



The International Gay and Lesbian Human Rights Commission

## WHAT HAPPENED TO SAFER SEX?

How the US Abstinence-Only and Global Gag Rule Policies Affect Sexual Minorities

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### Who is affected? HIV/AIDS Around the World

- As the AIDS pandemic continues to explode, 37.8 million persons are now living with HIV/AIDS.
- The world's poorest countries suffer the most. In some countries in Africa, more than 15% of the population is HIV positive. In Zimbabwe, for example, almost 2 million of the 12.6 million inhabitants are HIV positive; close to 7 million out of 44.5 million in South Africa; and 1.65 million out of 11 million in Zambia.
- HIV/AIDS is not gender-neutral: Men who have sex with men account for at least 2-4 million (10-15%) of all HIV cases worldwide. Women account for as much as 60% of all new HIV cases.
- Youth is no protection: 15-24 year olds account for half of all new HIV infections; more than 6,000 contract the virus everyday.

Comprehensive prevention (including the use of condoms) can avert 29 million of the 45 million new infections projected to occur this decade. Currently, prevention programs reach only 1 in 5 persons at risk for HIV/AIDS.<sup>1</sup>

### What is the ABC policy? What is the Global Gag Rule?

#### The ABC Policy

- On February 23<sup>rd</sup>, 2004, President Bush's Emergency Plan for HIV/AIDS Relief (PEPFAR) adopted a new, so-called risk-elimination policy of "Abstinence, Be Faithful and Condoms for only high-risk populations" (ABC). It particularly stresses abstinence and marriage. When President Clinton originally launched PEPFAR in the 1990's, the policy emphasized consistent condom use for the general population.
- The current policy's stated mission is to increase abstinence until marriage and "fidelity," while reducing sexual coercion and violence, prostitution, trans-generational sex, and "other unhealthy sexual behaviors." According to the policy, these other "unhealthy behaviors" (i.e. sex between men, sero-discordant sex, and injection drug use) increase HIV transmission.<sup>2</sup>
- The current ABC policy targets 15 countries in Africa, the Caribbean, and Southeast Asia.<sup>3</sup>

## Global Gag Rule

- On the first day of President George W. Bush's first term, the White House restored the "Mexico City Policy," also known as the Global Gag Rule (GGR) from the suspension it had been put under President Clinton. The policy restricts non-governmental organizations who receive US Agency for International Development (USAID) funds from using any monies, either from USAID or from any other source, to perform legal abortions and censors them from providing information about abortion to their clients.<sup>4</sup>
- Under the GGR, organizations that do not refrain from distributing information about abortion are also denied access to US-supplied condoms. Currently, supplies of condoms have been radically reduced in at least 29 countries, including in all the PEPFAR countries.<sup>5</sup>

Together, the ABC and the GGR may be lethal:

- The ABC policy and the GGR have restricted access to condoms, as well as to reproductive and sexual health information and resources more generally. The GGR has a chilling effect beyond the family planning arena: some groups mistakenly believe that the GGR prevents them from disseminating information about HIV and condom use. They rather maintain silence in fear of losing their funding. Since GGR not only limits abortion information and services but may also limit access to HIV prevention, sexual minorities—i.e. those who are discriminated against because of their non-conforming sexual identity or expression, gender identity or expression or HIV status—cannot seek comprehensive information about HIV prevention and sexual health care in one place. In many parts of the target countries, there is only one health care facility; limiting information in these contexts may be considered a death sentence to many.

The ABC policy and the GGR can be modified or lifted through an executive order.

## ABC and the Global Gag Rule: Fact vs. Fiction

**Fiction:** *The Bush Administration's HIV policies will help protect sexual minorities from HIV while combating stigma and denial.*

**Fact:** The ABC policy effectively re-stigmatizes and discriminates against lesbians, gays, bisexuals and transgender persons by defining them as so-called "high-risk" populations. The policy encourages de-facto targeting of sexual minorities as vectors of the disease without attendant guidelines on and enforcement of prevention outreach to LGBT persons. For LGBT persons in places where sodomy laws are still enforced, and for other marginalized communities like sex workers and injecting drug users, abstinence and marriage are not realistic prevention strategies. Furthermore, the policy erroneously emphasizes "populations" and particular groups over a more appropriate and effective focus on unsafe behaviors and practices.

**Fiction:** *The ABC policy will provide \$15 billion dollars for treatment and prevention, including the purchase and distribution of condoms.*

**Fact:** Only \$3 billion of those funds are allocated for prevention, and of that, at least \$1 billion is set aside exclusively for abstinence education. Nothing in the policy makes it clear that those funds should be used for other kinds of prevention strategies, such as the dissemination of accurate safer sex information. In fact, the entire \$3 billion prevention fund could be exclusively expended for abstinence-only strategies. Furthermore, the policy provides no guidelines for the purchase and distribution of condoms. Since June 2004, the Bush administration has given out less than \$500 million for prevention and treatment. It has also denied continued funding for the Global Fund for AIDS, Tuberculosis and Malaria.

**Fiction:** *The President's Emergency Plan for HIV/AIDS Relief (PEPFAR) makes policy decisions that are based on scientific evidence.*

**Fact:** The ABC policy promotes ideology over science. No abstinence-only program has ever been scientifically and statistically proven to either delay sex or reduce teen pregnancy.<sup>5</sup> Paradoxically, abstinence-only messages have been shown to reduce contraceptive use (including condoms) among young people once they engage in sex, putting them at risk of pregnancy and sexually transmitted diseases, including HIV.

**Fiction:** *The Global Gag Rule only affects abortion and family planning services.*

**Fact:** While initially meant to target abortion information and services, GGR has inadvertently defunded HIV prevention programs that reach out to sexual minorities. For example, in Ghana, Young & Wise (a faith-based outreach group for men who have sex with men) can no longer distribute condoms because the supplier to Ghana of the most reliable condoms, USAID, will no longer provide them. Young & Wise is partnered with Planned Parenthood Association of Ghana, which in turn belongs to the International Planned Parenthood Federation, an organization that has been refused funding by USAID for allegedly providing information about abortions.<sup>7</sup>

**Fiction:** *The ABC policy's new focus on encouraging and strengthening faith-based organizations in the fight against HIV/AIDS introduces new approaches in HIV prevention.*

**Fact:** The US has almost exclusively distributed all prevention monies to faith-based groups. While such a strategy by itself does not necessarily present a problem, the emphasis on faith-based organizations over non-faith based groups who are already doing effective prevention strategies on the ground may well reduce access to much needed resources.

Furthermore, because there are no measures for how these faith-based organizations should utilize these funds, these groups can use these monies to help deliver their religious message rather than to provide information or services. Furthermore, they can “invoke their beliefs to refuse to discuss any subject or perform any act. Money that goes to these groups will displace funds for organizations that [already] provide comprehensive information, education and services on health and sexuality.”<sup>8</sup>

**Fiction:** *The policies will also help prevent the trafficking of persons into prostitution.*

**Fact:** USAID policy, amongst others, has refused funding to programs which do not adopt an explicit statement condemning prostitution. These policies will hamper HIV prevention education for sex workers, since the groups best suited to reach sex workers are sex workers themselves, who are unlikely to adopt a policy opposing prostitution.

### **The ABC policy and the GGR at Work: A Few Telling Examples**

**Nigeria:** Nigeria's Society for Family Health, in conjunction with some of Nigeria's leading religious organizations, has launched a major new campaign to help teenagers abstain from sex. Funded by USAID, the TV spot, "Zip UP – Sex is Worth Waiting For," shown on virtually every station nationwide, shows a girl being propositioned for sex by her boyfriend in a disco. She is so incensed that she grabs the DJ's microphone and tells him to "Zip Up". Soon all the other dancers agree, and the boyfriend realizes he has gone too far. None of the ads target non-heterosexual populations or promote condom use. In a country which provides limited access to safer sex information for sexual minorities, the limited reach of safer sex messages, denies young people access to potentially life-saving information.<sup>9</sup>

**China:** USAID accused the UN Population Fund of promoting abortion and has cut funding to them. In fact, the project cited as the reason for the cut once educated persons about HIV transmission and the use of birth control in order to prevent abortion. Since it began in 1998, the project, once active in 32 Chinese counties, has helped to reduce the female sterilization rate by 16%, increased the use of contraceptives to 90%, and dropped the rate of abortions to below the level in the United States.<sup>10</sup>

**Zambia:** Recently USAID asked Zambian television stations to stop showing ads which showed girls telling their boyfriends, "No condom, no sex." Such ads have previously greatly contributed to reducing sex among young people and HIV prevalence from 41% in the early 1990's to 14% in 2000. When asked why effective ads should be taken off the air, a USAID representative replied "I don't think we were doing too much on condoms. It's just we weren't doing enough on abstinence and need to catch up."<sup>11</sup>

### **ABC Policy and the GGR: Human Rights Dimensions**

- By denying the right to impart and receive comprehensive information concerning sexual and reproductive rights, the ABC and GGR policies impinge on the *rights to expression, education, information, and the highest attainable standard of health*.<sup>12</sup> Indeed, it puts people's health and lives at risk. This has a particular negative impact on people whose sexual and gender identity or expression do not conform to social and cultural norms.

- By equating sexual and gender diversity with “high risk,” the ABC policy stigmatizes lesbians, gays, bisexuals and transgender persons, sex workers, and injecting drug users as vectors of the disease and thus impedes their *right to be free from discrimination*.<sup>13</sup>
- By emphasizing ideology over science and preventing access to generic medication and condoms produced by other countries, the ABC policy abrogates the *right of sexual minorities to receive the benefits of scientific progress and its applications*.<sup>14</sup>
- By refusing funds for organizations that do not adopt a policy seeking the abolition of prostitution, the ABC policy infringes on all the previously stated rights as well as the *right to free choice of profession and employment*.<sup>15</sup>

We invite feedback and additional case studies of how the ABC policy and the GGR affects sexual minorities for this report. Please contact Stephan Sastrawidjaja at [ssastrawidjaja@iglhrc.org](mailto:ssastrawidjaja@iglhrc.org) or +1 212 216 1278.

1. All statistics from UNAIDS. 2004 Report on the Global AIDS Epidemic (July 6, 2004).
2. The President's Emergency Plan for AIDS Relief, US Five-Year Global HIV/AIDS Strategy (February 23, 2004)
3. The fifteen countries encompassed within the Strategy are Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia and Vietnam.
4. Restoration of the Mexico City Policy—White House Memorandum for the Action Administrator of the US Agency for International Development. Contract Information Bulletin 01-08\* (March 29, 2001). The Reagan administration imposed the original Mexico City Resolution in 1984.
5. Elizabeth Maquire and Anu Kumar, “Health, in a World of Trouble: US Family-Planning Restrictions are harming Women and Children,” The News and Observer (Aug. 9, 2004).
6. Douglas Kirby, “Do Abstinence-Only Programs Delay the Initiation of Sex Among Young People and Reduce Teen Pregnancy?” American Sexuality Magazine, v. 1, i. 6.
7. Health GAP, “US Emergency Plan for AIDS Relief (PEPFAR): Facts and Critical Issues” (March 22, 2004) [www.healthgap.org](http://www.healthgap.org).
8. Francoise Girard, Global Implications of US Domestic and International Policies on Sexuality. International Working Group on Sexuality and Social Policy (June 1, 2004) 164.
9. Conversation with Robert Bature.
10. Conversation with Chung To, Chi Heng Foundation.
11. John Donnelly, “Abstinence Push Gains in Zambia, US Study Results Spur Debate at AIDS Conference,” Boston Globe (July 12, 2002) A10.
12. Universal Declaration of Human Rights (UDHR) art. 26(2), International Covenant on Civil and Political Rights art. 19(2), and the International Covenant in Economic, Social, and Cultural Rights (ICESCR) arts. 12 and 13.
13. ICCPR art. 2(1), and ICESCR art. 2(2).
14. ICESCR art. 15(b).
15. UDHR 23(1) and ICESCR art. 6.