



**Legal Committee (GA VI)**

**Study Guide**



## Table of contents

<b><u>Table of contents</u></b> .....	-
<b><u>Legal Committee (GA VI)</u></b> .....	-
<b><u>Topic A: Diplomatic Immunity</u></b> .....	-
Topic introduction .....	-
Overview .....	-
Actions taken .....	-
Possible solutions .....	-
Aspects to think about .....	-
Further reading .....	-
<b><u>Topic B: Digital and Cyber Surveillance</u></b> .....	-
Topic introduction .....	-
Overview .....	-
Actions taken .....	-
Possible solutions .....	-
Aspects to think about .....	-
Further reading .....	-
<b><u>Topic C: Euthanasia</u></b> .....	-
Topic introduction .....	-
Overview .....	-
Actions taken .....	-
Possible solutions .....	-
Aspects to think about .....	-
Further reading .....	-

## Legal Committee (GA VI)

The Legal Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the United Nations Member States are entitled to representation on the Legal Committee as one of the main committees of the General Assembly.<sup>1</sup>

The UN General Assembly has an express mandate to promote the progressive development of public international law. Article 13 of the UN Charter establishes, in particular, that the “General Assembly shall initiate studies and make recommendations for the purpose of: (...) encouraging the progressive development of international law and its codification. Subsequent practice has interpreted this provision as a broad authorization to elaborate new treaties on the widest range of issues, to adopt them, and to recommend them to states for their subsequent signature, ratification, and accession. While international law-making negotiations take place in a variety of specialized bodies of the United Nations, depending on their actual subject matter, those negotiations related to general international law are usually held at the Sixth Committee.<sup>2</sup>

The General Assembly’s first session was held in Westminster, London in 1946. It is one of five principal organs of the United Nations, the others being the Security Council, the International Court of Justice, the Economic and Social Council (ECOSOC), and the Secretariat. The General Assembly is the only organ to have equal representation for all UN member states; each country has one vote and either a two-thirds majority or a simple majority vote decided most issues. Thus, the General Assembly gives countries with small populations a large influence in United Nations policy. It is important to note that recommendations voted on in the General Assembly are not binding to all members. It oversees the United Nations’ budget, works alongside other UN organs to create recommendations in the form of resolutions, and is responsible for appointing non-permanent members to the Security Council. The General Assembly elects a president to lead its sessions along with the Secretary General. According to the United Nations Charter, Article 22, “the General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.” The Legal Committee is one of such organs. The Legal Committee focuses on legal discussions and recommendations to the United Nations. As in the other committees, all United

---

<sup>1</sup> <http://www.un.org/en/index.html>

<sup>2</sup> <http://www.icj-cij.org/documents/index.php?p1=4&p2=1&>

Nations member states have equal representation in the Legal Committee. Important past contributions to the UN include a prominent role in the creation of international judicial bodies such as the International Criminal Court.<sup>3</sup>

---

<sup>3</sup> <http://www.belgrade2015.rotaractmun.org/wp-content/uploads/2015/04/Legal-Committee-Topic-Area-B.pdf>

## Topic A: Diplomatic Immunity

### **Topic introduction**

Established in large part by the Vienna conventions, diplomatic immunity is granted to individuals depending on their rank and the amount of immunity they need to carry out their duties without legal harassment. Diplomatic immunity allows foreign representatives to work in host countries without fully understanding all the customs of that country.<sup>4</sup>

Originally, these privileges and immunities were granted on a bilateral, ad hoc basis, which led to misunderstandings and conflict, pressure on weaker states, and an inability for other states to judge which party was at fault.<sup>5</sup>

A foreign diplomat (like a local citizen) can be charged for all offenses committed, whether big or small. The only difference is that he or she (upon verification of diplomatic identity) may not be arrested, held in legal custody, or made a defendant in a court case. Instead, he or she is deported through due process to his or her home country to face prosecution under its laws. Diplomats who are serious offenders or indulge in activities contrary to their official status may be declared persona non grata and may be forced to go back within a few days or even hours.<sup>6</sup> The concept of diplomatic immunity is facing a raft of contemporary challenges as the very idea of offering immunity to diplomats is being questioned by various segments of the public at large. Adding to this, the media publicizes sensational accounts of diplomats ignoring laws of their host nations and appearing to be unaccountable for their actions.

### **Overview**

The abuse of diplomatic immunity on several occasions and its leading to the violation of the human rights of other ordinary citizens have led to serious questions being posed on the requirement of diplomatic immunity. Under Article 32 of the Vienna Conventions it is stated that a diplomat can fall under the criminal jurisdiction of the host country only if a waiver to immunity is approved by his home country. Article 29 states that a diplomat cannot be arrested or detained under any condition. These articles make it difficult for there to be any decisive action taken against diplomats even when they violate the immunity provided to them. Abuses committed by diplomats can be of a civil or a criminal nature.<sup>7</sup>

---

<sup>4</sup><http://legal-dictionary.thefreedictionary.com/diplomatic+immunity>

<sup>5</sup><http://nairobi-smart.com/index.php/2015/10/23/diplomatic-immunity/>

<sup>6</sup><http://www.businessdictionary.com/definition/diplomatic-immunity.html>

<sup>7</sup>[http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf)

<b>April 2010</b>	<b>Qatar</b>	A Qatari diplomat was arrested for having smoked in the toilet on a US-bound flight and having joked (upon questioning) that he was trying to light his shoe, a reference to the shoe-bomber Richard Reid. Two F-16 fighter jets had been scrambled to follow the airplane as a result <sup>8</sup>
<b>January 2011</b>	<b>Lahore, Pakistan</b>	An American embassy employee, Raymond Allen Davis, shot and killed two Pakistani civilians, while a third man was struck and killed by a U.S. consulate car responding to the shooting. Further investigations revealed that he was working with the CIA as a contractor in Pakistan. U.S. State Department declared him a diplomat and repeatedly requested immunity under the Vienna Convention on Diplomatic Relations, to which Pakistan is a signatory.
<b>April 2012</b>	<b>Manila</b>	Panamanian diplomat Erick Bairnals Shcks was accused of raping a 19-year-old Filipino woman, but was later released from detention because Shcks "enjoys protection under the 1961 Vienna Convention" <sup>9</sup>
<b>July 2013</b>	<b>Nairobi, Kenya</b>	Joshua Walde, an American diplomat, crashed into a mini-bus, killing one man and seriously injuring eight others, who were left with no financial assistance to pay for hospital bills. Kenyan police say the case remains under investigation. <sup>10</sup>
<b>August 2014</b>	<b>Arlington, Virginia</b>	Police were called to the home of an ambassador from Equatorial Guinea, where they transported a female victim (reportedly the ambassador's teenage daughter) who had been struck in the head. Police could not press assault charges because the suspect had diplomatic immunity. <sup>11</sup>
<b>September 2015</b>	<b>Beverly Hills, US</b>	Sheikh Khalid bin Hamad Al Thani tried to claim diplomatic immunity when his Ferrari La Ferrari and a Porsche 911 GT3 were caught on camera drag racing through a residential neighbourhood in Beverly Hills. He owns the cars and a drag racing team, and is a member of Qatar's ruling family. The investigation is ongoing. <sup>12</sup>

<sup>8</sup> <http://www.theguardian.com/world/2010/apr/08/qatari-diplomat-smoking-plane-scare>

<sup>9</sup> <http://www.gmanetwork.com/news/story/257821/news/nation/dfa-panama-diplomat-in-alleged-rape-case-has-full-immunity> <sup>10</sup> <http://abcnews.go.com/International/wireStory/us-diplomat-kills-man-car-crash-leaves-kenya-19851449>

<sup>11</sup> <https://www.arlnow.com/2014/08/26/report-diplomat-beat-daughter-with-chair-leg-but-wont-be-charged/>

<sup>12</sup> <https://www.yahoo.com/autos/owner-of-beverly-hills-laferrari-does-not-have-129289165617.html>

## **Actions taken**

Vienna Convention on Diplomatic Relations, 1961:

Article 22 - embassy cannot be entered without consent - premises of embassy inviolable

Article 24 - archives and documents inviolable

Article 27 - "diplomatic bag" (i.e. pouch) inviolable

Article 29 - diplomats are inviolable exempt from arrest and detention exempt from enforcement jurisdiction

Article 30 - private residence of diplomat inviolable

Article 31 - diplomats are exempt from civil jurisdiction except: real estate, wills, professional and commercial activity outside official duties

Article 32 - immunity can be waived by the sending state

Article 37 - immunity applies to family of diplomat ["household"] certain rights apply to technical staff other employees

Article 41 - mission cannot be used in a manner inconsistent with international law Article 9 - receiving state can declare diplomat persona non grata at any time for any reason<sup>13</sup>

## **Possible solutions**

A) Self-defence: Scholars who tend to challenge the absolute nature of diplomatic immunity from criminal jurisdiction often argue that the receiving state may invoke self-defence as the basis for trial and punishment of offending diplomats. This was a popular view among writers in the 15th to 17th centuries, when conspiracy became quite a common crime committed by ambassadors. The main argument was that diplomatic immunity cannot be more important than the security of the receiving state, but the sovereigns did not follow this line of argument and used other means to deal with the diplomats in question. One has to make a distinction between self-defence as a basis for trial and punishment and as an immediate and proportionate reaction to a crime, which can endanger the lives of other people. The latter concept is definitely more acceptable and reasonable and it is likely to be correct to argue that the offending diplomat could even be killed in self-defence. Therefore, the receiving state may detain a diplomatic agent if he commits a crime without breaching its obligations under the principle of personal inviolability, which is a flagrant breach of law, in order to ensure both the security of the diplomat himself and the public. This kind of detention should not be interpreted as punishment or subjecting the diplomat to the criminal jurisdiction of the receiving state. Consequently, self-defence could be used as an immediate measure of prevention in the case of threat of irreparable damage to person or property regardless of whether the threat is directed against the state, its agents, or its nationals.

---

<sup>13</sup> <http://people.virginia.edu/~rjb3v/diplomat.html>

B) Waiver of Immunity: The reaction of the receiving state to criminal offences committed by diplomatic agents depends largely on the gravity of the alleged offence. However, when crimes that are more serious are concerned and admonition is not considered as a satisfactory punishment, it is more likely that the receiving state will request the sending state to waive the immunity of the offending diplomat so that the latter could be tried in court. As diplomatic immunity belongs to the sending state and not to the diplomatic agent, it is only the sending state has the right to waive the immunity. The waiver must always be expressed and once given the waiver is irrevocable. The requirement of the waiver reduces the possibility that the receiving state mistakenly considers, for example, an oral statement from the sending state as a valid waiver of immunity. It has to be borne in mind that proceedings in the same case, but on different stages, are to be regarded as a whole and thus one waiver is enough.

C) International Criminal Procedure: The principles of personal inviolability and of diplomatic immunity only restrict the jurisdiction of the receiving state and possible transit states, thus not having an erga omnes effect. Therefore, offending diplomatic agents can be prosecuted in certain circumstances as discussed above. In addition to those there is one more possibility, namely where such diplomats are subject to criminal proceedings before certain international criminal courts. History has witnessed the creation of several international criminal tribunals. The first and probably the most notorious one was the International Military Tribunal of Nuremberg, which was created by the victors of the Second World War to try the war criminals of Nazi Germany. Since then, international tribunals have rejected any claim to official position as a defence. For example, article 7 of the Charter of the International Military Tribunal of Nuremberg reads: "The position of defendants whether as heads of states or responsible officials in Government Departments, shall not be considered as freeing the from responsibility or mitigation punishment". It is clear that any claim to official status is not directed against the jurisdiction of the relevant tribunal, but against potential liability in respect of alleged crimes. The same issue is also addressed in the Rome Statute, but in addition to the question of liability, the statute considers also the question of jurisdiction. Firstly, the Rome Statute applies equally to all persons without any distinction based on official capacity, and the latter in no case exempts a person from criminal responsibility. Secondly, article 27, paragraph 2 of the Rome Statute clarifies that "immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar be [International Criminal] Court from exercising its jurisdiction over such a person". Therefore, a person cannot hide behind his diplomatic immunity in order to escape criminal proceedings before the ICC as long as the crime occurred on the territory of a state party to the Rome Statute or the person accused of the crime is a national of a state party to the Rome Statute. The latter possibility means that if the sending state of the criminal diplomat is party to the Rome Statute and the sending state has failed to initiate criminal proceedings or conduct such proceeding independently or impartially, the ICC can initiate its own criminal proceedings.

However, the initiation of criminal proceedings is hindered by one factor if the diplomat concerned is still in the receiving state and the sending state has refused to waive its immunity.<sup>14</sup>

D) Evaluation of acts under the Theory of Functional Necessity: Offenses committed by diplomats should be evaluated in terms of the theory of functional necessity. The host country should try and determine as to whether the action in question was performed as a part of diplomatic duty. In many cases, for instance a diplomat beating up his own child- there is no possible justification for the action being a part of his diplomatic mission. This would mean narrowing down diplomatic immunity and limiting it by the evaluation of the offense. Host countries may face a problem if the offense is arguably, under a diplomat's duty or falls under the pretext of self-defence.

E) Universality of Human Rights: By the declaration of human rights, these rights are universal and violations of these rights are punishable offenses (depending on the domestic law of the state). The argument of the universality of human rights is that no citizen should be immune from retribution when he or she violates a right which is arguably but majorly, accepted as jus cogens. This solution would need to be combined with that of functional necessity, as stated above, to make it practically possible; without which, it would ignore the reciprocity factor.

F) Suggestions for restructuring the Vienna Convention on Diplomatic Relations, 1961: This solution could be considered especially with relations to Clause 19 and 31 that have been subject to maximum condemnation over the years. Delegates could also consider suggesting limiting the immunity provided to low-ranking officials as it has been statistically proven that these officials have committed the largest number of criminal offenses. Problem specific amendments to the Vienna Conventions could also be considered. For instance, the misuse of the diplomatic pouch for the smuggling of illicit goods is relatively common. Solutions for the scrutinization of the pouch and the detention of the diplomat, if required, could be laid down as a part of the resolution.<sup>15</sup>

---

14 <http://www.gimnasiomoderno.edu.co/pdf/gmmun/GuiaBLEGAL.pdf>

15 <http://democraticac.de/?p=28063>

## **Aspects to think about**

1. Should the earlier adopted conventions and other relevant documents be reconsidered and why?
2. Does cyber surveillance violate diplomatic immunity?
3. Is diplomatic immunity threatening national/international security?
4. What are the effective measures to protect diplomats and to apply fair legal practices?

## **Further reading**

[http://www.cracked.com/article\\_19591\\_6-most-ridiculous-abuses-diplomatic-immunity.html](http://www.cracked.com/article_19591_6-most-ridiculous-abuses-diplomatic-immunity.html)

<http://www.state.gov/documents/organization/150546.pdf> - “Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities”

<http://america.aljazeera.com/articles/2015/9/29/how-diplomats-accused-of-crimes-abuse-immunity.html>

<http://adst.org/2015/06/do-you-know-who-i-am-diplomatic-immunity-gone-wrong/>  
<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1602&context=auilr> - Rethinking Diplomatic Immunity: A Review of Remedial Approaches to Address the Abuses of Diplomatic Privileges and Immunities

## Topic B: Digital and Cyber Surveillance

### **Topic introduction**

Digitally mediated surveillance (DMS) is an increasingly prevalent, but still largely invisible, aspect of daily life. As we work, play and negotiate public and private spaces, online and off, we produce a growing stream of personal digital data of interest to unseen others. CCTV cameras hosted by private and public actors survey and record our movements in public space, as well as in the workplace. Corporate interests track our behaviour as we navigate both social and transactional cyberspaces, data mining our digital doubles and packaging users as commodities for sale to the highest bidder. Governments continue to collect personal information on-line with unclear guidelines for retention and use, while law enforcement increasingly use internet technology to monitor not only criminals but activists and political dissidents as well, with worrisome implications for democracy.<sup>16</sup>

### **Overview**

Cyber surveillance could be defined as systematic observation of cyberspace by surfing, sniffing, snooping or other means with a view to locating, identifying, determining, profiling, and analyzing by all available and predictable means the transmission of e-mail, movement of packets, file transfer, e-money transactions and subversive activities of criminals, cyber terrorists, hostile regimes and intelligence agencies. It equally applies to watching over friendly elements to anticipate and prevent cyber-crime and social abuse, carry out counter surveillance and find holes in our own procedures and systems of cyber security.<sup>17</sup>

Cyberspace attacks mounted by different actors are indistinguishable from each other, as far as the perceptions of the target, personnel are concerned. In this cyberspace world, the distinction between crime and warfare is blurred. This blurring between crime and warfare also blurs the distinction between police responsibilities to protect societal interests from criminal acts in cyberspace, and military responsibilities to protect societal interests from acts of war in cyberspace. A corollary to this is the undefined division of responsibility of conducting cyber surveillance, between the security forces, viz. military, paramilitary and police; the intelligence and investigative agencies, viz. RAW, IB, CBI and those of the three services; between private and public sectors; and a host of other divides that dare and defy the divide-less cyberspace.<sup>18</sup>

The vast majority of computer surveillance involves the monitoring of data and traffic on the Internet. For example, in the United States, the Communications

---

<sup>16</sup> <http://www.surveillance-studies.net/?p=356>

<sup>17</sup><http://ydeva.info/favourite8.htm>

<sup>18</sup><http://ydeva.info/favourite8.htm>

Assistance for Law Enforcement Act, mandates that all phone calls and broadband internet traffic (emails, web traffic, instant messaging, etc.) be available for unimpeded, real-time monitoring by Federal law enforcement agencies.<sup>19</sup>

A central concern is to better understand DMS practices, making them more publicly visible and democratically accountable. To do so, we must comprehend what constitutes DMS, delineating parameters for research and analysis. We must further explore the way citizens and consumers experience, engage with and respond to digitally mediated surveillance. Finally, we must develop alliances, responses and counterstrategies to deal with the ongoing creep of digitally mediated surveillance in everyday life.<sup>20</sup>

One common form of surveillance is to create maps of social networks based on data from social networking sites as well as from traffic analysis information from phone call records such as those in the NSA call database, and internet traffic data gathered under CALEA. These social network "maps" are then data mined to extract useful information such as personal interests, friendships and affiliations, wants, beliefs, thoughts, and activities.<sup>21</sup>

Many U.S. government agencies such as the Defense Advanced Research Projects Agency (DARPA), the National Security Agency (NSA), and the Department of Homeland Security (DHS) are currently investing heavily in research involving social network analysis. The intelligence community believes that the biggest threat to the U.S. comes from decentralized, leaderless, geographically dispersed groups. These types of threats are most easily countered by finding important nodes in the network, and removing them. To do this requires a detailed map of the network.<sup>22</sup>

## **Actions taken**

The United Nations' top official for counter-terrorism and human rights (known as the "Special Rapporteur") issued a formal report to the U.N. On the 15<sup>th</sup> of October in 2014 General Assembly that condemns mass electronic surveillance as a clear violation of core privacy rights guaranteed by multiple treaties and conventions. "The hard truth is that the use of mass surveillance technology effectively does away with the right to privacy of communications on the Internet altogether," the report concluded. In concluding that mass surveillance impinges core privacy rights, the report was primarily focused on the International Covenant on Civil and Political Rights, a treaty enacted by the General Assembly in 1966, to which all of the members of the "Five Eyes" alliance are signatories. The U.S. ratified the treaty in 1992, albeit with various reservations that allowed for the continuation of the death penalty and which rendered its domestic law supreme.

---

<sup>19</sup> <http://www.networxsecurity.org/members-area/glossary/s/surveillance.html>

<sup>20</sup><http://www.sscqueens.org/events/cybersurveillance>

<sup>21</sup><http://www.wsystems.com/news/surveillance-cameras-types.html>

<sup>22</sup><http://bluegrassprivateinvestigations.com/surveillance/>

With the exception of the U.S.'s Persian Gulf allies (Saudi Arabia, UAE and Qatar), virtually every major country has signed the treaty. Article 17 of the Covenant guarantees the right of privacy, the defining protection of which, the report explained, is "that individuals have the right to share information and ideas with one another without interference by the State, secure in the knowledge that their communication will reach and be read by the intended recipients alone." The report's key conclusion is that mass surveillance programs impinge this core right: "Bulk access technology is indiscriminately corrosive of online privacy and impinges on the very essence of the right guaranteed by article 17. In the absence of a formal derogation from States' obligations under the Covenant, these programs pose a direct and ongoing challenge to an established norm of international law."<sup>23</sup>

### **Possible solutions**

A) Corporate risk management: Protect strategic information assets, monitor information about senior management across the Web, competitive analysis and business intelligence.

B) Prevention and mitigation of fraud: Early detection and management of piracy and online fraud, distribution channel monitoring, protection of intellectual and industrial property.

C) Information security & brand monitoring: Detection and monitoring of the volume and sentiment of online mentions and the potential impact on the brand, company or critical assets.

D) Protection of critical Infrastructures: Critical information monitoring and protection against undesirable actions.

E) Control of information leaks

F) Strategic positioning <sup>24</sup>

### **Aspects to think about**

1. Will countries ever refuse from espionage?
2. Does cyber surveillance have more to do with security or with infringement and violation of international law and human rights?
3. How can less economically developed countries (LEDC) be protected from hacker attacks?
4. Should governments create an international anti cyber surveillance agency?
5. Who should protect individuals from cyber and digital surveillance?

---

<sup>23</sup> <https://theintercept.com/2014/10/15/un-investigator-report-condemns-mass-surveillance/>

<sup>24</sup> <https://www.s21sec.com/en/technology/digital-surveillance>

## **Further reading**

[http://www.slate.com/articles/news\\_and\\_politics/foreigners/2015/06/mass\\_surveillance\\_violates\\_international\\_law\\_david\\_kaye\\_s\\_report\\_to\\_the.html](http://www.slate.com/articles/news_and_politics/foreigners/2015/06/mass_surveillance_violates_international_law_david_kaye_s_report_to_the.html)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2558155](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2558155)

<https://giswatch.org/en/communications-surveillance/cyber-security-civil-society-and-vulnerability-age-communications-sur>

<https://www.newamerica.org/oti/cybersecurityor-cyber-surveillance/>

## Topic C: Euthanasia

### **Topic introduction**

Euthanasia refers to the practice of intentionally ending a life in order to relieve pain and suffering. The legalization of physician-assisted death for terminally ill patients is a controversial medical and social issue. The controversy stems from the fact that whereas some view the ending of a terminally ill patient who is in a great deal of pain as a more humane way of proceeding, others see it as taking away from the sanctity of life. Most religious states also see euthanasia as going against the will of god. In some countries there is a divisive public controversy over the moral, ethical, and legal issues of euthanasia. Proponents of euthanasia rights emphasize alleviating suffering, self-determination, and personal autonomy whereas those who are against euthanasia may argue on religious or ethical grounds.<sup>25</sup>

### **Overview**

In some countries, there is a divisive public controversy over the moral, ethical, and legal issues of euthanasia. Those who are against euthanasia may argue for the sanctity of life, while proponents of euthanasia rights emphasize alleviating suffering, and preserving bodily integrity, self-determination, and personal autonomy. Jurisdictions where euthanasia is legal include the Netherlands, Colombia, Belgium and Luxembourg.<sup>26</sup>

In current usage, euthanasia has been defined as the "painless inducement of a quick death". However, it is argued that this approach fails to properly define euthanasia, as it leaves open a number of possible actions which would meet the requirements of the definition, but would not be seen as euthanasia. In particular, these include situations where a person kills another, painlessly, but for no reason beyond that of personal gain; or accidental deaths that are quick and painless, but not intentional.<sup>27</sup>

Type	Definition
Active euthanasia	<b>A person, for example a doctor, causes the death of a patient directly and on purpose</b>

<sup>25</sup> <https://www.utm.edu/staff/jfieser/class/160/6-euthanasia.htm>

<sup>26</sup>[http://www.academia.edu/9440185/Legalizing Euthanasia - Issues and Challenges](http://www.academia.edu/9440185/Legalizing_Euthanasia_-_Issues_and_Challenges)

<sup>27</sup><https://mercykillingdebate.wordpress.com/euthanasia/>

<b>Indirect euthanasia</b>	<b>Euthanasia is carried out through the omission of life preserving measure</b>
<b>Involuntary euthanasia</b>	<b>The patient gets drugs which first effect is to reduce the pain but the long term effect is to terminate the life of the patient</b>
<b>Non-voluntary euthanasia</b>	<b>The patient is not able to ask directly for the drug, hence an appropriate person has to decide about the further medical treatment of the patient. In this case a living will is extremely helpful</b>
<b>Voluntary euthanasia</b>	<b>The patient himself asks for euthanasia and is killed by a doctor</b>

<b>1991</b>	<b>The Right to Die Society of Canada is founded to advocate repeal of laws which forbid euthanasia and assisted suicide.</b>
<b>1998</b>	<b>November: Two clinical ethicists from St. Boniface General Hospital say some Manitoba doctors have been issuing Do Not Resuscitate orders without telling the patients or their families. The issue surfaced when the wife of Andrew Sawatzky took a Winnipeg geriatric hospital to court after a doctor issued a DNR order against the wishes of Mrs. Sawatzky. Mr. Sawatzky suffers from Parkinson's disease.</b>
<b>1998-</b>	<b>Jack Kevorkian is charged with first-degree murder, criminal assistance to a suicide and delivery of a controlled substance for the</b>

	<p><b>1999</b> videotaped mercy-killing of Thomas Youk. He is convicted of second-degree murder. He is sentenced to 10-25 years in prison.</p>
	<p><b>1999</b> Canadian right-to-die advocates unveil a "Debreather": a homemade gas mask and canister that recirculates the wearer's breath until he or she dies from oxygen deprivation.</p>
	<p><b>2000</b> November 28: The Dutch parliament approves a bill to allow euthanasia and physician-assisted suicide making it the first country to formally legalize the practice. The bill passed by a vote of 104-40.</p>
	<p><b>2000</b> December 6: Dr. L.J. Dragovic, chief forensic pathologist and chief medical examiner for Michigan's Oakland county reports that only 17 of the 69 people who committed suicide with the help of Jack Kevorkian were terminally ill. Dragovic's findings were published in a letter to the New England Journal of Medicine.</p>
	<p><b>2002</b> August 21: Alaskan William Stivers, 82, uses a suicide bag ordered from Canada in order to kill himself, according to a report in the Anchorage Daily News. Stivers bought a small tank of inert, deadly gas and stored it in his basement. He sent away to an address in Canada for a modified plastic bag to trap the gas around his head. The Exit Bag, produced by the Right to Die Society of Canada, is a suicide bag made of heavy-duty plastic. It is distributed with an instruction booklet titled "The Art &amp; Science of Suicide".</p>
	<p><b>2003</b> January 28: The Ontario Trillium Foundation, an agency of the Ontario Government's Ministry of Culture, has provided the pro-euthanasia group 'Dying with Dignity' \$177,800 over three years to create a pilot counselling program in Toronto. However, counselling to commit suicide is illegal in Canada.</p>

**2008**

**Luxembourg legalizes physician-assisted suicide and euthanasia.**

### **Actions taken**

As of March 2016, human euthanasia is legal only in the Netherlands, Belgium, Colombia and Luxembourg. Assisted suicide is legal in Switzerland, Germany, Japan, and Albania. Some of the states of the US like Washington, Oregon, Vermont, New Mexico and Montana have also legalized it. Only passive euthanasia was legalized in India, Ireland and parts of Mexico but the regulations, which have to be fulfilled to end the life of the patient, vary in each country. In Columbia and Japan the laws about the issue of euthanasia are unclear and contradicting. Columbia's court passed a law to legalize euthanasia in 1997 but the countries congress never ratified it. Japan itself has a law which clearly is against euthanasia but passed six criteria in 1962 which a doctor must meet before ending the life of his patient and not be accused of suicide. In addition there are other countries e.g. Germany which allow the killing of an unconscious patient if he / she / it stated clearly in a living will that life-preserving measures should be omitted if there is no chance that he will wake up again. If there is no living will existing and the relatives are not able to make a clear decision the doctor has to do everything within his power to save the patient's life.

Since the United Nations has not passed any resolution regarding the topic of euthanasia yet and did not show a clear position about this controversial issue, it has to be reconsidered if the UN should represent clear position either in favour or against euthanasia and if there should be a general solution about the legal status of euthanasia. This will be discussed in our committee and therefore you should think about possible solutions. The 6th committee of the General Assembly should decide upon steps of the UN which would make the issue of euthanasia more clear and secure and therefore has to find restrictions for every country.<sup>28</sup>

### **Possible solutions**

Here are some solutions that can help the delegates find a middle ground. Firstly, it is to implement a tight government monitoring system where each procedure can only be performed at government approved hospitals by professional doctors where only the approved forms of euthanasia can be administered. States could also allow for only the use of a specified range of methods where their ethical natures have been analyzed for patients who choose to go through euthanasia. Along with those, strict criteria and conditions can be put in place, such as limiting it to terminally ill patients where there is no cure available for their disease, the

---

<sup>28</sup> [http://cismun15.weebly.com/uploads/5/2/0/2/52026909/legal\\_final.pdf](http://cismun15.weebly.com/uploads/5/2/0/2/52026909/legal_final.pdf)

requirement of consent from both the patient and their family members, as well as psychiatric assessments to ensure that the patient is making a sound decision.<sup>29</sup>

### **Aspects to think about**

1. Which forms of euthanasia should be allowed, if any? Is passive euthanasia more humane than active?
2. Is euthanasia against human rights or on the contrary should everyone have rights over the length of their life?
3. Does euthanasia weaken society's respect for the sanctity of human life?
4. Should all countries keep a uniform opinion on euthanasia?

### **Further reading**

<http://www.euthanasia.com/>

<http://www.bbc.co.uk/ethics/euthanasia/>

<http://consequencesofeuthanasia.blogspot.com/p/various-possible-solutions.html>

<http://www.statisticbrain.com/euthanasia-statistics/>

---

<sup>29</sup> <https://scmun2014.files.wordpress.com/2013/12/hrc-euthanasia.pdf>