th** Act passed in Spain which introduced rights for p**a**tients, including the right to refuse treatment.

**1993** was a very significant year for DMD. Our association support**e**d Ramón Sampedro, a quadriplegic man, in his l**e**gal fight to be allowed to die. His r**e**quest, made before c**ou**rts in Barcelona and A Coruña was denied, but his c**a**se led to much public debate in Spain on **eu**than**a**sia and medically assisted suicide. DMD also presented an amendment to article 143 **of** the Spanish p**e**nal code, **a**dding circumstances in which aiding a suicide would be decriminalised. I shall return to this point later. A Euthanasia Bill was also introduced in the Spanish Senate in 1993.

In **1994**, DMD signed an agreement with *The Voluntary* ***Eu****thanasia Society* leading to our Spanish translation of their l**ea**flet ***Departing Drugs***.

In **1995**, the new Spanish p**e**nal code incorporated part of DMD's proposal for a new fourth clause to article **143**. The new code did not de-criminalise **eu**than**a**sia or assisted suicide, **but** reduced the prison sentence to be served **if** the person helped had explic**i**tly requested help in dying and had been suffering from serious, permanent intolerable pain. Al**thou**gh this was a missed opportunity to de-criminalise euthanasia, it was also the first time that the Spanish penal code recognised that assisting suicide should not be p**e**nalised to the same degree in certain circumstances.

**In 1998**, Ramón Sampedro committed suicide, with the help of some of his friends, by taking c**y**an**i**de. His death was widely report**e**d in Spain and abroad and DMD ga**th**ered thousands of signatures from individuals and organisations to 'confessions' starting - “**I also helped Ramón Sampedro die**”.

**2004** was, above all, the year of the film *Mar adentro* (*The Sea Inside)*. Directed by Alejando Amenábar, it stars Javier Bardem as Ramón Sampedro and tells the story of his long fight for the right to end his life with dignity. DMD contribut**e**d to the screenwriting and advising in the editing process of the film. The film **went-on** to national and international acclaim and succ**e**ss, winning the Oscar for Best Foreign Language Film.

In **2005**, Dr Luis Montes, Accident and Em**e**rgency **co-o**rdinator at a hospital near Madrid (the Severo Ochoa Hospital in Leganés), was d**is**missed and accused of causing the death of 400 people with sedatives. The eventual 'Not Guilty' ve**rd**ict showed these actions to be completely legal. Dr Montes' case was also **followed widely** in the Spanish media and reopened the debate about the quality of death in Spain and the vulnerability of health professionals. Spanish public opinion became increasingly in favour of the l**e**galisation of **eu**than**a**sia. Dr Montes has been the chairperson of the Spanish federal DMD association since 2008.

In **2007**, a lady called Inmaculada Echeverría asked **openly** for **euthanasia.** With the help of our organisation, she requested the removal of her life support system and this wish was granted by the **regional** government. The Cath**o**lic hospital in which she was a **patient** would **not** carry this out **and therefore** she was transferred to a public hospital to be able to die.

**In** **2009**, hospital doctor Marcos Ariel Hourmann, working in Catalunya, was convict**e**d of bringing forward the death of an **82-year-old** lady who had asked to die due to her terminal illness and unb**e**arable suffering. He was sentenced to a year in prison **and was struck off** for a year. The lady's family always refused to accuse the doctor. Marcos Hourmann is now a member and a volunteer of DMD-Catalunya.

**In** **2016,** two people working for our association – one a volunteer and the other the chairperson of the association in Madrid – doctor Fernando Marín – were both sentenced to two years' prison for assisting the suicide of a lady in Asturias. And also in 2016 DMD campaigned before the general elections with tis video: *LIBRES HASTA EL FINAL*.

**2.-** Having described the most significant events in our fight in Spain in the last 30 years, I would now like to tell you about the current **situation in Spain regarding the right to a dignified end of life.**

Until 1995, **eu**than**a**sia and assisted suicide were punished in the Spanish P**e**nal Code with penalties of up to 20 years in prison. In that year, the punishment was reduced to between 6 months and 6 years in prison.

The P**e**nal Code now states:

“Whoever performs or **ac**tively c**oo**perates in actions that are directly necessary to cause any person’s death, **provided** that such person suffers from a serious ilness that is certain to lead to death **or** to cause permanent suffering which is difficult to endure **and** upon such person’s explicit, serious and unambiguous request, will be subject to punishment one or two degrees milder than provid**e**d under clauses 2 and 3 of this article.”

This change in the Spanish P**e**nal Code came about, as I mentioned earlier, thanks to the public struggle of Ramon Sampedro an DMD.

Since 1994, on 15 occasions *(two in 1994, one in 1998, two in 2001, one in 2002, two in 2004, two in 2007, two in 2009, one in 2010, one in 2012, and one this year)* members of parliament from the left have **called on** the Spanish Congress of D**e**p**u**ties to d**e**criminalise **eu**than**a**sia.

All these attempts have been defeated in parliamentary votes. The two parties with majorities on these occasions have been the conservative People's Party (PP) and the Spanish Socialist Workers Party (PSOE). The former, formally opposes all such proposals **while** the l**a**tter state they are in favour but have always found arguments to say that now is not the time.

These defeats have happened, d**e**spite Spanish public opinion being clearly in favour of legalisation, according to opinion polls **carried out,** in 1989 and 2011, by the Spanish Institute for Sociological Research (CIS), **and in** 2015 by the Economist. I shall return to this point later.

This is the legal situation in Spain regarding **e**uthan**a**sia and medically assisted suicide. Having said that, I would also like to **point out** some of the rights that the years of campaigning by DMD have achieved:

Living wills have been legal since 2000 in Catalonia (Law 21/2000) and since 2002 in **the whole of Spain** (law 41/2002)

These new laws also made it obligatory for medical professionals to gain informed consent from patients for suggested medical treatment. Patients in Spain have been able from then, therefore, refuse treatment to prolong life if they consider the quality of life to be unworthy (case of Inmaculada Echevarría, for instance).

**Since 2010** eight of Spain's autonomous regions (*Andalusia, Navarre, Aragon, Galicia, the Balearic Islands, the Canary Islands, the Basque Country and Madrid*) have passed laws on the right to die. The DMD association believes that these laws have had little effect on the quality of people's deaths.

**3.- What does DMD want?**

The principal aims of the Spanish DMD association are the reco**g**nition of the right to decide the end of one’s own life with the legalisation of **e**uthan**a**sia and medically assisted suicide in Spain. **We** believe that this legalisation is essential to g**u**arantee our in-alienable rights to free self-determination as we approach our death. **Only thus** can we have all options open to us, not just those of rejecting treatment or seeking palliative care. Only legalisation will **allow those,** who choose **e**uthan**a**sia or medically assisted suicide, to do so without being deprived **of** their rights, **or** being forced to die in solitude and s**e**crecy.

While these are our main aims, **we** also campaign on related issues.

We want:

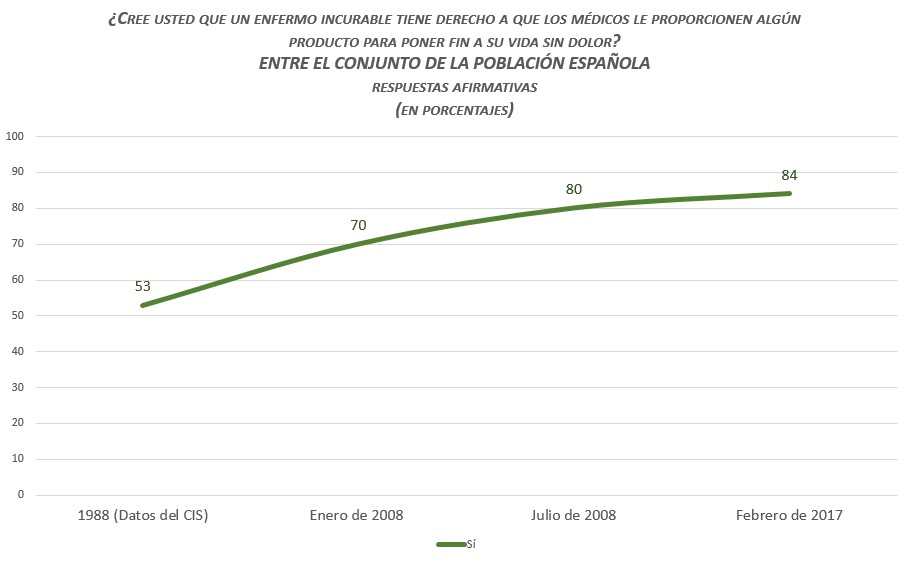
* The setting up of an official body to collect reliable d**a**ta on the nature and quality of people's deaths in Spain.
* Promotion by public administrations of living wills with the aim of increasing their uptake in Spain.
* More training of health professionals on p**a**tient rights **and** end-of-life care.
* Greater and improved palliative care.

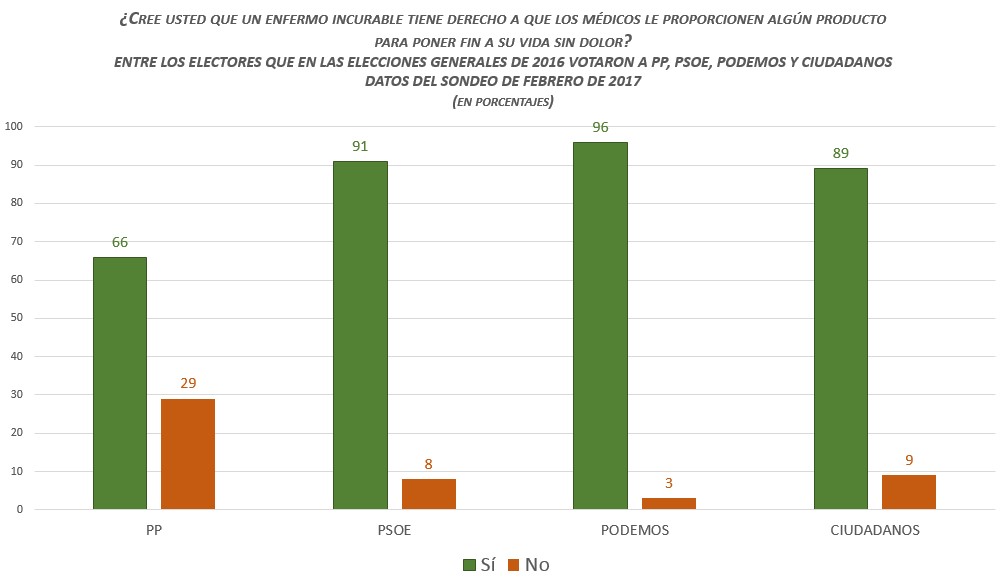
**Latest news: 2017**

**On the 18 of January** – in the Spanish Congress of Deputies the group of *Unidos Podemos-En Comú Podem-En Marea* put forward a motion on euthanasia for debate. On **21 March**, the motion was denied parliamentary debate.

**In** **February**, in a Metroscopia opinon poll, Spaniards were asked: *Should a terminally ill patient have the right to be given something by doctors to end their life without pain?*

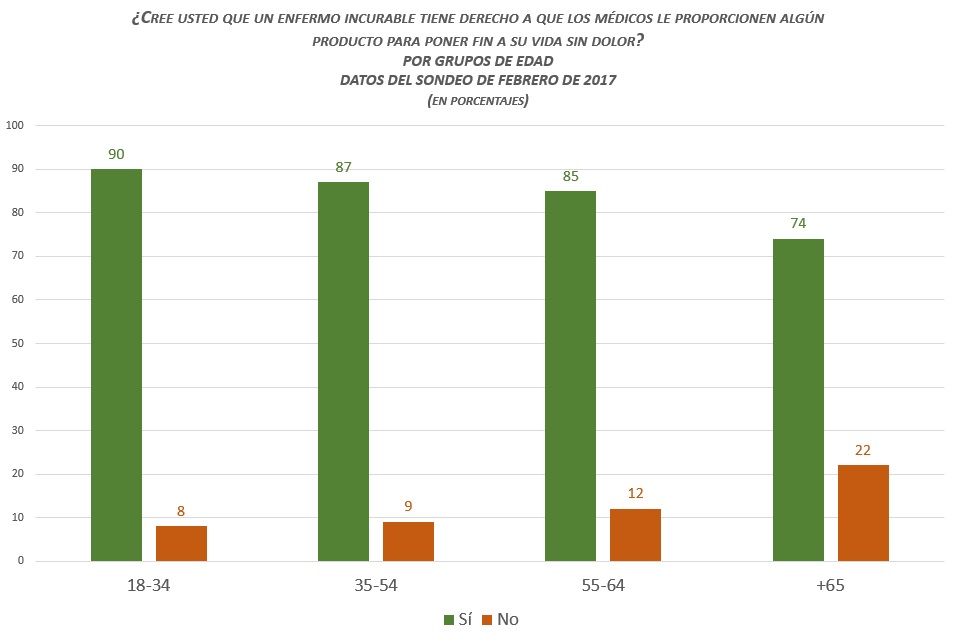
84% answered 'Yes'. The graph below shows the steady increase in support for the legalisation of euthanasia:





By vote in the 2016 Spanish General Election

* 96% of voters for Unidos Podemos, 91% of voters for PSOE, 89% of voters for Ciudadanos & 66% of voters for PP answered **YES**.



By age group:

* 90% of those under 35 and 74% of those over 64, for example, answered **YES**.

By religious observance:

* 56% of practising Catholics answered **YES.**

In **April**, José Antonio Arrabal, who suffered Motor Neurone Disease, left us his testimony in this video, published by the newspaper *El País* on the 7 of April, that I would like to share with you here today (VIDEO). (2’25’’)

<https://www.youtube.com/watch?v=h-7NSEQQY_o&t=63s>

**¡¡¡CERRAR VÍDEO!!!**

Some regional governments (the Basque country, Asturias, Cantabria, Extremadura, Madrid, Murcia, Navarra, Valencia and Aragon) have recently debated the legalisation of euthanasia and some have, with the support of the PSOE, passed motions asking for the Spanish government to act.

In **June**, the Spanish Socialist Party annual conference passed a motion to make support of euthanasia party policy and we hope that they will maintain this position in the Congress of Deputies.

25 of **July**, the Parliament of Catalonia, with the 92 votes in favour, 25 abstentions and 12 votes against passed a motion to ask the Spanish Congress of Deputies to legalise euthanasia.

These precedents give us hope that our work will be rewarded with the successful passage of a Euthanasia Bill through the Spanish Congress, supported by various political parties and despite the opposition of the party in government, the PP.

**The DMD's priorities** are changes to the law, **but** we are also aware that people cannot wait. We also, therefore, offer advice about end-of-life decisions and provide members with a Guide to Voluntary Death.

I hope this presentation has given some insight into the history and the current situation regarding the right to a dignified end-of-life in Spain.

I would like to finish by mentioning an event we are organising here in Brussels too, in the European Parliament too, on the eighth of November in collaboration with MEPs Estefania Torres. At this event we will denounce the inequality in end-of-life rights across the European Union and we will present a manifesto in favour of end-of-life rights. This manifesto is being signed by members of the European Parliament in order to create a group of MEPs in support of euthanasia. The manifesto has a web page for MEPs to sign at legalizeeuthanasia.com.

In many European countries (including France, Italy, Spain & Portugal) the struggle for the legalisation of euthanasia is very active and the Benelux countries are seen as a beacon. I would like to take this opportunity to reiterate our invitation to the event on the eighth of November. You will be very welcome.

Thanks!!!!!!!!!!!!