

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

May 29, 2012

**US-abortion restrictions on humanitarian aid for girls and women
raped in armed conflict**

Dear Mr. President

my name is Mrs. Ramona Pisal and I am writing to you as president of the German Women Lawyers Association (djB).

We are urging you to lift the current abortion restrictions the United States of America are imposing on all humanitarian aid for girls and women raped in armed conflict worldwide. We have been alarmed by recent UN-reports on hazardous abortions with the respective consequences for womens' health.

We, the German Women Lawyers Association, as an organization are aiming towards a further development of the law in all fields. We are primarily concerned with how the law affects women, children and the aged and it is our foremost goal to bring about equality for all women.

The U.S. are currently imposing restrictions on all humanitarian aid for girls and women raped in armed conflict, practically hindering foreign governments, NGOs and humanitarian aid providers – generally receiving U.S. funds – from providing TOP (Termination of pregnancy) services. These restrictions contain no exceptions for saving lives of rape-victims having abortions, the latter being dangerous to the women's health in most cases.

It is crucial the medical care for girls and women having been raped and impregnated in armed conflict contain an access to safe abortions.

Female victims impregnated by war rape, being denied an abortion when in want of one, practically have to fall back on unsafe abortions increasing their risk of maternal mortality, carry unwanted pregnancies or, in the worst cases, commit suicide.

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The devastating consequences of undergoing unsafe abortions are well documented. The United Nations Special Rapporteur on everyone's right to the enjoyment of the highest attainable standard of physical and mental health states in his interim report "that unsafe abortions are estimated to account for nearly 13 per cent of all maternal deaths globally. A further 5 million women and girls suffer short- and long-term injuries due to unsafe abortions, including hemorrhage; sepsis; trauma to the vagina, uterus and abdominal organs; cervical tearing; peritonitis; reproductive tract infections; pelvic inflammatory disease and chronic pelvic pain; shock and infertility."

According to the German Federal Ministry for Economic Cooperation and Development more than 350,000 women die every year due to the consequences of unwanted pregnancies or complications while giving birth. If at all available, the provision of emergency contraception is important – but often comes too late due to infrastructural settings of crisis zones and the lack of sufficient medical care.

International Courts like the International Tribunal for Rwanda (ICTR) in Akayesu and the subsequent classification of rape as a war crime and crime against humanity in the Rome Statute of the International Criminal Court (ICC) are historic legal advances recognizing women's right to accountability for rape in armed conflict. When rape is used as method of Genocide and women are denied abortions, this can further the genocidal intent of the perpetrators. In April 2012, upon the verdict of Charles Taylor before the Special Court for Sierra Leone, an international court held a former head of state responsible for various forms of sexual violence for the first time. As a legal organization we welcome these milestones of holding perpetrators accountable for their respective crimes but remind you this recognition has to be accompanied by measures ensuring victims receive a full range of medical care needed to heal their injuries, including the option of terminating pregnancies resulting from war rape.

The current U.S.' practice has been highly criticized by leading legal organizations around the world reminding the U.S. of its obligation to provide non-discriminatory medical care for the "wounded and sick" under common Article 3 of the Geneva Conventions, Additional Protocols I and II, and customary international law. They have called for the lifting of the U.S. abortion restrictions via an Executive Order. Among them are the New York Bar Association, Queen's Counsel, the Paris Bar Association, and the European Women Lawyers Association, as well as organizations that have first hand experience with traumatized rape victims, such as Medica Mondiale, the American Medical Women's Association, and Amnesty International. Norway was the first country to criticize these blanket restrictions during the Universal Periodic Review of the U.S. by the UN Human Rights Council on November 5th, 2010.

Very recently, concerns about the abortion restrictions have been subject of a discussion before the European Parliament in Brussels. The European Union, the largest provider of humanitarian aid next to the U.S., has a keen interest in an effective and lawful use of their funding for humanitarian aid in developing countries and those in armed conflict.

However, many international organizations and programs are co-funded by the United States as the major donor country, therefore subject to U.S.-restrictions. Given the fact the U.S. make sure through contracts and clauses their abortion restrictions apply to all humanitarian aid, such aid cannot be provided in cases where abortions might be subject to discussion.

On March 13th, 2012 the European Parliament made this violation of the rights of girls and women having been impregnated by war rape the subject of their Resolution on the Equality of Women and Men in the European Union:

The Resolution adopted (2011/2244(INI)) calls on EU Member States to ensure their funds are not subject to the abortion restrictions imposed by the U.S. on humanitarian aid for girls and women raped in armed conflicts.

The Resolution states, in pertinent part:

“61. Reminds the Commission and the Member States of their commitment to implement UN Security Council Resolution 1325 on Women, Peace and Security, and urges the provision of EU humanitarian aid to be made effectively independent from the restrictions on humanitarian aid imposed by the USA, in particular by ensuring access to abortion for women and girls who are victims of rape in armed conflicts.”

Dear Mr. President, we remind you the obligations under the Geneva Conventions are not negotiable and cannot be violated under any circumstances. Their creation was a big step towards humanity and we respectfully ask you to ensure those victims of war for whom the treaty was created receive the most comprehensive and necessary medical care to which they are entitled. The victims have suffered enough.

Thank you for providing an opportunity for us to express our view on this important issue.

Respectfully yours,

(signed Ramona Pisal)

President

CC Hon. Hillary Rodham Clinton, Secretary of State
Dr. Guido Westerwelle, Federal Minister for Foreign Affairs of Germany
Dr. Kristina Schröder, Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Germany
Dirk Niebel, Federal Minister for Economic Cooperation and Development, Germany
Dr. Bernd Eisenblätter, Chairman of the Management Board, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH