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How Obama Failed Women Raped in War

By Akila Radhakrishnan

U.S. abortion restrictions on foreign assistance have serious consequences.

As we wade through this arduous election cycle, one thing is becoming clear: we as a nation are going to miss President Barack Obama. But Friday, on the 67th anniversary of the Geneva Conventions, and in the final months of his time in office, we can also reflect on the ways he hasn't lived up to our expectations.

Since 2010, human rights advocates have been calling on President Obama to take executive action to limit the harmful effects U.S. abortion restrictions on foreign aid have on women and girls. Yet despite concerted advocacy including calls from the U.N. and allied governments, Obama, a pro-choice, feminist President, has yet to act.

As a result of his inaction, thousands of women and girls around the world have been denied necessary medical care, even when this lack of care threatens their life and health, and even if the pregnancy is the result of rape. This policy is the result of an overly restrictive interpretation of the Helms and Siljander amendments, which restrict U.S. foreign aid funds from supporting abortion-related services and speech. These restrictions apply to all U.S. foreign assistance funds, including humanitarian aid for girls and women raped in war whose rights are protected by the Geneva Conventions.

The Geneva Conventions, adopted 67 years ago Friday, are essential to saving lives. They provide protections and regulations that aim to minimize the harms of war. However, written in the wake of World War II, the Conventions were drafted based on a patriarchal understanding of conflict—men fighting men on defined battlefields. Today the face of war has changed; civilians are no longer collateral damage, but direct targets.

War is not just conducted by states against other states, but by non-state actors, like ISIS and Boko Haram, who carry out conflicts not on battlefields,

but in cities and communities. These changes in the nature of warfare have resulted in a disproportionate and disparate impact on women and children. As a result, it is essential that the Conventions are interpreted and understood in ways that respond to these new circumstances.

Fortunately, the provisions of the Conventions were specifically meant to be re-interpreted and adapted. Take, for example, waterboarding. The Conventions don't prohibit waterboarding per se, but they do provide a rubric for defining what constitutes torture, cruel, inhuman and degrading treatment—one that waterboarding fits into. This inherent adaptability is essential to ensuring that the Conventions can meaningfully protect the needs of people affected by conflict—including those who were not the original intended beneficiaries, such as women and girls.

In today's conflicts, rape is a nearly ubiquitous weapon of war and terror, whether it is Yazidi girls and women abducted and enslaved by ISIS, ethnic women raped at the hands of the Burma military, or girls kidnapped by Boko Haram. These women, as victims of conflict (or in the language of the Conventions, the "wounded and sick"), have specific needs and specific rights under the Conventions, including to comprehensive and non-discriminatory medical care. When women and girls become pregnant from rape, such care needs to include the option of abortion, the denial of which constitutes torture and cruel treatment.

This has been the subject of increasing recognition globally. The U.K., France, the Netherlands and the E.U. have all recognized that abortion is protected under the Geneva Conventions as necessary medical care for girls and women raped in war. The U.N. Secretary-General has repeatedly called for access to abortion for women raped in war in line with the Geneva Conventions. Last year, the Global Study on Security Council Resolution 1325 found that the denial of abortion to women raped in war violated women's rights under the Geneva Conventions.

However, it's not enough just to recognize these rights—women and girls must actually receive abortion care in humanitarian settings, which has yet to happen.

The lack of access to or denial of abortion services has serious consequences. Unwanted pregnancy from rape in war is linked to increased risk of maternal mortality—risk that is exacerbated for girls under 18, who often constitute over 50% of those affected by sexual violence. Women and

girls who are denied abortion services suffer from severe mental pain and suffering—a fact that has prompted human rights bodies and experts to recognize the denial of abortion as torture.

A major reason for this routine denial of abortion services in conflict zones is the U.S. abortion restrictions on foreign assistance. Laudably, the U.S. is the largest donor of humanitarian aid globally. Shamefully, we hamper the work of humanitarian organizations by imposing limitations on the provision of services that women and girls need. President Obama may be on his way out, but he still has the time and the ability to singlehandedly change this policy.

President Obama's administration has, mystifyingly, continued a Bush-era policy of treating the Helms amendment as a total ban on abortion services. It's not. Helms only applies to abortions performed as a "method of family planning" which is commonly understood to allow, at a minimum, abortion in cases of rape, incest and life endangerment. With an executive order, the President can restore these exceptions and affirm that such services are protected care for women raped in war under the Geneva Conventions.

Such action would dovetail with the President's own commitments, as well as the priorities of his party. At the outset of his Presidency in 2008, Obama reaffirmed the United States' commitment to the Geneva Conventions. In June, the President hosted the first summit on the United State of Women, where he spoke about his administration's commitment to ensuring that gender equality is a foreign policy priority. Last week, on his 55th birthday, the President published a powerful essay declaring himself a feminist and committing to pursue policies that protect reproductive rights. All this is bolstered by the fact that for the first time, the 2016 Democratic Party Platform commits to seeking the repeal of the Helms amendment.

There are many things we will miss about President Obama's term in the White House, but his inaction on abortion services for women raped in war is not one of them. The President closed his last White House Correspondent's dinner with two simple words: "Obama out." But he's not out yet—he's still has 160 days left—and in just one of those days, President Obama can take action to save the lives of thousands of women and girls around the world.