

SUMARIO

INTRODUCCIÓN	1
I. ORGANIZACIÓN MUNDIAL DE LA SALUD	3
I.1. Oficina Regional para Europa	3
I.2. Direcciones web	11
II. CONSEJO DE EUROPA	12
II.1. Convenios	12
II.2. Textos adoptados y Declaraciones	17
II.3. Jurisprudencia	38
III. UNIÓN EUROPEA	46
III.1. Carta de los Derechos Fundamentales	46
III.2. Actos Comunitarios	46
III.3. Direcciones web	51
IV. ALEMANIA	52
IV.1. Ley Fundamental de Bonn	52
IV.2. Legislación	52
IV.3. Documentación parlamentaria	53
IV.4. Jurisprudencia	72
IV.5. Documentos	82
IV.6. Direcciones web	92
V. BÉLGICA	93
V.1. Constitución	93
V.2. Legislación	93
V.3. Jurisprudencia	107
V.4. Documentos	110
V.5. Direcciones web	113
VI. DINAMARCA	114
VI.1. Legislación	114
VI.2. Documentos	118
VI.3. Direcciones web	121
VII. ESPAÑA	122
VII.1. Constitución	122
VII.2. Legislación Estatal	122
VII.3. Legislación Autonómica	128
VII.4. Jurisprudencia	229
VII.5. Actos de control de las Cortes Generales	230
VII.5.1. Actos de control de los Parlamentos Autonómicos	234
VII.6. Documentos	235
VII.7. Direcciones web	249
VIII. FRANCIA	250
VIII.1. Legislación	250
VIII.1.1. Códigos	250
VIII.1.2. Normas sobre los derechos del enfermo terminal	253
VIII.2. Documentos	256
VIII.3. Direcciones web	258
IX. LUXEMBURGO	259
IX.1. Constitución	259
IX.2. Legislación	259
IX.3. Conseil d'Etat (Avis)	269
IX.4. Documentos	271
IX.5. Direcciones web	277
X. PAÍSES BAJOS	278
X.1. Constitución	278
X.2. Legislación	278
X.3. Documentos	281
X.4. Estadísticas	287
X.5. Direcciones web	288

XI. SUIZA	289
XI.1. Constitución Federal	289
XI.2. Códigos	289
XI.3. Directives médico-éthiques de l'ASSM	290
XI.4. Legislación Cantonal	304
XI.5. Documentos	314
XI.6. Direcciones web	317
XII. ESTADOS UNIDOS DE AMÉRICA	318
XII.1. Legislación	318
XII.1.1. Legislación federal	318
XII.1.2. Legislación de los Estados	323
XII.2. Documentos	339
XII.3. Direcciones web	342
XIII. BIBLIOGRAFÍA	343

I. ORGANIZACIÓN MUNDIAL DE LA SALUD

I.1. OFICINA REGIONAL PARA EUROPA

What are the palliative care needs of older people and how might they be met?

Health Evidence Network (HEN)

August 2004

Regional Office for Europe,

Ethics of the Health Systems*

Report of the Third Futures Forum for High-level Decision-makers

Stockholm, Sweden, 27–28 June 2002

Regional Office for Europe

Declaración para la Promoción de los Derechos de los Pacientes en Europa

Consulta Europea sobre los Derechos de los Pacientes.

Amsterdam, 28-30 de marzo de 1994

Regional Office for Europe

Ethics of the Health Systems

Report of the Third Futures Forum for High-level Decision-makers

Stockholm, Sweden

27–28 June 2002

WHO Regional Office for Europe

ABSTRACT

The Third Futures Forum brought together decision-makers from 15 western European countries to share views on and experience with five aspects of the ethics of health care systems: patient information and consent, the limits of health care, health system development, intersectoral action for health and ways to strengthen the ethics of health systems in general. Invited contributions and group discussion showed that countries shared similar problems but varied widely in responses to ethical issues, owing partly to differences in size, culture (including religion) and the nature of health care systems. The par-

* Las normas que aparecen en negrita se reproducen parcial o íntegramente.

ticipants agreed, however, that debates on health systems should take account of ethical considerations and that equality of access to care was an ethically driven principle of any system. The participants received an update on progress on health co-operation in the face of terrorism, which had been the topic of the Second Futures Forum six months previously. Six topics were added to the list of subjects that other fora could consider, and the need for these meetings to tread a difficult path between structure and informality was emphasized.

[...]

Introduction

In 1663 two Swedish physicians set up a body, independent of the state, to tackle an ethical issue – namely, the exposure of charlatans, people who falsely claimed to offer cures but who lacked proper qualifications. In June 2002, that same organization, today called the National Board of Health and Welfare, hosted at its Stockholm offices a meeting on ethics in European health systems. This was the WHO Regional Office for Europe's Third Futures Forum for High level Decision-makers.

In Europe today health-policy decisions are often made under pressure of time, and the ethical impact of a policy may not get the consideration it deserves. Participants tackled five large topics that had been selected, with some difficulty, on the basis of feedback from decision-makers in the member states and expressions of a willingness to contribute. The focus was health-care systems and sharing experience of the ethical aspects of policy-making; bioethical topics such as gene technology were excluded because these are currently under scrutiny by other European institutions. There was plenty of sharing and the WHO Regional Office will seek to incorporate the participants' deliberations into the 2005 renewal of WHO «Health for All» policy for the European Region.

Ethics of patient information and consent

This session focused on patient information and consent. The legally enforceable and specific principle of «informed