

Correlation between constitutional theories and interpretation methods: Euthanasia as a case study in Colombia

Correlación entre teorías constitucionales y métodos de interpretación: la eutanasia como caso de estudio en Colombia

Correlação entre teorias constitucionais e métodos de interpretação: a eutanásia como estudo de caso na Colômbia

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Abstract

Introduction: The text addresses the relationship between constitutional theories and methods of interpretation, using euthanasia in non-terminal illnesses in Colombia as a case study. **Objective:** Determine the relationship between constitutional theories and interpretation methods in the context of euthanasia, highlighting the change in Colombian jurisprudence in 2020. **Reflection:** The application of interpretation methods by the Constitutional Court in specific cases, such as Martha Liria, is evident. Sepúlveda and Víctor Julio Escobar, based on the analysis made in this regard from constitutional theories, such as the original, customary law, judicial activism and approaches of authors such as Dworkin, Alexy, Habermas and Nino. Which results in generating an impact on the fundamental guidelines and principles for constitutional interpretation, as well as different types of interpretation, such as authentic, doctrinal and judicial. **Conclusion:** The importance of having interpretation methods to guarantee rights in modern States is highlighted, highlighting the complexity and dynamism of the constitutional interpretation process, making it pertinent to establish a more deep-rooted connection between constitutional theories and interpretation techniques in the context of euthanasia in Colombia, analyzing specific cases and providing data on its practice in the country.

Keywords: State, Constitution, constitutional theories, methods of interpretation, euthanasia.

Resumen

Introducción: Se aborda la relación entre teorías constitucionales y métodos de interpretación, utilizando la eutanasia en enfermedades no terminales en Colombia como caso de estudio. **Objetivo:** Determinar la relación entre teorías constitucionales y métodos de interpretación en el contexto de la eutanasia subrayando el cambio en la jurisprudencia colombiana en 2020. **Reflexión:** Se evidencia la aplicación de métodos de interpretación por la Corte Constitucional en casos específicos, como Martha Liria Sepúlveda y Víctor Julio Escobar, a partir del análisis al respecto desde las teorías constitucionales, como originalista, el derecho consuetudinario, el activismo judicial y los enfoques de autores como Dworkin, Alexy, Habermas y Nino, lo cual da lugar a generar un impacto en las directrices fundamentales y principios para la interpretación constitucional, así como diferentes tipos de interpretación, como la auténtica, doctrinaria y judicial. **Conclusiones:** Se resalta la importancia de tener métodos de interpretación para garantizar derechos en los Estados modernos, destacando la complejidad y el dinamismo del proceso de interpretación constitucional, siendo pertinente establecer una conexión más arraigada entre las teorías constitucionales y las técnicas de interpretación en el contexto de la eutanasia en Colombia, analizando casos específicos y proporcionando datos sobre la práctica de aquella en el país.

Palabras clave: Estado; Constitución; teorías constitucionales; métodos de interpretación; eutanasia.

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Resumo

Introdução: A relação entre as teorias constitucionais e os métodos de interpretação é abordada, usando a eutanásia em doenças não terminais na Colômbia como um estudo de caso. **Objetivo:** determinar a relação entre as teorias constitucionais e os métodos de interpretação no contexto da eutanásia, destacando a mudança na jurisprudência colombiana em 2020. **Reflexão:** A aplicação de métodos de interpretação pela Corte Constitucional em casos específicos, como Martha Liria Sepúlveda e Víctor Julio Escobar, é evidenciada a partir da análise, nesse sentido, de teorias constitucionais, como a originalista, a common law, o ativismo judicial e as abordagens de autores como Dworkin, Alexy, Habermas e Nino, o que resulta na geração de um impacto sobre as diretrizes e os princípios fundamentais para a interpretação constitucional, bem como sobre diferentes tipos de interpretação, como a autêntica, a doutrinária e a judicial. **Conclusões:** Destaca-se a importância da existência de métodos de interpretação para garantir os direitos nos Estados modernos, ressaltando a complexidade e o dinamismo do processo de interpretação constitucional, sendo pertinente estabelecer uma conexão mais enraizada entre as teorias constitucionais e as técnicas de interpretação no contexto da eutanásia na Colômbia, analisando casos específicos e fornecendo dados sobre a prática dessa prática no país.

Palavras-chave: *Estado; Constituição; teorias constitucionais; métodos de interpretação; eutanásia.*



Introduction

The article begins with an examination of the evolution of the State and the concept of Constitution, in which it reveals how many thinkers sought to answer the question "What is the role of the State for the benefit of its citizens?" taking as a starting point an X-ray of the first constitutions that recognized rights such as freedom, property and equality before the law. He finds that there are various definitions of Constitution, among which there are common places such as that of a supra-legal code, that which orders the structure of the State or that of a system of norms that regulate the organization of the State, emphasizing that the purpose of the Constitution is the perpetual reconstruction of the total reality of the State.

In reviewing the purposes of the methods of interpretation of the Constitution, it is found that they seek to solve problems in society and provide solutions when there are conflicts between constitutionally protected goods or interests in order to achieve constitutional supremacy. They are mobilized by the interpretation of the Constitution and stand out for their unity, concordance, efficacy, normative force and adaptation.

Knowing the above assumptions, the relationship between constitutional theories and methods of interpretation in the phenomenon of euthanasia in non-terminal diseases in Colombia is reviewed. It is shown that euthanasia has been decriminalized in Colombia since 1997, but only for terminally ill patients. With a leap in 2020 when the Constitutional Court extended the right to euthanasia to patients with serious and incurable diseases that cause intense suffering. This situation is exemplified by the cases of Martha Liria Sepúlveda and Víctor Julio Escobar, which illustrate the application of the methods of interpretation of the Constitution by the Constitutional Court.

It is clear from the research findings that in modern States it is essential to have methods of interpretation to ensure the rights of each person, and that it is also necessary to establish the scope of the officials who apply this type of interpretation to recognize new rights according to the demands of society. In Colombia, the Constitutional Court has issued eight rulings that regulate the legal requirements and administrative procedures to obtain a dignified death. But even so, the right to access dignified death is not guaranteed without the patients themselves going to the jurisdiction.

The article provides a complete and organized introduction to the evolution of the State, the concept of the Constitution, its methods of interpretation and its relation to the phenomenon of euthanasia in Colombia. It shows how the originalist theory, which demanded a literal interpretation by virtue of the cult of the Constitution, is abandoned in favor of a common law or judicial activism theory, which favors evolutionary, dynamic, open and creative interpretations that adapt to social changes and legitimize new realities. For example, the Constitutional Court ruled in Decision C-239/97 when it decriminalized euthanasia following the principles of teleological interpretation in which it used the theory of weighting because of the conflict between two fundamental rights, such as the right to a dignified death and the right to life.

In the examination of the relationship under study, it is reviewed whether judges can interpret the constitutional charter in accordance with the moral and political principles that underlie it (Dworkin, 1977). It is determined whether weighting is pertinent when there is a clash between principles and rights (Alexy, 1989). Likewise, whether interpretative processes should be used in the face of public discourse and democratic deliberation (Habermas, 1996), understood as a creative activity that goes beyond the legal



text by means of weighting according to the situated context (Nino, 1996). Thus, interpretation constitutes a creative activity that goes beyond the legal text through the pondering according to the situated context (Nino, 1996).

The approach must be pragmatic, with a maximum of argumentative relevance within the limits of rationality (López Medina, 2006).

The new legal reality allows the construction of a relationship between theories and methods, in which judges broaden their discretion and can use different methods to interpret the Constitution in application to each social, political and economic environment, while keeping in mind that the process of constitutional interpretation is entirely complex and dynamic, being necessary to submit it to a permanent analysis for the sake of legal certainty.

Evolution of the State and the concept of the Constitution

In order to respond to reality, thinkers asked themselves what is the role of the State for the benefit of its members, seeking to explain why a monarchical system should not continue (Caro Lopera, 2020). Some of these positions provided answers that confirmed authoritarian political forms (Lesgart, 2020) and others of a liberal nature (Rosenblatt, 2020); but, in any case, recognizing all human rights. In France, after the French Revolution and the revocation of the monarchy, a model of republic was established by Napoleon Bonaparte in 1804 as emperor (Chacón Delgado, 2021). Therefore, society through its experiences should have concluded that leaders should limit their scope and establish their powers, as well as the essential purposes of the State (Celano, 2020).

The content of the initial Constitution is highlighted, which recognized rights such as the separation of the Church from governmental bodies, the freedom of all citizens to own and inherit property, the control of taxes to prevent excessive amounts, and the freedom of widows to remarry (Vila Casado, 2021). Regarding the judicial process, the principles of full equality before the law and officials were established, as well as provisions prohibiting theft and unpleasant conduct by officials (Pérez Arreaga, 2021).

Therefore, it is imperative to consider the concept of Constitution in its broadest and most extensive sense, which defines the essence and qualities of an individual or a person, which distinguishes them from other species.

Consequently, some theories of the modern State (Cerroni, 2023) offer various definitions of the Political Constitution, among them the following: supralegal code that coercively regulates the composition and development trends of the predominant power structure, i.e. the organization of the State and the evolution of its functioning, which is conditioned by the way in which the population perceives the notion of *Constitution* (Redding and Zalta, 2020); and ordering principle, according to which the State is shaped and develops its activity, according to which the State is constituted and develops its activity (Dalla Via, 2006).

The structure of the state is defined as a means of existence and action of the social abilities of individuals, not their abstract or singular nature (Marx, 2004). The regulations governing the formation of the other fundamental legal provisions of the State determine the organs that regulate and the procedures for carrying out this task, and also establish the fundamental relations between the associated members and the forms of application of the law (Fernandez and Tamaro, 2004). A system of prescriptive measures derived from the people as the holder of sovereignty, in its constituent function, norms that are applied in the application of the law (Fernández and Tamaro, 2004).

both to the various organs of power of the Constitution itself and to the citizens (García de Enterría, 1993).

In short, the Constitution is defined as a set of fundamental legal norms concerning the institution, organization, competence and functioning of the authorities, the duties, rights and guarantees of individuals and the legal organization of the State, which follows the vital dynamics that develops in the course of an integration process. The purpose of this procedure is the perpetual reconstruction of the total reality of the State (Estupiñán Achury, 2021).

The originalist theory of constitutional interpretation determines that the meanings must obey the promulgation of the social contract, a notion that refers to the unrestricted fulfillment of its canons as they were consigned. The constitutional interpreter must seek the original meaning of the Constitution according to the exposition of motives of its creators. Colombian writers determine that the Colombian Constitution must be interpreted according to the meaning of its words at the time it was adopted (Cifuentes, 2008). The originalist theory is defended as the most appropriate for the Colombian Constitution (Palacio, 2004). It is also criticized for being too rigid and for not considering the changing needs of society, making it impossible to apply in practice, since the original meaning of the Constitution cannot be accurately determined (Castro, 2010). Furthermore, that it is undemocratic, since it gives the founders excessive power over subsequent generations.

In recent decades, new constitutional theories have appeared that lead to the application of new pluralistic methods of interpretation. Among them is the common law theory, which understands the political charter as a living document that follows the fate of social changes. This theory conceives that the Constitution is composed of the written text and the developed customs. Based on this premise, the Constitution must be interpreted in accordance with the values and principles that underlie the written text, so that it protects the fundamental rights of individuals (Ochoa García, 2002). Among the principles that support the theory of customary law is to conceive it as a living text that is mobilized by social transformations. The material source is relevant in the interpretation, which must be made according to the principles and values set forth in order to protect fundamental rights. Despite its merits, it is criticized for its subjectivity, which leads to the expansion of judicial discretion.

The theory of judicial activism in constitutional interpretation allows the judicial operator to go beyond the application of the law and make interpretations of more creative and progressive meanings that adapt to reality. Its goodness lies in the protection of rights, as constitutional agents in favor of minorities and the vulnerable, turning judicial law into a counter-power (Rivas Robledo, 2022). It is also important because of its adaptation to social transformations, challenges and needs. It is criticized for the possibility of judges overreaching and supplanting the legislator, as well as for the subjectivity that can be created due to viscerality and personal ideologies, which translates into the fall of democracy, by concentrating power in the judiciary and falling into legal insecurity (Molina Betancur and Silva Arroyave, 2020).

Dworkin (1977) conceives the Constitution as a set of principles and values that must be interpreted in a coherent manner in which the judge goes beyond the application of the law, becoming the architect of society by weighing the principles in dispute to determine which is the best interpretation in terms of society in general. He defends the dynamic and evolutionary vision of the constitutional charter and its adaptive nature to social change, from a focus on the defense of human rights. For his part, Alexy



(1989) considers the Constitution a set of norms that must be interpreted based on the principles of law, and identifies as methods the literal, teleological and weighting of values and principles. He argues that the latter is the most relevant in the resolution of concrete cases.

Habermas (1996) conceives the Constitution as a document open and changing to interpretation, this being an intellectual activity that must be done in a deliberative and rational manner, open to the participation of all social actors and following the principles of universality, equality and justice, seeking to reach consensus on the meaning of values and principles in a democratic setting. For his part, in Nino (1996), constitutional interpretation must be approached from a perspective that gathers the theories of democracy, the Constitution and human rights for social balance, in which the operator understands this three-dimensional vision for the development of his considerations in the different decisions, becoming a constitutional guardian before the other powers of the State. Finally, in López Medina (2006), constitutional interpretation must be done from a pragmatic approach, with a maximum of argumentative relevance within the limits of rationality. Therefore, the creation of law has as its starting point the political charter; the operator cannot go beyond this framework in making his decisions and not neglect the needs that are foreseen in the reality under examination.

The compilation of theories on the concept of the Constitution commonly holds that it constitutes the fundamental norm that regulates essential aspects of each State, and that power is originated and consolidated through it (Martínez Rodríguez, 2021). Consequently, each philosophical or theoretical position seeks to offer various options for people to choose what they like best, in order to create the ideal State according to their culture, purpose and goal (Rodríguez et al., 2020). At present, when implemented, another controversy may arise as to whether the theory reflected in judicial decisions has been the most appropriate or, on the contrary, has focused on a theory that should be discarded.

Objectives of approaches to interpreting the Constitution

After discerning the objective of the theories, the rationale of the methods of interpretation of the Constitution will be explored in order to answer the question posed. In the main studies, the interpretation of the constitutional norm or hermeneutics has been discussed. This interpretation focuses on the work of the competent authority to understand the rules of the Political Constitution of a State. In order to compare with other rules of domestic positive law, the reality on which they have been applied must be substantiated, in order to achieve the constitutional supremacy previously examined (Naranjo Mesa, 1997).

In accordance with the above, the aim is to seek through interpretation to solve the various problems of any situation in a society. Currently, in Colombia, issues related to gender equality, dignified death, adoption of minors in same-sex couples, interruption of pregnancy, among others, have been addressed by the Constitutional Court (Schmitt, 1970). In these terms, the purpose of the interpretation of the Constitution is to resolve each particular case following the construction of the precedent ("Judge in Colombia orders euthanasia to Martha Sepúlveda after it was canceled", 2021). The field of constitutional interpretation presents several challenges. To begin with, it refers to the determination of the authority or organ of the State to which a task of great complexity must be entrusted. However, this exercise of interpretation must be subject to the same parameters or criteria that apply to the interpretation of the law (Constitutional Court, Sentence T-060/20, 2020).



Fundamental guidelines for the interpretation of the Constitution

Several authors have pointed out a series of principles that serve as a guide for constitutional interpretation (Barahona Néjer and Añazco Aguilar, 2020; Böckenförde, 2021; Haberle, 2020). Among these principles, the following stand out:

- Principle of unity of the Constitution: it seeks to consider the Constitution as the cornerstone of any legal system, avoiding limiting the interpretation of the norm to others of lower hierarchy than a norm of constitutional rank.
- Principle of practical concordance: highlights the connection between constitutionally protected assets and the complexity involved in resolving, in certain cases, conflicts between constitutionally protected assets or interests, especially in fundamental rights.
- Principle of integrating effectiveness: it considers that one of the fundamental purposes of a Constitution is to seek the political unity of the State and of all its constituent elements.
- Principle of the normative force of the Constitution: it is based on the premise that all constitutional texts have normative value; however, constitutions usually include precepts of a programmatic nature, which are not binding, and thus lack normative force.
- Principle of adaptation to the circumstances: advocates the adaptation of constitutional norms to the social, political or economic circumstances existing at the time of interpretation.
- Coherence of the Constitution: it intends to consider the Constitution as the essential foundation of any legal system, avoiding restricting the interpretation of regulations to others of lesser hierarchy than those established by the Constitution.
- Practical coordination: this concept refers to the connection between constitutionally protected rights and the complexity involved in resolving conflicting situations, especially when constitutionally supported fundamental rights are in conflict.
- Effective integrating function: this implies considering that one of the fundamental objectives of the Constitution is to achieve the political cohesion of the State and of all its constituent components.
- Normative validity of the Constitution: it is based on the premise that all constitutional texts have normative validity, although constitutions often include provisions of a programmatic nature that are not binding and therefore lack normative force.
- Adjustment to the circumstances: seeks the adaptation of constitutional norms to the social, political or economic realities present at the time of interpretation.

There are several classes that can be used in the case of interpretation of the constitutional norm. Naranjo Mesa (1997) describes the following:



- Authentic, doctrinaire, judicial or official
- Literal, logical, historical or systematic
- Scope or efficiency
- Restrictive, extensive or analog
- Background, references or indicators
- Historical, political, evolutionary, teleological or in accordance with the Constitution.

However, in the application by the constitutional judge of any of the types of interpretation, it is not excluded that he may appeal to several of them in an associative, commutative or complementary manner, to resolve the specific cases to be heard by the judicial operator.

Authentic interpretation

This modality originates in the organ to which the Constitution confers such power. In accordance with the provisions of the Constitution of each State, it contemplates a competent organ or court whose functions have been established through the Constitution itself assigning it such a function. This phenomenon is observed in countries that have constitutional courts or tribunals, as is the case in Colombia.

Doctrinal interpretation

This is done by jurists in their works by examining the content and scope of the norms, as well as the jurisprudence of the courts. In these circumstances, jurists usually analyze and comment on such jurisprudence, either to support it with additional arguments, or to question and contradict it with their own reasoning. Moreover, this approach is an interpretive theory based on principles and theories of law that serve as criteria for its application.

Judicial interpretation

Carried out by judges and magistrates in the performance of their duties. In this case, constitutional interpretation is carried out by the organ or organs competent to do so, and this interpretation is materialized in decisions, particularly in sentences. It is essential to emphasize that the operator of justice requires not only profound legal knowledge, but also great responsibility due to the concrete impact of his decisions, especially in areas such as the political, social and economic life of a nation.

Literal or grammatical interpretation

This approach involves assigning to the words used in the constitutional norms the exact meaning that those terms have in common parlance, according to the definitions provided in the most recognized dictionaries, or in the technical legal language commonly used in the respective area of knowledge.



Connection between constitutional doctrines and interpretation techniques in the context of euthanasia in non-terminal illnesses in Colombia

To address the question posed, it is noted that the relationship between constitutional theories and methods of interpretation is established through the application of constitutional norms, concretizing and applying the theories adopted in each case. In some situations, individuals in a society turn to the constitutional body to examine their case and through judicial interpretation the recognition of a fundamental right is restored. In places where the Constitution is applied through judicial interpretation, as is the case in Colombia with respect to dignified death for non-terminal but degenerative diseases, this phenomenon is evident in specific cases, such as the following:

The case of Martha Liria Sepúlveda Campo

Martha, a Colombian woman born in Antioquia, was diagnosed with amyotrophic lateral sclerosis (ALS) at the age of 48. This severe, degenerative and incurable disease gradually affects people's mobility until they become unable to move independently. For more than two years, Martha experienced the deterioration of the disease, becoming more painful every day for both her and her family. Her case unfolds as follows:

As of July 27, 2021, Martha requested authorization for a euthanasia procedure from the IPS Instituto Colombiano del Dolor S.A.S. (Incodol). In August 2021, she received an affirmative response from the scientific committee, which determined that she met the requirements to access the right to die with dignity. However, on October 10, 2021, hours before the procedure, the IPS canceled the intervention, arguing that she did not meet the terminality as considered by the first committee and that she had a high probability of life expectancy. Finally, in October of that year, the 20th Civil Court of the Medellín Circuit ruled in favor of Martha Sepulveda through the tutela action, ordering the IPS Incodol to perform the euthanasia. This decision was ratified by the circuit judge Omar Vásquez Cuartas, urging the IPS to coordinate the euthanasia within 48 hours after the notification of the ruling, as long as it had Martha's consent. On January 8, 2022, at the age of 51, Martha died from the euthanasia procedure ("Judge in Colombia orders euthanasia for Martha Sepulveda after she was terminated," 2021).

Case of Victor Julio Escobar

This case became known through the identity @eutanasia16 on Twitter, where, together with his wife, he told his story. He worked as a truck driver and twenty-five years ago he suffered an accident that fractured his spine and intestines. For more than fifteen years his health deteriorated and the following events occurred:

In February 2020, he first requested euthanasia due to pain and suffering from diseases such as hemoptysis (blood in the lungs), left hemiparesis (difficulty moving the left side of the body), pulmonary COPD, diabetes and hypertension. In addition, he suffered cerebrovascular accidents and two spinal surgeries. In June of that year, he received a negative response from the medical board of his EPS to euthanize him, arguing that he was not a terminal patient, but a patient with a degenerative condition. In July 2020, the Constitutional Court accepted the modification of euthanasia in Colombia, including patients who do not suffer from terminal illnesses.



The company's main objective is to provide euthanasia to patients who are not suffering from terminal illnesses but from degenerative illnesses that cause intense pain and suffering. On September 3, 2020, a Cali judge ordered EPS Coomeva to perform euthanasia. The EPS appealed the decision before the 17th Circuit Court of Cali, which ordered a new committee to evaluate Escobar's case. Finally, on January 7, 2022, Victor Julio Escobar Lizárrazo died at 9:20 p.m., becoming the first patient to be euthanized without being a terminal patient. (Constitutional Court, Sentence T-060/20, 2020).

Now, from the legal context in our country, euthanasia has been decriminalized since 1997; but we must clarify that it can be applied under some medical criteria as long as it is a terminal illness, there is intense pain and the procedure is requested voluntarily by the terminal patient and is performed by a specialist. Before, euthanasia was allowed, but only when the patient was terminal, with great suffering due to physical injuries or an incurable disease that had him in a terminal state ("Judge in Colombia orders euthanasia to Martha Sepulveda after it was canceled", 2021).

The above was a criterion applied by physicians under the rulings of the Constitutional Court, which regulated at the time. However, in the last two years, the discussion was resumed thanks to the cases previously studied by the Constitutional Court, which expanded the right to die with dignity (through euthanasia) for patients suffering from a serious and incurable disease or injury that causes intense suffering. As it is, between 2015 and August 31, 157 euthanasia procedures have been performed in Colombia; in 2015: 4; in 2016: 7; in 2017: 16; in 2018: 24; in 2019: 44; in 2020: 36, and up to August 31, 26 procedures 20 (Ministry of Health and Social Protection, Resolution 1216 of 2015, Resolution 1051 of 2016, Resolution 4006 of 2016, Resolution 825 of 2018 and Resolution 791 of 2021).

The aforementioned cases allow us to appreciate the technique of the constitutional judges, who used methods of interpretation to resolve the legal issue raised. A balance is established between quality of life and dignified death, given that in Colombia euthanasia was authorized only for terminal patients, excluding those with degenerative diseases.

Conclusions

It is concluded that there is a correlation between the theories and methods of interpretation of the Constitution in the judicial decisions of the Constitutional Court when it has solved concrete cases, as has been explained. By virtue of the principles of the social rule of law, the Constitutional Court, applying an evolutionary theory of law, developed a teleological interpretation, in response to the need of some people who sought in the practice of euthanasia to have a dignified life and not continue with their degenerative suffering. In this way, it is possible to guarantee fundamental rights through this way.

In modern states where the individual predominates and is transformed into a social state based on the rule of law, it is essential to have methods of interpretation to ensure the rights of each person who is part of it. At this time, it is necessary to establish the scope of the officials who apply this type of interpretation and, at the same time, to recognize new rights according to the demands of society.

In Colombia, in order for Martha Liria Sepúlveda Campo and Víctor Julio Escobar Lizarazo to go to



In order to guarantee a dignified death, they had to exhaust constitutional actions such as the tutela action and defend their position in the first and second instance in order to guarantee their right to die with dignity and stop their suffering. In this regard, the Constitutional Court has issued eight rulings that regulate the legal requirements and administrative procedures to obtain a dignified death in Colombia: Ruling T-366/93, Ruling T-123/94, Ruling C-239/97, Ruling T-970/14, Ruling T-544/17 and Ruling C-233/21.

In view of the aforementioned rulings, protocols, procedures and other guidelines were established for the health promoting entities (EPS) to ensure access to euthanasia. In Colombia, the right of access to a dignified death is not guaranteed without patients with painful, degenerative and terminal illnesses themselves coming to the jurisdiction.



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