

# WHAT YOU NEED TO KNOW ABOUT ABORTION RESTRICTIONS ON U.S. GLOBAL HEALTH ASSISTANCE

If your organization receives global health assistance (monetary and non-monetary) from the U.S. government, there may be certain types of abortion-related work that you cannot perform—and these restrictions can even limit work funded from sources other than the U.S. government.

This guide—prepared by Iпас and PAI—will help you understand the rules of the U.S. government’s “Protecting Human Life in Global Health Assistance” (also known as Trump’s Global Gag Rule). It is important to understand these rules so that your abortion work allowed under Trump’s Global Gag Rule can continue.

## HERE ARE SOME BASIC POINTS:

- Since the 1970s, **the Helms Amendment has applied to all U.S. foreign assistance.** It is still in effect and says that U.S. funds cannot be used for most work on abortion.<sup>1</sup>
- By contrast, the **Global Gag Rule restricts what organizations can do with their own non-U.S. funds.** In the past, the Global Gag Rule only applied to organizations receiving U.S. international family planning assistance. Now, under the Trump administration, the policy applies to *all* global health assistance—including PEPFAR—which means that many more organizations must follow the rules related to abortion.
- **Trump’s Global Gag Rule** applies to non-U.S.-based non-governmental organizations (NGOs). If you receive U.S. global health assistance, you cannot provide abortion care, counseling or referrals (in most cases) and you cannot lobby to expand the legal conditions for abortion (except in the cases of life endangerment, rape or incest) with your U.S. funding or funding from other sources. All of your organization’s work must follow these rules—even if the projects are supported by other donors.
- **Despite these restrictions, some types of abortion work are allowed.** The checklists and examples on the following pages provide guidance on what is and is not allowed under Trump’s Global Gag Rule.

<sup>1</sup>U.S. funds cannot be used for “abortion as a method of family planning”—that is, abortions performed for any reason other than to save the life of the woman, or in the cases of rape or incest.

## WHO MUST FOLLOW TRUMP'S GLOBAL GAG RULE?

- Non-U.S. NGOs that receive U.S. global health assistance directly or as a subrecipient.

## WHO DOES NOT HAVE TO FOLLOW TRUMP'S GLOBAL GAG RULE?

- U.S. NGOs. However, it is important to note that U.S. NGOs are responsible for enforcing the policy on their foreign NGO partners who receive U.S. global health assistance from them.
- Governments, government agencies, government-operated universities and hospitals. This includes Ministries of Health, medical schools and health advisory councils.
- Multilateral organizations such as the World Health Organization and the Global Fund to Fight AIDS, Tuberculosis and Malaria.
- Recipients of U.S. humanitarian assistance (so long as they do not also get global health grants).
- Vendors who supply computer support, office supplies, and other goods or services.

## WHAT ARE THE RULES? IF THE POLICY APPLIES TO YOUR ORGANIZATION, YOU CANNOT:

- Provide abortion services, counseling or referrals in cases that do not involve life endangerment, rape or incest.
- Advocate to expand the legal conditions for abortion beyond cases of life endangerment, rape or incest.
- Conduct public information campaigns on the benefits of abortion.
- Conduct clinical trials on abortion.

## YOU CAN:

- Provide abortion services, counseling or referrals in cases of rape, incest or when the life of the woman is endangered by the pregnancy. The reason for the abortion should be documented.
- Provide abortion counseling or referrals for any reason if all of the following circumstances are met:
  - If a woman is pregnant and she clearly states that she has already decided to have an abortion, and she specifically asks where to get one, and if the health-care provider believes medical ethics require them to provide the referral or if local law requires the provider to counsel and refer the abortion.
- Provide post-abortion care, including treatment for injuries caused by unsafe abortion.
- Advocate to make abortion legal in cases of life endangerment, rape or incest.
- Conduct basic health research, including abortion incidence, magnitude and cost studies—as long as you do not use the research to advocate for legalizing or liberalizing existing abortion law beyond life endangerment, rape or incest.
- Communicate and coordinate with organizations working on abortion—for example, to work in partnership in support of post-abortion contraception.

## WHEN DOES IT APPLY?

- Trump's Global Gag Rule applies only after signing a new agreement or amending an existing agreement to add funding.
- It does NOT apply to funding under an agreement that was signed before the guidance for implementing Trump's Global Gag Rule was released (May 15, 2017).

*"We have to educate ourselves to ensure that these rules are applied correctly so that abortion work that is allowed can be continued. It's critical, because women's lives and health are at stake."*

– Patty Skuster  
IPAS Senior Legal Advisor

## RELATED RESOURCES

### ONLINE GUIDE

PAI, which promotes universal access to reproductive health and rights, has a comprehensive “unofficial guide” about the policy that is tailored for partners implementing U.S. global health assistance.

It is available online at <http://trumpglobalgagrule.pai.org> and includes:

- Fact sheets
- Advocacy guides
- Infographics
- Reports

### EMAIL CONTACTS

If you have specific questions not covered in this guide, please email [skusterp@ipas.org](mailto:skusterp@ipas.org), [jrucks@pai.org](mailto:jrucks@pai.org) or [plgha@pai.org](mailto:plgha@pai.org).

*“NGOs often fear even remote association with abortion. The U.S. policies affect who can engage in debate because of repercussions some may face.”*

– Saba Kidanemariam

Country Director of Ipas Ethiopia, 2003, when the previous Global Gag Rule was in effect