

NEW RESEARCH: The Global Gag Rule is Fracturing Health Care Access in Kenya



African Population and
Health Research Center

 COLUMBIA | MAILMAN SCHOOL
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The global gag rule, reinstated and expanded under President Trump, prohibits non US-based organizations from receiving any U.S. global health assistance if they provide information, referrals, or services for legal abortion or advocate for the legalization of abortion in their own country, even if these activities are supported solely with non-U.S. funds. The global gag rule has had a destructive impact in Kenya, which is a recipient of significant U.S. foreign assistance. In fiscal year 2020, the U.S. government provided over \$700 million to Kenya, 64% of which was health funding.

This harmful policy stands to worsen health conditions in Kenya, where gaps in access to contraception remain. In 2019, the country had 917,000 unintended pregnancies, and unsafe abortion continues to contribute to maternal mortality and morbidity. Abortion is legal in Kenya, including if the pregnant person's health is at risk, which means the global gag rule blocks providers from offering people health care services and information that is safe and legal. In order to understand how the global gag rule has affected health care access in Kenya, the Global Health Justice & Governance program at the Columbia University Mailman School of Public Health and the African Population & Health Research Center published new peer-reviewed research detailing how the policy has harmed the Kenyan health system. The findings outlined below have implications for the health and wellbeing of Kenyan individuals and communities.

KEY FINDINGS

The global gag rule has had profound impacts on both individual organizations and the broader health system.

- Organizations are forced to choose between different donors, narrowing funding options and limiting the services they offer and refer for, and who they partner with. For example, organizations have had to prioritize either HIV or other sexual and reproductive health programs, contrary to public health best practices and the holistic needs of individuals.
- Interviewees described spending time and resources to apply for U.S. government grants, being selected as grant recipients, beginning the orientation process, and later being told that they were ineligible to receive funding based on their work on abortion services. Some suggested that the global gag rule diverted funding away from highly qualified organizations.

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Women are complaining the services are not very comprehensive right now...currently we are only talking about HIV and the complaint is that even for people who have HIV, it is not HIV that is harming them. It is other conditions—STIs, unwanted pregnancies. This is what is disturbing other people. Yet donors, because of the American gag rule, would want to focus [only] on the condition of HIV.” – Kenyan organization that certified the global gag rule

The global gag rule has emboldened opponents of sexual and reproductive health and rights.

- Interviewees described an emboldened anti-rights agenda and a silencing of sexual and reproductive health and rights advocates as a result of the policy.
- Following the reinstatement of the policy, anti-abortion activities from faith-based organizations, government actors, and others have intensified further contributing to confusion around the legality of abortion in Kenya.

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Since the global gag rule was implemented last year, we've just now been seeing an...increase in morality policing by the film classification board or now the Ministry of Health...We are just seeing an increase of unwillingness to meaningfully engage." – Kenyan organization that did not certify the global gag rule

The global gag rule has fractured the civil society landscape and led to mistrust between organizations that had previously worked together on sexual and reproductive health issues.

- Participants described significant disruption amongst civil society. This includes organizations that chose not to comply with the policy being excluded from meetings, and complying organizations not wanting to attend meetings with organizations working on abortion.
- The expanded global gag rule created a chilling effect, including organizations self-censoring and restricting themselves beyond what the policy mandates, either due to confusion about the policy or fear of scrutiny from the U.S. government. For example, several participants discussed instances in which U.S. government-funded organizations did not refer their clients for post-abortion care, despite the fact that this is permitted under the global gag rule.

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[When deciding whether to certify the global gag rule] they have to weigh which funding they lose...this particular organization I am giving as an example...supports mainly young people, adolescent girls and young women, supports life skills education, comprehensive sexuality education in schools. They are clearly filling a gap that nobody [else is] filling. So if they have to sign the global gag rule, it means they have to lose funding somewhere."

– US-based organization with subgrantee faced with decision on whether to certify

The findings are clear. Despite the resilience of communities and organizations and efforts by other donors to mitigate the devastating impact of the policy, the global gag rule is harming health care access in Kenya. It is a destructive policy that must be repealed.

Endnotes

- 1 Population Action International (PAI). With a Stroke of the Pen—Trump's Global Gag Rule Dramatically Expands Harmful Health Impacts [Internet]. PAI. 2017. Available from: <https://pai.org/newsletters/stroke-pen-trumps-global-gag-rule-dramatically-expands-harmfulhealth-impacts/>
- 2 Ushie A. Boniface et al (2020) "Foreign assistance or attack? Impact of the expanded Global Gag Rule on sexual and reproductive health and rights in Kenya" Sexual and Reproductive Health Matters, 28 (3). Available from: <https://www.tandfonline.com/doi/full/10.1080/26410397.2020.1794412>
- 3 SchAAF M, Maistrellis E, Thomas H, et al. 'Protecting Life in Global Health Assistance? Towards a framework for assessing the health systems impact of the expanded Global Gag Rule. BMJ Glob Health. 2019;4:e001786
- 4 Organisation for Economic Cooperation and Development. OECD Statistics Database: Creditor Reporting System (CRS). Available from: <https://stats.oecd.org/Index.aspx?DataSetCode=CRS1>