

August 14, 2015

Dear Representative,

I am writing for two reasons. First, to express appreciation for the [August 3, 2015 letter](#) in which you, along with eighty of your colleagues, urged President Obama to clarify that the Helms amendment abortion ban permits abortion funding in cases of rape, incest or life endangerment, in countries *where there is a supportive local abortion law*.

Second, to point out that the liberalization of Helms requested in your letter while laudable, ***would not help the vast majority of girls and women impregnated by rape in armed conflict obtain abortions***. This is because medical care provided to female war rape victims in humanitarian settings, including access to abortion, is governed by the Geneva Conventions, not by “sovereign local laws” which are often restrictive of abortion services.

Permitting US foreign aid funds to be used for female rape victims is critical and would laudably help in places like Kenya, a non-conflict country with a supportive local law. However, to help women war rape victims obtain abortions in places like Syria, Iraq, Nigeria, DRC, or Sudan, *the President must additionally acknowledge that medical care for war victims, including rape victims, is governed by the Geneva Conventions, irrespective of local laws*.

The Global Justice Center, of which I am President, has been leading a global campaign since 2011 to ensure abortion access is included as a part of women’s rights (servicewomen or civilians) to non-discriminatory medical care under the Geneva Conventions. There is increasing worldwide recognition, including by key US allies like the UK, France and Netherlands, that that the Geneva Conventions do not permit the denial of any needed medical service, including abortions. The Helms amendment remains the single largest obstacle on the ground in war zones preventing women from obtaining, often life-saving, abortions.

On July 7, 2015, 56 organizations from 22 countries signed a letter to President Obama urging that he issue an executive order affirming the rights of female war rape victims to comprehensive medical care, including abortion, *under the Geneva Conventions* ([enclosed](#)).

This letter, which emphasizes the need for the US to uphold, not undermine, international humanitarian law, is signed by the three largest international human rights organizations, Human Rights Watch, Amnesty International, and the International Federation for Human Rights. It is also signed by organizations from conflict countries directly affected by the U.S. ban, including umbrella women’s groups from Iraq and Syria, the West African Bar Association, South Sudan Lawyers Association, the Nigerian Medical Women’s Association and many more.

Further, in 2012, over 55 Parliamentarians from the United Kingdom and European Parliament wrote to President Obama asking him to act on Helms and called the failure to do so a violation of U.S. obligations under the Geneva Conventions ([enclosed](#)). More recently, during the Universal Periodic Review of the United States by the Human Rights Council in May, 5 countries—the UK, the Netherlands, Norway, Belgium and France—asked the US to take action on Helms for girls and women raped in war. The Administration is currently formulating their reply to these recommendations.

The lives of girls and women raped in war depends on the President both ensuring exceptions to Helms within the Congressional restrictions, and importantly, pledging U.S. support for the rights of women war rape victims to non-discriminatory medical care under common Article 3 of the Geneva Conventions.

Accordingly, we hope that you will communicate to the Administration your support for President Obama ensuring the rights of girls and women raped in war in any action on Helms. We urge members of Congress not to ignore those whose lives are most threatened by the Helms abortion ban, young female victims of war rape.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Janet Benshoof". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Janet Benshoof
President
Global Justice Center

Enclosures:

1. [Joint Letter to President Obama, Re: "Abortion restrictions on United States Foreign Aid," July 7, 2015](#)
2. [Memorandum, "The conflict between the U.S. abortion restrictions on foreign assistance and U.S. obligations to war victims under Common Article 3 of the Geneva Conventions," July 22, 2015](#)
3. [Letter to President Obama from UK Members of Parliament, February 1, 2012](#)