



# What's at Stake for Women: Threat of the Global Gag Rule

By Kiersten Gillette-Pierce and Jamila K. Taylor January 23, 2017

President Donald Trump is likely to follow the tradition of other Republican anti-choice administrations and reinstate the Mexico City Policy, which bans recipients of U.S. foreign aid from offering abortion-related services, as one of his first executive actions. Better known as the Global Gag Rule and first introduced in 1984 at the U.N. International Conference on Population held in Mexico City, the policy has been a barrier to comprehensive women's health care on a global scale.<sup>1</sup> Made U.S. policy through an executive order issued by President Ronald Reagan, it restricts family planning providers from offering comprehensive health care and, when in place, denies international family planning organizations the right to:<sup>2</sup>

- Provide abortion-related information to their patients and clients<sup>3</sup>
- Provide referrals to other health care providers who perform safe abortions<sup>4</sup>
- Provide legal abortions or legal abortion-related services<sup>5</sup>
- Advocate for the legalization of abortion in their country<sup>6</sup>

The Mexico City Policy infringes upon women's fundamental right to make informed decisions about their bodies and their health. It denies women access to comprehensive sexual and reproductive health care that includes abortion care and related information and referrals.

When former President Barack Obama assumed office in 2009, one of the first executive actions he took was to revoke the ban, which had been reinstated after George W. Bush came into office in 2001 following the Clinton administration. The end of the Obama administration brings to the forefront just how much is at stake for women if the Global Gag Rule is reinstated. Historically under Republican administrations, the policy has imposed barriers on any organization receiving U.S.<sup>7</sup> international family planning funding. The policy is put into place via executive order; thus, presidential administrations can dictate family planning measures depending upon whether they support reproductive choice. This makes continuing the promotion of technical assistance to recipient countries and contraception access difficult. Shortly after the reinstatement of the Mexico City

Policy in 2001, for example, shipments of donated contraceptives—including condoms—were completely stopped from the United States.<sup>8</sup> This left 20 developing countries without much-needed contraceptive supplies. In addition, a 2011 Stanford University study found that organizations that refused to sign the Global Gag Rule completely lost U.S. Agency for International Development, or USAID, funding.<sup>9</sup> As a result, abortion rates increased in countries where these organizations were working to more than twice the rate prior to the presidency of George W. Bush.<sup>10</sup>

The Global Gag Rule directly affects access to women’s health care in U.S.-funded global health programs overseas, as well as the providers themselves by forcing them to decide between U.S. aid for family assistance and providing comprehensive, modern care.

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## The Global Gag Rule puts undue burden on U.S.-funded health care providers and women seeking their services

Since 1973, the Helms Amendment has restricted the use of U.S. foreign assistance funds for the performance of abortion “as a method of family planning.”<sup>11</sup> It is a restriction that is statute and applied to all U.S. foreign assistance funding. The Global Gag Rule, on the other hand, is put into place via executive order and restricts international family planning funding only—barring U.S.-funded health care providers who work overseas from even using their own private funds to engage in any work related to abortion.<sup>12</sup> Moreover, without the free speech protections afforded to U.S. organizations through the Constitution, the Global Gag Rule is used as a political football that is solely dependent upon the presidential administration’s views on abortion. This means that whoever holds the office of the president dictates the right of women overseas to access comprehensive sexual and reproductive health care. The policy has also done great harm to health care providers by making the provision of comprehensive health care for women an unnecessarily burdensome task.

If a provider refuses to sign the Global Gag Rule, it loses:

- U.S. funding<sup>13</sup>
- Donated contraceptives—including condoms<sup>14</sup>
- Cutting-edge leadership and technical expertise, which is predominantly provided by the U.S. international family planning program within USAID<sup>15</sup>

In the past, the abrupt cutting of funds has led to entire health care networks collapsing, with providers noting a lack of resources and resorting to higher service costs in order to maintain efficiency.<sup>16</sup>

If a provider agrees to sign the Global Gag Rule, it must comply with strict guidelines.<sup>17</sup> To secure USAID family planning funds, organizations often forfeit free speech and control of their services.<sup>18</sup> For example, providers under the Global Gag Rule lose critical rights such as the ability to practice full consent—independent decision-making between doctor and patient.<sup>19</sup> Without the right to disseminate abortion-related information, the patient-provider relationship is strained. Fearing reprimand, international family planning providers sacrifice critical, often lifesaving advice. Even permitted services, such as treatment for injuries due to unsafe abortion, are at times inaccessible to women because providers refuse to risk viable funding.

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## Women globally deserve the right to autonomy and comprehensive care

The Global Gag Rule is also a barrier to addressing other global health priorities such as HIV/AIDS prevention and maternal and child health. International family planning providers have the expertise and resources to advise patients about risky behaviors and safer sex practices and to screen for and treat sexually transmitted infections, or STIs, including HIV.<sup>20</sup> However, when the Global Gag Rule is in place, health care providers who address global health priorities and work with at-risk populations—namely, women, young people, and those who disagree with the policy—are often unable to engage in important partnerships with the United States.

Moreover, the loss of U.S. funding contributes to the unmet need for modern contraception for more than 225 million women globally.<sup>21</sup> Access to contraception is vital to the success of women, children, and their communities. By empowering women with proper health care access, their ability to help build their nations' economies is bolstered. When given full access to U.S. international family planning funding and assistance, health care providers would be better able to help women in developing nations have safe pregnancies, avoid unsafe abortion, and have access to contraceptives. Without the burden of the Mexico City Policy, women and their health care providers have the ability to engage in autonomous, comprehensive, and life-altering care.

In the absence of the Mexico City Policy, health care providers have the ability to establish open communication with women about their family planning and overall health options. A healthy patient-provider relationship and access to U.S. governmental funds, void of draconian restrictions, means tangible change for women's health outcomes and implements autonomous comprehensive care. Some of the key health outcomes yielded by having access to family planning services include:

- Increasing the likelihood that more women gain needed access to other facets of the health care system<sup>22</sup>
- Decreasing women’s likelihood of attaining an unsafe abortion or dying from pregnancy-related complications<sup>23</sup>
- Sparing 8.4 million women from serious illness or injury from unsafe abortion complications<sup>24</sup>
- Saving an estimated 289,000 women from pregnancy- or childbirth-related deaths<sup>25</sup>
- Providing an estimated 50,000 adolescent mothers and more than 1 million infants a chance at life via measures such as contraceptives, prenatal care, and postnatal care<sup>26</sup>
- Ensuring that 75 percent of sexually active adolescents in developing countries have access to contraceptives<sup>27</sup>

For all women and girls, the Global Gag Rule is a breach of autonomy. By taking away family planning and stigmatizing abortion, the United States is withholding women’s human right to safe and informed sexual health; reliable STI/HIV treatment; safe abortion care; safe pregnancies and childbirth; and ultimately, their ability to make substantial contributions to their communities.

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## Action against the Global Gag Rule under the Trump administration

If President Trump reinstates the Global Gag Rule, the global community will see increases in maternal deaths, unintended pregnancies, and rates of unsafe abortion. As the world’s largest bilateral donor of international family planning, the United States is obligated to do better by the nations it serves.<sup>28</sup> The Global Democracy Promotion Act—legislation aimed at ensuring that international family planning will not be inhibited by undue governmental interference—is a first step in that direction.<sup>29</sup> This act would end the case of ineligibility for U.S. foreign aid recipients due to use of nongovernmental funds for provider-specified services, such as abortion or abortion-related care. It would also help keep U.S. presidents from unilaterally imposing the Global Gag Rule and chipping away at the human rights of women overseas. Congress must make concerted efforts to reintroduce, and ultimately pass, this bill because women and girls deserve to freely make decisions about their sexual and reproductive health.

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## Endnotes

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