

The Global Health, Empowerment and Rights (HER) Act:

Permanently repealing the harmful Global Gag Rule

POLICY BRIEF

On February 7, 2019, Senator Jeanne Shaheen (D-NH) and Representative Nita Lowey (D-NY-17) introduced the Global Health, Empowerment and Rights (HER) Act (S.368/H.R.1055) into U.S. Congress. The HER Act would create a permanent legislative barrier and repeal the life-threatening Global Gag Rule (GGR), which can help save lives all over the world.

WHAT IS THE GLOBAL GAG RULE?

The Mexico City Policy – commonly known as the GGR – denies U.S. aid from going to any foreign non-governmental organization (NGO) that in any way works (and even uses their own non-U.S. funds) to provide, refer, counsel, or advocate for access to safe abortion services in countries where it is legal.

Originally imposed in 1984 by President Reagan at the 2nd International Conference on Population (held in Mexico, City, Mexico), the GGR has subsequently been repealed and reinstated with every shift in power in the White House. The Global HER Act would end the GGR by removing dangerous eligibility restrictions on international recipients of U.S. aid.

WHY IS THE GLOBAL GAG RULE HARMFUL?

Historically, restrictions have only applied to international family planning funds. However, a mere 72 hours after President Trump was inaugurated, he reinstated and dramatically expanded the GGR, via presidential memorandum, to apply to a number of global health programs. The expanded GGR – also named “Protecting Life in Global Health Assistance” by the Trump Administration – affecting \$7.4 billion in FY 2018 also used to combat health concerns like HIV/AIDS, Zika, and Malaria, among others.¹

The GGR interferes with the doctor/patient relationship and the duty of confidentiality. When in place, the GGR dictates what information health care providers may offer

to their patients, restricting their ability to provide comprehensive health care needed or requested by their community. The principles of informed consent demand that health care providers not withhold information on services that are available and legal in a particular country, or that could prevent injury or save someone's life.

The GGR also erodes access to contraception and technical assistance and hampers important, life-saving HIV prevention, treatment, and care efforts. Family planning providers that choose to forego U.S. funding when the GGR is in place not only lose funding, but also the valuable technical assistance and donated contraceptives, including internal condoms. The loss of U.S. funds also reduces the capacity of leading family planning providers to expand and fully integrate complete HIV prevention and care efforts.

The GGR creates an unsustainable environment for foreign NGO's. Organizations have limited resources and cannot alter their business model with every change in administration and subsequent executive order or presidential memorandum. As a result, even when the GGR is not in effect, many clinics do not provide abortion services, care, or referrals because they do not know if or when the policy will change.

WHAT ARE THE BENEFITS OF INTERNATIONAL FAMILY PLANNING SERVICES?

- **Reductions in unintended pregnancies.** Around the world, there are over 214 million women of reproductive age who wish to delay or prevent pregnancy, but are not using modern effective contraception.² This number includes 155 million who use no method of contraception and 59 million who rely of traditional methods.³ Women with an unmet need for modern contraception account for 84 percent of all unintended pregnancies in developing regions.⁴

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- **Fewer maternal and infant deaths.** Complications from pregnancy and childbirth is the leading cause of death for young women aged 15-19 worldwide, with the majority in low and middle income countries.⁵ Their high rates of maternal mortality and morbidity are fueled by early marriage and childbearing, unplanned pregnancy, lack of access to pre- and post-natal care, and complications from unsafe abortion. 99 percent of maternal deaths occur in developing countries.⁶ Providing all pregnant people and their families with comprehensive maternal and newborn care could reduce deaths by 64 percent, or 112,000 per year.⁷
- **Increased cost-effectiveness.** Global health programs account for *less than a quarter of the entire federal budget*,⁸ yet they are some of the most high-impact and cost-effective investments the U.S. government can make. For each dollar spent on contraceptive services above the current funding level, the cost of pregnancy-related care would drop by \$2.22.⁹ With economic resources extremely limited, assistance must be targeted to programs that achieve significant results, like international family planning.
- **Furtherance of diplomatic, development, and national security interests.** Investments in global health programs strengthen America's international reputation, help secure allies, contribute to the fight against poverty and political instability, and demonstrate our moral commitment to those in need. Furthermore, the American public supports these critical investments. In an April 2019 poll by Kaiser Family Foundation, a majority of Americans opposed the expansion to the Mexico City policy to restrict funding to foreign NGOs that utilize their own funds to provide abortions (56%) and to providing referrals (54%). This includes 73 percent of Democrats, 53 percent of Independents, and 34 percent of Republicans.¹⁰

CO-SPONSOR THE GLOBAL HEALTH, EMPOWERMENT AND RIGHTS (HER) ACT

The Global Gag Rule needs to be repealed once and for all. All over the world, women and girls, young people, and LGBTQ and non-binary people accessing sexual and reproductive health services will benefit by U.S. Congress passing the Global HER Act. The Global HER Act would create a permanent legislative barrier to the GGR and ensure that all people who are receiving family planning services abroad, at clinics that are funded by the U.S. government, will be able to access the full range of comprehensive care they need without unnecessary interference.

For more information about the Global HER Act or international family planning assistance, please contact policy brief author, Preston Mitchum, Senior Legal and International Policy Analyst, at preston@advocatesforyouth.org.

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