



WORKING GROUP
On Reproductive Health, HIV/AIDS and Development
in the European Parliament

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

Brussels, 6th March 2013

Re.: Request to lift the United States abortion restrictions on humanitarian aid

Dear Mr. President,

On behalf of the European Parliament Working Group on Reproductive Health, HIV/AIDS and Development, I urge you to immediately issue an executive order lifting US abortion restrictions on humanitarian aid for girls and women raped in armed conflict.

In the majority of today's armed conflicts the rape of girls and women is used as a strategic means of warfare. According to the United Nations Special Rapporteur on torture and the World Organization against Torture, this practice amounts to torture. Not only can rape in itself amount to torture, the denial of the option of abortion services following rape has been recognized by the United Nations Human Rights Committee as a violation of Article 7 of the International Covenant on Civil and Political Rights. The wounded and sick in armed conflict, as mandated in international humanitarian law, should be guaranteed appropriate and necessary medical care under the Geneva Conventions, including abortions for girls and women raped in conflict. Unfortunately, these girls and women that are the victim of rape are routinely denied

life and health saving abortions, leaving them with the choice of risking an unsafe abortion, suicide, or being forced to bear the child of their rapists.

Rape used as a means of war is often fatal. More than two-thirds of conflict-related rape in the Democratic Republic of Congo (DRC) are gang rapes, most accompanied by debilitating injuries to women, including deliberate HIV infection. One third of the victims of war rape in the DRC are girls under the age of 18, and since many are raped in the context of sexual slavery, they incur the greatest risk of pregnancy.

The United States, together with the European Union, is the largest provider of humanitarian aid. Consequently, the United States abortion clause has a major impact on the availability of abortion services to girls and women who have been raped in armed conflict. This ban on humanitarian aid requires all recipients, including foreign governments, United Nations entities and international NGOs, such as the International Committee of the Red Cross, to pledge not to discuss abortion or provide abortions with United States funds. Due to the reality of how organizations are financed during humanitarian situations, funds from the US are often commingled with funds from other donor countries, including EU member states and EU entities, allowing the US abortion restrictions to impact how our aid is provided. This renders the United States' no abortion clause to be applied even beyond the scope of US funding and leads to the situation that almost no humanitarian aid organization provides these essential services. Unfortunately, previously existing exceptions allowing termination of pregnancies for rape or to save the life of the girl or woman were eliminated.

Furthermore, other major donor countries are increasingly becoming aware of this violation of international humanitarian law and taking action to ensure that girls and women raped in armed conflict are provided with abortion services. For example, the United Kingdom recently stated that “[...] where there is a direct conflict between national law and the fundamental obligation on parties to a conflict under Common Article 3 of the Geneva Conventions, the obligation is to comply with Common Article 3. That article provides that those not participating in hostilities should be treated humanely. It prohibits murder, torture, humiliating and degrading treatment and, of course, rape, and requires that the wounded and sick are collected and cared for. The denial of abortion in a situation that is life threatening or causing unbearable suffering to a victim of armed conflict may therefore contravene Common Article 3. Therefore, an abortion may be offered despite being in breach of national law by parties to the conflict or humanitarian organisations providing medical care and assistance.”

The Members of the European Parliament Working Group on Reproductive Health, HIV/AIDS and Development therefore believe that the United States should lift its abortion ban on humanitarian aid for girls and women raped in armed conflict. A clear

position on the protection of these girls and women should be taken as this most vulnerable group has suffered enough.

I thank you in advance for your attention and consideration.

With utmost regards,

Sophie in 't Veld (ALDE, The Netherlands)
Member of the European Parliament
Chair of the EPWG

Norbert Neuser (S&D, Germany)
Member of the European Parliament
Vice-chair of the EPWG

Jean Lambert (Greens/EFA, UK)
Member of the European Parliament
Vice-chair of the EPWG

Véronique Mathieu Houillon (EPP, France)
Member of the European Parliament
Vice-chair of the EPWG

Cc: The Honorable John F. Kerry, Secretary of State, U.S. Department of State
The Honorable Kristalina Georgieva, European Commissioner for humanitarian aid