



Study Guide UNHRC



Topic A: Human Rights violations against Women, Children and Citizens of South Sudan

Topic B: Decriminalization of Abortion

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Word of Welcome

Fellow delegates,

Welcome to St. Gallen Model United Nations Conference 2022, it is a pleasure to have you here! We are Aparnaa, Inés and Imanol, and we will have the honor to chair the United Nations Human Rights Council, which this year will focus on two topics: ‘Human Rights violations against citizens, women and children in South Sudan’ and ‘Decriminalization of abortions’.

The days we are currently living on and everything that is happening all over the world have shown us that we are, more than ever, in need of peace and diplomacy. The United Nations has been the main guarantor of global peace since 1945, and now its voice must be heard more than ever. Human Rights are always in the spotlight, but the unfortunate events happening as of now in many parts of the world have shown us that we can not take them for granted. In this sense, having the chance to recreate the United Nations Human Rights Council, which is the main international body responsible for their protection, is of utmost importance.

On these occasions, we will be debating upon two very important topics; both present and international agenda but substantially different from each other. Regarding the first one, ‘Human Rights violations against citizens, women and children in South Sudan’, you will have the chance to dig deeper into the humanitarian crisis taking place in the African country while finding solutions to achieve peace and stability and strengthen the respect for basic Human Rights. Regarding the second one, ‘Decriminalization of abortions’, you will be able to get a global perspective on the status of abortion around the world while trying to reach common ground in one of the most divisive topics nowadays.

We hope this Study Guide will be helpful and will give a first insight on what the both topics are about, and what we expect from you. However, keep in mind that this document must serve as a starting point for your own work, as each country will have its own stance on the topics chosen and doing an extensive research will truly enable you to delve into all dimensions of the issues.

We are really looking forward to meeting you all in Switzerland this December. Until then, we wish you a fruitful research!

Kind regards,

Aparnaa, Inés and Imanol

Table of Content

WORD OF WELCOME.....	I
ABOUT THE COMMITTEE	1
TOPIC A: HUMAN RIGHTS VIOLATIONS AGAINST CITIZENS, WOMEN AND CHILDREN IN SOUTH SUDAN.....	2
1. INTRODUCTION.....	2
A. GEOGRAPHY AND ECONOMY.....	2
B. DEMOGRAPHY AND ETHNOGRAPHY.....	2
C. FRAGILITY CONTEXT.....	3
2. HISTORY OF THE TOPIC.....	3
3. CURRENT SITUATION.....	6
4. BLOC POSITIONS.....	9
A. AFRICA.....	9
B. CHINA.....	9
C. INDIA.....	10
D. WESTERN COUNTRIES.....	10
E. RUSSIA.....	10
5. QUESTIONS A RESOLUTION MUST ANSWER (QARMA).....	11
TOPIC B: DECRIMINALIZATION OF ABORTION.....	12
1. PROBLEM STATEMENT.....	12
A. UNSAFE ABORTIONS ON THE RISE.....	12
B. FURTHER MARGINALIZATION OF VULNERABLE COMMUNITIES.....	13
C. INCREASE IN COMPLICATIONS FOR WOMEN IN DEVELOPING COUNTRIES ACCESSING HEALTHCARE.....	13
D. CONTRIBUTES TO FURTHER STIGMATIZATION.....	13
E. EXISTENCE OF GROUNDS-BASED APPROACH.....	14
2. HISTORICAL OVERVIEW.....	14
3. SOLUTIONS.....	16
A. GIVE ABORTION A STATUS IN INTERNATIONAL LAW.....	16
B. CRIMINALIZE DENYING WOMEN ACCESS TO HEALTH.....	17
C. REMOVE UNNECESSARY POLICY BARRIERS.....	17
D. ESTABLISHING A STRONG INTERNATIONAL LEGISLATION AGAINST AND TO CRIMINALIZE RAPE INDIVIDUALS.....	17
4. BLOC POSITIONS.....	17
A. EUROPE.....	17
B. NORTH AMERICA.....	17
C. LATIN-AMERICA.....	18
D. AFRICA.....	18
E. ASIA-PACIFIC.....	18
5. RECOMMENDED READING.....	18
REFERENCES.....	III
1. TOPIC A.....	III
2. TOPIC B.....	IV

About the committee

The United Nations Human Rights Council (hereon also referred as UNHRC) is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of Human Rights and monitoring and addressing possible contexts of Human Rights violations around the planet.

The Council was created by the United Nations General Assembly on 15 March 2006 through resolution 60/251, and it replaced the preexisting United Nations Commission on Human Rights. In 2007, the Council established its so-called ‘Institution-building package’, which include procedures and mechanisms such as the Universal Periodic Review, the Advisory Committee or the Complaint Procedure. The UNHRC also works with UN Special Procedures, in which special rapporteurs, experts and working groups examine and report on issues related to Human Rights in different parts of the world.

Regarding its membership, the Council is made of 47 Member States, which are elected by the majority of members of the General Assembly of the United Nations through direct and secret ballot. As insisted on in the resolution that created the Human Rights Council itself, member States with membership in the UNHRC have the responsibility to uphold human rights standards and show real commitment to their protection, both at national and international levels.

Member States representation is decided through equitable geographical distribution. In this way, African States and Asia-Pacific States have 13 seats each, Latin American and Caribbean States are given 8 seats, Western European and other States fill 7 seats, and the remaining 6 are allocated to Eastern European States. Members of the Council are elected for a period of 3 years and can not be immediately reelected after serving two consecutive terms.

The current members of the UNHRC are Argentina, Armenia, Benin, Bolivia, Brazil, Cameroon, China, Côte d’Ivoire, Cuba, Czech Republic, Eritrea, Finland, France, Gabon, Gambia, Germany, Honduras, India, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, the Marshall Islands, Mauritania, Mexico, Montenegro, Namibia, Nepal, Netherlands, Pakistan, Paraguay, Poland, Qatar, the Republic of Korea, Senegal, Somalia, Sudan, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. The Russian Federation was part of the Council until April 7th 2022, when its mandate was revoked due to the country’s invasion of Ukraine.

The UNHRC intensified its work in 2021. Among the actions taken by the Council throughout that year, it passed a resolution recognizing the right to a clean, healthy and sustainable environment as a Human Right for the first time, held 5 special sessions to discuss the situation in countries such as Myanmar, Afghanistan or Ethiopia, extended the mandates of 17 Special Procedures and investigative bodies and created new mandates in Belarus, Sri Lanka or the Occupied Palestinian Territory and Israel¹.

¹This designation is without prejudice to positions on status, and is in line with the terms used by the UNHRC on its official website.

Topic A: Human rights violations against citizens, women and children in South Sudan

1. Introduction

a. Geography and economy

South Sudan's border alignment is fairly new; its borders are still under negotiations and final demarcation as a consequence of South Sudan's independence from Sudan. From the 1st of January of 1956, South Sudan shares borders with the Central African Republic; the Democratic Republic of the Congo; Ethiopia; Kenya; Sudan; and Uganda (South Sudan - The World Factbook, s. f.).

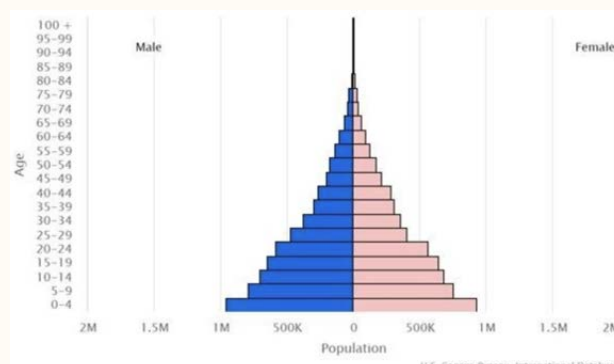
South Sudan is arranged as a mixture of plains, plateau, and mountains, where agriculture and pasture represents around 80% of the land use as of 2018. One of the main environmental current issues is deforestation and desertification (forests represent 11.3% of South Sudan's landmass as of 2018), resulting in biodiversity and wildlife loss, soil erosion, periodic droughts, and desertification. In addition to these, South Sudan has a powerful water pollution problem and has an inadequate potable water supply system. However, South Sudan has many natural resources such as fertile agricultural land, petroleum of precious metals like gold or diamonds. Despite the richness in natural resources, South Sudan lacks infrastructure, therefore it is a country with a low-income population (GDP, and GDP per capita) immersed in extreme poverty and food insecurity (IFAD, 2021).

The predominant economic sector in South Sudan has historically been the primary one where agriculture was established as the most important economic sector in terms of contribution to GDP until the beginning of the oil industry which today represents 95 percent of exports and 90 percent of revenues and stands as the dominant sector (IFAD, 2021).

b. Demography and ethnography

South Sudan's total population is 11 million (July 2021 est.) with a population growth of 5.05% (2021 est.). The official languages are English and Arabic, however there are many who speak ethnic languages. There are an estimated 200 ethnic groups, many of them with their tribal languages, where the most widely spoken are Binka, Nuer, Shilluk, Zande, Bari, Ubangian and Otuho. The ethnic diversity is rich, around 40% is Dinka, around 15% is Nuer.

Regarding religion, 60.5% of the population is Christian, 32.9% follow the folk religion, and a total of 6.2% are Muslim (South Sudan - The World Factbook, s. f.).



c. Fragility context

The Republic of South Sudan is a landlocked resource-rich country in Eastern Africa, which has been classified, according to the 2022 Fragile State Index, as a Fragile State, the fourth most fragile state in the world after Syria, Somalia and Yemen (The Fund for Peace, 2022), due to various reasons:

- 1) First, as a result of its adverse weather conditions, the ongoing conflict, its food insecurity and population displacement.
- 2) In the second place, South Sudan is currently placed in the bottom 10 countries regarding life expectancy (56 years, average is 72 years).
- 3) In addition, the average years of schooling is 4.8 years, with only one in four children enrolled in school, leaving a highly illiterate and uneducated new generation (IFAD, 2021).
- 4) Furthermore, the country is ranked 186 out of 189 countries in the UNDP's 2018 Gender Development Index. Moreover, around 50% of girls under 18 years old are married. Most of them leave school at a very young age or never attend it. Hence the women adult literacy rate is 28% compared with a male adult literacy rate of 40%.
- 5) With 80 percent of the population engaged in rural subsistence farming agriculture is the main livelihood source (IFAD, 2021). Women also have limited control over crops produced and its profit even though women constitute more than 60% of the agricultural workforce (IFAD, 2021).

Special emphasis has been made on women and children as they constitute a group which are considered that are most at risk and most disadvantaged.

2. History of the topic

By the end of the 19th century, what is now Sudan and South Sudan was a part of the British Empire. Technically, both territories made up what was known as Anglo-Egyptian Sudan; a condominium administered by the United Kingdom and Egypt. Theoretically, both countries had the same sovereignty and power over the territory, but in practice the organization of the condominium favored British rule over Egypt.

During Sudan's colonial period, the north of the country experienced a faster and deeper process of modernization, while the southern regions, generally more reluctant to British rule and therefore more troubled, did not adhere to these changes. As a result, there was a North-South development rupture that started widening throughout the years to come.

With the breaking of the Egyptian revolution of 1952, Egypt and the United Kingdom decided to end their shared rule over Sudan, grant the country self-government and advance towards self-determination. On 1 January 1956 Sudan finally became independent.

The establishment of the new country brought with it the start of political instability, which negatively affected the development of the institutions and the start of a conflict known as the First Sudanese Civil War (1955-1972). In 1958, a coup d'état led by Ibrāhīm 'Abbūd, the commander in chief of the Sudanese army, ended with the party system established at that time and imposed a military authoritarian regime. Throughout its rule, 'Abbūd imposed many measures directed towards materializing northern Sudanese hegemony over the south, such as the spread of Arabic and Islam at a national level or the monopolization of State structures by northern Sudanese. Citizens in the south quickly confronted 'Abbūd's regime and its policies, organizing several strikes and riots against him.

Nation-wide disturbances led to 'Abbūd's resignation in 1964. After that, a provisional government was established, but it was not able to solve political and ethnic disputes between the North and the South of the country. Dissatisfaction with the political environment ultimately led to another coup d'état in 1969, this time headlined by Gaafar Mohamed el-Nimeiri.

The conflict that was hitting the country for many years forced the regime to try to find a solution, and in 1972 the Sudanese government and the Southern Sudan Liberation Movement (SSLM) signed the Addis Ababa Agreement, which gave the south of the country a higher degree of autonomy. Even though the agreement was respected during the period after its enforcement, el-Nimeiri's authoritarian drift -greatly influenced by Muslim fundamentalism- ended up playing against it and interfering in Southern Sudan's autonomous institutions. In 1983, el-Nimeiri broke the agreement when he decided to divide Sudan into three provinces, and shortly after he ordered a reform of the country's legal codes in order to adapt them to the Islamic law, also known as Sharia. These actions marked the beginning of the Second Sudanese Civil War (1983-2005).

The years to come until the beginning of the 21st century were filled with what was already usual in the country: instability and conflicts. After the failure of the Addis Ababa Agreement, several cease-fires, negotiations and discussions took place between Northern and Southern factions, but none of them was able to solve the ongoing civil war. At a more political level, there was a succession of military and civil regimes that hindered any real chances of modernization or economic progress.

In 2005, rebel groups and the Sudanese government negotiated a new deal: the Comprehensive Peace Agreement (CPA). The CPA set the foundations for a new Sudan and included measures to boost economic growth, reduce inequalities and prevent further conflicts in the country. The CPA also established a semiautonomous regime for southern Sudan and stipulated that an independence referendum should take place within six years since the agreement was signed.

The long awaited secession referendum was finally scheduled to start on January 9th, 2011. The process took a week to be completed, and the results showed that an overwhelming majority of the population from South Sudan supported secession from Sudan (almost 99% of the voters chose independence). With the results finally in, formal independence was scheduled to happen in July 2011 making it the world's youngest country.

The months in between were packed with preparations to set up a new country, as there were many aspects that still had not been agreed upon. There were two prominent issues pending: the sharing of revenues from the oil industry -by far the most important in Sudan-, and the definition of clear borders between Sudan and South Sudan. Regarding the latter, a referendum to decide on the status of the Abyei region (a territory in northern South Sudan which is in dispute between the latter and Sudan) was meant to be scheduled at the same time as the independence one, but it was postponed due to several disagreements among the parties and it was never organized.

The newly born country of South Sudan was not able to escape from the fragile political and ethnic landscape that dominated Sudan during the second half of the 20th century. In regards to this situation, one day before South Sudan was officially declared independent, the United Nations declared the establishment of a peace-keeping mission in the country: the United Nations Mission of South Sudan (UNMISS), to help build and



Figure 1. Borders of South Sudan and the Abyei disputed region. Source: Britannica

maintain peace. However, the unresolved issues mentioned before, the question of Abyei and several ethnic clashes in the country fuelled new conflicts that threatened even more an already fragile political ecosystem.

Besides nation-wide issues, the current government of the country had to face several internal fights. Due to the existence of voices opposed to the direction of the then president, Salva Kiir Mayardit, in 2013 he decided to dissolve the entire cabinet and appoint a whole new one, in which the then vice-president, Riek Machar, was left out. As an answer to this decision, Machar decided to attend the next election, to be held in 2015, as the party's presidential candidate, challenging the incumbent president. Tensions between groups in favor of both candidates quickly escalated and the South Sudanese Civil War started, with violent clashes between factions and ethnic groups supporting both politicians emerging as a result of the confrontation. During the fighting, both sides were accused of violating basic Human Rights.

The humanitarian scandal and the pressure of the international community forced Machar and Kiir to negotiate another peace deal that would end the internal fighting within the country. The agreement expected a sustained ceasefire and the formation of a transitional government that would see Machar return as vice president. However, despite initial consensus on a new deal, both sides steadily violated it shortly after it came into force, with one of the main successes being Kiir's decision to create a new territorial division of South Sudan that would see the creation of 28 states designed following ethnic lines. Despite several delays in Machar's arrival into the government, with a country still highly confronted and with repeated allegations made by the UN reporting that HHRR were still being violated, in April 2016 the now vice president ultimately entered office to start working on the implementation of the new government alongside Kiir. Conflict, however, remained. Shortly after Machar was appointed as vice president fighting resumed and the situation worsened, up to the point where the United Nations envoy on genocide prevention warned that the country was at the edge of an "outright ethnic war".

In 2018 there was another attempt to pacify the country through an agreement between the South Sudanese government (the Sudan People's Liberation Movement -SPLM-) and opposing groups (mainly the Sudan People's Liberation Movement-in-opposition -SPLM-IO-), which led to the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). Moreover, an arms embargo promoted by the United Nations was implemented to help reduce further escalation of the conflict, but clashes continued throughout the years. As of now, the country continues its path towards a stable political system, and in 2021 the UN warned the delays in the creation of a constitution and the establishment of a trustworthy and effective peace process could lead to a "full-scale conflict".

The United Nations first established itself officially into South Sudan through the UNMISS. UNMISS was established by the United Nations Security Council on July 8th 2011, and it is one of the UN's peacekeeping missions. With almost 20,000 peacekeepers working in the project, the UNMISS's main objectives are protection of civilians, the creation of conditions that favors an easy and smooth delivery of humanitarian assistance, the support on the implementation of the Revitalized Agreement and the peace process, and the monitoring of alleged human rights violations, as well as their protection. The Security Council ultimately extended the UNMISS mandate until March 15th 2023, emphasizing the need to work towards a durable and stable peace and the prevention of further conflicts in the country.

In the fight against HHRR violations, on March 23rd 2016 the United Nations Human Rights Council created the Commission on Human Rights in South Sudan, whose mandate is 'to determine and report the facts and circumstances of, collect and preserve evidence of, and clarify responsibility for alleged gross violations and abuses of human rights and related crimes'. Although the body was originally thought to last for only one year, the Human Rights Council has been extending its duration throughout the years. In March 2022, the Council decided to extend its mandate for one more year through resolution A/HRC/RES/49/2.

Other agencies operating in South Sudan to provide social services and humanitarian assistance include UNESCO, FAO, UN Habitat, UNICEF, UN Women, WFP or WHO.

3. Current situation

As a result of decades of nation-wide conflicts, South Sudan has turned into a very hostile place in regards to the respect and protection of Human Rights. What first started as a struggle for power between different factions within the ruling party, the Sudan's Peoples' Liberation Movement (SPLM), evolved into an ethnic clash that confronted two main groups: President Kiir's Dinka and former vice president Machar's Nuer.

Moreover, the clear ethnic dimension of the conflict has further worsened the political instability the country has been installed in since its independence from the British Empire. Consequently, the monitoring of HHRR has become even more complicated. In fact, during a visit to South Sudan in 2020, Assistant Secretary-General for Human Rights Ilze Brands Kehris stated that she had been able to see that "impunity for human rights violations" was a core obstacle in the path towards a stable peace in the country.

One of the most ancient and common HHRR violations in South Sudan has been sexual violence against women, with common practices including rape and gang rape, sexual mutilation, forced marriage, abduction, sexualized torture. On its report 'Conflict-Related Sexual Violence Against Women and Girls in South Sudan', the United Nations reported the 'widespread and systematic' character of sexual violence and warned that the response from the South Sudanese authorities 'not nearly matched the scale and severity of the crisis'. The same report also detailed that the authors of these abuses 'humiliate and emasculate' men through the same tactics they employ to abuse women.

The impact of the ongoing fighting in South Sudan also has a clear gender bias, as women and girls must assume child care and household tasks, making them more vulnerable in situations of environmental catastrophes, armed conflicts or displacement, among others. At the same time, according to the United Nations, women, as well as children, are more affected by the conflict than men are. In fact, according to the UN Refugee Agency, 80% of the South Sudanese refugee population are women and children (UNHCR, South Sudanese refugee crisis.)

Another case of HHRR violations in South Sudan is found in the recruitment of child soldiers both by the armed forces and the rebel and opposition groups. In 2020, the Office for the High Commissioner of Human Rights of the United Nations reported that approximately 19,000 children were part of armed groups in South Sudan; a situation that goes against international agreements such as the United Nations Convention on the Rights of the Child (UNCRC), which seeks to protect children from violence, abuse or neglect. There are many causes contributing to this issue, but the lack of a proper education system that gives coverage to all the population is among the main ones.

One of the most concerning dimensions of South Sudan's humanitarian crisis is food insecurity. In July 2021, the Commission on Human Rights in South Sudan warned that 5.8 million civilians (over half the country's population, with a special affectation among women and children) suffered from food insecurity, while of these 1.8 million were 'severely food insecure'. In this situation, as reported by the Commission in 2020 both sides had been reportedly using intentional starvation as a warfare method to inflict harm and terror on the population. Some methods applied include looting and destruction of harvests, cattle raiding or intentional creation of hurdles in the distribution of humanitarian aid, and the situation has worsened even more due to conflicts and displacement, which hinder agricultural productivity.

On another note, the ongoing conflict in Ukraine is having a direct impact on South Sudan's food and fuel prices, which are rising due to shortages in production and delays in distribution. Just as an example, fuel prices in the country have risen from 430 to 1,200 South Sudanese pounds per liter (1,4 dollars) since the outbreak of the war (Anadolu Agency, 2022).

As a result of the ongoing conflict and the severe humanitarian situation in many regions of the country, a huge percentage of the South Sudanese population is currently displaced. According to the United Nations High Commissioner for Refugees, on August 31st 2022 there were 2,340,879 refugees and asylum seekers from South Sudan. The main recipient countries are Uganda (39.3%), Sudan (34.8%), Ethiopia (17.3%) and

the Democratic Republic of the Congo (6.2%). The UN Refugee Agency also reported that there are 2 million internally displaced people in the country, mainly due to the existing conflict, insecurity and the impact of climate change. These figures position the South Sudanese refugee crisis as the largest refugee crisis in Africa, and both sides of the conflict have used these human flows as war instruments.

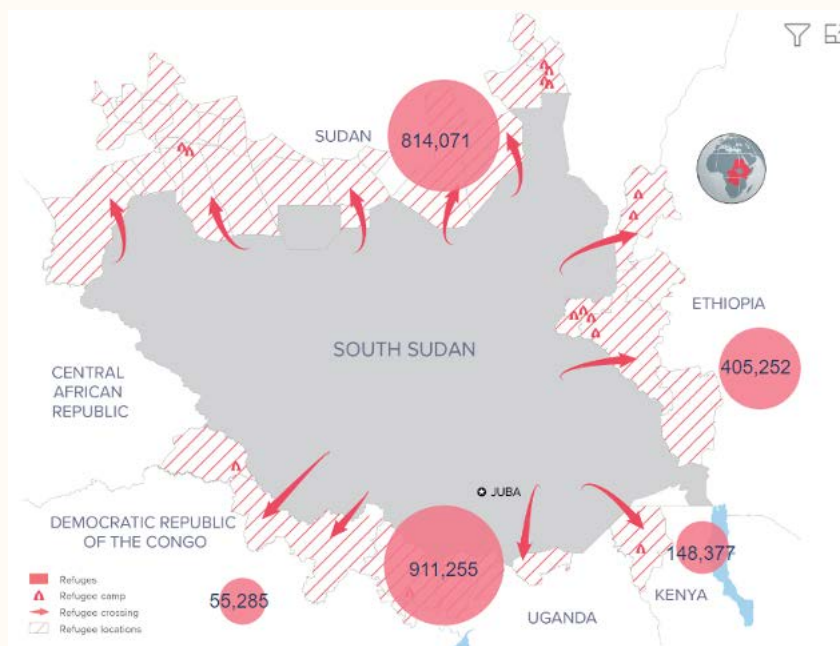


Figure 2. Flows of South Sudanese refugee population. Source: UNHRC

Civic rights have also been hugely damaged over the years in South Sudan. Press censorship, restriction of licenses to broadcasters and media institutions and arbitrary arrests and illegal detention of members of civil society movements and human rights defenders have damaged the social fabric of the country, and in March 2020 the United Nations already highlighted that “respect for freedom of opinion and expression and a safe and enabling civic space are essential to guarantee free, fair, peaceful and credible elections”. In the same line, in March 2022 the United Nations Human Rights Council passed resolution A/HRC/RES/49/2, in which it recognized the essential task of human rights defenders and other members of the civil society of South Sudan in the protection of rights and freedoms while urging the South Sudanese government to ‘promote and protect political and civic space’.

Some other practices that has been closely linked with HHRR violations include killing, torture, intimidation and enforced disappearances. As with the others, it is reported that all parts of the conflicts have committed crimes of all kinds. According to the United States Department of State, it is estimated that 400,000 people have been killed in the fighting since South Sudan became independent. Moreover, the same institution reports that South Sudan is among one of the most dangerous countries in the world for aid workers, as more than 130 have been assassinated between 2013 and 2021.

As with all traumatic and stressful situations, the scenario in South Sudan has deeply affected the mental health of a huge part of the population. Even though there are no official statistics on the matter, the Chair of the UN Commission on Human Rights in South Sudan, Yasmin Sooka, warned that the conflict in the country “has left the vast majority of the population deeply traumatized”. “The testimonies we have heard have left deep scars in the collective psyche of South Sudan and without justice and accountability, the stabilization and democratic transformation of the country cannot be achieved”, said Sooka during the presentation of the Commission on Human Rights in South Sudan’s fourth report to the Council.

The fragile political, social and economic situation of South Sudan has substantially increased the levels of corruption, both in the public and the private sector. Even if corruption is not formally recognized as a HHRR abuse, the United Nations has detected a link between it and the humanitarian crisis in South Sudan; mainly because all the resources stolen from the State vaults' are preventing the authorities from providing quality public services to the population, which can not enjoy their economic, social and cultural rights at their fullest. According to data provided by the Commission on Human Rights in South Sudan, more than 73 million dollars have been diverted since 2018; a figure that is said to account for only a part of the actual revenues extracted from the State. These practices, according to the same body, are fuelling the existing conflict, as they promote competence among groups and individuals. In the private sector, corruption is frequent in the oil industry, the most important in South Sudan. There, illicit activities have caused huge environmental damage in several regions of the country, translating into human life in the forms of pre-term births, congenital anomalies or deaths in new-borns, lower rates of fertility and cases of blindness and male sexual dysfunction.

In the case of South Sudan, it is important to highlight the tight link between HHRR violations and the state of the political system. Back in February 2022, several UN Human Rights experts exposed that the lack of progress in implementing key provisions of the Revitalized Agreement was contributing to the persistent insecurity and impunity in which human rights violations occur. In the same statement, they mentioned the security sector reform, the constitutional and electoral reform and the creation of a transitional justice as forgotten factors that need to be addressed as soon as possible.

In accordance with the warnings of the UN, many in the international community also call for the establishment of a 'transitional justice' that is able to hold the authors of said violations accountable for the crimes they have committed. "The absence of accountability and reparation, including for sexual violence, undermines the fabric of society, breeds resentment, and defers the prospects of reconciliation and healing, while victims also continue to bear multiple burdens of physical, psychological, and socio-economic consequences of the violations", said the Commission on Human Rights in South Sudan on a report issued in February 2021. In regards to this, the Commission underlined the advances made by the South Sudanese government on the constitution of the Hybrid Court and other institutions that are set to contribute to the achievement of these transitional justice mechanisms. The Commission also highlighted the need to move forward on this path in order to achieve 'sustainable peace'.

During the 77th Session of the UN General Assembly, held in September 2022, South Sudanese Vice-President Hussein Abdelbagi Akol Agany expressed that "warring parties in South Sudan are committed to implementing a peace deal that has improved security in the country". Moreover, the Vice-President announced that the parties involved in the negotiations had reached consensus on a roadmap to implement the remaining points on the agreement and celebrate elections in 2025. Despite apparent improvements on the situation, Agany also warned that the international sanctions that currently affect the country are hindering the possibility of boosting advances at a general level. "We are calling upon the international community, and the UN in particular, to revise individual and targeted sanctions, arms embargo imposed on South Sudan, to enable successful completion of the remaining provisions of the peace agreement outlined in the New Roadmap", Agany said during the UNGA session.

During this period of sessions, the South Sudanese delegation also urged the international community to help the country overcome the damaging effects of recent floods and food shortages, put the focus on the negative consequences of the Covid pandemic in the country's economy, and highlighted the positive involvement of South Sudan in the efforts to solve ongoing conflicts in Sudan or the Democratic Republic of Congo. In line with this, recently South Sudanese authorities offered to mediate between Egypt and Ethiopia in the clash between both countries over the construction of a dam in the Blue Nile River.

4. Bloc positions

a. Africa

Many African countries, and especially those with shared borders with South Sudan, notice the consequences of the humanitarian crisis taking place in the country. The most concerning issue for these countries is the flow of refugees who flee South Sudan to escape war and prosecution, ending up in these countries. As most of the bordering countries don't have either a proper infrastructure nor enough resources to manage such an amount of refugees, newcomers' life conditions usually tend to be rough.

The African Union (AU) has played a key role in the situation in South Sudan by acting as mediator on several occasions and bringing assistance to the country on its path towards reconciliation and construction of a strong institutional system. In 2008, the AU opened a Liaison Office in Juba, which serves to three objectives: monitor the overall political and security situation in the country, evaluate the further implementation of the Comprehensive Peace Agreement (especially those related to border disputes and management of natural resources), and contribute to the maintenance of good relations between South Sudan and Sudan (African Union, 2022).

In regards to the HHRR struggling in the country, in 2013 the African Union set up the AU Commission of Inquiry on South Sudan (AUCISS), a special temporary body that would investigate the HHRR abuses committed during the armed conflict and work towards ensuring accountability and reconciliation. The Commission made its final report in 2015, where it stated that despite clear advancements made since the signing of the CPA, there were still many issues related to state-building, accountability and justice that needed to be addressed after many years of being neglected (African Union, 2015).

Despite efforts being made within the African supranational institution, there have been voices claiming that the AU's actions have not been enough. As an example, 34 Sudanese, regional and international rights organizations questioned the organization's real commitment to accountability in South Sudan in an open letter published back in August 2021.

Regarding bilateral relations, one should highlight Sudan-South Sudan relations. Even though Sudan was the first country to formally recognize South Sudan's independence, relations among both governments are fragile and troubled, especially regarding issues such as disputed territories and oil management. Moreover, there are ethnic clashes in South Sudan fuelled by conflicts among governments that contribute to the degradation of the conflict and the HHRR situation in the country.

b. China

On the latest negotiations held in the United Nations Security Council to extend UNMISS's mandate, China abstained during the voting sustaining that "the United States had pushed for the inclusion of many human rights-related texts, resulting in a very unbalanced draft resolution", in words of a Chinese envoy. The Chinese delegation further emphasized that the international community should push for a HHRR strategy that is "suitable for its -South Sudan's- national conditions", and remarked on its opposition to foreign interference in internal affairs. More concretely, China rejected the use of concepts such as 'Human Rights defenders', putting forward that "Internationally, there is no clear, unified definition for this term". The delegation also criticized the US's unwillingness to further negotiate the content of the draft resolution and added that China would always stand by South Sudan's people and their will to build a nation. Additionally, China was an important actor in the peace negotiations held in Addis Ababa in 2014, alongside Western powers and African delegations.

On another note, China has economic interests in South Sudan; mainly related to the oil sector. Nowadays, China National Petroleum Corporation is a prominent actor in the country's oil industry.

c. India

As part of the efforts to establish itself as a major power in Africa, India has stepped up its humanitarian aid to South Sudan during recent years. For example, as of July 2016 India had contributed to the UNMISS with 2,288 troops, being the largest contributor to the peacekeeping mission.

Moreover, as well as other major powers India is increasing its economic ties with the country, more specifically in sectors such as oil, pharmaceuticals, medical services, finance or housing.

d. Western countries

Western countries have steadily expressed their concerns regarding the HHRR and humanitarian crisis in South Sudan, accusing both parts of the conflict of committing these crimes, and calling for the proper consolidation of a peace process that can solve the conflict. On the other hand, most of these countries have stepped into the ground in South Sudan through humanitarian aid.

The European Union has imposed several sanctions on the African country, including the prohibition to export arms and freezing of assets as well as the imposition of travel restrictions to EU Member States listed in official documents.

Besides that, the European Union Delegation to South Sudan has focused its task in the country on improving the humanitarian situation by addressing areas such as food insecurity, investment on infrastructures, human development, peacebuilding and rule of law, among others. In this sense, 50% of the EU's overall funding to the country was directed towards the EU Rural Development Programme.

Regarding the United States, since South Sudan's independence the country has stepped into the country to play a substantial role in the peacebuilding process. In 2005, the country was a huge contributor to the creation of the Comprehensive Peace Agreement, and since then has been mediating among the parties in conflict. Regarding humanitarian assistance, the United States is currently one of the largest donors of financial aid, focusing on areas such as civil rights, the fight against corruption, reinforcement of democratic institutions and reconciliation.

e. Russia

Since recent years, Russia has shown interest to intensify and strengthen economic cooperation with South Sudan. After an official working visit to Moscow made by South Sudanese Minister of Foreign Affairs and International Cooperation back in 2020, both parties expressed that there was "potential for expanding trade and economic cooperation, including in such areas as energy, construction, development of automobile, railway and pipeline infrastructure, and agriculture". Russian activities are especially oriented towards oil extraction.

Moreover, in 2016 Russia and South Sudan signed the Intergovernmental Agreement on Military Technical Cooperation, through which they agreed on strengthening the country's security and military resources through military investment.

It is important to note that, back in March 2022, South Sudan expressed its opposition towards Russia's invasion of Ukraine, following the position adopted by the African Union and other African states.

5. Questions a resolution must answer (QARMA)

- 1) What should be the control mechanisms (ensure that the solution is consistent, and that the money is spent correctly and, as agreed upon), to carry out this objective? How to control the correct execution of these controls?
- 2) Who are the important stakeholders in the country that will have a role in the solution implementation?
- 3) What are the stakeholders that will be against a development in human rights?
- 4) What strategies can institutions at non-governmental, national, regional, and international levels implement to help better transition South Sudan emerge from its conflict?
- 5) What alternative approaches or solutions can be incorporated into existing treaties/resolutions/past actions to improve their effectiveness?

Topic B: Decriminalization of abortion

1. Problem statement

Abortion is the deliberate termination of human pregnancy and its decriminalization refers to removing any legal sanctions against it. Abortion care encompasses not only the procedure itself, but also post-abortion care, counselling, and family planning (WHO, 2021). A range of opinions exist on whether or not abortion is acceptable on moral, religious, and legal grounds. While pro-life supporters believe that fetuses have the right to live from conception and that whether the pregnancy is caused by rape or incest, it is not the fetus's fault, pro-choicers believe that women should have autonomy over their own bodies and that access to abortion should be available upon request. Their argument is that abortion could be reduced by increasing the availability and accessibility of family planning, sex education, health insurance, and financial assistance (MJ Fromer, 1982). Abortion laws vary from country to country, and most countries rely on a grounds-based approach to determine a woman's right to an abortion.

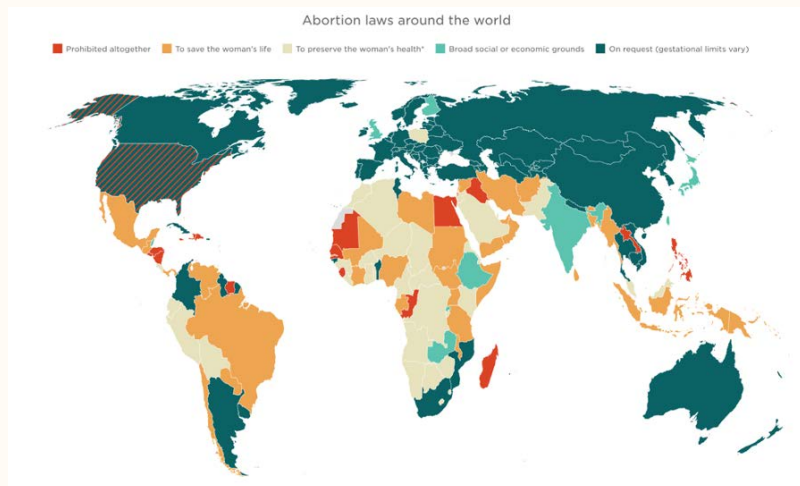


Figure 1 : Map showing the various bases on which abortion is permitted worldwide

(Source: <https://www.npr.org/sections/goatsandsoda/2022/05/27/1099739656/do-restrictive-abortion-laws-actually-reduce-abortion-a-global-map-offers-insigh>)

Abortion was previously banned because of a lack of training and knowledge regarding the practice, which made it dangerous for the health of women. Abortions are now one of the most safe medical procedures if done properly by trained practitioners. In spite of medical advancements, there are laws and policies that limit women's right to bodily autonomy even in the 21st century (Ana Langer, 2021). Criminalizing abortion presents the following issues:

a. Unsafe abortions on the rise

Regardless of whether abortions are legal or illegal, women will use them; criminalizing abortion will only increase their risks. The number of women having unsafe abortions is estimated to be 25 million - either performed by untrained practitioners or under unsafe conditions (Amnesty International, 2022). Among the most preventable health problems, unsafe abortions rank third in causes of maternal deaths. 20 million of the 42 million abortions every year are unsafe with roughly 68,000 women dying every year due to this and, among

those who survive, 5 million women will suffer long-term consequences on their physical and mental health. While the level of sex education and access to contraceptives also play a major part, there is a positive correlation between the degree of restrictiveness of abortion laws and the number of unsafe abortions. The rate of unsafe abortions is closely related to the relaxation or tightening of abortion accessibility/legality as seen in South Africa where the abortion mortality ratio decreased 91% between 1994 and 2001 (Haddad & Nour, 2009).

b. Further marginalization of vulnerable communities

The problem is exacerbated for women from marginalized communities, such as: refugees, migrants, bisexuals, cisgenders, lesbians, transgenders, adolescents, indigenous women, and people from lower socioeconomic backgrounds since they cannot afford to travel to a foreign country for medical care. As a direct result of their status, 28% of people from these communities are harassed in medical settings, and around 19% of them are denied medical care outright. Intersectional discrimination and poverty exacerbates the problem (Sevelius et al., 2020).

c. Increase in complications for women in developing countries accessing healthcare

Due to the current state of law and socioeconomic fabric, women in developing countries have a relatively more difficult time accessing healthcare, including access to abortions. In western nations, the percentage of unsafe abortions is only 3%, while in developing nations, it is a staggering 55%. It is possible that there are more cases that go unreported, given the stigma around abortions in developing countries (WHO, 2017).

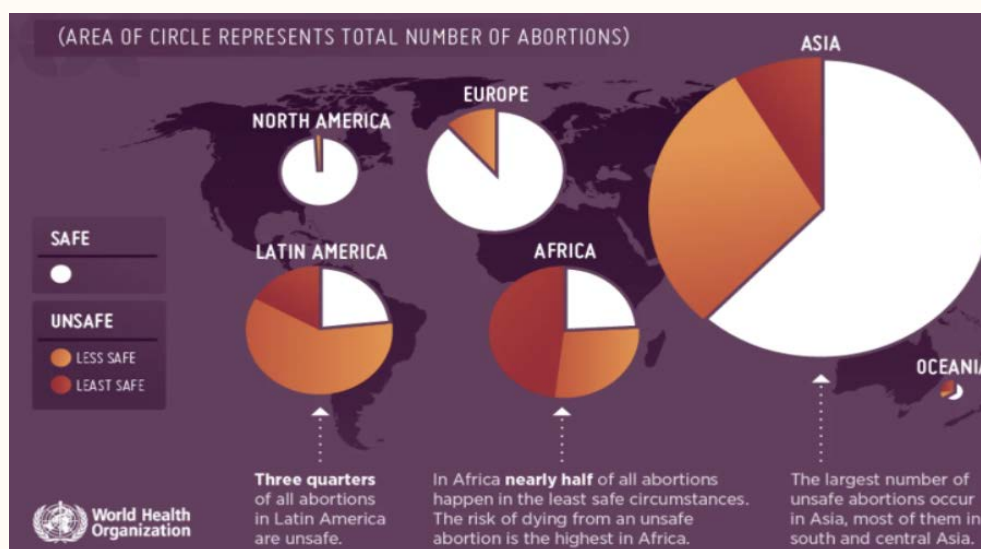


Figure 2: Global distribution of unsafe abortions, clearly showing that a majority of them occur in developing countries

d. Contributes to further stigmatization

As the CEDAW (Committee for the United Nations Convention on the Elimination of All Forms of Discrimination Against Women) has stated, laws against abortion are a form of discrimination against women (UNGA, 1979). Women internalize the stigma surrounding abortion and suffer more negative emotional effects. It contributes to the misinformation surrounding abortion that leads women to believe it is much harder to cope with getting an abortion than it actually is (Makleff et al., 2019).

e. Existence of grounds-based approach

In a majority of the countries, there exist grounds on which abortion is permitted. These are not very well defined and are open to interpretation by the courts. Regardless of whether rape or incest caused a pregnancy, women deserve access to abortion if they need it, or if it harms their health- mental or physical in any manner, or for economic reasons, or for age-related concerns or simply because it is their choice. In general, there are six main grounds for abortion, including:

Ground 1 - Risk to Life

Ground 2 - Rape or sexual abuse

Ground 3 - Serious fetal anomaly

Ground 4 - Risk to physical and mental health

Ground 5 - Social and economic reasons

Ground 6 - On request

As countries progress from 1 to 6, maternal deaths and unsafe abortions continue to decline, with women in countries in category 6 having almost no chances of any health complications due to the fact that abortion is one of the safest medical procedures if appropriately performed by trained practitioners (Marge Berer, 2017).

The restrictive interpretation of the grounds, as well as confusion among the medical staff about the fulfilment of conditions, lead to lengthy periods of examination to determine whether the women are legitimate, which directly delays the abortion process. For those without the resources, delays can lead to significant increases in costs and logistical challenges (WHO , 2021) . Evidence indicates that maternal morbidity rates are positively correlated with the following grounds-based approaches (Nicole Mueksch, 2022).

2. Historical overview

Abortion, as a practice, dates back to 1550 BC in ancient Egypt. It was common practice to use both non-surgical methods and surgery in very few cases and there was no widespread regulation regarding the issue. The state did not intervene in it as it was considered a private matter. Fetus was not considered to be alive until the quickening- where the fetal movements could be felt. It was only considered as a lack of regular menstruation and women simply consumed herbal abortifacients (PRB, 2008). Accordingly, in the early 1800s, abortions were legal until quickening and women could not be convicted even if accused of abortion because they could simply claim that they did not feel the fetal movements. Consequently, women had power over their own bodies to a large degree (Peterson, 2012) . Mid 1800s witnessed rapid commercialization of abortion as a service but it could be availed only by the richer startas. Other sections of the society continued to use mail-delivered abortifacients. Commercialization of abortion led to the development of more advanced and safer abortion techniques performed by skilled professionals. As a direct consequence of lobbying by the professionals , quickening, as a parameter for determining the legality of abortion, lost its credibility. As the process quickly became a legal, religious, and ethical issue, a number of stakeholders became involved (Ravitz, 2016). Its criminalization in Britain began with the passing of Lord Ellenborough Act in 1803 and was fully criminalized in 1861 on the passing of the Offences Against the Person Act (Keown, 2009). Most of the western Europe had criminalized abortion by the end of the 19th century. Across the atlantic, Connecticut became the first state to prohibit abortion procedures using poisonous herbs as early as 1821. Then, in 1857, the newly formed American Medical Association started a campaign to criminalize abortion. The Comstock Act,1873, prohibited the distribution of contraceptives and awareness programs. Adding an additional layer of religious oppression to the issue, the Catholic Church declared abortion unpermissible at any stage of pregnancy in the 1869. Various feminist movements, including universal suffrage and voluntary parenthood, were led and participated in by women, who were oppressed by these abortion laws (Pollitt, 2022). Restrictive laws around the world, according to the United Nations Population Division, fell into three main categories - common law, civil law and Islamic law .

Outlawing abortion has historically been justified by three main reasons:

1. For the protection of women's health: A lack of medical supplies, crude abortion methods, and high mortality rates were the reasons cited for abortion being reserved for dire circumstances in the 19th century.
2. In order to protect the fetus' right to life: The belief that life begins at conception, along with certain rights, led to abortion being considered murder. In this view, the right to life of the fetus triumphed over women's bodily autonomy and difficulties.
3. In opposition to the religious beliefs: Several religions, including Christianity, Hinduism, and Islam, view abortion as a sin and unacceptable practice and strongly condemn it on the grounds that children are a gift from God (Gershon, 2017).

Regardless, there were approximately millions of abortions every year despite their illegal status; the only difference was that now there were a number of dangerous methods to use - from swallowing strong chemical drugs with unknown side effects to inserting coat hangers and knitting needles.

As the new century dawned, views of Europe and the United States on this issue diverged. As the focus shifted to addressing the socio-economic issues in Europe, the US retained its position. Contraceptives and birth control measures became available as feminist movements took hold. Russia, under the leadership of Lenin was among one of the first countries to legalize abortion. As women icons like Marie Stopes, Margaret Sanger, and Stella Browne emerged, the fight for women's agency over their bodies strengthened, and the democratization of abortion information played an important role in achieving this goal. There was formed an abortion law reform association that published articles in newspapers and gave lectures all over the country. Iceland was the first western country to legalize therapeutic abortion. In most countries, progress has not been linear - for instance, Joseph Stalin reversed the abortion laws in an attempt to increase the number of people. In various parts of the world, feminist movements defended abortion on a variety of grounds, including individual rights over their own bodies, public health, and economic concerns. It was the rise in back alley abortions and the consequent increase in hospitalization rates that attracted the most attention. It was no longer about reform but about repeal. Abortion Act was passed in Britain in 1967 which allowed abortion in all of UK except for Ireland. France, Germany, New Zealand, and Netherlands followed suit (Peterson, 2012). In the US, it wasn't until the 1950s that the FDA approved contraceptives due to the emergence of birth control clinics, planned parenthood clinics, and oral contraceptives. Following the pro-choice movement and the media attention it received, Colorado then Hawaii and then New York started repealing abortion laws. In 1973, the right to abort was guaranteed to women under the 14th amendment in line with the judgment passed on the landmark case of *Roe v. Wade* (Wilson, 2013).

On the other side of the world, Edo was the first place in Japan to ban abortions in 1842. It was more about religion than politics that prompted the ban. The Eugenic Protection Act of 1948 legalized abortion in Japan. In addition to health reasons, it also allows abortion for economic reasons. While attempts were made to remove the economic clause in the 1990s, due to strong opposition from women's groups at the time, it remains a part of the legislation. A major concern for women in Japan is the requirement of spousal consent in order to obtain an abortion after marriage, along with the high price of abortion surgery, which pushes women to use illegal drugs (Osumi, 2022). The Chinese Government, on the other hand, banned abortion only in the 1950s. It was legalized only after two decades due to its emphasis on population control and enforcement of its one child policy (CFR, 2022). Under the Indian Penal Code, abortions were banned for over a hundred years from 1860- 1971. This changed when the Medical Termination of Pregnancy Act was passed in 1971 (Munjaj, 2022). Despite the fact that abortion is liberalized in most Asian countries except for three countries - Iraq, Laos, Philippines, women still face problems from disproportionate societal stigma, a lack of awareness regarding abortion's legal status, and unsanitary conditions (Guttmacher Institute, 2022). With regard to South Africa, it repealed the „Abortion and Sterilization Act of 1975“ and legalized abortion with the „Choice on Termination of Pregnancy Act of 1996“ (Kaswa & Yogeswaran, 2020). In the Middle East, the most liberal laws are found in Saudi Arabia, and the most restrictive laws are found in Iran. As of November 2021, two

doctors and a judge must approve an abortion, which extends the approval time (Lucente, 2022).

By the end of the 20th century, over 98% of the countries permitted abortion to save the life of the mother. The percentage of countries allowing abortion on other grounds was as follows: ground 2 (43%), ground 3 (39%) , ground 4 (62%) , ground 5 (33%) and ground 6 (27%) (Berer, 2017).

Most countries have expanded the grounds on which abortion is allowed over the past two decades, indicating a trend toward liberalization as demonstrated by the case of Ireland where the eighth amendment was repealed by a popular referendum. Availability of medical interventions and post-abortion care have grown steadily in recent years. As demonstrated in the cases of Nicaragua, where abortion was completely criminalized in 2006, and USA, where Roe vs Wade was overruled as recently as 2022, allowing the states to have the final say on the issue, the growth of the issue is not linear and uniform (Ralston & Podrebarac, 2020) . Below is a diagram that illustrates how the laws have evolved across the world in the past two decades.

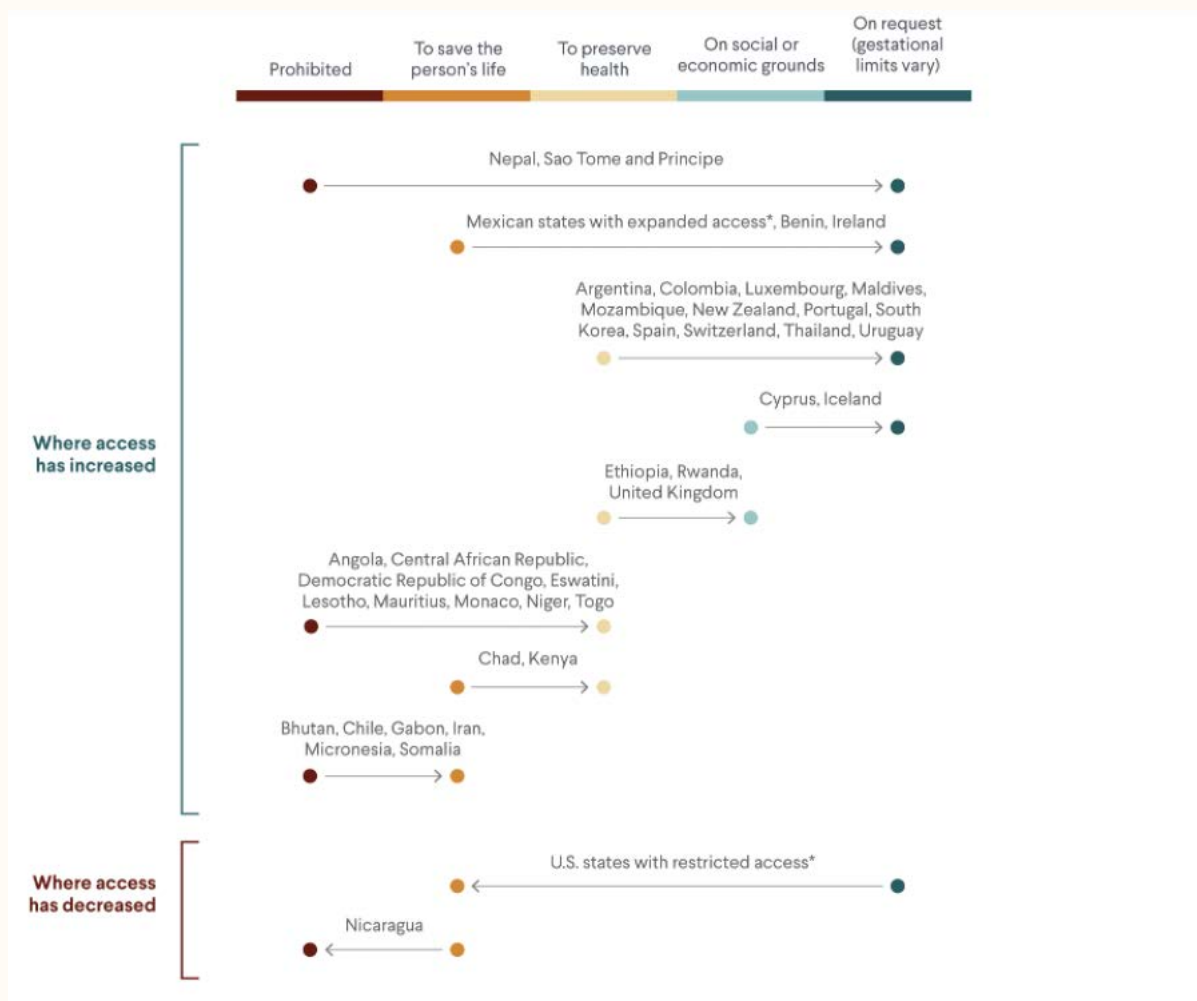


Figure 3: Diagrammatic representation of the changes in abortion law from 2000 to 2022 (Source: <https://www.cfr.org/article/abortion-law-global-comparisons>)

3. Solutions

The World Health Organization's guidelines on abortion to help countries deliver lifesaving care:

a. Give abortion a status in international law

The United Nations is currently working on a resolution to declare "safe abortions" a human right, creating a common and compromised resolution regarding abortion, would mean including safe abortions as part of the women's human rights, and so, under national law (WHO issues new guidelines on abortion to help deliver lifesaving care, 2022).

b. Criminalize denying women access to health

The abortion medical practice is a service required only by women, thus, prohibiting or restricting such practices is a direct form of discrimination against women. There is an urgent need to eradicate the negative attitudes towards allowing abortions as it would prevent not only the realisation of unsafe abortions, but also, it would mean that the different countries would take a step further to end the discrimination against women around the globe.

c. Remove unnecessary policy barriers

Removing unnecessary policy barriers such as mandatory parental approval or mandatory waiting periods would facilitate safe abortion access. These barriers, help to create negative connotations towards abortion, it stigmatizes the practice and discredits or disgraces women. In addition, these barriers lead to long waiting lines that result in greater risk for the medical procedure, and disrupts and delays women's education, or even forces girls out of it (WHO issues new guidelines on abortion to help deliver lifesaving care, 2022).

d. Establishing a strong international legislation against and to criminalize rape individuals

Acting to prioritize the fight against sexual violence is vital as it is one of the world's leading source of violence against women, a study by the United Nations revealed that the most common form of violence experienced by women globally is intimate partner violence (Devastatingly pervasive: 1 in 3 women globally experience violence, 2021). Other researchers, such as the World Health Organization reports show that nearly one in four women (aged 15-24 years), in some countries experience sexual violence (Randall & Venkatesh, 2015). Thus, in order to lower abortions in countries where it is highly negatively viewed, it is imperative to fight against the reason behind many of the abortions.

4. Bloc Positions

a. Europe

Europe is known for its welfare state system and its continuing fight for human rights protection not only in the European block, but worldwide. Regarding abortion, Europe has a uniform approach, almost all European countries have legalized abortion, at least in the first trimester of pregnancy, and, moreover, almost all countries allow it at any stage of the pregnancy to ensure the health or to save the life of the pregnant woman, countries such as Belgium, France or Spain has a strong legislation which allows abortions on request, in addition, many countries are updating abortion laws, an example of this would be Spain which updated its legislation in May 2022. As of this date, the Spanish law criminalizes the harassment of women in health centers (Sparks, 2022). However, it must be underlined that not all European countries allow the termination of a woman's pregnancy, countries such as Poland or Malta maintain highly restrictive laws (Center of Reproductive Rights, 2022).

b. North America

Overall, North America, as Europe holds a broad national pro-abortion position. In Canada, abortion (performed at any time during the pregnancy) has been decriminalized for 30 years. In Mexico, the Mexican Supreme Court of Justice, in September 2021, declared it unconstitutional to criminalize abortion. In the United States, access to abortion varies from state to state since the Supreme Court overturned *Roe v. Wade* (a legislation that for 50 years included abortion rights in the federal legislation). Now-a-days, the US is included in the countries that hold abortion rights in its legislation as more than 50% of its states still allow its practice, even though in a little less than 50% of the states is currently a crime (Kitchener et al., s. f.).

c. Latin-America

Abortion legislation in Latin America varies. Argentina is one of the four countries in Latin America that includes in its legislation the right of abortion, along with Colombia, Cuba and Uruguay. Other countries allow it under a series of assumptions such as if the woman's life is in danger (Costa Rica: article 121; Guatemala: article 137; Paraguay: article 352; Peru: article 119; or Venezuela: article 435), if the foetus life is in danger or if the pregnancy is consequence of rape (Bolivia: art. 266; Brazil: art. 128; Chile and Panama: art. 144). Finally, El Salvador (article 133), Haiti (article 262), Honduras (articles 126 - 132), Nicaragua (article 143) and the Dominican Republic (articles 317 - 318), prohibit abortion under all circumstances. Colombia has been the last country in the region to join the Pro-Abortion Rights Wave in Latin America, since Argentina approved the abortion law in December 2020 (Forbes, 2022).

d. Africa

Africa holds the greatest religion and ethnicity complexity mixture in the world, it is the largest country with the highest diversity. However, when referring to abortion, its legality, incidence, safety and practice, there are not many differences between countries. Out of the 55 countries (Western Sahara included), only 41 accept abortion if the woman's life is in danger or if her pregnancy may result in serious consequences to her health. Only in seven the right to stop a pregnancy is allowed: South Africa, Mozambique, Guinea-Bissau, Cape Verde, São Tomé and Príncipe, Tunisia and Benin. In addition, there are six countries that ban it completely – Egypt, Mauritania, Senegal, Sierra Leone, Republic of the Congo and Madagascar (Akinrinola Bankole et al., 2020). Sub-Saharan Africa has the highest maternal mortality rate in the world, as well as high rates of unintended pregnancies, early marriage, and unsafe abortions—that, well thought, woman and quality orientated reproductive rights plan, would result in thousands of preventable deaths (Center for Reproductive Rights, 2021).

e. MENA region (Middle East and North Africa)

Although all countries in the Middle East-North Africa region allow abortions if the mother's life is at risk, only four out of 18 allow abortions in cases of rape or incest, and just two (Bahrain and Tunisia) allow abortion for any reason (Theodorou & Sandstrom, 2015). Unsafe abortion is one of the most neglected public health MENA region with thousands deaths and millions of women left with temporary or permanent disabilities as a result of unsafe abortions (Abortion in the Middle East and North Africa, s. f.).

f. Asia-Pacific

A third of countries in the Asia-Pacific region allow abortion for any reason, including Australia, China and Turkey (Theodorou & Sandstrom, 2015). In South Asia, 15% of girls are married before the age of 15, the highest rate of child marriage in the world, which at the same time develops in 53.8 million annual unintended pregnancies, 65% ending in abortion (Center for Reproductive Rights, 2022).

5. Recommended reading

It is important to remember that these readings are just a starting point. The legalization of abortion is among the most hotly debated topics, so delegates are encouraged to stay informed of the latest developments in their countries and around the world.

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2. WHO Global Abortion Policies Database
<https://abortion-policies.srhr.org/countries/>
3. UN Report - A Global Review of Abortion Policies
https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/files/documents/2020/Jun/un_2002_abortion_policies_-_a_global_review_-_volume_iii_oman_to_zimbabwe.pdf
4. Universal Declaration of Human Rights
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>
5. WHO Abortion Care Guideline
<https://www.who.int/publications/i/item/9789240039483>
6. The decriminalisation of abortion: an argument for modernisation
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