

**Forum:** General Assembly

**Issue:** The question of euthanasia and the right to die with dignity.

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## Introduction

Euthanasia is not a new topic. On the contrary, the idea that the term conveys has been rooted in human culture since the time of Hippocrates.

The approach to health that the Greek philosopher originated, is the basis of what is called classical or traditional medicine. That said, traditional medical schools have always banned inducing death, no matter the situation nor the suffering of the patient. Hippocrates, in its well-known oath, that has to be taken by physicians at the commence of their career in almost every state, asserts the line of thought mentioned above, “To please no one will I prescribe a deadly drug, nor give advice which may cause his death.”

Furthermore, the critical issue with euthanasia, is the moral and ethical conflicts its legalization and use arise. Controversy has been building upon whether physicians must respect their patients’ desire, or follow what ethics dictate.

## Definition of Key Terms

### Euthanasia

The definition of euthanasia, is a difficult one to convey, since every approach to the topic is biased. As the following one by The World Medical Association, “the act of deliberately ending the life of a patient, even at the patient’s own, is unethical. This does not prevent the physician from respecting the desire of a patient to allow the natural process of death to follow its course in the terminal phase of sickness.”

However, a simple definition would be, as The World Federation of Right to Die Societies defines it, as “the act or practice of killing or permitting the death of hopelessly sick or injured individuals in a relatively painless way for reasons of mercy”. (The World Federation of Right to die Societies, 2007)

## Ethics

Ethics are the standards and beliefs that govern our decisions. Although some philosophers argue that, there are personal ethics, others state that a set of universal rules exists. One of those norms being the protection of life no matter what challenges are faced. (BBC, 2011)

## Dignity

Dignity is defined through mainly every dictionary as "the state or quality of being worthy of honor or respect". For our issue, this concept is important, since terminally ill patients are not considered to be living a life with dignity due to their limitations and constant suffering.

## Physician assisted suicide

In a brief manner, physician assisted suicide is the voluntary termination of one's own life by taking lethal medication with the assistance of a physician. It differs from other life ending procedures such as, withholding or discontinuing medical treatment in circumstances that will result in death, and from euthanasia. The World Federation of Right to Die Societies states that the main difference between the two is that, "Physician-assisted suicide refers to the physician providing the means for death, most often with a prescription." while in an euthanasia procedure "The patient, not the physician, will ultimately administer the lethal medication".

## Right to self-determination

The right to self-determination of a person differs from the same right but of a people, since the first one is related to a person's will while the second one is referring to a nation's political spectrum.

It can be defined as the right of a person to choose whatever they want for them and their life, in other words, totally free will, In the view of what was mentioned, is that this term is so profoundly connected to the issue, since one of the main arguments in favor of the legalization is that any man or woman, due to their right to be free and to determine what they want for them, can terminate their life prematurely.

## Palliative care

According to the World's Health Organization palliative care "is an approach that improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual." (WHO, 1998)

## Background Information

### Historical Background

Euthanasia comes from the Greek words, Eu (good) and Thanatosis (death) and it means "Good Death or "Gentle and Easy Death." The first recorded use of this word was in the De Vita Caesarum-Divus Augustus by Suetonius, a roman historian. However, the way this word is used is different than the one that it conveys today, in roman times "euthanasia" meant the withholding of treatment. Nowadays, the word used to describe a situation as the one presented in the historian's book is orthothanasia.

Different cultures have very dissimilar approaches to euthanasia or mercy killing. Although this point will be expanded later, it is necessary to point out that the actions of easy death have been applied for what were considered at that time of history, hopeless patients since as long as history can recall.

For instance, in the Greek city-state of Sparta physically and mentally disabled people were killed, with the justification that they would be a burden not only to the society as a whole, but also to themselves. Despite this form of killing does not comply with the modern standards of euthanasia, since the patient had no choice at all and could definitely live with their handicap, is one of the most ancient methods of killing those who were or in this case, will suffer.

Other worth to mention examples include, the induced drownings in India's Ganges River, and the policies that were put in place in the Greek city-state of Athens following the ideas of Plato, who proclaimed: "Mentally and physically ill persons should be left to death; they do not have the right to live."

### Types of euthanasia

Although always being treated as the same procedure and topic, euthanasia comes in several different forms, each of which, is different from the other, having different moral implications and controversies.

### *Passive euthanasia*

Passive euthanasia is when death is brought about by an omission, either by the withdrawing of treatment or the withholding of it. An example of withdrawing treatment would be for instance, switching off a machine that is keeping a person alive. And a method of withholding treatment could be, for example, not carrying out surgery that will extend life.

### *Active euthanasia*

In active euthanasia a person or the patient himself, directly and deliberately causes other person s death or his death, as the term indicates. Active euthanasia is when death is brought about by an act, the most common one being the lethal injection.

### *Voluntary euthanasia*

Voluntary euthanasia occurs at the request of the person who is willing to die.

### *Involuntary euthanasia*

Non-voluntary euthanasia occurs when the person is unconscious or unable to make such a meaningful choice as the one of life or death, and another person takes the decision on their behalf. Opponents to euthanasia tend to refer to this form of the procedure as murder, since its similarities' with it, however there are cases where the killing would count as being beneficial for the person who dies, so to stop their suffering.

## **Arguments in favor of the legalization of euthanasia**

### *The right to die*

Has a person a right to die? The proponents of euthanasia believe she/he does. Some ethicist, such as Arthur Dyck, defend this right, and in his own words "An individual's life belongs to that individual to dispose of it entirely as he or she wishes." However, there are other philosophers that argue that, since the right to life is inalienable, it cannot be surrendered, and therefore incompatible with the right to die. Another field involved, specifically, is bioethics that questions whether this right may

be universal, meaning that everyone should solicit euthanasia in any stage of their life, or if it could only be available to terminally ill patients, that are unable to stand their suffering.

### *The Libertarian Argument or the Individuals Right Argument*

Autodetermination is one of the major arguments in support of euthanasia. Human being are free of will and therefore may choose a peaceful death rather than bearing the indignity of a life no longer worth living. These patients, according to research, feel that they are either a burden for their families or that their lives have no value anymore. Furthermore, life is seen as a private matter, hence every person may have the right to do what they want with it, no matter how disagreeable or unpleasant his or her choices are to rest of the public.

This same argument was used by euthanasia advocates in the 19th century, when liberalism was in its apogee. However, early supporters did recognise that human life was sacred and, that said, it should be maintain when it brings joy to the person who possess it.

In the light of the above, the libertarian argument states that, as any other personal matter, life should be kept at the discretion of the individual. Moreover, supporters that use this argument defend the idea that euthanasia is not an act of mercy for the ones that are suffering, but a procedure, that for them, is ought to be a human right. On the other hand, this argument has a main flaw: it is not applicable for cases that involve an involuntary euthanasia, since the person is not capable of taking the decision of whether he or she wants to continue living.

### *Elimination of suffering “Dying with dignity”*

Dying with dignity is another argument put forward by euthanasias advocates. These supporter believe that people who feel that they are not worthy of being treated with honour, as the definition provided above suggested, have lost their dignity and their confidence in themselves. Hence feeling that their life is a burden not only for themselves, but also to their relatives, if they have some.

Moreover, it is often argue that lots of modern treatments treat the ill patient in an inhumane manner, contributing, therefore, to them losing their dignity. All the feeling

of indignity caused by medical treatments, plus the constant feeling of being worthless produced by the inability to perform certain actions, that are considered normal, contribute to the patient asking its physician the possibility to die with dignity.

## Arguments in opposition of the legalization of euthanasia

### *“Dying with dignity”*

This same argument is used by the opponents of the legalization of the procedure, who upon a different definition of dignity, which is based on Christian values of hope and life perseverance, states that dying with dignity is achieved when everything possible was made for the person to continue living.

Following what the Evangelium says, christian opponents of euthanasia argue that, as man was created after the likeness of God, the superior being is the only one who can take the dignity away from a person, meaning that even a terminally ill patient conserves him or her dignity intact until they die.

Moreover, others argue that letting the terminally sick people be able to choose whether to live or die, it would be a form of discrimination, since society will denigrate them as no humans, as almost dead people. Opponents also state that illness and disability is a normal phase of human living, and having the ability to escape from the suffering will, therefore, undermine the hope needed to overcome sickness.

### *Euthanasia would not only be for people who are terminally ill*

There are two main issues with the legalization of euthanasia that concern this argument, firstly, the diffuse definition of "terminal" and the changes that have already took place to extend euthanasia to those who aren't "terminally ill.", by organizations such as Exit International. There are many definitions for the word "terminal." For example, the renowned doctor and activist Jack Kevorkian said that a terminal illness was "any disease that curtails life even for a day." Some laws, as the one present in The Netherlands and Belgium, define "terminal" condition as one from which death will occur in a short time. Other specialists on the matter state that "terminal" means that death is expected within six months or less; even where a specific life expectancy is referred to, medical experts acknowledge that it is virtually impossible to predict the life expectancy of a particular patient with complete

certainty. That said, some people diagnosed as terminally ill don't die for years, if at all, from the diagnosed condition.

Taking this in consideration, it is possible that euthanasia could be applied to a person who, was misdiagnosed, and, therefore, requested to die prematurely through euthanasia.

### *Euthanasia can become a means of health care cost containment*

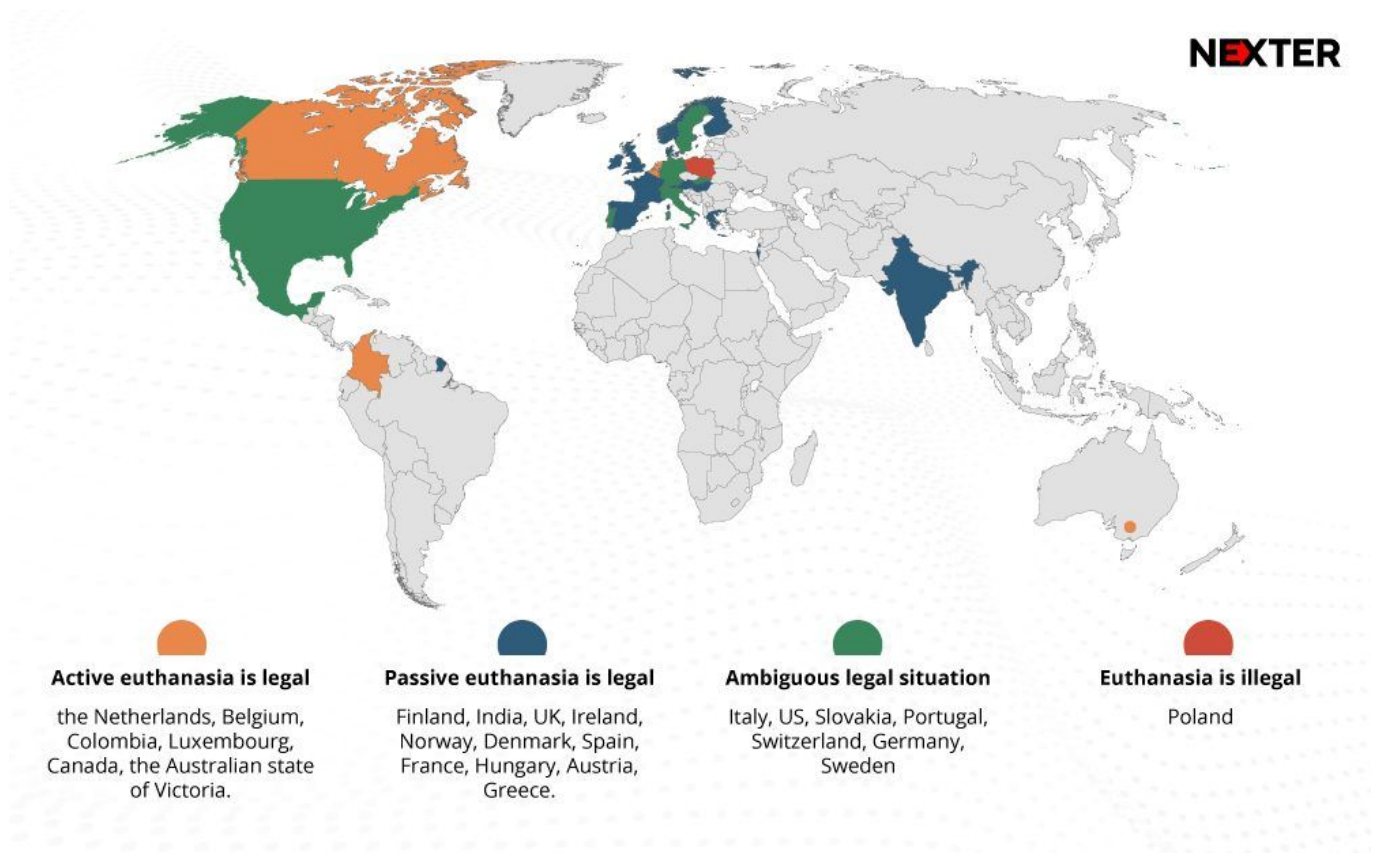
Perhaps one of the most important developments in recent years is the increasing emphasis placed on health care providers to contain costs, in an informal manner, to maintain healthcare cheap.. In such a climate, euthanasia certainly could become a means of cost saving. In the United States and other developed countries that have not legalised the procedure yet, where thousands of people have no medical insurance and the state does not provide any economical relief for health. Studies have shown that the poor, due to financial matters, and minorities, due to discrimination, generally are not given access to available pain control, therefore, legalizing euthanasia raises the potential for a dangerous situation in which doctors and medical institutions could find themselves far better off financially if a seriously ill or disabled person chooses to die rather than receive long-term, unprofitable and costly care treatment.

### *Euthanasia will not only be voluntary*

Specialists argue that emotional and psychological pressures could become factors of influence for depressed or dependent people. If the choice of euthanasia is considered as good as a decision to receive care, many people will feel guilty for not choosing death against continuing to be a financial and psychological burden for their family.

Although the decision may seem voluntary, after all the pressure that the person feels from their environment, could make him or her make a decision, that does not come entirely from themselves.

## **Legal status around the world**



*Map elaborated by Nexter that shows clearly the different legal situations that euthanasia faces around the world. (Nexter, 2018)*

Each country is different and unique, and so are they pertinent legal codes. The map above shows how the law embraces euthanasia, or if it denies. The majority of countries is in grey, since they have not enacted any law regarding euthanasia either legalizing it, such as Belgium, or forbidding it, as Poland.

## Major Countries and Organizations Involved

### The Netherlands

The Netherlands, in the year 2002 became the first country in legalise euthanasia and physician assisted suicide, with an incredibly strict set of conditions, which include the following: The patient must be suffering unbearable pain, there has to be no cure for their illness, and the patient who requests it must be in “full consciousness”. In the year 2010, 3000 people were killed by a lethal injection or drug cocktail under the restrictions of the law imposed in 2002. Furthermore, a fierce debate is now arsing in The Netherlands, since every form of euthanasia practised apart from the one allowed by the law is still considered homicide, and is pursued judiciary as one.



## Belgium

Belgium was the second country to legalise euthanasia in the world, in 2002. The law, similar to its Dutch counterpart dictates that physicians can help patients to die when they have expressed a wish to die and because they are suffering unbearable pain. However, in Belgium people who have stated their wish to die and then entered in a vegetative state, have the right to die through assisted suicide. Another particularity of the Belgian law, is that it obliges doctors to be present at the moment of the lethal injection or when the patient is taking the drug cocktail. In 2014, Belgium legalised assisted suicide for children, under the same restrictions as for adults, plus the assent of their parents.

## United States

Euthanasia is illegal in the United States at a federal level. However, a form of assisted suicide is legal in five states (Washington, Montana, Oregon, Vermont, New Mexico). Oregon was the first state in the north American country to legalise the procedure in 1997. Apart from the controversy the issue provokes, advocates for the legalisation of euthanasia have made incremental gains.

Although the law varies in each state, they all share the following criteria: the patient must be terminally ill, mentally competent, and have a predicted lifespan of no more than 6 months. In 2013, 230 Americans died as a result of taking the lethal cocktail.

## Exit International

As Exit International's page states "Exit's aim is to ensure that all rational adults who desire choice over their death have access to the best available information so that they may have absolute control over when and how they die." From this quote, and the general philosophy of the organization is that this organization can be categorized as a different one among those who support the legalisation of euthanasia.

Exit is an international non-profit that has its headquarters in Australia, with around 20,000 members from every corner of the world, according to its website. They defend the right of adults to decide how and when to die, no matter their state of health nor their age. Moreover, the organization defends the idea that euthanasia is not a medical procedure, it should be only a decision, in which a physician has no voice at all. That said, this organization does not only support euthanasia, but also "rational suicide", that is, according

to the NGO "the unassisted but well considered death of a mentally competent adult who may or may not be suffering from a serious medical illness."

The mission of this organization is fundamented in the libertarian argument seen above, meaning that they defend fiercely the ability of people to take the decision of whether to die or to continue living.

### Dignitas

Dignitas is a swiss-german association established on 17th February 1998 in Switzerland. The original function, which still prevails to today, of this association is to give legal help to patients by collaborating with physicians and doctors in order to correctly inform people that are interested in terminating their life.

### World Federation of Right to Die Societies

The The World Federation of Right to Die Societies is an international federation of associations that promote access to euthanasia and physician assisted suicide in different regions and states. Founded in 1980, it consists of 45 right to die organizations. The aim of the organization is to provide an link for organizations working to secure or protect the rights of individuals to self-determination in regard of the end of their lives.

## Timeline of Events

<b>Date</b>	<b>Description of event</b>
December 1935	The Voluntary Euthanasia Society was founded in England
October 1939	Amid the turmoil of the commence of the war, Hitler ordered wides widespread "mercy killing" of the sick and disabled
1942	Switzerland legalized physician-assisted suicide under the condition that the procedure was made on people that did not have selfish motives to do it.
5th May, 1980	The Catholic Church issued a Declaration on Euthanasia
1997	Exit International was set up

27th October, 1997	Oregon became the first U.S state to legalise euthanasia
1998	Dignitas was set up
April 2002	The Netherlands became the first country to fully legalise euthanasia
2002	Belgium passed a bill similar to the dutch one, becoming the second member state to legalise euthanasia and physician assisted suicide
2005	Luxembourg legalized physician assisted suicide
2014	Belgium legalised euthanasia for underaged persons

## Relevant UN Treaties and Events

The UN has not passed a resolution concerning this topic to the moment this report is being written. However, it is crucial to mention statements and other documents that the organization has made public.

- Universal Declaration of Human Rights, 10 December 1948 (**A/RES/217**)
- Seventy-second session of the Human Rights Committee, 30 July 2001

## Previous Attempts to solve the Issue

Up to the present day, there has not been a resolution passed in the United Nations on the matter of legalizing physician-assisted suicide, nor euthanasia. The World Federation of Right to Die organizes conferences every two years amongst their members (several domestic and regional organizations that defend the legalization of euthanasia) to review and bring new ideas and views which would help to establish euthanasia and physician-assisted suicide all over the world. Additionally, organizations like World Federation of Right to Die, Death with Dignity National Centre and many other smaller ones present their views on media coverage to spread their ideas to the general public.

## Possible Solutions

Taking everything stated into consideration and seeing that there are many factors to take into account when referring to euthanasia, it is true to say that one of the most effective ways to tackle the issue would be not to legalize euthanasia, but physician-assisted suicide. Moreover, even though it can seem obvious, it is vital to resort to assisted suicide as a last

resource. That said, measures such as the ones presented below should be considered when dealing with a terminally ill patient that is considering either assisted suicide or euthanasia. (The Life Resources Charitable Trust, 2011)

### Better pain relief

Some people argue that euthanasia or any other form of life termination could be avoided if there was a better pain relief system to contain the patient and his or her feelings. In 1990, a committee of the World Health Organization concluded that "...with the development of modern methods of palliative care, legalisation of euthanasia is unnecessary. Now that a practical alternative to death in pain exists, there should be concentrated efforts to implement programs of palliative care, rather than yielding to pressure for legal euthanasia.". In other words, the act of dying could be avoided if the person receives a good treatment from the first time they step into the hospital for being treated.

There are a lot of factor that contribute to a better pain relief system. The financial aspect has a lot to do with it, in the case healthcare was free, and that all treatments were free of any costs to anyone, experts argue that euthanasia should not be as necessary as it seems to be today. Another factor could be the way we as a society comfron illness, we tend to denigrate anyone who cannot be cured, making that emotion of "feeling like a burden" even stronger and more common among terminally ill patients. And the last reason would be the obvious one, killing the pain, by improving the quality of our healthcare to all.

### Psychological treatment

The physiological well being of a terminally ill patient has been overlooked by medicine for years. However, new medical schools have shown that the state of mind has plenty to do with the physical part of the human being. In the view of that fact, is that a possible alternative to euthanasia would be to improve the support systems available at hospitals to the terminally ill. As someone could have several oncologists watching him or her progress, it is important to also include a psychologist in the medical team, to evaluate the mental health of the patient and to help patients to cure illnesses such as depression, that are so common among terminally ill patients.

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