

Mr
President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
United States of America

Brussels, 1st March 2012

Dear President Obama,

We write to you as concerned Vice-Presidents of the European Parliament, who share a common view that ensuring the rights of persons “wounded and sick” in armed conflict under the Geneva Conventions is critical to our international legal order. We echo the concerns of those signatories to the amicus brief filed by the UK and European parliamentarians in the *Hamdan v. Rumsfeld* case, urging the US Supreme Court to apply common Article 3 to review the US military commissions and indeed are some of the same signatories. We applaud the United States’ commitment to advancing global implementation of the laws of war, a key example being your Executive Order revoking the “torture memos” to ensure that the US is in compliance with its obligations under the Geneva Conventions and the Convention Against Torture (CAT).

We urge you to reaffirm this commitment by lifting the US “no abortion” clause put on all US foreign aid, including humanitarian medical aid directed for girls and women raped in conflict. This violates the rights of girls and women impregnated by rape in armed conflict who are “wounded and sick” persons entitled to non-discriminatory and comprehensive medical care, including abortions, under international humanitarian law (IHL). The ongoing and systemic use of rape as a weapon of war is a matter of global concern; ensuring that the laws of war are fully enforced to guarantee the rights of victims of rape in conflict is of paramount importance.

The rights of the “wounded and sick” to comprehensive medical care are guaranteed by common Article 3 of the Geneva Conventions, Articles 10 & 16 of Additional Protocol I, Articles 7 & 10 of Additional Protocol II, Article 14 of the Convention against Torture, and customary international law. Yet, despite these clear mandates, girls and women impregnated by rape in armed conflict are being routinely denied abortions in humanitarian medical settings. Many believe this is due to the global effect of the US prohibitions. Rape victims are the only category of war victims who are systematically denied their rights to complete medical care.

The failure to provide abortions to rape victims, who are also considered torture victims, can itself constitute torture and/or cruel and inhuman treatment, imposing serious consequences for these victims, including forcing continued pregnancy and dangerous child bearing, suicide, or unsafe abortions. The US prohibition contains no life or rape exceptions.

Although States in armed conflict have the primary obligation to provide care for war victims, common Article 1 of the Geneva Conventions mandates all states to “respect” and “ensure respect” for the Geneva Conventions in all circumstances, including with respect to the provision of humanitarian aid. Further, all states have positive obligations to address violations of the Geneva Conventions.

The European Union's focus on women's rights within the "EU guidelines on violence against women and girls and combating all forms of discrimination against them", which aims at the particular support of female victims.

Additionally, we support the recommendation made by Norway during the Universal Periodic Review of the US at the Human Rights Council in November 2010 that the US “remov[e] blanket abortion restrictions on humanitarian aid covering medical care given women and girls who are raped and impregnated in situations of armed conflict.”

Further, 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 human suffering. We note that this is a letter in formation as we are seeking further support from our colleagues in the European Parliament.

Yours sincerely,



Alexander Alvaro, MEP
Vice-President of the European Parliament



Edward McMillan-Scott, MEP
Vice-President of the European Parliament