



DO YOU REALLY KNOW THE GLOBAL GAG RULE?

On January 23, 2017, in one of his first actions as President, Donald Trump reinstated and expanded the Global Gag Rule—a policy that risks women’s health and lives by forcing foreign NGOs to choose between receiving U.S. global health assistance and providing comprehensive sexual and reproductive health care. Providers must agree not to provide information, referrals or services for legal abortion or to advocate for the legalization of abortion in their country *with their own non-U.S. funds*. On March 2, the Trump-Pence administration issued guidance for family planning assistance only. Provisions for the rest of global health assistance are still pending.

PAI has documented the impact of the Global Gag Rule (also known as the Mexico City Policy) in developing countries and works with in-country partners and champions on Capitol Hill to mitigate its harmful effects. Here, we address common questions and persistent misconceptions about the Global Gag Rule.

THE BASICS

Does The Global Gag Rule Prevent Tax Dollars From Being Spent On Abortion?

The Global Gag Rule is not and has never been about U.S. taxpayer funding for abortion. Although unsafe abortion is a leading cause of maternal morbidity and mortality in the developing world, the Helms Amendment has restricted the use of U.S. foreign assistance funds for abortion as a method of family planning since 1973. The

Global Gag Rule denies foreign organizations receiving U.S. global assistance the right to use their own non-U.S. funds to provide information, referrals or services for legal abortion or to advocate for the legalization of abortion in their country.

But Isn't That Money Fungible and Don't U.S. Taxpayer Dollars Indirectly Support Abortion?

No. Whether they center on misuse or subsidy, fungibility

arguments are arbitrary and non-factual rationales for Trump’s Global Gag Rule.

The fungibility-as-subsidy argument claims that taxpayer funds which go to organizations performing abortions or abortion-related services free up other financial resources for such work, thereby acting as a subsidy. However, this argument is discriminatory and selectively applied. For example, under Trump’s Global Gag Rule, foreign NGOs are rendered ineligible to

receive any U.S. global health assistance if the organization uses funding from any other source to perform abortion, counsel or refer for abortion, or advocate to make abortion legal or more available in their own countries. In contrast, USAID allows funding for faith-based organizations who need only separate their proscribed religious activities from their development and health programs and services directly funded by USAID to remain eligible.

The fungibility-as-fraud argument implies that a foreign nongovernmental organization receiving U.S. global health assistance funds could inappropriately use those funds for abortion services, counseling, and referral or advocacy in support of abortion law reform. Not only is this claim incorrect but it also undermines the integrity of the U.S. aid system and its implementing partners. The U.S. government has a complicated vetting process coupled with very strict compliance requirements for recipients of foreign aid. Furthermore, all U.S. foreign aid is ultimately overseen by Congress. If a foreign aid recipient misused funds for any purpose, there are immediate actions taken to protect the integrity of U.S. global health assistance, including reporting the violations to the congressional committees with jurisdiction over foreign assistance in a timely and complete manner.

How Does The Global Gag Rule Affect The Number Of Abortions In Developing Countries?

Evidence shows that restrictions imposed by the Global Gag Rule on family planning assistance can increase the number of abortions in developing countries by reducing access to contraception. This leads to more unwanted and high-risk pregnancies, unsafe abortions, and maternal illness,

injury and death. The Planned Parenthood Association of Ghana saw 50 percent more women come to their clinics for post-abortion care the year after the Global Gag Rule was reinstated by the Bush administration.

How Will The Policy Take Effect?

U.S.-based NGOs will be responsible for enforcing Trump's Global Gag Rule on behalf of the U.S. government. As in previous iterations of the Global Gag Rule, a set of standard provisions will be inserted in the respective grants and cooperative agreements certifying that a U.S. NGO will not "furnish assistance for family planning" to a non-U.S. NGO that is ineligible for U.S. assistance because of its non-U.S. funded abortion-related activities.

Under the Trump Global Gag Rule presidential memorandum, the same responsibility for monitoring and compliance will presumably be placed on U.S. NGOs but expanded to "global health assistance furnished by all departments or agencies." The language contained in the March 6 standard provision for family planning assistance is effective immediately and is to be inserted in new USAID family planning grants and cooperative agreements and existing USAID family planning agreements "when such agreements are amended to add incremental funding."

What If An NGO Does Not Engage In Any Of The Activities Prohibited Under The Global Gag Rule?

It is important to understand that regardless of whether a foreign NGO that receives U.S. global health assistance (either directly or as a sub-grant) engages in any of the activities prohibited under the Global Gag Rule, each foreign NGO must participate in a certification and



compliance process. This is the case even if a U.S. NGO working on maternal and child health, HIV/AIDS, or infectious disease does not believe that any of its foreign NGO partners "perform or actively promote abortion as a method of family planning." A severe administrative burden will thereby be placed on U.S. NGOs. The same burden is placed on U.S. government agencies charged with imposing the Global Gag Rule on global health assistance government-wide.

Are there any Exceptions for Abortion-related Services under the Global Gag Rule?

Based on the current family planning standard provisions, post-abortion care is exempt from the policy as it was under the 2001 standard provision. Similarly, abortions provided "not as a method of family planning" that is, in the cases of life endangerment and rape are permitted.

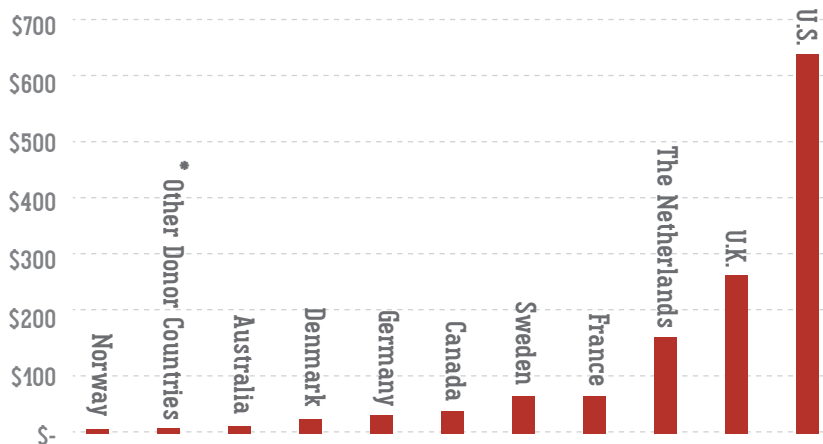
WHERE'S THE GAP?

The Global Gag Rule Cuts U.S. Funding for International Family Planning/Global Health Assistance, So There's A Shortfall, Right?

The Global Gag Rule is insidious because it takes money away from qualified providers who refuse to deny women their reproductive rights. It does not cut any funding contained in the U.S. foreign aid budget. In effect, the Global Gag Rule shifts funding away from some of the most effective—and sometimes only—providers relied upon and trusted by women in communities around the world to providers who are willing to deny women and girls their rights to comprehensive reproductive health services. Even if there is no change in U.S. funding levels, women's lives will be at risk.

Foreign NGOs that refuse to sign the Global Gag Rule will have organizational budget shortfalls. International Planned Parenthood Federation alone [reports](#) it will lose about \$100 million in funding over the next four years from the U.S. government as a

DONOR GOVERNMENT BILATERAL DISBURSEMENTS FOR FAMILY PLANNING, 2015 (IN CURRENT US \$ MILLIONS)



* Austria, Belgium, Czech Republic, European Union, Finland, Greece, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, New Zealand, Poland, Portugal, the Slovak Republic, Slovenia, Spain, and Switzerland.

Source: Kaiser Family Foundation, *Donor Government Assistance for Family Planning in 2015*

result of their unwillingness to be bound by the policy, Marie Stopes International estimates an

organizational funding loss of \$30 million per year due to the Global Gag Rule.

Will U.S. Funding Levels Change?

The United States currently provides \$575 million for bilateral family planning assistance. [Based on what we know of how international family planning assistance has fared under previous Republican presidents, we anticipate that the Trump-Pence administration will propose cuts to international family planning funding in the upcoming FY 2018 budget request.](#) Funding cuts for international family planning would be felt by the women and girls who are least able to find alternative ways of

protecting themselves against unplanned pregnancies and unsafe abortions. Any cuts to other sectors within the \$9.5 billion global health assistance budget, now implicated in the Global Gag Rule by Trump's expansion, would further compound the policy's deadly effects.

Aren't Other Countries And Private Donors Working To "Fill The Gap"?

Donors like [Denmark](#), [The Netherlands](#) and [Canada](#) have signaled their intent to blunt the impact of Trump's Global Gag

Rule by contributing funding for sexual and reproductive health. While this effort is an important show of support for women's rights globally, pledged contributions by donors so far do not come close to replacing the money that qualified providers will lose by rejecting the Global Gag Rule over the coming years of the Trump administration. It's also not yet clear how this money will be disbursed to providers. If international family planning assistance is reduced or cut completely, other donors simply do not have the capacity to come close to U.S. funding levels.

Even if the U.S. and other donors maintained current funding levels, funding is inadequate to meet the needs of women. The [Guttmacher Institute](#) estimates that to provide all women with modern contraceptives who need them would require more than doubling current levels of funding, including from donors. The reduction in unintended pregnancies resulting from sufficient funding for family planning would lead to 52 million fewer unintended pregnancies, and 24 million fewer abortions.

What Else Should We Be Watching?

In addition to potential changes in international family planning and global health assistance as a whole resulting from the congressional appropriations process for FY 2018, the U.S. contribution to the United National Population Fund (UNFPA) is also widely expected to be withheld in the coming months. The agency, which together with USAID provides the majority of the donated contraceptives and

life-saving supplies to women around the world, had already experienced a 40 percent shortfall in its 2016 budget for contraceptives. UNFPA also provides sexual and reproductive care and supplies in humanitarian emergencies such as wars and natural disasters, and cuts to its budget would make women living under dire circumstances even more vulnerable.

CONCLUSION

The Global Gag Rule is an inhumane policy that undermines women's health and threatens their lives. The potential human costs of Trump's Global Gag Rule are far beyond that of any previous administrations. The policy will decimate health systems by undermining the most effective and experienced health care providers and putting their services out of reach. Any cuts to international family planning assistance will further punish women in already-challenging circumstances. Other donors can make important contributions to defend women's reproductive rights. But none will fill the funding gap in the short term.

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