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THE MEXICO CITY POLICY (MCP): FALSE CRITICISMS AND THE FACTS

On March 28, 2001, the Bush administration reinstated the Mexico City Policy (MCP) that guided U.S. foreign aid for family planning from 1984 through 1992. This policy, first announced at the U.N.'s 1984 Conference on Population in Mexico City, requires foreign non-governmental organizations receiving these funds to certify that they will not perform or promote *abortion* as a method of family planning.

Fact: The MCP does not apply to abortions or abortion referrals in cases of rape, incest, or danger to the life of the mother.

During Senate debate in 2007, Senator Boxer focused primarily on this issue, using the word “rape” 12 times during her remarks (*Cong. Record*, Sept. 6, 2007, S11181-82, 11191). The truth is that the policy explicitly excludes abortions for rape, incest or life endangerment from its definition of abortion as “a method of family planning.”¹

Fact: The MCP places no restrictions on lobbying for legalized abortion in cases of rape, incest, or danger to the life of the mother.

Senator Boxer stated that MCP “gags” NGOs that want to advocate legalizing such abortions (*Id.*, S11182). But the MCP’s restrictions on intervening to change foreign countries’ abortion laws do not apply to such cases, because they do not involve promoting abortion as a “method of family planning.”²

Fact: The MCP allows passive abortion referrals when women may otherwise seek an “unsafe” abortion.

Senator Boxer said the MCP prevents NGOs from protecting the lives of women determined to have an abortion (*Id.*). But the MCP does not ban non-directive counseling or “passive” referrals (giving information in response to questions) even in the case of “family planning” abortions. It bans “actively promoting” such abortions, to prevent U.S.-funded foreign NGOs from encouraging and persuading women to use abortion as a family planning method.³

Fact: The MCP is necessary because other laws do not prevent such abortion promotion.

Senator Leahy said the MCP is unnecessary, because current statutory law already prohibits the use of U.S. funds for abortion or to promote abortion. “Somebody should have told that to President Bush,” Sen. Leahy stated (*Id.*, S11192). But these statutes only prevent *direct* use of U.S. taxpayer funds for abortion – they allow these funds to subsidize organizations, build clinics, and pay the salaries of officials who then use their newfound access to Third World women to promote abortion to them. This enormous loophole in existing law is the reason why the United States announced at the UN Population Conference in 1984 that “the United States does not consider abortion an acceptable element of family planning programs and will no longer contribute to those of which it is a part.”⁴

Fact: The MCP encourages compassionate care for women injured by abortion.

Senator Boxer stated that maternal deaths from childbirth and botched illegal abortions are a “result” of the MCP (*Id.*, S11181). Senator Leahy urged opposition to the policy “to make lifesaving services available to the world’s poorest women” (*Id.*, S11193). However:

- ***The MCP explicitly allows treatment for women who have complications from an abortion.***⁵ When the U.N. Conference on Population in Mexico City issued its resolution against abortion as a method of family planning in 1984, it was the U.S. delegation that urged adding language specifically on this point, so that the final resolution

urged governments “to take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning, and whenever possible, provide for the humane treatment and counseling of women who have had recourse to abortion.”⁶ This commitment to compassionate care is in full accord with the MCP.

- ***The MCP does not increase “unsafe” abortions.*** Five years after the Mexico City Policy was first implemented in 1984, according to the *New York Times*, “even the most fervent opponents of the policy” were unable to find clear evidence of increased illegal abortions or abortion complications.⁷
- ***Rates of “unsafe” abortions decreased worldwide between 1995 (when the MCP was not in effect) and 2003 (two years after it was reinstated).*** This is confirmed by a recent study in *The Lancet* conducted by the Guttmacher Institute (Planned Parenthood’s research affiliate) and the World Health Organization. During this time, the rate of unsafe or illegal abortions decreased because the total abortion rate declined so significantly.⁸
- ***Some organizations that lost funding under the MCP have a history of promoting abortions even where they are illegal.***⁹ The International Planned Parenthood Federation (IPPF), the largest organization to lose funds under the MCP, has even instructed its affiliates: “Family Planning Associations [IPPF affiliates] and other non-governmental organizations should not use the absence of a law or the existence of an unfavourable law as an excuse for inaction; action outside the law, and even in violation of it, is part of the process of stimulating change.”¹⁰ If illegal abortions are inherently unsafe for women, the fact that these organizations promote illegal abortion is another reason it would be irresponsible to fund them.

Fact: The MCP neither reduces family planning funding nor increases abortions.

Sen. Leahy argued that the MCP reduces the availability of family planning worldwide, and that this leads to increased abortions (*Id.*, S11192-93). However:

- ***The MCP does not reduce the amount of family planning funds by one penny.*** The money is redirected to groups agreeing to the MCP’s terms. In fact, under the MCP, U.S.-funded family planning has increased the most in countries where the need was said to be the greatest, such as Ethiopia and Uganda. Contrary to claims that these countries lost support under the MCP, family planning funding increased by almost \$15 million in Ethiopia and by \$4.6 million in Uganda.¹¹
- ***Including abortion as a substitute or back-up for contraception undermines the goals of family planning programs.*** This has long been known, and is a reason why Congress has excluded abortion from its major domestic family planning program since 1970.¹² In general, numerous studies have shown that programs increasing access to contraceptives do not necessarily reduce unintended pregnancies or abortions.¹³ But this is especially true of programs that include abortion as a family planning method. You cannot reduce abortion by promoting abortion.

Fact: People in developing nations support the MCP because it respects their sovereignty and their values.

Sen. Boxer claimed that the MCP “feeds into the stereotype of America” around the world (*Id.*, S11181). Sen. Leahy said rescinding MCP will “restore U.S. credibility and leadership” on global health (*Id.*, S11193). However:

- ***As U.S.A.I.D. has noted, “a principal purpose of the policy is to avoid the hostility to the U.S. resulting from U.S. identification with abortion.”***¹⁴ The agency added: “Abortion is a controversial issue in many countries, especially those with large Catholic or Moslem populations. The U.S. has been criticized in developing countries for its funding of groups (such as IPPF and some of its affiliates) which perform abortion with their own funds.”¹⁵
- ***The UN Population Conference’s Mexico City Policy of 1984 has been supported by the great majority of developing nations.***¹⁶ This policy, rejecting any use of abortion as family planning, has been reaffirmed by the UN several times since it was approved.¹⁷
- ***The great majority of the nations affected by the MCP have laws against abortion as a method of family planning.*** The MCP shows due regard for these nations’ legal and cultural values by preventing U.S.-funded groups from attacking, undermining and violating these laws.¹⁸

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- ¹ Restoration of the Mexico City Policy, 66 *Federal Register* 17303 (Mar. 29, 2001) at 17306, Secs. (e)(10)(i) and (e)(10)(iii)(B).
- ² *Id.* at 17306, Secs. (e)(10)(i) and (e)(10)(iii)(A)(III).
- ³ *Id.* at 17306, Sec. (e)(10)(iii)(A)(II).
- ⁴ “U.S. Policy Statement for the International Conference on Population,” 10 *Population and Development Review* 574 (1984).
- ⁵ *See fn. 1 above* at 17306, Secs. (e)(10)(ii) and (e)(10)(iii)(B).
- ⁶ United Nations, Department of Technical Co-operation and Development, “Report of the International Conference on Population, 1984” at 21, Recommendation 18(e).
- ⁷ T. Lewin, “Abortion-Aid Cutoff Still Being Judged,” *New York Times*, February 27, 1989 at A16.
- ⁸ Gilda Sedgh, Stanley Henshaw, and Susheela Singh, et al., “Induced abortion: estimated rates and trends worldwide,” 370 *The Lancet* 1341 (October 13, 2007) at 1341, 1344.
- ⁹ Donald Warwick, “Foreign Aid and Abortion,” 10 *Hastings Center Report* 30 (April, 1980) at 30, 33-35 (IPPF and other NGOs have distributed abortion equipment and conducted abortion training in countries where abortion is illegal, sometimes calling them “menstrual regulation kits” to skirt abortion prohibitions).
- ¹⁰ International Planned Parenthood Federation, “Report of the Working Group on the Promotion of Family Planning as a Basic Human Right,” November 1983 at 28-29.
- ¹¹ *Cong. Record*, June 21, 2007, H6893 (Rep. Bart Stupak citing data provided by U.S.A.I.D.).
- ¹² *Cong. Record*, Nov. 16, 1970, H10286-9.
- ¹³ Fact Sheet, “Greater Access to Contraception Does Not Reduce Abortions,” USCCB Secretariat for Pro-Life Activities, available at www.usccb.org/prolife/issues/contraception/contrafactsheet0207.shtml; see also Fact Sheet, “Emergency Contraception Fails to Reduce Unintended Pregnancy and Abortion,” USCCB Secretariat for Pro-Life Activities, available at <http://www.usccb.org/prolife/issues/abortion/factsheetec21607.shtml>.
- ¹⁴ United States Agency for International Development (U.S.A.I.D.), “Population Assistance Fact Sheet,” May 1985.
- ¹⁵ *Id.* (also cited in Fact Sheet, “The Mexico City Policy,” National Committee for a Human Life Amendment, at 3, available at <http://www.nchla.org/datasource/ifactsheets/mexico%20city%204.23.01.PDF> [accessed 10/23/07]).
- ¹⁶ Testimony of Bishop James T. McHugh before the House Appropriations Subcommittee on Foreign Operations, April 24, 1989 at 5-6, available at www.usccb.org/prolife/issues/abortion/McHugh1989.pdf.
- ¹⁷ *See*: United Nations, “Report of the International Conference on Population and Development” (1994), paragraph 7.24, available at www.un.org/popin/icpd/conference/offeng/poa.html; “Report of the Fourth World Conference on Women in Beijing” (1995), paragraph 106 (k), available at www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en; “Report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly” (2000), paragraph 72 (o), available at www.un.org/womenwatch/daw/followup/as2310rev1.pdf [all web sites accessed 10/23/07].
- ¹⁸ Center for Reproductive Rights, International Fact Sheets, “The World’s Abortion Laws,” available at http://www.reproductiverights.org/pub_fac_abortion_laws.html (listing worldwide abortion policies by country); see also “List of Developing Countries”, The World Bank, 2007, available at <http://web.worldbank.org/WBSITE/EXTERNAL/OPPORTUNITIES/GRANTS/DEVMARKETPLACE/0,,contentMDK:20666605~menuPK:2895744~pagePK:180691~piPK:174492~theSitePK:205098,00.html> (listing which nations the World Bank considers ‘developing nations’ as of 2007) [all web sites accessed 10/23/07].

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