

LEGISLATIVE *Analysis*

Center for Family and Human Rights

Six Problems with the Safe from the Start Act (H.R. 571/S. 765)

This bill focuses on the prevention and response to “gender-based violence (GBV)” in humanitarian settings. GBV was introduced into U.S. foreign policies by the Obama administration. It is a new and untested area of policy and highly problematic from a pro-life point of view.

(1) The established GBV international policy stream actively promotes abortion. Helms, Siljander and Mexico City Policy language must be added to prevent funding overseas abortion through potential exceptions to the Helms Amendment and to prevent funding to foreign organizations that perform and promote abortion.

- A majority of international organizations and NGOs handling humanitarian response to GBV actively promote abortion themselves and/or partner with agencies who promote abortion. This understanding is enshrined in internal guidance strategies and other documents.¹
- GBV in humanitarian settings is a policy vehicle which can be used to circumvent the Helms Amendment or to push for its reinterpretation (i.e., to fund abortions in response to sexual violence, rather than “as a method of family planning”).
- GBV programming can be pro-life ONLY if it includes explicit safeguards to prevent U.S. taxpayer funding for overseas abortions and preclude partnerships with organizations unwilling to set aside their lobbying for and provision of abortion in the context of their work with the U.S.
- \$140,000,000 (H.R.571 p.21) currently at risk to go to abortion or groups that promote it unless Helms and Siljander language added.

(2) The Bill codifies Obama-era documents with language used by implementing organizations to promote abortion and to sexualize children.

- References to Obama-era strategy documents, including the “United States Strategy to Prevent and Respond to Gender-Based Violence Globally” (H.R.571 p.7 and S.765 p. 4) and the “U.S. Global Strategy to Empower Adolescent Girls,” (H.R.571 p.7 and S.765 p. 5), should be deleted or, in the alternative, countered with explicit pro-life language to preclude the worse applications of these Obama polices.

(3) The Bill would subject U.S. programs to international standards that are not subject to review or control of the American People and their elected representatives.

- The bill should remove any provisions tying U.S. programming to vague international

standards and require for programs to be carried out in accordance with U.S. federal laws and policies set by federal officials accountable to the American People, including restrictions on abortion provision and/or lobbying.

- The bill would require federal programs to follow “best practices, including... established international minimum standards for gender-based violence prevention and response” (S.765 p.8) and ensuring access to “comprehensive medical services for survivors and at-risk populations in line with [...] international standards (H.R.571 p.13).
- Such references to minimum international standards for response to GBV in humanitarian settings could be interpreted to include standards that explicitly include abortion such as the “Minimum Initial Service Package (MISP) on sexual and reproductive health” that was updated in 2018 to include “safe abortion care.”²
- To the extent that the U.S. provides humanitarian aid in conflict settings, it must be provided in accordance with U.S. law and policy. and the international obligations of the U.S., what “international standards” prescribe is irrelevant. “International standards” is a vague term that is not only used to refer to the binding international obligations undertaken by the U.S. government through treaties. It is also used to refer to non-binding UN resolutions and opinions of UN experts.

(4) The bill should not promote working through unaccountable and foreign controlled partnerships with UN agencies.

- The bill refers to the “Gender-Based Violence Area of Responsibility” coordinated by “the United Nations Population Fund” (S.765 p.8 and H.R.571 p. 15) thereby codifying a relationship with UNFPA. This is highly inadvisable. Prior Republican administrations defunded UNFPA for its promotion of abortion within the UN system and its problematic history in collaborating with the Chinese government’s draconian family planning sector (i.e. one child policy).
- References to UNFPA and other international partnerships should not be included in the bill. The bill should re-focus on bilateral assistance.

(5) In international fora the term GBV signals an intent to eradicate traditional social norms. Bill should use the term “Violence Against Women” instead of GBV.

- Violence against women policies and programs have been well established for over 40 years in the U.S. legal and social protection system and have proved successful. U.S. programs include reliable metrics, targets, and evaluation tools to ensure U.S. goals are realized.
- The term “GBV” is new and ill-defined, making it hard to implement and evaluate novel GBV programming. Conceptually, GBV is focused on the perpetrator rather than the victim. GBV considers the subjective intent of the perpetrator (i.e. whether violence was driven by victim’s gender) whereas “violence against women” is an objective term that is victim-focused and is therefore, a stricter and more precise standard.
- The term “gender-based violence” shifts the focus of the bill away from women and girls. The reference to “sexual and gender minorities” (H.R.571 p.4) makes this explicit.

(6) Lack of Oversight and Accountability

- This bill omits language on ending impunity. Violence against women and girls will not stop until countries adopt, enact and enforce legal reforms that will hold perpetrators accountable and provide safe environments for victims to report offenses.
- All funds awarded to prime recipients and sub-recipients under this Act must be reported to Congress annually including descriptions of each program for which such funds are used. Funding to multilateral organizations and public- private partnerships should be avoided. If it cannot, then the funds must be made subject to all pro-life protections in Foreign Assistance Law, including Helms and Siljander.

Endnotes

- 1 <https://c-fam.org/definitions/the-link-between-gender-based-violence-response-and-abortion/>
- 2 <https://c-fam.org/definitions/the-link-between-gender-based-violence-response-and-abortion/>



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