

DRAFT LETTER TO PRESIDENT OBAMA FROM THE NATIONAL ALLIANCE OF WOMENS ORGANISATIONS (NAWO)

8 November, 2011

Dear President Obama

I write on behalf of The National Alliance of Women's Organisations (NAWO) regarding United States compliance with its international obligations under international humanitarian law to provide non-discriminatory medical care to women and girls raped and impregnated in armed conflict, including their right to receive abortion services.

NAWO is the umbrella of women's organisations headquartered in England that, working with sister organisations in the other three countries of the UK, (Scotland, Wales and Northern Ireland) contributes to the UK Joint Committee on Women which is the co-ordinating full member organisation of the European Women's Lobby for the UK.

NAWO works across the board on issues of gender inequality and women's human rights. Its membership varies from very large to very small; to service level and grass roots to international campaigning organisations – all committed to the values and implementation of CEDAW and the Beijing Platform for Action.

Many NAWO members are involved in the problem of violence against women because it is a fundamental result of gender inequality and its practice increases gender inequality. As an organisation working in support of women's rights and reproductive health, we therefore urge you to take urgent action on this matter.

The current US 'no abortion' policy, attached to all humanitarian aid, including aid to countries in conflict, contains no 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.

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. All victims of armed conflict are entitled to receive complete, appropriate and non-discriminatory medical care under international humanitarian law. The deliberate omission of the option for 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. Without access to safe abortions, 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. 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 aid to the 22 countries currently deemed to be in armed conflict.

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.

Thank you for the opportunity to express our views on this important issue.

The National Alliance of Women's Organisations