

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Obama:

I write on behalf of Women's Link Worldwide as well as our country's allies urging the United States to lift the Helms Amendment related restrictions on humanitarian aid given to women in conflict zones. Under International Humanitarian Law, the United States has an international obligation to provide non-discriminatory medical care to women and girls who are raped and impregnated during armed conflict. This obligation to provide non-discriminatory medical care extends to guaranteeing a woman's right to abortion services. Women's Link was founded in 2001 to advance women's rights around the world through the implementation of international human rights standards. Under this doctrine we implore the United States to act now to enforce the international laws already in place that provide woman and girls impregnated from rape during armed conflict their right to access abortion services.

Women's Link Worldwide is an international human rights non-profit organization working to promote gender equality around the world. We have 501(c)(3) status in the United States, foundation status in Spain, and, we are legally recognized as a foreign non-profit organization in Colombia. Women's Link holds regional offices in Madrid, Spain and Bogotá, Colombia. At Women's Link we have worked on the issue of sexual violence as a weapon of war in numerous contexts around the world as well as living the devastating reality of this violence at home in Colombia. Colombia is one of 23 "countries currently in armed conflict" and thus bound by the Geneva Conventions regarding medical care of victims of war.<sup>1</sup> During armed conflict women and girls are specifically targeted for sexual violence as a tactic of war to humiliate, dominate and terrorize communities. Colombia's conflict is no exception. Women's bodies have been made to endure tremendous pain and suffering throughout the country's 40-year

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<sup>1</sup> Global Justice Center, US Foreign Aid to Foreign Countries, August 4, 2011

conflict. Amnesty International reports sexual violence is a long-standing tactic employed from all sides of the conflict in Colombia including security forces, paramilitaries and guerrillas. Members of all of these groups have sexually abused female civilians as well as their own combatant women. Despite sexual violence being documented as a tactic of war, care for survivors of sexual assault remains inadequate because of the denial of abortion services to survivors.

The United States conditions on government funds forces Colombia to violate the Geneva Conventions. Under common Article 3 of the Geneva Conventions women and girls raped in armed conflict are a protected class of “sick and wounded” and are entitled to non-discriminatory medical care, humane treatment and the right to be free from torture and cruel, inhuman and degrading treatment. Non-discriminatory medical care includes the right to abortion. Rape victims qualify as “sick and wounded” as “persons... who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility.”<sup>2</sup> The definition specifically extends to “maternity cases, new-born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers.”<sup>3</sup> Women and girls who have been raped during armed conflict clearly fall within the class of protected victims under the Geneva Conventions. As such, under International humanitarian law they are guaranteed the right to abortion.

Additionally, under common Article 1 of the Geneva Conventions, the United States has an obligation to “respect” and “ensure respect” for the Geneva Conventions. The United States’ responsibility under the Geneva Conventions obliges it to not only comply with the requirements of the Geneva Conventions but poses an affirmative duty to take action with respect to states that are perpetrating or supporting violations.

The United Nations Security Council acknowledges sexual violence as a crime of war. Resolution 1820 plainly states “rape and other forms of sexual violence can constitute a war crime.” Under international law, victims of war crimes are entitled to reparations in the form of restitution for the trauma that has been inflicted upon them. The reparation merited should extinguish the consequences of the illegal act and re-establish the situation that would have existed if the act had not been committed. For women who were raped, the only way to ensure the reparations is to ensure emergency contraception and abortion services are

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<sup>2</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Armed Conflicts, art. 8(a), Jun. 8, 1977, 1125 U.N.T.S. 302

<sup>3</sup> *Id.*

available to female victims of rape. Denying access to abortion is a marked violation of International Humanitarian Law.

The source of these restrictions is the Helms Amendment of 1973 which prohibits the use of federal funds for abortion services “as a method of family planning” and applies to all aid provided through the Foreign Assistance Act. In practice, The United States Agency for International Development (USAID) has interpreted the statute broadly restricting funding to for all abortion services. The standard contract language in all USAID foreign monies to Colombia, including funds to the government, contains “no abortion” prohibition language. Additionally, USAID censors the International Committee of the Red Cross (ICRC) which it funds to work in Colombia and is the largest humanitarian aid organ in Colombia. Consequently even medically indicated abortions for pregnancies resulting from rape, clearly not related to “a method of family planning,” have been denied. Denying women medically indicated abortions like those for victims of rape in conflict areas does not comply with an accurate interpretation of the Helms Amendment. USAID’s inaccurate interpretation of the Helm’s Amendment restricts the fundamental right of women in situations of armed conflict who are victims of rape to non-discriminatory medical care. It is also impeding the United States from meeting its obligations under international law.

The United States is one of the largest providers of humanitarian aid to victims in armed conflict. However, all these funds are censored, forbidding the government to employ any funds for abortions even for war rape pregnancy or to save the life of a woman raped in armed conflict. The United States’ policies prohibiting humanitarian aid from being used for abortion related services results in discriminatory medical care for victims of rape. Women and girls routinely cannot access abortion services and are therefore once again deprived of control over their bodies and forced to carry the unwanted pregnancies to term.

Every woman impregnated as a result of the rape endures a range of physical, psychological and social consequences. The physical risks are severe. When women who become pregnant as a result of sexual violence are denied legal abortions, they are left with extremely limited options: risk resorting to non-sterile, unsafe methods of abortion; carry an unwanted pregnancy to term; or commit suicide. Additionally, there is a direct link between women who become pregnant as a result of rape and increased rates of maternal mortality. Psychological consequences of pregnancy as a result of sexual assault are also extremely harsh. A study by the Harvard Humanitarian Initiative and Oxfam found that in the sadness, anger, fear, anxiety, shame and misery that resulted from the sexual

assault were these augmented by a pregnancy resulting from rape. Common social consequences for the woman include being ostracized by community and/or spouse as well as physical violence from family members.

Women's Link also works in African countries engaged in armed conflict. In January Women's Link went to Uganda to conduct a series of interviews with Ugandan experts in order to assess women's rights related to reproductive healthcare. The majority of the legal experts concluded that women's rights are formally respected on paper but not in practice. Uganda is also a country that has suffered from mass rape as a result of recent armed conflict. For sixteen to eighteen women in Uganda every day carrying a pregnancy to term results in death. Given the extreme danger that pregnancy and childbirth poses to women's lives in Uganda and many other developing countries in Africa, it is vital that African countries receive active support to ensure that women's health and survivors of sexual violence are cared for, particularly during times of armed conflict. It is crucial that the United States comply with the Geneva Conventions and ensure these women receive the medical care to which they are entitled.

Women's Link Worldwide is dedicated to promoting the investigation and prosecution international gender crimes and promoting reproductive rights around the world. We recognize gender crimes committed in situations of conflict as crimes against humanity. Women's Link was founded to ensure the voices of populations of women in vulnerable situations are heard and their rights enforced. Women in countries of conflict who suffer the trauma of sexual violence should not be further violated by being denied their right to non-discriminatory medical care. Women's Link, therefore, once again urges The United States to lift the restrictions on humanitarian aid to women in conflict zones in accordance with the Geneva Conventions and enforce women's rights to restitution by guaranteeing the provision of abortion services and emergency contraception.

Sincerely,

Women's Link Worldwide  
Católicas por el derecho a decidir.  
Colombia  
Asociación y líderes en Acción.  
Colombia  
Rincon Perfetti Abogados y  
Consultores Internacionales.  
Colombia

Fundación Oriéntame. Colombia  
FIDA. Uganda  
Fundación Colombia Diversa.  
Colombia  
Centro de Estudios Interdisciplinario  
sobre las Mujeres.

Fundación para la Formación de  
Líderes Afrocolombianos Afrolíder.  
Colombia  
Conferencia Nacional de  
Organizaciones Afrocolombianas  
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Olga Lucia Obando. Colombia  
Carmen Alicia Cardozo de Martínez.  
Marcela Sánchez Buitrago  
Gloria Careaga. Fundación Arcoíris  
por el respeto a la diversidad sexual.  
México

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