

## How the US is Blocking Access to Safe Abortion Services for Women and Girls Impregnated by Rape in Syria

Throughout the Syrian conflict, Syrian government forces and government-controlled militia (Shabiha) have reigned terror over the civilian population. Alma, a victim of this violence, describes being held in a cell where she would kick and scream alongside 20 other women while they were drugged, blindfolded, and gang-raped.<sup>1</sup>

In the worst embodiment of this campaign, rape is used as a weapon of war against Syrian women and girls.<sup>2</sup> Alma continues, “I’ve been through everything! I’ve been battered, flogged with steel cables, had cigarettes in the neck, razor blades all over my body, electricity to my vagina. I’ve been raped while blindfolded everyday by several men who stank of alcohol and obeyed their superior’s orders, who was always there. They shouted: ‘You wanted freedom? Well here it is!’”<sup>3</sup> A different victim illustrates the scene at a Syrian detention center in which a doctor visited each woman’s cell to note the dates of her period and to hand out birth control pills: “[w]e lived in filth, in blood, in [feces], with no water and barely any food. But we had such an obsessive fear of becoming pregnant that we took these pills scrupulously.”<sup>4</sup> Still other victims of these crimes against humanity described situations in which their “bodies have become battlefields and torture chambers.”<sup>5</sup>

Karim Rihaoui, the head of the Syrian League for Human Rights, estimates over 50,000 women have been raped in Syrian government prisons since the outbreak of violence<sup>6</sup> and conditions in the country have deteriorated to the point where “everything [is] seen as an opportunity for sexual abuse.”<sup>7</sup> For instance, Shabiha members have confessed to raping a man’s wife when he refused to give them free fuel as well as a pharmacist who refused to sell them sedatives.<sup>8</sup> What’s more, Syrian women fear not only the horror of rape itself, but also the “incurable” traumas resulting from rape and the prospect that their families may abandon or kill them if they learn about the rape.<sup>9</sup>

One may suppose that massive and steady humanitarian aid from the US would be used to unconditionally help these women. However, due to US policy, this humanitarian aid often times compounds the horror that these Syrian rape victims face. When these women become pregnant, many of whom are young girls, they are forced to bear the children of their rapists due to US abortion restrictions on humanitarian aid.<sup>10</sup> As such, US policy increases the morbidity and mortality of girls and women who are impregnated by war rape rather than alleviating their suffering. Thus, the US’s denial of abortion services amount to torture and cruel and impermissible treatment.

Adding to the problem, the US is the largest single donor of humanitarian aid to Syria.<sup>11</sup> As of January 15, 2014, total US humanitarian aid contribution to Syria and neighboring countries is \$1.7 billion.<sup>12</sup> Of that, approximately \$1.4 billion was earmarked for a myriad of activities, most of which are plausibly related to health and providing health care services.<sup>13</sup> While these numbers may be the largest worldwide, the US’s



abortion ban precludes the aid's full and effective use – and in numerous cases results in the denial of war rape victims' right to all necessary medical care.

While Syria does not explicitly permit abortion in cases of rape, it does permit abortions to save the life of the mother.<sup>14</sup> In many cases, women impregnated by war rape face life-threatening pregnancies resulting from serious physical injuries from rape or gang rape, risk of suicide, and the incapacity of many young girls' bodies to carry a baby to term safely. The presence of armed conflict amplifies these risks due to decreased access to health care and isolation as a result of detentions and internal displacement. Impregnated rape victims face not only these biological and environmental

dangers, but familial and cultural dangers as well. For example, in Latakia, one young woman committed suicide because she was unable to obtain an abortion; another young woman was thrown from a balcony by her father.<sup>15</sup>

The US abortion ban, therefore, not only denies girl and women war rape victims the medical care they need, but also blocks implementation of Syrian law each time war rape victim faces a life-endangering pregnancy and desires an abortion. Additionally, the US policy also violates US obligations towards war victims under the Geneva Conventions, including the obligation to provide comprehensive, non-discriminatory medical care to the wounded and sick.<sup>16</sup>

Worse yet, when humanitarian aid from other donors is comingled with humanitarian aid from the US, the US policy takes over and *none* of the total combined sum may be used to fund abortions for rape victims. This is especially problematic because nearly half of all humanitarian aid to Syria in 2013 came from only three entities – the US, the EU, and the UK<sup>17</sup> – and the US restriction runs counter to the UK and EU's established policies of providing safe abortions as part of its humanitarian aid.<sup>18</sup> In order to ensure its humanitarian aid was not subject to the US restrictions, the European Parliament adopted a resolution in 2013 urging humanitarian aid to be independent from the US's to ensure sexual violence survivors' access to safe abortions.<sup>19</sup>

While the United Nations Security Council has not passed a Resolution censuring Syria for the use of rape in war, the Security Council has received numerous reports documenting the endemic use of this weapon in Syria's ongoing armed conflict and has itself condemned such behavior.<sup>20</sup>

However, the Security Council has passed two Resolutions requiring donor States, including the US, to ensure access to comprehensive and non-discriminatory medical care, including safe abortion services.<sup>21</sup> Specifically, Security Council Resolution 2106 calls for all donor states to "provide non-discriminatory and comprehensive health services, including sexual and reproductive health . . . services for survivors of sexual violence . . ." <sup>22</sup> Security Council Resolution 2122 complements this requirement by "*noting* the for need access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination . . ." <sup>23</sup>

Resolutions 2106 and 2122, coupled with the UK's and European Parliament's urges to separate aid funds from the US, underscore the fact that the US's ban on abortions funded from US humanitarian aid is illegal and inhumane. Comprehensive sexual health and reproductive services, including the right to access an abortion, are absolutely essential for the well-being and livelihood of Syrian victims like Alma.

## **Recommendations**

### **To the United States:**

President Obama should issue an Executive Order that makes clear US foreign aid can be used to provide abortions in cases of rape, life endangerment, and incest. In the case of women raped in war, the Executive Order must affirm and ensure their rights to comprehensive and non-discriminatory medical care under common Article 3 of the Geneva Conventions.

### **To other donor Governments:**

Establish a clear policy, including by incorporating into humanitarian aid policies, that safe abortion services can be provided with their funds for girls and women raped in war and affirm that this right is protected as a part of their rights to comprehensive and non-discriminatory medical care under common Article 3 of the Geneva Conventions. This policy should also indicate that the provision of safe abortion services is governed by the Geneva Conventions, which trump restrictive local laws and permit the provision of safe abortion services alongside any other medical care they may require;

Segregate their foreign aid from US foreign aid, since the US abortion restrictions apply to the entire funding pool and therefore preclude other donor States' funds from providing comprehensive and non-discriminatory medical care to rape victims; and

Call on President Obama to issue an Executive Order that makes clear US foreign aid can be used to provide abortions in cases of rape, life endangerment, and incest and the rights of war rape victims to comprehensive and non-discriminatory medical care under common Article 3 of the Geneva Conventions.

### **To the United Nations:**

Ensure that UN entities and Member States comply with the mandates in Security Council Resolutions 2106 and 2122 that require the provision of comprehensive reproductive care for survivors of sexual violence, including the termination of pregnancies resulting from rape.

<sup>1</sup> Lauren Wolfe, 'Take Your Portion': A Victim Speaks Out About Rape in Syria, THE ATLANTIC, June 18, 2013.

<sup>2</sup> See UN Security Council, *Report of the Secretary-General on Conflict-related Sexual Violence*, U.N. Doc., S/2014/181, Annex (March 12, 2014), ¶ 45.

<sup>3</sup> Annick Cojean, *Syria's Silent Crime: Systematic Mass Rape*, LE MONDE, March 11, 2014.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* For more accounts of the prevalence of sexual violence during the Syrian armed conflict, see Women Under Siege, *Crowdmap Documenting Sexualized Violence in Syria*, <https://womenundersiegesyria.crowdmap.com/reports> (last visited March 20, 2014).

<sup>8</sup> Shelly Kittleson, *Interrogating an Assad Militiaman*, ASIATIMES, Oct. 1, 2013, [http://www.atimes.com/atimes/Middle\\_East/MID-02-011013.html](http://www.atimes.com/atimes/Middle_East/MID-02-011013.html).

<sup>9</sup> Cojean, *supra* note 3.

<sup>10</sup> See USAID contracts with organizations administering US humanitarian aid in Syria, "Prohibition on Abortion Related Activities" clause, available at <http://globaljusticecenter.net/index.php/publications/advocacy-resources/syria-foia-documents>. These contracts were made available to GJC pursuant to FOIA request.

<sup>11</sup> See Financial Tracking Service, List of All Humanitarian pledges, commitments, and contributions in 2012, 2013, 2014, available at <http://fts.unocha.org>.

<sup>12</sup> USAID, Syria – Complex Emergency, Fact Sheet #6 (Fiscal Year 2014), Jan. 15, 2014, available at

<http://www.usaid.gov/sites/default/files/documents/1866/01.15.14-SyriaComplexEmergencyFactSheet06.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> See Center for Reproductive Rights, *The World's Abortion Laws: 2013*, <http://worldabortionlaws.com/map/>; see also Guttmacher Institute, *Abortion Worldwide: A Decade of Uneven Progress* (Oct. 2009), available at <http://www.guttmacher.org/pubs/Abortion-Worldwide.pdf>, at 50.

<sup>15</sup> Cojean, *supra* note 3.

<sup>16</sup> For more information on the US's ban on abortion attached to humanitarian aid, see Question and Answer, Global Justice Center, How the U.S. "No Abortion" Prohibition on Humanitarian Aid Violates the Rights of Women Raped in Armed Conflict (September 2013), <http://globaljusticecenter.net/index.php/publications/advocacy-resources/20-q-a-how-the-u-s-no-abortion-prohibition-on-humanitarian-aid-violates-the-rights-of-women-raped-in-armed-conflict-march-2012>.

<sup>17</sup> In 2013, the US, EU, and UK combined donated 48.2% of all humanitarian aid donated to Syria and neighboring countries in response to the conflict. See, Financial Tracking Service, List of All Humanitarian pledges, commitments, and contributions in 2013, available at [http://fts.unocha.org/reports/daily/ocha\\_R24\\_E16303\\_1403201549.pdf](http://fts.unocha.org/reports/daily/ocha_R24_E16303_1403201549.pdf).

<sup>18</sup> See Department for International Development, *Response to the Woman's Hour debate on BBC Radio 4 around access to abortion services in conflict zones*, available at <https://www.gov.uk/government/news/abortion-services-in-conflict-situations>; see also European Parliament, Parliamentary Questions: Answer given by Ms Georgieva on behalf of the Commission (July 17, 2012), available at <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-005386&language=EN>.

<sup>19</sup> PARL. EURO. DOC. A7-0165/2013 § 31, "31. Urges that the provision of EU humanitarian aid that contributes to the attainment of the MDGs should effectively be excluded from the restrictions on humanitarian aid imposed by the USA or other donors, in particular by ensuring access to abortion for women and girls who are victims of rape in armed conflicts."

<sup>20</sup> UN Security Council, *Report of the Secretary-General on Sexual violence in Conflict*, UN Doc. A/67/792–S/2013/149, Annex (Mar. 14, 2013) (naming "Syrian Government forces, including the Syrian Armed Forces, the intelligence forces and the Shabbiha militia" as among the "List of parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda"), ¶¶ 8, 10, 84-90 (reporting sexual violence in the conflict in Syria); UN Security Council, *Report of the Secretary-General on Conflict-related sexual violence*, UN Doc., S/2014/181, Annex (March 12, 2014), ¶ 45 "The [Independent International] Commission of Inquiry has reported that government forces and pro-government militias have used sexual violence, including rape, in detention centres and prisons across the country, often as part of interrogations by intelligence services . . . The United Nations has also received reports of allegations of rape, including gang rape and other forms of sexual violence against women and girls, including in the presence of relatives, by Government forces at checkpoints, during incursions and during searches of houses perceived to be pro-opposition"; Security Council Report, *Chronology of Events: Syria*, <http://www.securitycouncilreport.org/chronology/syria.php> ("On 18 April, the Council received briefings on the humanitarian situation in Syria from . . . Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Bangura . . . Bangura detailed instances of sexual violence alleged against both the opposition and forces loyal to Syrian President Bashar Al-Assad . . . Closed consultations followed the briefings, after which the Council President read elements to the press at the media stakeout in which Council members strongly condemned incidents of sexual violence and violence against children; urged all parties to protect civilians and respect international humanitarian law; and 'underlined the need to facilitate the provision of humanitarian assistance . . . including where appropriate across borders in accordance with guiding principles of humanitarian assistance.'"). The Human Rights Council has also received reports of the widespread use of sexual violence from the independent international commission of inquiry on the Syrian Arab Republic. See UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/22/59 (Feb. 5, 2013), ¶¶ 106-110, Annex IX.

<sup>21</sup> S.C. Res. 2106, ¶ 19, U.N. Doc S/RES/2106 (June 24, 2013); S.C. Res 2122, recitals, U.N. Doc S/RES/2122 (Oct. 18, 2013).

<sup>22</sup> S.C. Res. 2106, ¶ 19, U.N. Doc S/RES/2106 (June 24, 2013).

<sup>23</sup> S.C. Res 2122, recitals, U.N. Doc S/RES/2122 (Oct. 18, 2013).

### Human Rights Through The Rule Of Law