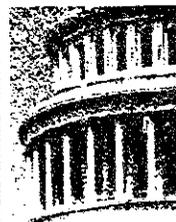


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U.S.
GOVERNMENT
CLARIFIES
IMPLEMENTATION
OF MEXICO CITY
POLICY ABORTION
RESTRICTIONS

BEST AVAILABLE COPY

Officials Say Some Abortion-Related Activities Are Permitted



SUMMARY

In a recent court case challenging the Mexico City Policy (*Pathfinder Fund et al. vs. AID*), Dr. Duff G. Gillespie, Director of the U.S. Agency for International Development (U.S.A.I.D.) Office of Population, made an official sworn statement on U.S.A.I.D.'s behalf stating that some abortion activities are in fact permissible under the policy. These clarifications were also made in recent testimony by U.S. foreign aid officials before the U.S. Congress. They are summarized here, with the relevant language from official U.S.A.I.D. documents.

They cover:

- demographic and health research on abortion;
- provision of training and equipment to treat septic and incomplete abortion (including illegal abortions);
- abortions to save the mother's life and abortions in cases of rape and incest;
- post-abortion counseling and services (including contraceptive services).

In addition the documents make it clear that U.S.A.I.D. funding can go to governmental organizations involved in abortion activities as long as the funding is accounted for separately. Government organizations are broadly defined to include public universities, hospitals and national councils.

BACKGROUND

For the last several years, leading U.S. family planning organizations have challenged the U.S. government's Mexico City Policy abortion restrictions in the court system and in the U.S. Congress. So far these efforts have been unsuccessful. However, they have forced U.S.A.I.D. to clarify the specific restrictions imposed by the policy, and to acknowledge that foreign non-governmental organizations (NGOs) may use funds from non-U.S.A.I.D. sources for certain types of abortion-related activities and still remain eligible for U.S. population assistance. The longstanding prohibition of the use of U.S.A.I.D. funds for most abortion activities remains unchanged.

The written guidelines used by U.S.A.I.D. to implement the Mexico City Policy, called "The Standard Clauses," require foreign NGOs to certify that they do not and will not "perform or actively promote abortion as a method of family planning." The perception of many NGOs in developing countries who receive U.S.A.I.D. population funds, and even some U.S.A.I.D. Cooperating Agencies, has been that any involvement at all with abortion will disqualify them from U.S.A.I.D. support. This is not accurate.

DEMOGRAPHIC AND HEALTH RESEARCH ON ABORTION

Non-governmental organizations in developing countries do not risk their eligibility for U.S.A.I.D. population assistance if they engage in "research on the subject of abortion or septic and incomplete abortion." In addition to keeping routine information on clients' abortion histories, organizations may collect information on the general incidence of abortion and its causes, the health impact of illegal abortion and its cost to the health delivery system.



In the past these types of research were actually supported with U.S.A.I.D. funds and some types of data collection and analysis may still be eligible for U.S.A.I.D. support. Organizations may still not engage in biomedical research on abortion.

Demographic and health research on abortion may even be used by certain non-governmental organizations (such as a U.S. NGO or developing country NGO which does not receive U.S.A.I.D. funds) to "lobby foreign governments to liberalize abortion laws in the country." The developing country NGO receiving U.S.A.I.D. funds may not itself use the results of this research (even though it is not funded by U.S.A.I.D.), or of any other research, to advocate the liberalization of abortion laws. But its eligibility for U.S.A.I.D. support is not jeopardized merely by participating in research which others use in advancing abortion law reform.

LIFE OF THE MOTHER, RAPE AND INCEST

As stated in the Mexico City Policy's Standard Clauses and recently confirmed, non-governmental organizations in developing countries do not risk eligibility for U.S. population assistance if they perform abortions in cases where "the life of the mother would be endangered if the fetus were carried to term" or "following rape or incest." The possession of equipment for vacuum aspiration or dilation and curettage (D&C) or of drugs for menses induction in such cases would not disqualify an organization for U.S.A.I.D. support.



TRAINING AND EQUIPMENT TO TREAT SEPTIC AND INCOMPLETE ABORTION

According to current U.S. policy foreign non-governmental organizations can "provide medical assistance in response to septic or incomplete abortions" and still remain eligible for U.S. assistance. U.S.A.I.D. considers such conditions "serious health problems" and permits its grantees to acquire or provide medical training and equipment for the treatment of septic and incomplete abortion. Organizations may provide such treatment or assist clients in getting treatment (e.g. by accompanying a woman to a hospital) and may provide post-treatment contraceptive counseling and services. It is possible that some of these activities may be eligible for support under U.S.A.I.D.'s health assistance programs, although this possibility has not been tested.



POST-ABORTION COUNSELING AND SERVICES

Non-governmental organizations may use U.S.A.I.D. funds to provide contraceptive counseling and services to clients who have had spontaneous or induced abortions, including illegal abortions. Organizations may communicate with abortion service providers in order to facilitate post-abortion contraceptive services.



EXEMPT GOVERNMENT ORGANIZATIONS

Governments are exempt from the abortion restrictions of the Mexico City Policy. If they support abortion "as a method of family planning," they are simply required to keep U.S. population assistance in a separate bank account, so that U.S. auditors can be certain that no U.S. government funds are used for prohibited abortion activities.

This government exemption also applies to government-operated universities and hospitals, including, for example, medical schools and teaching hospitals which provide abortion services as part of comprehensive health care or which engage in abortion-related research.

The exemption also applies to government-sponsored population or family planning councils, such as the Zimbabwe National Family Planning Council or the National Council for Population and Development in Kenya. These organizations are free to study and disseminate public information about abortion as long as they do not use U.S. government funds to advocate the liberalization of abortion restrictions.



FURTHER INFORMATION

For official clarifications of U.S. government restrictions on abortion activities, organizations should write directly to:

Dr. Duff Gillespie, Director
Office of Population S&T/POP
Agency for International Development
Washington, D.C. 20523

For copies of the official U.S.A.I.D. documents quoted in this summary or for assistance in understanding current U.S.A.I.D. policies please write to:

Dr. Sharon L. Camp, Senior Vice President
Population Crisis Committee
1120 19th Street, N.W., Suite 550
Washington, D.C. 20036

Other U.S. organizations which can provide information or assistance, many of which have field offices outside the United States, include:

- The Alan Guttmacher Institute (AGI)
- Association for Voluntary Surgical Contraception (AVSC)
- International Projects Assistance Services (IPAS)
- International Women's Health Coalition (IWHC)
- The Pathfinder Fund
- Planned Parenthood Federation of America/ Family Planning International Assistance (PPFA/FPIA)
- The Population Council
- Program for the Introduction and Adaptation of Contraceptive Technology (PIACT)