United States: Sexual & Reproductive Rights

UPR Pre-Session Statement
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Restrictions on funding for abortion

Previous recommendations by the Netherlands, UK, Belgium, France, and Norway called for the U.S. to allow foreign assistance to support, at a minimum, abortion in the cases of rape, incest, and life endangerment.

These recommendations have not been implemented.

- A policy known as the Helms Amendment states that no U.S. foreign assistance funds may be used for the performance of abortion “as a method of family planning.” It continues to be over-implemented as a complete ban on U.S. foreign aid for abortion, even in cases of rape, incest, or a life-endangering pregnancy.

- Globally, 1 in 3 women will experience violence in her lifetime—a rate that is often higher in humanitarian crisis and conflict settings.

- Unsafe abortion is a global health crisis driven by criminalization of the procedure and barriers to access safe abortion. The Helms Amendment exacerbates this crisis.

- Over the last two decades, many countries have liberalized their abortion laws, magnifying the impact of the Helms Amendment as a significant barrier to patients receiving the care they need and to which they are legally entitled.
Restrictions on funding for abortion

- Similar policies apply within the U.S., often referred to as the Hyde Amendment.

- This policy blocks federal Medicaid funding, which provides affordable insurance coverage to people with limited incomes.

- This policy is harmful to young people and people of color who disproportionately rely on Medicaid for health coverage and face structural inequalities which impact their health.
Global Gag Rule

In January 2017, the U.S. reinstated and significantly expanded the global gag rule (also known as the Mexico City Policy).

The global gag rule blocks U.S. global health assistance from going to foreign non-governmental organizations (NGOs) that advocate for or provide access to abortion information, referrals, or services, even if this is done with the NGO’s own, non-U.S. funds.

1. The global gag rule weakens civil society with wide-reaching harmful consequences on complying and non-complying organizations alike.

2. The global gag rule disrupts the delivery of a range of health services in areas of the world that are most in need.

3. The global gag rule is halting national policy progress and bolstering anti-human rights agendas.
“Our outreach services previously allowed us to reach the most people and the most vulnerable groups with health services. We used to reach out to young people using our mobile units, but without funding these units are parked outside. Our outreach to youth was important for HIV prevention, for example, because new infections are highest in young people. Losing the reach with this group was a loss, and no one has picked it up.”

— Representative of a Southern African health service provider not complying with the global gag rule
**Title X Gag Rule**

- In 2019, the U.S. finalized a nationwide gag rule that is dismantling Title X, the nation’s only federal program dedicated solely to the provision of family planning and related preventive health care.

- This program is a critical safety net resource, and the gag rule is undermining access to contraception, STI education, counseling and referral, youth programs, preconception health, and reproductive life plan counseling.

- Until forced out, Planned Parenthood cared for over 40% of the program’s patients. This gap has not been filled.

- As a result, health outcomes will worsen, particularly for people of color, people with low incomes, LGBTQ people, immigrants, and women.
Recommendations:

• Take immediate administrative action, and permanent legislative action, to reverse the global gag rule and allow recipients of U.S. global health assistance to use their own funding to provide counseling, referral, and services for abortion as well as engage in advocacy for safe, legal abortion access in their own countries.

• Take immediate action to rescind the Title X gag rule and protect the ability of highly qualified providers to participate in Title X, regardless of whether they also refer for or offer abortion, and further reaffirm that all providers receiving Title X funding must provide confidential care, access to and counseling on a broad range of contraceptive methods, and nondirective options counseling for pregnant patients, including referrals for abortion upon request.

• Permanently repeal the Helms Amendment through legislative action and allow use of U.S. foreign assistance funding to pay for abortion where legal. In the interim, immediately mitigate harm of the Helms Amendment by allowing U.S. foreign assistance to at a minimum be used for abortion in the cases of rape, incest, and life endangerment.

• End the Hyde Amendment and related restrictions through legislative action and ensure that everyone has abortion coverage, regardless of their income or source of insurance.
Thank you

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