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Study Guide

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Proposed Countries:

1. USA
2. Ireland
3. UK
4. Poland
5. Nicaragua
6. Argentina
7. China
8. India
9. Canada
10. Brazil
11. South Africa
12. Somalia
13. Italy
14. Australia
15. France
16. Denmark
17. Romania
18. Philippines
19. Russia
20. Dominican Republic
21. Japan
22. Pakistan
23. Nigeria
24. Germany
25. Saudi Arabia

About the Council:

The United Nations Human Rights Council is a United Nations body whose main responsibility is strengthening the promotion and protection of human rights around the globe, addressing situations of human rights violations and making recommendations on them. It was created on 15th March 2006, by the United Nations General Assembly, by resolution 60/251, as a replacement of the United Nations Commission on Human Rights. It holds regular sessions 3 times every year.

Introduction:

In the last couple of years, the debate regarding women's rights to abortions has sky-rocketed. The main debate between pro-life and pro-choice has brought about a social revolution, one which calls upon society to examine the rights given to women and girls. There are clear, strong arguments on either side of this debate which have created a lot of disputes among the people, political parties, religions, and nations.

The topic has always been a sensitive and controversial one to talk about, and it is extremely difficult to find much middle ground between the two stances. While some believe that women should have the right to choose whether or not she opts to have an abortion, others have political, religious, emotional and personal morals that convince them to believe that an abortion is a grave crime against life.

Some countries have worked towards placing even more stringent laws on abortion (like US, Poland, Nicaragua, etc.), whereas others have been holding referendums, revising and making amendments to their abortion laws (like Ireland, India, etc.)

Background:

For hundreds of centuries, abortions have been used by women all over the world to terminate their pregnancy. It goes all the way back to 1500 B.C., where Ebers Medical Papyrus was used as an herbal contraceptive and was the first-ever recorded evidence of abortion. Aristotle advocated for inducing abortion "before sense and life have begun in the embryo" if conception occurs more than the limit - so as a way to keep population control. For hundreds of years, women have been using plants and herbs to end their pregnancy, but the procedures haven't

always been risk-free, and it was only in the past century that new medical methods were developed to make the operation safe.

The UN's policy is that everyone has the right to safe and free abortions. The Office of the United Nations High Commissioner for Human Rights (OHCHR) states: "The right to life and all other human rights under the human rights treaties are accorded at birth¹" which is protected by the ICCPR. There are currently 26 countries in the world that completely ban abortions. The complete prohibition of abortions goes against the 9 core international human rights² set by the UN. Countries such as the US and Poland are working towards creating even more stringent laws and regulations on abortions, for example, the new law set in place in Alabama completely prohibits abortions at every stage of pregnancy, with no exceptions for rape or incest. Every year, 22 million unsafe abortions take place and these accounts for 47,000 deaths annually³.

Within the last century, many countries have begun to legalize abortions in many cases following the ruling that the right of choice is a basic human right. This was taken as a step forward following the CEDAW resolution by the UN. Countries such as Ireland have also been under a lot of pressure from the European Union and other parties to loosen their almost complete ban on abortion. On the other hand, other countries like Poland have done the opposite, where they tied themselves closer to the Catholic Church to distinguish themselves from their previously communist country. In doing this, they punished and took away women's rights for abortions.

¹ "Women's Autonomy, Equality and Reproductive Health in International Human Rights: Between Recognition, Backlash and Regressive Trends Working Group on the Issue of Discrimination against Women in Law and in Practice 1," 2017, <https://www.ohchr.org/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf>.

² "OHCHR | Core International Instruments," Ohchr.org, 2019, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.

³ "INFORMATION SERIES ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS," accessed July 21, 2019, https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf.

Definitions:

Abortion: It is the intentional termination of a human pregnancy, most often performed during the first 28 weeks of pregnancy.

Unsafe Abortion: As defined by the WHO, it is the procedure for terminating a pregnancy that is performed by an individual lacking the necessary skills, or in an environment that does not conform to minimal medical standards, or both. These procedures are common in places where abortion is illegal, with estimations stating that 22 million unsafe abortions take place annually, the vast majority of which occurs within developing countries. It is the 3rd leading cause of maternal deaths worldwide and lead to an additional 5 million largely preventable disabilities.

Gestational Limit Requirement: Specifies how late in a pregnancy that an abortion can be performed.

Pro-Choice: The people who support pro-choice believe that women should be given the basic human right to decide whether or not they want to terminate their pregnancy. The central idea is that women should be given autonomy over their own reproductive system.

Pro Life: The people who support pro-life oppose abortion and believes that the foetus has a right to life, which must be protected by the government at all costs. They are also opposed to other medical procedures, such as euthanasia and assisted murder.

Scope of Debate:

a) Pro-Life vs Pro-Choice

This is arguably what set off the rejuvenated interest in the abortion debate over the past couple of years, especially within the US. These two ideologies have always been the central focus while discussing abortion laws, with the main point being to what extent should abortion be sanctioned. The central conflict between these two sides have been whether or not a fetus is a legal person, and as such, does it have a right to life.

However, scientifically speaking, many of the points brought up by the pro-life side have been disproved.

Myths such as abortion lead to suicide and depression, causes cancer and that it reduces fertility are major points brought up in the debate, but there is scarce scientific backing.

- A study in 2011 in Denmark recorded the psychological health of 365,550 women, of which 84,620 of them had abortions. They found no proof of an increase in psychological damage nor an elevated risk of suicide.
- The theory of abortion causing cancer is not supported by various major health organizations, such as WHO, the National Cancer Institute, the American College of Obstetricians and Gynaecologists and the Royal College of Obstetricians and Gynaecologists.
- The idea that abortion reduces fertility is one based on out-dated abortion techniques. New modern procedures have been developed which have reduced the risk to a negligible amount.

Most importantly, the argument that the fetus can feel pain and thus, the procedure would be likened to murder is also unsupported by any evidence. It is only after 24 weeks into the pregnancy that the fetus develops the neuroanatomical apparatus required for pain and sensation. This is reflected in the Royal College of Obstetricians and Gynaecologists' report on fetal pain, which concludes "... existing data suggests that cortical processing and therefore fetal perception of pain cannot occur before 24 weeks of gestation". Yet, in the US, doctors can be fined upto \$100,000 for not informing women undergoing abortion that the fetus can feel pain.

b) Need for abortion

The idea that the number of abortions would reduce if the practice is made illegal is a false notion. Preventing access will not mean that women and girls won't need abortions anymore, instead, they will resort to home and back-alley operations. Research done by the Guttmacher Institute, a US-based reproductive health non-profit, shows that the abortion rate is 37 per 1,000 people in countries that prohibit abortion altogether or allow it only in instances to save a woman's life, and 34 per 1,000 people in countries that broadly allow for abortion. The ill-effects can be seen in the case of Romania, between 1966 and 1990, when abortions and contraceptives were made completely illegal, imposed as a way to boost the country's population and thereby workforce.

During that time, the average number of children born rose from 1.9 to 3.7. But this was only a temporary effect, as women found ways to circumvent the ban. Urban women either bribed doctors to perform abortions or smuggled intrauterine devices (IUDs) from Germany. Instead, the ban had a larger effect on the low-income and disadvantaged groups, who were left to resort to unprofessional and back-alley abortions. Within the three

decades, 7.3 million illegal abortions took place and 15,000 women died in the process of unsafe abortions. Women refused to have sexual lives, therefore resulting in family fights and abandonment. These laws strained marriages and social trust, and women became terrified of getting pregnant.

Another consequence was that thousands of children were turned over to state orphanages as a result of the law, with an estimated 170,000 children found in filthy orphanages in 1989. Additionally, their population had hardly increased in the slightest. This shows the ineffectiveness of abortion laws in many cases and how dangerous it ends up being for women and families.

This shows that banning abortion does not deter women from seeking treatment. According to the Guttmacher Institute, between 2010 and 2014, an estimated 56 million abortions were performed annually, of which 25 million were considered unsafe, putting the lives of poorer women in particular at risk.

According to the WHO, it is estimated that 30 women die for every 100,000 unsafe abortions in wealthy countries, but it rises to 220 in poorer countries. In sub-Saharan Africa, the number is 520.⁴

It is important that these laws be reformed to ensure proper access to abortion because whichever laws a country sets becomes the very basic and ideal way that society should behave and what it should accept. By banning this practice, women and girls would view as a taboo, and would feel disgraced and ashamed to bring this topic up.

c) UNHRC stance on Right to Abortion

On 30th October 2018, the UNHRC adopted General Comment No. 36, a document expanding on Article 6 of the International Covenant on Civil and Political Rights. It reaffirms that:

- States must provide safe, legal and effective access to abortion, especially in cases where the pregnancy causes physical and mental pain/suffering, most notably in cases of rape or incest)
- The states must remove any form of abortion restriction that endangers the lives of women and girls, discriminates against them or violates their right to privacy. They must dismantle any existing barriers that limit a women's or girls' access to abortion.

⁴ Ford, Liz. "US Abortion Policy Is 'Extremist Hate' and 'Torture', Says UN Commissioner." *The Guardian*, Guardian News and Media, 4 June 2019, www.theguardian.com/global-development/2019/jun/04/us-abortion-policy-extremist-hate-torture-un-commissioner-kate-gilmore.

- They must prohibit any regulations that force women and girls to resort to unsafe abortion as the way to terminate their pregnancy (such as criminalization for seeking an abortion or criminalization of health providers for assisting in the abortion procedure)
- States must provide quality and evidence-based sex education, access to affordable contraceptives and prevent the stigmatization of women and girls seeking an abortion.
- The right to life begins at birth under the ICCPR

This comment marks an enormous step towards preventing maternal mortality and morbidity, ensuring women’s and girls’ right to equality and to ensure their right to life.

Key Parties:

United States of America (USA)

Since the landmark decision at Roe v. Wade, the United States has had fluctuating popularity on women’s rights to abortion. Following the decision at the Supreme Court, some states have taken action to limit the ending of pregnancies. All of the states except for Vermont have passed at least one abortion law or restriction. Since 2010, the US abortion landscape has grown increasingly restrictive as more states become hostile to abortion rights.

Recently, states within the country have been fighting for an overturning of Roe v. Wade. In 8 states, the right to abortion is at risk of loss, and in 21 states, the right to abortion appears secure. Also, many organizations against abortion, most prominently Studentsforlife, have asked for funds to be retracted from Planned Parenthood.

Roe v Wade

Roe v. Wade was a landmark legal decision issued on January 22, 1973, in which the U.S. Supreme Court struck down a Texas statute banning abortion, effectively legalizing the procedure across the United States.

How state abortion bans compare



Note: Number of weeks determined since last menstrual period
 Source: Guttmacher Institute, state governments

The court held that a woman's right to an abortion was implicit in the right to privacy protected by the 14th Amendment to the Constitution. Prior to Roe v. Wade, abortion had been illegal throughout much of the country, since the late 19th century.

The Roe v. Wade ruling was started by Norma McCorvey, who was a girl in her early 20s seeking an abortion. She had already had two births where the children were given up for adoption. In those days, women either had the option of traveling to another country to receive a safe abortion or pay a substantial amount for a doctor to perform the abortion in secret. Jane Roe, financially, did not have the means to do either of these. Therefore, she had to resort to illegal and dangerous "back-alley abortion". After she was unsuccessful in her efforts to get an illegal abortion, she was referred to a pair of attorneys in Texas who were interested in challenging abortion laws. From then on, she was known as 'Jane Roe' so that she could be kept anonymous. They filed a lawsuit against the district attorney Henry Wade on behalf of all women "who were or might become pregnant and want to consider other options".

In June 1970, the Texas district decreed that their abortion ban was illegal since it violated a constitutional right to privacy. And in January 1973, the Supreme Court struck down the law, therefore legalizing abortions throughout the country. No state could restrict abortions during the first three months, or trimester, of a pregnancy. Today, because of Roe v Wade, there is at least one abortion clinic in every state and almost every woman under 45 has access to one within an hour's drive. Without the law, significantly more women would not have access to safe abortions.

As soon as Roe v Wade was set in place, a large opposition immediately arose. The Roman Catholic Church had long criticized abortion as a form of infanticide. Many fundamentalist Protestant ministers joined the outcry. As a result, the "National Right to Life Committee" formed with the explicit goal of reversing Roe v. Wade. Most of the funding for the movement still comes from religious conservatives - including wealthy donors like the vocally pro-life DeVos family.

Recent State Rulings

At the beginning of 2019, nearly 30 states introduced some form of an abortion ban in their legislature. Over the past few months, eleven new abortion laws have been passed in the United States restricting the availability of abortions. Fifteen states have specifically been working on so-called "heartbeat bills", a bill that would ban abortion after six weeks of pregnancy. "Heartbeat bills", as the term implies, seek to make abortion illegal as

soon as what anti-abortion supporters describe as a fetus' heartbeat becomes detectable. However, the so-called heartbeat is only the electrical activity of cells that are starting to group together. After six weeks of pregnancy, the embryo is only 3-4mm long with no developed organs.

On May 15th 2019, Alabama signed the most restrictive abortion law in the country. It makes any abortion illegal, apart from in the case of the woman's life being threatened or if there is a fetal abnormality leading to the death of the baby soon after birth. A growing number of public figures have threatened to divest from the states enacting anti-abortion legislation. For example, Bob Iger, the CEO of Disney, says Georgia's six-week ban would make it "difficult" to keep filming there. Additionally, streaming giant Netflix said it would "rethink" its operations in the state if the law goes into effect. Netflix series Stranger Things and Ozark are both shot in Georgia.

US states restricting abortion rights

Legislation introduced in 2019

Ban abortion at 6 weeks* (once fetal heartbeat detected) **Ban abortion at 18 weeks*** **Near-total ban, even in cases of rape and incest. Doctors performing abortions face 10-99 years in prison***



Planned Parenthood

Planned Parenthood is the biggest supplier of safe and affordable abortions in the US. They have 700 abortion clinics around the country helping women with abortions. Planned Parenthood has been under attack by Republicans and by the Trump administration, who argue the organization should not receive federal funds because of its provision of abortions. By law, federal funding is not allowed to go toward abortions, with limited exemptions, but critics say that funding the other services frees up dollars for abortions. Last year, Planned Parenthood provided 332,757 abortions which is a significant increase of 11,373 abortions from the year before. Due to their services, planned parenthood clinics have often been attacked by swarms of protestors. However, they have abortions take up only 3% of their services and the rest includes tests for STDs, contraception and cancer screening and protection.

This year, the Trump administration has reported that it will cut funds from Planned Parenthood and all other organizations providing abortions. The budget includes several additional proposals that would strip away people's rights to health care by cutting funding for essential programs, targeting abortion access, and prioritizing abstinence-only-until-marriage programs over evidence-based sex education. These cuts include:

- Cutting support for international family planning and reproductive health programs by over 60 percent
- An overall 12 % cut to HHS (Health and Human Services) funding

- A cut to funding for Medicaid and Medicare
- Proposing rules that allow health care providers to discriminate and refuse to provide care including safe, legal abortion
- Imposing riders that further restrict access to abortion
- Repealing major provisions of the Affordable Care Act
- Cutting funding for the effective Teen Pregnancy Prevention program while continuing
- abstinence-only-until-marriage funding⁵

Ireland

Until 2018, abortion in Ireland has only been allowed after there has been substantial proof that the woman's life is in danger. However, after the new referendum where two-thirds of the country voted to drop the 8th amendment in Ireland – stating that abortions may only be allowed in the case of the woman's life is at risk – women can now get an abortion up till 12 weeks of pregnancy. This law was passed just 3 years after Ireland allowed same-sex marriage, which shows a progression in Ireland's previously very conservative laws.

Poland

Unlike Ireland, Poland's abortion laws seem to be getting more and more stringent. Under Poland's abortion law—one of the strictest in the European Union—terminations are permitted only if there is a threat to the mother's life, if there is a fetal abnormality, or when pregnancy has resulted from rape or incest. Even when it is permitted, few doctors are willing to perform the procedure, forcing women to seek abortion on the black market, where they risk their health and sometimes their lives. The Polish government is now seeking to additionally ban abortions in case of fetal abnormality.

After the fall of Communism in Poland, the Catholic church exerted pressure to increase its influence in public life. One way in which this pressure has manifested itself has been in the passing of a restrictive abortion bill which was signed into law on February 15, 1993. Until 1990, abortions had been legal as a form of birth control due to the lack of availability of contraceptives. After the ban of abortions, in one year, the number of induced

⁵ Jocelyn Walker, "Trump's Budget Proves the Gag Rule Is an Attempt to Defund Planned Parenthood," Plannedparenthood.org (National - PPFPA, March 18, 2019), <https://www.plannedparenthood.org/about-us/newsroom/press-releases/trumps-budget-proves-the-gag-rule-is-an-attempt-to-defund-planned-parenthood>.

abortions at 1 hospital dropped from 71 to 19, while the number of unsafe, self-induced abortions increased from 48 to 85. This is further evidence of the ineffectiveness of these abortion bans.

United Kingdom (UK)

The UK has an ongoing battle with the laws and regulations under which women are allowed to have abortions in the country. As the current ruling stands, women are required to attend two visits to clinics, where they are given the doses of medication to have abortions. This has caused various problems for women as for some, their induced miscarriages have begun in public transportation on their way home. Their symptoms have included cramps, vomiting, and significant bleeding. This has led to distress among the women, who have been urging the government for a reform to the 1967 Abortion Act. They are petitioning for women to be sent the medication of misoprostol at home to make their miscarriage as comfortable for them as possible. The ruling as it stands has caused issues and has even led women to purchase abortion pills illegally from the internet to avoid miscarriage in public spaces. After the recent amendments to the legislation of Scotland and Wales, which allows women to take their abortive pills at home, the urge for this reform has increased. In addition, the Royal College of Obstetricians and Gynaecologists (RCOG) have also joined in the efforts by petitioning the Secretary of Health to change the ruling laws.

Nicaragua

Nicaragua has one of the world's strictest abortion policies. In 2006, the country passed a law which completely banned all types of abortions, with no exceptions – even in cases where the woman's life is at risk. As mentioned before, the ban has not stopped abortions taking place but has only made them more dangerous. Young girls and women facing complications from pregnancies are too afraid to ask for medical advice and medical providers have been known to report women considering an abortion or suspected of having undergone one to the police. Under Nicaragua's criminal code, women and girls who terminate pregnancies face sentences of up to two years in prison and medical professionals can be sentenced to up to six years for providing abortions. According to Human Rights Watch: "Guaranteeing women and girls access to safe and legal abortions would go a long way toward fulfilling their right to health and will help stop preventable maternal deaths." Nicaragua has high rates of domestic and sexual violence, which can result in unwanted pregnancies. Available data indicates that young women and adolescent girls are at particular risk of unwanted pregnancy from rape. However, Nicaragua has not released any information on the estimated amount of illegal pregnancies or the number of women and doctors convicted of with carrying out abortions nor any information on the health effects of the abortion ban, including on maternal mortality.

Nicaragua's total ban on abortion violates or poses a threat to a wide range of human rights recognized under international law, including women's rights to life, health, non-discrimination and equality, privacy, to decide the number and spacing of children, and to be free from torture and from cruel, inhuman, or degrading punishment or treatment. UN treaty bodies have specifically criticized Nicaragua's total abortion ban and called for reforms. For example, the Committee on the Rights of the Child has specifically urged Nicaragua to "Repeal the articles of the Penal Code that criminalize abortion and ensure that girls are not subject to criminal sanctions for seeking or obtaining an abortion under any circumstances."

Argentina

Despite having a strong feminist pro-choice movement, on 9 August 2018, Argentina's Senate rejected a bill that decriminalized abortions and permitted them until the fourteenth week, with 38 senators voting against it and 31 in favor. Seeing as the country still has a very prominent Catholic following, the religious impact on any decisions on reproductive rights are majorly guided by the church. After the vote against decriminalizing abortion in the country, 1 million women marched in protest demanding change, on 29 May 2019. Doctors in Argentina are reluctant to perform abortions even if justifiable under the law (meaning that the pregnancy was caused by rape, or terminating a pregnancy to save a woman's life). Due to their restrictive abortion laws, at least 3,000 women have died from unsafe abortions in the past 25 years.

Relevant Documents:

Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW)

The CEDAW has been recognized for many years as an international bill of rights for women. It sets out a comprehensive set of rights for women in civil, political, economic, social and cultural fields. It also defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." This convention is extremely essential to the issue of reproductive rights. Countries who have signed it have somewhat agreed on its terms, however, those who have not signed and ratified it, are not bound to keep the treaty. The nations who are not signatories are the Holy

See, Iran, Somalia, Sudan, and Tonga. Nations that have signed the convention but not ratified it are the United States and Palau.⁶

International Covenant of Civil and Political Rights (ICCPR)

It was adopted on 19 December 1966, by the United Nations' General Assembly, and came into force on March 23, 1976. The document's main goal is to ensure the protection of civil and political rights. It recognizes the inherent dignity of each individual and offers to develop conditions within states to allow the benefits of civil and political rights. The countries that have approved of the Covenant are committed "to protect and preserve basic human rights....." and "compelled to take administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy." There are currently 74 signatories and 168 parties to the ICCPR.

Proposed Solutions:

The only way to solve this problem is to find a middle ground between the two sides, and it mainly focuses on one point: to reduce the number of abortions. This can be done by making it less available or by making it less necessary, and the latter is the more humane and effective way, as seen from previous evidence. By investing in contraceptives (developing new methods, ensuring effective access to it, promoting its use), the need for women to resort to abortion would also decrease. In addition to this, states must also work to provide effective and evidence-based education about sexual health to all girls and boys, and they must also provide post-abortion care for complications due to unsafe abortion or other pregnancy related complications.

There are also various cases of women preferring unsafe or self-managed abortions to legal procedures due to their past experiences, where they were judged or treated poorly by doctors because of their gender presentation, HIV status, body size, etc. State members must work on eradicating the stigma surrounding abortion, and must ensure that women and girls are treated in a humane manner, without judgment or assumption of violating laws, especially in cases of miscarriages. Additionally, state members must also set an acceptable gestational limit requirement.

⁶ "UNTC," Un.org, 2019, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

These are just a few ways in which the current issue can be solved. The dias heavily encourages delegates to conduct their own research and come up with more ideas, which needs to be thoroughly explained in their submitted resolution.

Timeline of Events:

Date	Event
1551 - 1552	'Born Alive Rule' is implemented by Sir Edward Coke stating that criminal laws such as homicide or assault only applies to a child that is born alive
1861 - 1862	The Parliament of the United Kingdom passes the 'Offences against the Person Act 1861' which outlaws abortion.
1919 - 1920	Russia becomes first country to legalize abortion on demand.
1950 - 1985	A large group of MEDCs legalize abortion and declare it as a fundamental human right, countries include United States, DPRK, China, and India
1970 - 1971	India passes 'Medical Termination of Pregnancy Act 1971' and becomes one of the first countries to pass an act of this sort.
1973 - 1974	Roe vs. Wade is implemented
1988 - 1989	France first country to legalize RU486 (Mifepristone) - a medicine effectively

	terminating a pregnancy up to 63 days after conception
1942 - 1943	Planned Parenthood in America become the biggest national provider of abortions, directly opposing the pro-life movement
1967	WHO first recognized unsafe abortions as a serious health problem
2003	WHO produced technical and policy guidance on safe abortion for health systems
2010	The European Court of Human Rights along with the UN Committee on the Elimination and Discrimination Against Women, unanimously ruled that Ireland's failure to implement the existing constitutional right to a lawful abortion when a woman's life is at risk is a violation of the European Convention on Human Rights.
2012 - 2013	Guttmacher Institute and WHO declare that laws do not affect abortion rates
2014	UNHRC expands on ICCPR enshrining the right to life
30 October 2018	The ICJ along with numerous CSOs adopts the final draft of article 6 of the ICCPR regarding the right to life

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