



Ambassador Samantha Power
United States Mission to the United Nations
799 United Nations Plaza
New York, NY 10017

By mail and email

October 16, 2014

Dear Ambassador Power,

I am writing with regard to your much needed call at the Security Council on October 9, 2014 for increased protection of UN peacekeepers. I urge you to support changes in a US policy that heightens the life and health risks of female peacekeepers.

Female peacekeepers serving in areas where the use of rape as a weapon of war is endemic face a heightened danger of rape. Should such a female peacekeeper be raped in the course of serving on a UN mission, or as a prisoner of war (POW), due to US policy, she would not receive access to non-discriminatory medical care, including access to safe abortion services, as required under international humanitarian law. The US attaches a ban on abortion speech and services to all US funding of UN peacekeeping missions, including their medical operations.^[i] The US contributes nearly 29 percent of the UN peacekeeping budget and is by far the largest country donor.^[ii] The US abortion prohibition, therefore, makes access to abortion impossible for female peacekeepers who may be impregnated in the course of duty.

The US abortion ban placed on all UN peacekeeping missions violates the rights of female peacekeepers, both civilian and military, under the Geneva Conventions, UN Security Council Resolutions on women and peace and security, the Secretary General's Bulletin of 1999, and the Convention on the Safety of United Nations and Associated Personnel of 1994. Female military peacekeepers that are impregnated by rape in active conflict or in detention as a POW are entitled under common Article 3 of the Geneva Conventions to comprehensive and nondiscriminatory medical care based solely on their condition, including abortions^[iii] US law prohibits any "*adverse* distinction" between men and women in the provision of medical services to all persons "wounded and sick" in armed conflict.^[iv] Therefore, the abortion ban on UN peacekeeping funds violates international law and conflicts with US law.

President Obama has the power to immediately eliminate this risk to the lives and health of female UN peacekeepers. We urge you to request that President Obama sign an Executive Order lifting the abortion ban on US funds for situations of armed conflict, including UN peacekeeping operations, and affirm US support for the right of female servicewomen and civilians to the full protections of the Geneva Conventions, including access to abortion services. I am attaching a letter calling for such an Executive Order sent to Valerie Jarrett by Professor Laurence Tribe, Lieutenant General (ret) Claudia Kennedy and myself on October 28, 2013.

I would be happy to provide you further information on this issue. Thank you for your consideration.

Best Regards,

Janet Benshoof

Cc: Professor Laurence Tribe

Lieutenant General (ret) Claudia Kennedy

Peggy Kerry

^[i] United States Consolidated Appropriations Act 2014, Pub. L. No. 113-76, §7063(d)(2), 128 Stat. 5 (Jan. 17, 2014); Global Justice Center, *Q&A: How President Obama Can – and Must – Save the Lives of Girls & Women Raped in War By Lifting the Abortion Ban Attached to US Humanitarian Aid* (June 2014), available at http://globaljusticecenter.net/index.php?option=com_mtree&task=att_download&link_id=413&cf_id=34.

^[ii] United Nations General Assembly, *Scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations*, U.N. Doc. A/67/224/Add.1 (Dec. 27, 2012) available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/224/Add.1.

^[iii] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 6 U.S.T. 3114, T.I.A.S. 3362, 75 U.N.T.S. 31, art.3; Letter from Professor Louise Doswald Beck (former Legal Advisor to the International Committee of the Red Cross), to President Barack Obama (Apr. 10, 2013), available at http://globaljusticecenter.net/index.php?option=com_mtree&task=att_download&link_id=321&cf_id=34 (detailing how the abortion ban on US aid violates the rights of “wounded and sick” under the Geneva Conventions including women’s rights to nondiscriminatory medical care)

^[iv] The Judge Advocate General’s Legal Center and School, International and Operational Law Department, *The Law Of Armed Conflict Deskbook* (Mar. 14, 2013), at 47.