

**GrunnMUN 2019**

*United Nations Human Rights Council*



The Ethics of Euthanasia

Chairs:

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## Welcome Letter

Distinguished Delegates,

Welcome to GrunnMUN 2019, and more specifically the Human Rights Council! This year, we will discuss a very ambiguous topic: euthanasia, currently legalized in countries such as the Netherlands, Belgium, Luxemburg and Colombia.

This very contested act has many names such as the 'right to die', but also seen as murder by many of its opponents. Only the aforementioned countries have legally practiced euthanasia as of June 2015, however, the legalization is discussed in many more countries. It has yet to be discussed on a global scale in such formal setting as the Human Rights Council, but if legalization would be passed it could have global consequences and change the whole course of the 21st century.

It is up to you, dear delegates, to debate it over, to see whether it goes against Human Rights, or to maybe even to legitimize the 'right to die'. As chairs of this year's Human Rights Council, we, Mehreen and Alice, would like to welcome you to discuss this much polarizing topic. We invite you to explore the theme while challenging yourself, and wish you the best in the preparation of yet another amazing GrunnMUN conference!

In case of questions or remarks you can of course always reach out to us.

Kindest regards,

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## Introduction

Humans are in a constant state of evolution. As we venture through time, we strive towards the development of biological, medical, and biochemical methods which aid in our own personal easement. While these aims to make our lives simpler, the drawback is the inevitable controversy certain methodologies entail. Similarly, euthanasia is a highly underrated method, which, however, is scrutinized due to its contentious nature.

Euthanasia essentially refers to the practice of intentionally ending a life for the benefit of the person involved. While it is legal in nations such as the Netherlands, Belgium, and even Canada, with exceptions, there is a large part of the world that still looks down upon the practice mainly due to the moral dilemma the subject poses.

The United Nations Human Rights Council, a body established to protect and uphold human rights in a universal manner, has remained silent on the topic at hand- because even though within the topic of euthanasia the pertinent right to life of an individual is at stake, there is another more disputed right under development: the right to die. Consequently, it patently falls within the scope of the UNHRC and should fundamentally be addressed.

## Historical Background

The "good death"- that is what Euthanasia literally translates to from the Old Greek. When looking at it from the historical perspective, the first thing that

probably comes to mind is the 2nd World War, in which Euthanasia was perverted into an excuse to kill the weak, handicapped, Jews (seen as the 'lower race') and eventually also political opponents.

Before 1933, the Hippocratic Oath every German doctor took at the beginning of their career forbade the (assisted) killing of even fatal patients. However, the main duty of a doctor then shifted from supporting life to promoting the interests of the Third Reich<sup>1</sup>.

But not only Germany formerly legalized Euthanasia, also England (in 1936) and the United States (in 1939) developed Euthanasia societies in the past century. During the last century, almost in every country in the world Euthanasia societies were formed, which nowadays fight for the legalization of it.

The first country to legalize it nowadays were the Netherlands and Belgium in 2002 and eventually Luxembourg in 2008. As a non-European country, Colombia has legalized the practice in 2015. Many other countries have legalized assisted suicide, which means that the injection or digestives are taken by the patient himself instead of given by the doctor like in the case of euthanasia<sup>2</sup>.

## The Issue

### **Status Quo of the Issue & Involved Parties**

Euthanasia is defined as "the intentional killing, by act or omission, of a dependent human being for his or her alleged benefit."<sup>3</sup> There are various methods of euthanasia, the most prominent of which being active and passive euthanasia.<sup>4</sup>

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<sup>1</sup> Life.org.nz. (2019). *A General History of Euthanasia | The Life Resources Charitable Trust*. [online] Available at: <http://www.life.org.nz/euthanasia/abouteuthanasia/history-euthanasia1> [Accessed 11 Feb. 2019].

<sup>2</sup> the Guardian. (2014). *Euthanasia and assisted suicide laws around the world*. [online] Available at: <https://www.theguardian.com/society/2014/jul/17/euthanasia-assisted-suicide-laws-world> [Accessed 11 Feb. 2019].

<sup>3</sup> Catholic News Agency. (2018). *What is Euthanasia*. [online] Available at: <https://www.catholicnewsagency.com/resources/life-and-family/euthanasia-and-assisted-suicide/what-is-euthanasia> [Accessed 11 Nov. 2018].

<sup>4</sup> Worldrtd.net. (2018). *Euthanasia Fact Sheet | The World Federation of Right to Die Societies*. [online] Available at: <https://www.worldrtd.net/euthanasia-fact-sheet> [Accessed 11 Nov. 2018].



The Netherlands, by passing the bill to legalize euthanasia in 2001 and implementing it in 2002, set a global precedent that nations were to inevitably follow. However, while some states have enforced euthanasia by incorporating it within their national systems, there is still a huge part of the world that looks down upon the practice. Countries such as New Zealand have made efforts in order to legalize the practice; however, after two attempts, a verdict still has not been reached as euthanasia remains illegal in New Zealand.

In the next sections, we look at the different countries and international actors that have immensely dealt with the issue.

### **The United States of America**

On October 27, 1997, Oregon implemented the Death with Dignity Act, which meant terminally-ill patients could end their lives through passive euthanasia.<sup>6</sup> In that case, a physician would have to prescribe medication for the end goal to be achieved. Gradually states such as Colorado, Washington, Vermont, Hawaii, and California legalized passive euthanasia as well while its legal status in Montana is disputed to this day. Moreover, The American Medical Association criticized the legalization in Oregon claiming "allowing physicians to participate in assisted suicide would do more harm than good".<sup>7</sup>

### **Canada**

As of June 2016 active euthanasia is legal in Canada. One of the requirements that is required for an individual to obtain euthanasia is that consent needs to consistently be expressed, not implied. In 2017, nearly 2000 patients were granted euthanasia, not including the regions that did not report the act.<sup>8</sup> While it was gravely criticized upon legalization and prior to approval, the practice is now considered acceptable by most Canadian nationals.

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<sup>6</sup> Oregon.gov. (2018). *Oregon Health Authority : Death with Dignity Act : Death with Dignity Act : State of Oregon*. [online] Available at: <https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/pages/index.aspx> [Accessed 18 Dec. 2018].

<sup>7</sup> Legal, Inc. US. "Physician Assisted Suicide." USLegal. N.p., n.d. Web. 10 Feb. 2017.

<sup>8</sup> Evolution News. (2018). *Thousands of Euthanasia Killings in Canada | Evolution News*. [online] Available at: <https://evolutionnews.org/2018/08/thousands-of-euthanasia-killings-in-canada/> [Accessed 18 Dec. 2018].

## **Belgium**

In 2002, soon after the Netherlands legalized euthanasia, Belgium followed the precedent set. In the Belgium model, the concerned physician has to physically be present with the patient until the patient dies. This is contrary to the Oregon model, under which the physician is required to only prescribe the medication used for the purpose of euthanasia.<sup>9</sup>

## **New Zealand**

Even though the bill on euthanasia is still not been passed in parliament, Newshub Reid Research poll declared the vast majority of New Zealand nationals to support euthanasia. The New Zealand Medical Association considers voluntary euthanasia to be illegitimate and unethical but supports patients' right to relieve pain. On the flip side, the Voluntary Euthanasia Society of New Zealand (VES) is a great promoter of voluntary euthanasia.<sup>10</sup>

## **Islamic World**

According to the Muslim belief, euthanasia and suicide are not seen as justifiable exceptions to the killing rule in Islam.<sup>11</sup> Hence, while the western part of the world may continue to legalize the practice, it is unlikely that the prominent Muslim world will follow the precedent. In January 2018, Saudi Arabia proposed a medical liability bill which was designed to ban the termination of life for any medical reason whatsoever.<sup>12</sup> Taking this into consideration, it is almost impossible to believe a nation that actively works towards banning a practice will legalize it as time passes; the same is the case for other Muslim countries.

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<sup>9</sup> "Euthanasia and assisted suicide laws around the world." The Guardian. Guardian News and Media, 17 July 2014. Web. 10 Feb. 2017

<sup>10</sup> Teara.govt.nz. (2018). [online] Available at: <https://teara.govt.nz/en/death-and-dying/page-6> [Accessed 18 Dec. 2018].

<sup>11</sup> Bbc.co.uk. (2018). *BBC - Religions - Islam: Euthanasia, assisted dying, medical ethics and suicide.* [online] Available at: <http://www.bbc.co.uk/religion/religions/islam/islamethics/euthanasia.shtml> [Accessed 18 Dec. 2018].

<sup>12</sup> Alqahtani, F. (2018). *Medical liability law to ban euthanasia, human cloning.* [online] Saudigazette. Available at: <http://saudigazette.com.sa/article/526653/SAUDI-ARABIA/Medical-liability-law-to-ban-euthanasia-human-cloning> [Accessed 18 Dec. 2018].

## **United Nations**

“We the people of the United Nations, determined (...) to reaffirm faith in fundamental human rights, in the dignity and worth of the human person (...)” - it is with these words that the Charter of the United Nations starts. This evokes the question of whether the dignity of the human being also involves a ‘death with dignity’ like most Euthanasia societies claims.

The issue of Euthanasia has yet to be officially addressed in a UNHRC session of the UN. In an assembly of the Human Rights Council in 2017, the controversy, however, was mentioned in a debate concerning abortion. It seemed that the many member states agreed that “euthanasia does not violate the right to life if carried out on terminally ill patients<sup>13</sup>.

It remains to be seen whether the UN will change its ‘laissez-faire’ stance on the topic in the future.

## **The European Union**

EU law includes numerous cases of Euthanasia such as ‘Haas v. Switzerland’ and ‘Lambert and others v. France’<sup>14</sup>. This, however, takes the regarding country’s laws into account, yet mostly argued in favor of the plaintiff.

Apart from that, no official statement solely regarding euthanasia and its legality has been published by the EU.

## **NGO’s**

The Euthanasia societies that arose in different countries around the globe in the 20th century changed with the turn of the millennium slowly into more general Non-Governmental-Organizations, such as the UK’s ‘Dying in Dignity’. This organization also closely collaborates with ‘the Patients Rights Council’, aiming at providing its patients with detailed information on Euthanasia, assisted suicide

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<sup>13</sup> Stefano Gennarini, J. (2017). *UN Committee Excludes Unborn From Right to Life, Opens Door to Euthanasia*. [online] C-Fam. Available at: [https://c-fam.org/friday\\_fax/un-committee-excludes-unborn-right-life-opens-door-euthanasia/](https://c-fam.org/friday_fax/un-committee-excludes-unborn-right-life-opens-door-euthanasia/) [Accessed 11 Feb. 2019].

<sup>14</sup> European Convention on Human rights. (2019). *End of life and the European Convention on Human Rights*. [online] Available at: [https://www.echr.coe.int/Documents/FS\\_Euthanasia\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Euthanasia_ENG.pdf) [Accessed 11 Feb. 2019].

and pain relieving methods<sup>15</sup>. The one in the UK is the biggest one, however, there are many more all around the world.

This pro-euthanasia stance yet also triggered the opposition, taking form in NGO's such as the "Euthanasia Prevention Coalition"<sup>16</sup>, which operates in numerous countries.

### **Catholic Church**

The Catholic Church has many times emphasized its strong stance against euthanasia, stating that the only one who should be able to take life is God. Doctors should rather focus on either trying to heal the patient (if possible), or comfort their patients in their last hours<sup>17</sup>

### **Jewish Community**

Similar to the Catholic Church, the Jewish Community also forbids the act of Euthanasia in itself, stating that human beings should struggle unto their dying breath for life; suicide or euthanasia would show that one is not thankful towards God for the life that has been given<sup>18</sup>.

### ***-The implications of the problem***

A main concern of euthanasia is that the death is not always the quickest- there have been numerous cases of patients waking up from a coma despite having been injected with an overdose<sup>19</sup>.

However, the biggest discussion about euthanasia deals with ethic issues: Is one human being allowed to take another one's life? Since the patient (or in case of a coma patient, his family) is the one consenting to the death, it cannot legally be

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<sup>15</sup> Dignity in Dying. (2019). *Dignity in Dying - Join the campaign*. [online] Available at: <https://www.dignityindying.org.uk/> [Accessed 11 Feb. 2019].

<sup>16</sup> Epcc.ca. (2019). *Euthanasia Prevention Coalition*. [online] Available at: <https://www.epcc.ca/> [Accessed 11 Feb. 2019].

<sup>17</sup> Hamer, J. (2019). *Vatican Document on Euthanasia*. [online] Catholic News Agency. Available at: <https://www.catholicnewsagency.com/resources/life-and-family/euthanasia-and-assisted-suicide/vatican-document-on-euthanasia> [Accessed 11 Feb. 2019].

<sup>18</sup> Nswjbd.org. (2019). *What is the Jewish view on euthanasia? - NSW Jewish Board of Deputies*. [online] Available at: <https://www.nswjbd.org/What-is-the-Jewish-view-on-euthanasia-/default.aspx> [Accessed 11 Feb. 2019].

<sup>19</sup> News.bbc.co.uk. (2000). *Euthanasia deaths 'not easy'*. [online] Available at: <http://news.bbc.co.uk/2/hi/health/655143.stm> [Accessed 11 Feb. 2019].

considered murder. Hence, the most polarizing part of the euthanasia discussion is the moral aspect.

### QARMA's

- Taking into account the stigma attached to the practice of euthanasia, can it be eradicated?
- How can euthanasia be safely regulated in nations that have legalized it?
- Is the "right to die" a sustainable end goal in order to normalize euthanasia?
- How can the scope of the right to life be broadened?
- How can religious, political and economic aspects be shaped in light of legalizing the practice?
- Which forms of euthanasia should be permitted?
- What are the moralistic concerns related to euthanasia?
- Are there any alternatives more proportional?

### Further Reading:

<https://eujournal.org/index.php/esj/article/download/7152/6887>

<http://www.life.org.nz/euthanasia/euthanasialegalkeyissues/global-euthanasia-laws/>

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