

# The Cruellest Weapon

**With rape so prevalent in conflict zones, the U.S. must lift the unwarranted ban on funding war-related abortions**

BY AKILA RADHAKRISHNAN AND KRISTINA KALLAS

**W**HEN SHE WAS A LITTLE GIRL IN THE DEMOCRATIC REPUBLIC of the Congo—a country known morbidly as “the rape capital of the world”—Eva was kidnapped on her way to school, enslaved and gang-raped by armed rebels for more than two years. By the time she turned 13, the rebels had impregnated her. Eva was ostracized by her community and left to fend for herself, but somehow managed to escape her captors and survive giving birth in a country nearly devoid of health-care resources.

Women and girls raped in war are far more likely to die due to pregnancy and childbirth complications, and girls such as Eva are more than five times as likely to die in pregnancy and childbirth compared to women over 20. Yes, she survived, but her odds would have been higher if she could have obtained a safe abortion. And it would have been humane for the United States to have supported such a health-care choice for Eva as part of its foreign aid.

Under U.S. policy, however—and in contravention of international law—any organization receiving U.S. foreign aid is prohibited from providing, or even speaking about, abortion.

Eva’s rape story is far from unique. In today’s wars, like ones of the past, rebels and government soldiers alike systematically use sexual violence against women and girls (and sometimes men and boys) to demoralize, terrorize, destroy and, in some cases, change the ethnic composition of entire communities. The majority of survivors of sexual violence in conflict are children, often making up more than 80 percent of the victims. Sometimes these children are as young as 3 years old.

In Rwanda, according to a U.N. Special Rapporteur, an estimated 250,000 to 500,000 women were raped in 100 days as part of the genocide of the Tutsi population in 1994. An estimated 20,000 children were born from these rapes; they are often referred to in Rwanda as *les enfants mauvais souvenir* (children of bad memories). In Bosnia between 1992 and 1995, women were held in rape camps, repeatedly assaulted until they became pregnant, and purposely confined until it was too late for them to obtain abortions.

Currently, in Syria, reports have found that armed men, often many at a time, kidnap, rape, torture and kill women and girls. One of the primary reasons for human displacement during this conflict has been fear of rape.

Rape as a tactic of war was addressed at this past summer’s Global Summit to End Sexual Violence in Conflict in London, which was famously cochaired by actor Angelina Jolie. Esther Ruth Atim, a former child sex slave in Uganda, told an audience attended by Jolie, “Rape was on a daily basis. I was raped so I couldn’t even move...like a normal [person]. ... I could only move like a jumping frog.”

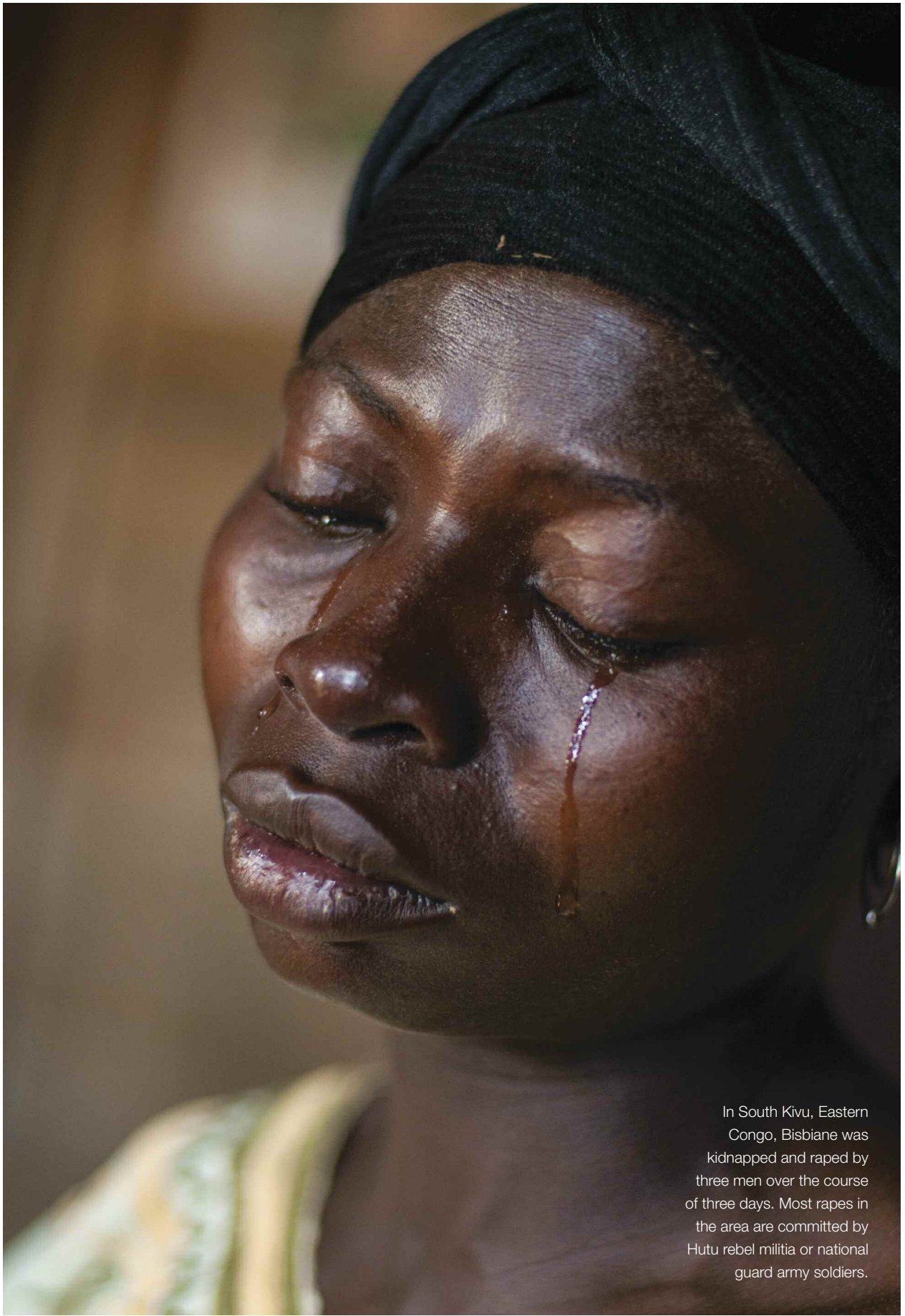
War-rape survivors need information about, and access to, safe abortion services. But it’s more than a need—it is also their right. Under the international Geneva Conventions, with which the U.S. is obligated to comply, the “wounded and sick” in conflict (including girls and women raped in war) are entitled to all necessary medical care. This requirement must be implemented without discrimination based on sex and must take into account biological differences.

Thus the Geneva Conventions can be used to provide abortion services even where domestic laws are restrictive. The British, French and Dutch governments have pledged to ensure that, under the Conventions, humanitarian aid can be used to provide safe abortion services. The United Nations Secretary-General and the Security Council have also urged that countries take steps to ensure that safe abortion services are provided to women and girls raped in war.

But the United States does not comply with the rights of women and girls as required under the Geneva Conventions.

That’s because George W. Bush’s administration specifically disallowed funding for these rape survivors—child slaves such as Eva included. The Obama administration, which could take immediate steps to curb this terrible policy, has yet to act.

The late Sen. Jesse Helms (who,



In South Kivu, Eastern Congo, Bisbiane was kidnapped and raped by three men over the course of three days. Most rapes in the area are committed by Hutu rebel militia or national guard army soldiers.



At the Global Summit to End Sexual Violence in Conflict: U.S. Secretary of State John Kerry (top); Angelina Jolie with former child sex slave Esther Ruth Atim (left) and Ugandan women's rights activist Jane Akwero Odwong.

Just as President Bush took steps to ban foreign-assistance funding for *all* abortions, without exception, President Obama has the ability to lift the ban. But he has yet to do so.

Consequently, because they fear their funding will be revoked, recipients of U.S. foreign aid refrain from providing abortions, or information about it, in conflict zones. Their fears are not unfounded. In December 2013, for example, USAID interfered with funding recipients' participation in a meeting about reproductive-health solutions to the high maternal mortality rate in Kenya, simply because the meeting would discuss an "RH [reproductive health] rights approach." In other words, people at the meeting may have advocated for full reproductive services, including abortion—and U.S. grantees believed that they would be stripped of funding just for listening.

When applied to women and girls raped in war, the abortion ban not only denies them their rights to all necessary care under the Geneva Conventions, but also interferes with the way the aid is distributed by countries that *do* allow abortion.

For example, points out Jocie Philistin, project coordinator of the Haitian organization KOFATIV (Komisyon Fanm Viktim pou Viktim, or "Commission of Women Victims for Victims"), in Haiti or conflict-ridden places such as Congo and Burma, access to local medical care is limited and difficult to reach. Even if those countries allow abortion, it's nearly impossible for women to obtain a safe procedure. If a woman is only able to access medical care at a facility funded by the U.S. government—and that facility won't provide abortions—she *still* can't get a safe abortion.

In many cases, the U.S. gives aid to health-care providers who also receive funds from other private donors and organizations, countries and U.N. agencies. Technically, those providers could still perform safe abortion services with funds from other donors by not commingling aid from the U.S. However, most of these

let us remember, opposed interracial marriage, lesbians in upper echelons of government and funding for AIDS research and treatment) was the person who initiated the ban against using U.S. funds to provide, or even speak about, abortion for women and girls abroad. The Helms Amendment to Part I of the Foreign Assistance Act (development aid), passed in 1973 in response to *Roe v. Wade*, now applies to *all* U.S. foreign assistance, not just development aid.

This year alone, none of the \$47.8 billion in U.S. foreign assistance to organizations, the United Nations and foreign governments can be used to provide abortions or any information about abortion. Importantly, the Helms Amendment has been interpreted as allowing exceptions for foreign aid to be used for abortions in cases of rape, life endangerment and incest. However, since the time of President George W. Bush's administration, the Helms Amendment has been treated—incorrectly—as imposing a complete ban on abortion information and services, including humanitarian aid for women and girls raped in war.

The Obama administration, despite the exceptions, persists in following the Bush tradition. Rajiv Shah, the head of USAID, which dispenses the majority of U.S. foreign assistance (including to war zones), has said in regard to women raped in war, "We do not provide resources for abortion, and the law doesn't allow us to do that."

In fact, the law *does* permit USAID funds to be used for certain abortions.

health-care providers treat the U.S. restrictions as a complete ban on abortion. They confuse current policy with the now-revoked Global Gag Rule, which banned organizations from providing abortions (or speaking about abortion), even with non-U.S. funds. In response to this situation, the European Parliament has passed two resolutions asking European Union member states to segregate their humanitarian aid from U.S. humanitarian aid.

This issue of commingled funds is of increasing concern as the U.S. joins with global efforts to prevent and respond to sexual violence in conflict.

On the one hand, the U.S. is an international leader (on paper at least) in ensuring that sexual-violence survivors are guaranteed access to the care that they need. Secretary of State John Kerry was the keynote speaker at the Global Summit and gave a crucial speech about the related “Call to Action on Protecting Girls and Women in Emergencies,” which aims to create an international framework to guide responses to women raped in war and other emergency circumstances. Further, the U.S. was a sponsor and voted for U.N. Security Council Resolutions 2106 and 2122, both of which recommend that U.N. entities and U.N. member states, including the U.S., provide abortion services for women raped in war.

On the other hand, USAID and the State Department continue to implement the Helms Amendment and other U.S. abortion restrictions in a manner that is overly restrictive, to the sometimes fatal detriment of women and girls raped in war.

Esther, Eva and thousands of others suffer enormous social, psychological and physical consequences from rape—consequences only compounded by post-rape pregnancies. In the current civil war in Syria, for example, one young woman who became pregnant from rape and was unable to obtain an abortion reportedly committed suicide, while another was thrown off a balcony by her father.

On top of the fear and social stigma, study after study has shown that women and children who lack access to safe abortion or childbirth services during war face severe health risks. As noted in a report on Sudan submitted to USAID, “[U]nwanted pregnancy through rape (and gang rape increases the risk of pregnancy) and the conditions imposed by war (malnutrition, anemia, malaria, exposure, stress, infection, disease)” increase the risk of death and serious harm to women from pregnancy and childbirth.

Haiti’s Jocie Philistin, herself a survivor of rape by the military, says that when women and girls are denied safe abortions, they most often resort to illegal and unsafe methods, resulting in serious and sometimes fatal health consequences. The problem of war rape has been going on in her country for decades, since the first coup against President Jean-Bertrande Aristide in 1991, and increased in pervasiveness after the 2010 earthquake further ravaged Haiti’s infrastructure and rule of law.

For young girls whose bodies are inadequately developed to give birth, the physical risks of pregnancy from rape dramatically increase. Young girls who do manage to survive childbirth, like Eva, face long-term social, economic and psychological trauma. Girls who become pregnant as a result of rape are often forced to drop out of school, can’t access vocational training and face social exclusion. “Their chances of further education, livelihoods and marriage are severely diminished or completely eliminated,” according to Save the Children’s “Unspeakable Crimes Against Children: Sexual Violence in Conflict” report. “This condemns them...to a lifetime of extreme poverty and increased vulnerability to risky or exploitative economic practices as children and then as adults, with poverty spreading across generations.”

### So what can be done?

**E**VEN WITH THE HELMS AMENDMENT STILL IN PLACE, PRESIDENT Obama can take measures to ensure that, at a minimum, girls and women raped in war can have access to safe abortion services.

First, since the Helms Amendment only bans “abortions as a method of family planning,” the Obama administration can issue an executive order to permit U.S. foreign assistance to be used to provide abortions in the cases of rape, life endangerment or incest, because those exceptions have been clearly deemed to not constitute “family planning.” In the case of women raped in war, the Obama administration can affirm that their rights to safe abortion are governed by the Geneva Conventions.

Secondly, the administration needs to issue clear guidance regarding the Helms Amendment so that organizations and foreign governments know that they can provide information about abortion and abortion services to women and girls raped and impregnated in war without jeopardizing their U.S. funding.

This would bring the administration’s policies in compliance with Congress, international law and our own domestic policies on public funding for abortion. More importantly, it would immediately help save the lives of women and girls whose bodies have become a battleground in war. ■

*The Global Justice Center’s ongoing August 12th Campaign urges President Obama to sign an executive order lifting U.S. abortion restrictions on humanitarian aid for girls and women raped in armed conflict. For more information: <http://bit.ly/1qXIHkx>*

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