

elokuu 11, 2011

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama,

We, the European Women Lawyers' Association (EWLA) are deeply concerned on a matter of utmost urgency; the routine denial of abortions for girls and women impregnated by rape in armed conflicts. The EWLA is an organization dedicated to promote fundamental rights and gender equality within law and politics.

The current US "no abortion" policy, attached to all humanitarian aid, including aid to countries in conflict, contains no enumerated exception for rape or for situations where the pregnancy threatens life. Given the broad reach and influence of US foreign aid, this policy is a major reason for the omission of abortion from medical services in humanitarian settings. For the reasons detailed below, we urge that you issue an Executive Order lifting the abortion prohibitions imposed on humanitarian aid for victims of rape in armed conflict, and, by doing so, reaffirm the role of the US as a standard bearer for the laws of war.

The ongoing and systemic use of rape as a weapon of war is a gross violation of international humanitarian law, threatening global peace and security. The United States has taken a leadership role in addressing these international crimes, including by proposing Security Council Resolution 1820 which acknowledges that "rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide."

Rape and forced pregnancy are part of horrific violent attacks in armed conflicts intended to kill and mutilate girls and women. Those who survive such brutal rapes suffer from life-long physical, psychological and social consequences. These injuries are compounded for those girls and women victims who become pregnant from such rapes.

All victims of armed conflict are entitled to receive complete, appropriate and non-discriminatory medical care under international humanitarian law. The deliberate omission of abortion from medical services provided for victims of war not only violates international law, it prolongs victims' injuries by forcing on them continued pregnancy and childbearing. Their only alternatives are to commit suicide or resort to life-threatening clandestine abortions.

The right to abortion for victims of war rape arises directly from their status as "protected persons," including as the "wounded and sick," under the Geneva Conventions. States in armed conflict have the primary obligation to provide non-discriminatory medical care to the wounded and sick under common Article 3 of the Geneva Conventions, Additional Protocols I and II and customary international law. Abortion services and counseling constitute medically appropriate treatment for survivors of rape who have been impregnated. In addition, rape in situations of armed conflict has been recognized as a method of torture, and the denial of abortion to women who become pregnant as a result of being raped has also been considered to constitute torture or cruel, inhuman or degrading treatment.

The US abortion restrictions on humanitarian aid undermine the rights of victims of rape in armed conflict to non-discriminatory medical care including abortions. They also violate US obligations under common Article 1 of the Geneva Conventions to "respect" and "ensure respect" for the Geneva Conventions in all circumstances. This obligation requires the U.S. to ensure its own compliance with the requirements of

the Geneva Conventions, and, in addition, to take affirmative actions with respect to states that are perpetrating or supporting violations. Rather than advocating for non-discriminatory medical care for rape victims, the US attaches its abortion prohibitions on all humanitarian aid. This is of particular concern for us as an European Organization once funds for humanitarian assistance are commingled with funds provided by the US Government and thereby subjecting the entire pool of funds to the US abortion restrictions.

We respect your dedication to combating human rights abuses internationally and to ensuring US compliance with international law. We urge you to issue an Executive Order explicitly lifting the restrictions on abortion services for victims of war, thereby ensuring that US humanitarian aid relieves, and not perpetuates, human suffering.

Sincerely,

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ABOUT EWLA

The European Women Lawyers' Association (EWLA) was founded in 2000 and is a Brussels based international non-profit association. Ever since its founding congress in Berlin, EWLA has aimed to promote fundamental rights and gender equality within law and politics. It has organised events and published statements and resolutions that highlight the issue of fundamental rights and gender equality to politicians and law makers. EWLA has become the main network of women from all legal professions all over Europe – and beyond.

www.ewla.org