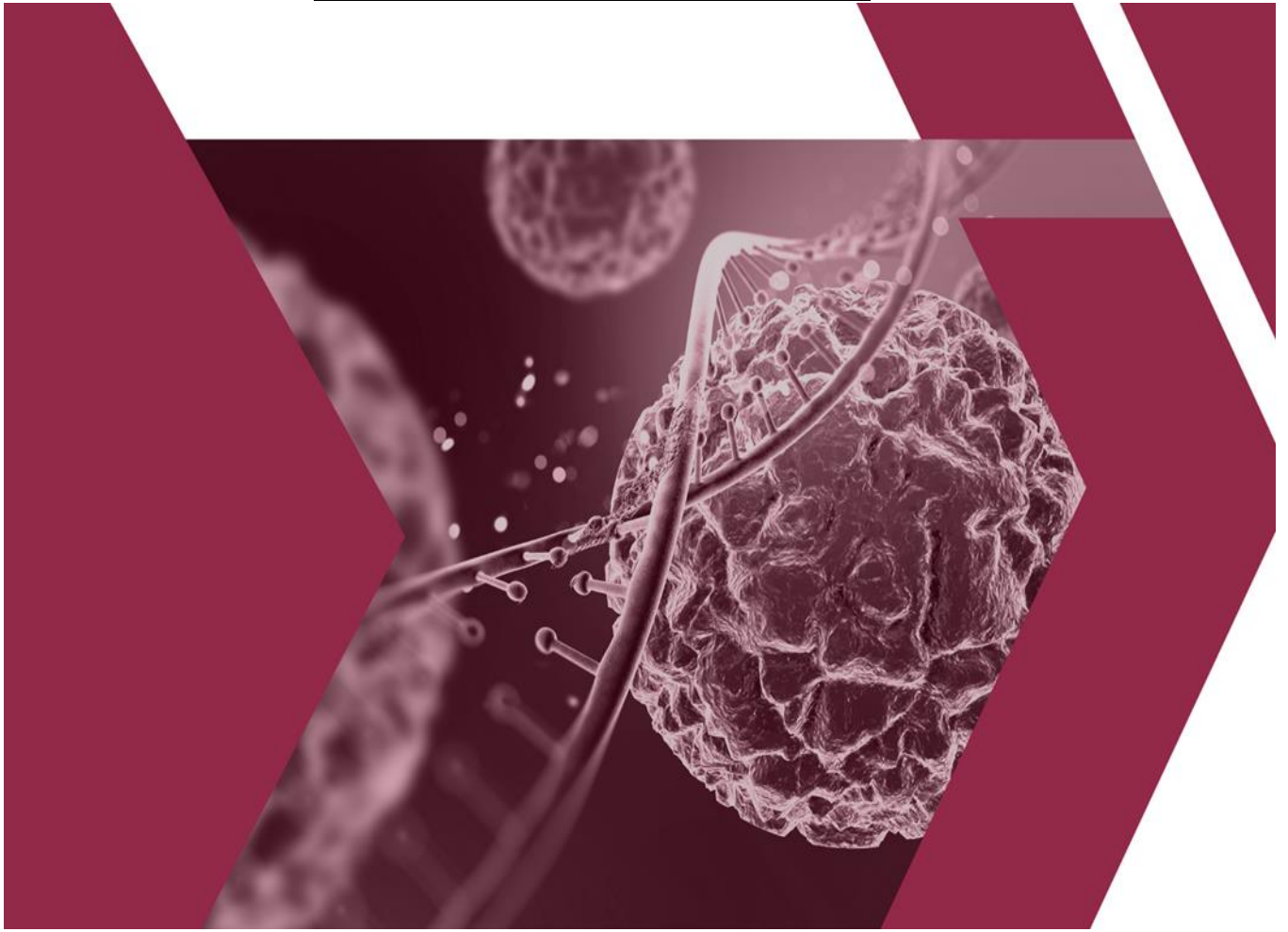


THE ILC BACKGROUND GUIDE



The ILC Commissioners shall be debating on *“SHOULD ALL TYPES OF VACCINATIONS BE MANDATORY OR VOLUNTARY DEPENDING ON A PERSON’S RELIGIOUS OR SOCIAL BELIEFS”*

This background is meant to act as a guide for the Commissioners as they do their research since it offers a basic understanding of the topic at hand. Commissioners are to be guided by it and do further in-depth research on the topic. Therefore, the dais and entire ILC bureau expects to receive well drafted Draft Articles and to witness Commissioners engaging in informed debate.



www.kenyamodelun.or.ke
Email : info@kenyamodelun.or.ke
+254 786414007 / +254 719207475

TOPIC: SHOULD ALL TYPES OF VACCINATIONS BE MANDATORY OR VOLUNTARY DEPENDING ON A PERSON'S RELIGIOUS OR SOCIAL BELIEFS

BRIEF HISTORY AND CURRENT SITUATION

Vaccination is an age old practice that dates back to the 17th Century where Buddhist monks drank snake venom to confer immunity to snake bites and variolation which is smearing of a skin tear with cowpox that confers immunity to smallpox in China.

The world has come a long way since the age of pseudo-scientific medicine as vaccination is now widely considered to be one of the greatest medical achievements of modern civilization. The story of modern vaccination begins with Edward Jenner's development of the vaccine for smallpox, one of the most feared diseases in recent history. At first, vaccination was optional and not everyone chose to vaccinate. However, actual outbreaks and epidemics ceased to be the trigger for mandatory vaccination, and prevention became the overriding justification. For example, during the outbreak of the Spanish Flu, scholars suggest vaccination could have led to cross-protection from multiple strains of the virus. Most states today require vaccination for a multitude of childhood diseases, including measles, diphtheria, pertussis and polio. Under International Law, the World Health Organization has provided guidelines with regards to getting consent for both children and adult vaccinations

Currently, the COVID 19 pandemic has seen 172 countries participating in COVAX - a global initiative aimed at working with vaccine manufacturers to provide countries with equitable and safe access to vaccines once licensed and approved. This has re-ignited fundamental questions as to whether the vaccine (if found) should be compulsory or not. Some have questioned the scientific qualifications of mass immunization and herd immunity. Others have focused on the personal liberty interests at stake and have objected to the force-hand nature of government imposition of what is viewed as a personal medical choice. Still others have opposed vaccination for personal or religious reasons.

RELEVANT UN ACTION

Pursuant to Article 25 of the Universal Declaration of Human Rights (UDHR) everyone has the right to the highest attainable standard of health and vaccination is one of the ways to attain this. In response to existing, new and anticipated challenges to immunization, WHO and UNICEF have jointly developed Global Immunization Vision and Strategies (GIVS) for 2006–2015. In view of the marked differences between countries' capacities, priorities and resources, GIVS presents a range of immunization strategies from which countries will be able to select those most suited to their needs.

EXPECTATION FROM THE DIAS

Commissioners while conducting their research and coming up with their draft articles should discuss the aspect of the right of autonomy versus utilitarianism on the issue of vaccination. Moreover, contrast needs to be made regarding the balance between consent to medical treatment and the professional responsibilities health care professionals have towards patients particularly through the principle of beneficence.

Further, the commissioners should analyse the position of international law on vaccination and determine whether they are sufficient to work during certain emergencies like COVID-19. Commissioners are expected, on picking a side, to exhaustively defend their position using the relevant instruments of international law, case law, books and other credible sources of information and come up with relevant recommendations.

DRAFT ARTICLE RULES

The format for drafting a Draft Article is to be communicated by your PILC at your chapter level in advance. However, the Chair of the International Law Commission **MAY** decide to send the Rules for the Draft Articles depending on the need that may arise. That notwithstanding, the Draft Articles should be submitted to the email address herein being (pilc@kenyamodelun.or.ke) two days before the actual day for the mock debate and for the avoidance of doubt the **29th of October 2020**. The font type should be **Book Antiqua**, with a **font size of 12**, **spacing of 1.5**. Ideally the Draft Article should not exceed 10 pages.

CLOSING REMARKS

From the dais, we wish you the very best as you embark on your research and hope to see you at the first Mock Debate. We are looking forward to a fruitful day full of vigor, fun and most importantly quality debate.