



THE AUGUST 12TH CAMPAIGN: URGE PRESIDENT OBAMA TO RESCIND THE ABORTION RESTRICTIONS PLACED ON ALL US HUMANITARIAN AID FOR GIRLS AND WOMEN RAPED IN ARMED CONFLICT

GJC President Janet Benshoof: “The “no abortion” policy, attached to all US humanitarian aid for victims of rape in armed conflicts, is both deadly and illegal. Now is the time to pressure President Obama to bring the U.S. in compliance with the Geneva Conventions by lifting this ban which he has authority to do with an executive order.”

August 12, 2011 will mark the 62nd anniversary of the adoption of the Geneva Convention of 1949. This cornerstone of International Humanitarian Law (“IHL”) extends to “wounded and sick” civilians the right to comprehensive and non-discriminatory medical care during armed conflict. Yet today one group of civilian victims – namely girls and women impregnated through rape during armed conflict – is routinely denied complete medical care in international humanitarian settings. Specifically, these victims are denied the option of abortion in violation of their rights under the Geneva Conventions and IHL.

The blanket abortion restrictions that the United States (“US”) places on all its foreign assistance, including humanitarian aid, are responsible in large part for the global failure to provide the option of abortion to victims of war rape. The US policy prevents all foreign governments, NGOs and humanitarian aid providers which receive US funds from offering abortion information or services, and *no* exception is made for rape or to save the life of a woman.

Pursuant to the Geneva Conventions, state parties to an international or internal armed conflict have the primary obligation to ensure comprehensive and non-discriminatory medical care, but *all* states have a duty to ensure that state parties to a conflict provide such care. Further, third party states providing humanitarian medical services in situations of armed conflict must ensure that such care is also comprehensive and non-discriminatory. Such obligations arise from IHL, as well as customary international law and the customary laws of state responsibility.

WHAT CAN BE DONE TO REPEAL THIS POLICY?

The current US administrative policy, adopted in 2008 (*see* USAID AAPD 08-01) is far more restrictive than what is statutorily required (*see* the Helms Amendment to the Foreign Assistance Act of 1973) and violates US responsibilities under international law. The policy constrains states and numerous organizations directly providing services to victims of rape during armed conflict, and needs to be modified so that the US is in compliance with its international obligations.

On November 11, 2010, Norway, citing a GJC report to the Human Rights Council of the United Nations, became the first country to formally recommend that the US “*remov[e] blanket abortion restrictions on humanitarian aid covering medical care given women and girls who are raped and impregnated in situations of armed conflict,*” (Recommendation 228) during the Universal Periodic Review of the United States. On March 18, 2011, the US responded that it could not do so, due to “currently applicable restrictions” – implicitly conceding that administrative policy, not U.S. law, stood in the way.

President Obama has both the duty and authority to bring US policy into compliance with its international obligations. The statutory language of the Helms Amendment allows for abortions in the case of rape or to save the life of the woman. Accordingly President Obama should issue an executive order instructing all agents and departments under his authority to ensure that the current discriminatory strings attached to US foreign aid for humanitarian assistance in situations of armed conflict are severed, and that women and girls raped and impregnated during war are provided with comprehensive and non-discriminatory medical care in accordance with the Geneva Conventions, including the option of abortion where applicable.

The time has come for the US to change this policy that exacerbates the trauma suffered by girls and women raped in armed conflict, and violates their rights under international law.

See Global Justice Center Brief at: <http://globaljusticecenter.net/publications/Reports/GJCbrief-final.pdf> for further information.

THE GLOBAL JUSTICE CENTER'S AUGUST 12TH CAMPAIGN:

The Global Justice Center is encouraging and coordinating groups to write letters to President Obama on August 12, 2011, the anniversary of the Geneva Conventions, asking that he lift these restrictions via an Executive Order.

One such letter has already been sent by the City Bar Association of New York City (<http://www.nycbar.org/pdf/report/uploads/20072069-LettertoObamaReNon-DiscriminatoryMedicalCaretoWomen.pdf>).

If you would like to participate in this campaign by writing a letter to President Obama or sign onto a letter being drafted, please contact Sarah Morison at the Global Justice Center at smorison@globaljusticecenter.net for more information.