

# UN Security Council Addresses Sexual & Reproductive Rights for Girls & Women Raped in War

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Today, the United Nations Security Council unanimously passed Resolution 2106 addressing sexual violence in armed conflict during a debate led by the United Kingdom. Significantly, for the first time, a Security Council Resolution explicitly calls for UN entities and donor countries to provide “non-discriminatory and comprehensive health services, including sexual and reproductive health.” The Global Justice Center applauds the inclusion of this language, which represents a milestone for girls and women impregnated through war rape.

During the debate, UN Special Envoy Angelina Jolie spoke forcefully on the deadly effects of war rape: “Let us be clear what we are speaking of: Young girls raped and impregnated before their bodies are able to carry a child.”

The significance of including the need to provide non-discriminatory health services to girls and women cannot be overstated. Such medical care is essential to address a problem that is too often ignored – forced pregnancies from war rape. In order for the medical care provided to girls and women impregnated by war rape to truly be comprehensive and non-discriminatory, it must include the option of safe abortion. As GJC President Janet Benshoof explains, “Although the word ‘abortion’ was not used, the ‘non-discriminatory health services’ provision is an enormous breakthrough in the fight to end the deadly denial of abortion for female victims impregnated by war rape.”

Several donor countries made statements in favor of including non-discriminatory medical care in the Resolution, which follows from the Secretary-General’s 2013 Report on sexual violence in conflict to the Council, which called for safe abortion services to be included as an integral part of care to victims of war rape.

In 2010, the GJC launched the *August 12th Campaign*, named after the anniversary of the Geneva Conventions, to end the near universal denial of abortions for girls and women raped in war. The GJC has been educating donor countries, women’s, legal and human rights organizations and the United Nations about the rights of women to non-discriminatory medical care under the Geneva Conventions. The Campaign also seeks an executive order from President Obama lifting devastating US abortion restrictions on humanitarian aid for girls and women raped in armed conflict.

Benshoof lauds the UK “for its leadership on combatting sexual violence, both for Foreign Minister Hague’s *Preventing Sexual Violence Initiative* and for being the first country to explicitly recognize the right to abortion under the Geneva Conventions.” Benshoof also notes that “while the United States played a significant role in the passage of the resolution, US abortion restrictions on foreign assistance directly undermine the Council’s call for all donor countries to provide non-discriminatory medical care to war rape victims.”

The Resolution’s call for non-discriminatory medical care was supported during the debate by several countries, including France, the Netherlands and Sweden speaking on behalf of all Nordic countries. The

Dutch, for instance, argued that medical care must be provided in accordance with international humanitarian law and include access to safe abortion and emergency contraception.

Benshoof adds as a final note that “the global community had taken it upon itself to protect girls and women raped in armed conflict; a commitment that’s made clear by the Security Council’s seven resolutions addressing sexual violence in armed conflict. The denial of abortion to war rape victims is deadly, inhuman and cruel, and Resolution 2106’s mandate to provide comprehensive and non-discriminatory health services seeks to end this egregious wrong against these victims.”

Girls and women are entitled to non-discriminatory medical care under the Geneva Conventions, including safe abortion services, and today’s resolution represents a huge step forward towards ensuring these rights on the ground. Now it’s time for donor states to comply with their legal obligation under this Resolution.

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## BACKGROUND

The term “non-discriminatory medical care” has a very distinct meaning under international humanitarian law, which governs situations in armed conflict. The Geneva Conventions contain absolute guarantees of the comprehensive medical services for all persons “wounded and sick” in armed conflict and the prohibition against discrimination, while recognizing that biological differences might require different medical treatment for women, mandates that the medical outcome for women war victims cannot be less favorable than for male victims. Therefore, the denial of abortions as part of comprehensive medical care for war victims violates the Geneva Conventions.

In a [letter to President Obama](#), Professor Louise Doswald-Beck, the former head of the legal division of the International Committee of the Red Cross, details a compelling analysis of how the denial of abortion to girls and women impregnated by war rape is unlawful under common Article 3 of the Geneva Conventions and customary international law:

- **Denial of abortion to women and girls impregnated by war rape violates IHL’s medical care guarantees.** The failure to provide the option of abortion, as a necessary part of complete medical care, to female victims of war rape violates the categorical care and protection guarantees of IHL. These include the rights of the “wounded and sick” to all necessary medical care—as determined solely by their condition—under common Article 3 of the Geneva Conventions.
- **Denial of abortion to women and girls impregnated by war rape violates the absolute prohibition on gender discrimination under IHL.** The denial of abortions to girls and women impregnated as a result of war rape violates the IHL prohibition on “adverse distinction” based on gender, because male victims of war rape receive all necessary medical care for their conditions while impregnated females do not.
- **The denial of abortion to women and girls impregnated by war rape constitutes torture and cruel treatment in violation of IHL.** Given that pregnancy aggravates the serious, sometimes life-threatening, injuries from war rape—and prolongs the impact of the initial crime of sexual violence, which itself can qualify as torture or cruel treatment—the failure to provide

the option of abortion violates the prohibition against torture or cruel treatment under common Article 3 of the Geneva Conventions.