

At UN Human Rights Council, Norwegian Government Recommends that the United States Remove its Restrictions that Deny Abortions to Victims Raped in Conflict

Norway became the first country to challenge the legality of the anti-abortion conditions that the United States imposes on all of its foreign aid, in a question posed at the Universal Periodic Review of the United States before the Human Rights Council in Geneva.

Citing a Global Justice Center shadow report identifying the alarming effects of these restrictions, Norway asked the United States if it has, “[A]ny plans to remove its blanket abortion restrictions on humanitarian aid covering the medical care given women and girls who are raped and impregnated in situations of armed conflict?” During the interactive dialogue, Norway went on to recommend that these restrictions be removed on humanitarian aid for medical care to rape victims in conflict. This recommendation is included in the draft report of the Council.

The Global Justice Center applauds Norway’s question as a breakthrough for the rights of girls and women. Says Global Justice Center President Janet Benshoof, “By questioning the global effect of the US abortion restrictions on humanitarian aid to women and girls raped in armed conflict, Norway is breaking the silence about a practice of denying abortions for rape victims that is deadly, cruel and illegal.”

The UN Human Rights Council is the UN body tasked with monitoring the human rights records of the 192 members of the United Nations. Every four years, member states are required to sit for a Universal Periodic Review in front of the, during which each country receives recommendations on how to comply with their human rights obligations. The US State Department has said it will now “conduct a considered, interagency examination” of all recommendations and give their “formal response at the March 2011 Council session”, when the final report of the Council will be adopted.

Women who have been raped and impregnated in armed conflict in countries such as the Congo and Sudan have the legal right to non-discriminatory medical care under the Geneva Conventions. This includes the right to abortions wherever victims of rape request them. However, U.S. abortion restrictions effectively deny all girls and women raped during armed conflict this essential component of complete medical care, in violation of their obligations under international humanitarian law.

The United States is the largest provider of humanitarian aid in the world. The abortion restrictions placed on U.S. foreign aid originated in the 1973 Helms Amendment to the Foreign Assistance Act. These restrictions have since expanded to include bans on all abortions and all abortion related speech in U.S. foreign aid. This policy often undermines the aid programs of the UN and other governments. When a grantee that receives humanitarian aid from a government also receives funding from the United States, the grantee is subject to US abortion speech restrictions.

President Obama, by issuing an executive order removing the application of these restrictions to humanitarian aid, can unilaterally reduce the scope of the Helms Amendment so that the United States complies with its Geneva Conventions obligations, as recommended by Norway.

The Global Justice Center (GJC) is a New York based human rights legal organization that develops innovative strategies to enforce international law to guarantee equal access to justice and political power.

Contact:

Janet Benshoof, Esq.
President

212.275.6530 x202

jbenshoof@globaljusticecenter.net

McKensy Smith
Director of Operations

212.725.6530 x204

msmith@globaljusticecenter.net