

The consent to medical interventions to under-aged persons: the conflict between under-aged patients and their parents wills caused by religious believes.

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There is an increasing value of under-aged persons' will in the medical context. International –and European- laws often establish an age in which under-aged persons can ask for (or refuse) medical treatments. It is usual this age is 16 years old. When these patients haven't reached this age, parents' consent is necessary for every medical intervention. But, at the same time, laws indicate that medical professionals have to bear in mind under-aged persons' will and their maturity because we are before a personal matter. So, parents' consent decreases, specially when criteria of under-aged persons are based in religious believes. As a matter of fact, we could violate a fundamental right of under-aged patient. Nowadays there are an increasing number of situations in which under-aged (but capable) persons' wills and their parents ones contrast because of their different religious believes. It happens, for example, when a Jehovah witness refuses receiving blood, but their parents ask for it. It is a difficult situation for authorities that have to decide which consent is dominant. Problems will increase with new laws (it is happening in Spain in this moment) that let under-aged persons ask for abortion, post-coital pills, and other medical interventions, without their parent's consent or opinion. It also can bring about conscious conflicts to doctor and nurses.

I'll study this issue from a comparative point of view between European countries. I'll pay the main attention in Spanish situation. I'll broach it through these issues: under-aged persons' informed consent and their fundamental rights; parent's rights and representation; professional liberty of doctors and nurses, and conflict to their religious liberty; proposal of solutions.