



THE ABORTION AND POST-ABORTION CARE CONSORTIUM AND THE GLOBAL GAG RULE

THE ABORTION AND POST-ABORTION CARE CONSORTIUM

The precursor organization to the Abortion and Post-abortion Care Consortium (APACC), the Post-abortion Care Consortium (PACC), was established in 1993. It played a critical role internationally by advocating for policy changes and increased resources for post-abortion care (PAC) services, as well as informing the reproductive health community about issues related to and strategies for addressing unsafe abortion through PAC.

In the last two years, PACC has expanded its scope to include a range of safe abortion care and officially transitioned to the Abortion and Post-abortion Care Consortium. The consortium's mission statement now reads:

The consortium facilitates knowledge sharing and fosters dialogue and collaboration to promote evidence-based and promising practices that meet women's needs for contraception, abortion, and PAC.

This expanded mission continues its focus on post-abortion care, but also provides an opportunity for expanding membership and dialogue on a range of abortion issues beyond PAC. Over the next two years, APACC will encompass the full continuum of abortion care, while remaining accessible and relevant for all contexts.

THE GLOBAL GAG RULE

On January 23, 2017, President Donald Trump signed a "Presidential Memorandum regarding the Mexico City Policy." This memorandum imposed the Global Gag Rule (GGR)—also known as the Mexico City Policy, which was in effect during the George W. Bush administration (2001-2009)—and directed an expansion of the GGR to include all of the U.S. government's global health assistance. Previously, the policy had only applied to U.S. international family planning assistance.

Effective May 15, 2017, the expanded GGR restrictions were renamed "Protecting Life in Global Health Assistance." They prohibit U.S. global health assistance from being provided to foreign nongovernmental organizations (NGOs) that perform abortion in cases other than a threat to the life of the woman, rape or incest; provide counseling—including advice and information—or referrals for abortion; or lobby to make abortion legal or more available in their own country, even if these activities are performed with funding from other, non-U.S. government sources.

U.S. NGOs can continue to perform, counsel, refer or advocate on abortion with funds from non-U.S.

government sources without risking their eligibility to receive U.S. global health assistance. The only requirement imposed on U.S. NGOs by the GGR is the responsibility to enforce the policy on their foreign NGO partners, who are sub-recipients of U.S. global health assistance.

Foreign NGOs, defined as NGOs (nonprofit or for-profit) that are not organized under the laws of the United States, can engage in certain types of abortion-related activities and still remain eligible for U.S. global health assistance, as explained below.

WHAT DOES THIS MEAN FOR U.S. NGOS?

1. Can U.S. NGOs participate in APACC even though the Global Gag Rule has been reinstated and expanded?

Yes. U.S. NGOs can continue to participate in APACC.

U.S. NGOs can use their non-U.S. funds to perform, counsel, refer or advocate on abortion even when the GGR is in effect. Longstanding prohibitions on the direct use of U.S. foreign assistance for most abortion-related activities—including the 1973 Helms Amendment and other statutory prohibitions—remain in effect.

If U.S. NGOs participate in APACC to improve access to abortion, APACC activities cannot be charged to a U.S. government award. This includes staff time.



WHAT DOES THIS MEAN FOR FOREIGN NGOS?

1. Can foreign NGOs participate in APACC if they have agreed to comply with the Global Gag Rule in order to receive U.S. global health assistance?

Yes, foreign NGOs that agree to comply with the GGR may participate in certain APACC activities, given its expanded scope. These include activities related to:

- Post-abortion care;
- Abortion services, counseling and referrals in cases of rape, incest or when the life of the woman is endangered by the pregnancy;
- Discussion of information on incidence of abortion, magnitude and cost, as long as the research is not used to advocate for legalizing or liberalizing existing abortion law beyond life endangerment, rape or incest; and
- Communication and coordination with organizations working on abortion—for example, to work in partnership in support of post-abortion contraception.

2. Can a representative of a GGR-compliant foreign NGO participate in meetings, sessions, conferences and communities of practice that include both comprehensive abortion care and post-abortion care?

You can attend if you participate as an individual and not on behalf of or with funding from the foreign NGO that has complied with the GGR. An individual may engage in restricted activities as long as he or she is “neither on duty nor acting on the organization’s premises,” the organization does not endorse or fund the action, and “reasonable steps” are taken to ensure that the individual does not “improperly represent” that he or she is acting on behalf of the organization.

You can attend on behalf of your U.S.-funded organization if your motivation for attending is to learn more about PAC or permissible abortion-related topics. We suggest that you document your intention for attending the meeting.

Participants should consider the primary purpose of the meeting by reviewing planned agenda items, as well as the scope of health topics to be discussed. Staff from GGR-compliant foreign NGOs should not attend meetings or participate in activities wholly focused on comprehensive abortion care or access to safe abortion.

You don’t have to leave the meeting or discussion if non-permissible abortion topics which were not part of the agenda are discussed or presented, but you should not actively engage in the discussion with the intention of promoting abortion access beyond what is permissible.

RELATED RESOURCES

Ipas and PAI jointly produced “What You Need to Know About Abortion Restrictions on U.S. Global Health Assistance.” The guide is available at: <https://pai.org/policy-briefs/need-know-abortion-restrictions-u-s-global-health-assistance>

Additional PAI resources, including a comprehensive guide on the Global Gag Rule, are available at: <http://trumpglobalgagrule.pai.org>

This site also includes:

- Fact sheets
- Advocacy guides
- Infographics
- Reports

EMAIL CONTACTS

If you have specific questions about the Global Gag Rule, please email:

- Jonathan Rucks at jrucks@pai.org or PLGHA@pai.org; or
- Patty Skuster at skusterp@ipas.org

The questions and answers above are meant to be a guidepost. The ultimate goal is to avoid self-censorship and continue participation in coalition spaces. For official clarification of the U.S. government’s global health assistance restrictions, organizations should consult directly with the U.S. government department or agency furnishing assistance.