Global Justice Center
Human Rights Through the Rule of Law

April 8, 2013

Written parliamentary questions and answers from Frans Timmermans, Minister of Foreign Affairs and Liliaane Ploumen, Minister of Foreign Trade and Development Aid regarding the questions from Parliament Member Sjoerdsma (of the D66 political party) about safe abortion for raped women in war zones.

The original document from the Ministerie van Buitenlandse Zaken is available at: http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/04/08/beantwoording-kamervragen-over-veilige-abortus-voor-verkrachte-vrouwen-in-oorlogsgebieden.html

Date of original document: March 8, 2013 (made available online on April 8, 2013).[i]

Question 1: Do you believe that women and girls, who have been raped in war zones, are entitled to medical assistance as stated in the Geneva Convention and its protocols? Do you believe that this also covers the right to safe abortion?

Answer: All victims of war, including rape victims, must receive the best care as soon as possible as is also stated in International humanitarian law. This law however does not specifically address the right to safe abortion, but abortion can be seen as a necessary medical procedure in some instances.

Question 2: Do you agree with the UK that these human right principles should take priority over possible restrictive abortion laws in a war zone?

Answer: We agree with the UK that it is a humanitarian law duty (original text states war law) to provide medical care, including abortion of victims of rape, if and when there is a medical necessity for this regardless of national laws in countries.

Question 3: Are you prepared to take a leading role by declaring that raped women and girls in war zones have the right to safe abortions? Are you also prepared to make this declaration part of the National Action Plan on 1325? Next to that, are you willing to move the EU to follow by your example?

Answer: It is our opinion that raped women and girls in war zones have the right to any and all necessary medical care of great quality, this includes safe abortion. We will continue to be active and consequent in carrying out our stance within the EU and UN and every other relevant platforms. The Dutch National Action Plan on 1325 puts its strategic focus on political participation and leadership of women in conflict areas for its collaboration with the (to date) 44 signatories.

Question 4: Have you been made aware of the news that the American government imposes a 'no abortion' clause on its foreign aid, which means that no safe abortion will be provided to women and girls raped in war zones? If so, what is your response?

Answer: We have recently been made aware of this clause. Our government believes that all women and girls who have been raped in war zones should have access to full medical care, including safe abortions.

Question 5: Are you willing to urge the American government to interpret the so called 'Helms Amendment' in such a way that American aid funding can be used to provide safe abortions to women and girls who have been raped in war zones?

Answer: Yes

Question 6: Does the American 'no abortion' clause directly or indirectly affect the Dutch, European or UN humanitarian efforts since this clause also applies to all humanitarian activities co financed by the US? If so, are you prepared to guarantee that humanitarian organization (Original text states aid organization) funded by the Netherlands or the EU will not be hindered by this clause?

Answer: There have not been any cases as of yet known to Parliament where Dutch foreign aid has had to deal with the 'no abortion' clause. However in cases where the UN mixes Dutch unmarked aid with American aid (going towards organizations where the 'no abortion' clause applies), there is no guarantee that the Dutch part of this aid won't also fall under this 'no abortion' clause. That is why the Netherlands will raise this issue in the EU and in the relevant UN organizations.

Question 7: Are you prepared to put the above stated topics on the agenda at the fifty-seventh session of the Commission on the Status of Women that will start March 4 in New York?

Answer: The theme of this session (that took place from the 4th till the 15th of March in New York) was violence against women and girls. Fitting with this theme there have been talks regarding the necessity, availability, and access to good quality medical care for sexual and reproductive health for all women and girls who are (rape) victims of war; this includes medical care for safe abortions. The Dutch have successfully raised awareness for the need of safe abortions and emergency contraception, during the Commission on the Status of Women.

---

[i] This unofficial English translation was made for the GJC by Ms Amrita Ramsaransing, a Dutch lawyer.