



Reproducing Patriarchy: How the Trump Administration has Undermined Women's Access to Reproductive Health Care

FACTSHEET | OCTOBER 2020

For an in-depth analysis of the new Title X regulations (*Final Rule*, *Domestic Gag Rule*, or *Domestic Gag*), the impact on clinics' participation in Title X and patients' access to healthcare, domestic litigation challenging the restrictions, and how the Domestic Gag Rule violates the United States' international human rights legal obligations, see the [full report](#) from the **Global Justice Center** and the **Leitner Center for International Law and Justice**.

The Domestic Gag Rule is part of a broader pattern aimed at restricting access and denying women their ability to exercise their fundamental human rights

For the last four years the Trump administration has engaged in a systematic effort to undermine reproductive choice and bodily autonomy.

Internationally, the Trump administration has attempted to undermine international law and institutions that protect sexual and reproductive health and rights (SRHR) and has cut funding for organizations that promote reproductive rights and services. President Trump reinstated and expanded the Global Gag Rule, limiting funding for foreign non-governmental organizations that provide abortion services as a method of family planning and restricting a wide variety of speech about abortion services, research, and advocacy, with well-documented detrimental impacts on sexual and reproductive health, HIV and AIDS services, and maternal mortality.

Domestically, the Trump administration has taken steps to erode protections for SRHR, including by targeting the Title X Family Planning program with new regulations determining how funding is directed – titled the *Compliance with Statutory Program Integrity Requirements*, published on March 4, 2019. Title X of the Public Health Services Act was enacted to fund projects that would provide family-planning services and reproductive health care for low-income women in the United States.

However, the Final Rule regulations impose a number of new physical, financial, and administrative burdens on clinics receiving Title X funding which ultimately restrict women's access to particular reproductive health information and services. The practical effects of the revised regulations will likely be to reduce the number of clinics available to provide family planning services and to reduce the range of family planning services and the quality of medical care offered.

Detrimental impacts of the Domestic Gag Rule: Restricts access for underserved communities and violates International Human Rights Law

The Domestic Gag Rule will have a disproportionate impact on particular populations who have historically accessed the Title X clinics including women, low-income individuals, people of color, non-English speakers, LGBTQ individuals, people living in rural areas, people with disabilities, and young people. It will also likely impact the access and quality of care for patients by, for example, overwhelming clinics resulting in longer wait times and delays in care. Missing out on healthcare opportunities could have life-changing impacts on patients' health, careers, education, and their families' well-being.

Further, the Domestic Gag Rule violates the United States' binding international legal obligations under the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and numerous rights guaranteed by these treaty obligations. These include the rights to life; equality; privacy; freedom from gender, racial and ethnic discrimination; freedom from cruel, inhuman and degrading treatment; and freedom of speech and association.

For example, the ICCPR sets forth a general right to be free from discrimination of any kind. The Domestic Gag Rule violates the protections of the ICCPR, as it discriminates on the basis of sex and race. For one, the new regulations discriminate against pregnant persons by creating unreasonable barriers to access healthcare. Such barriers include imposing physical separation requirements for facilities, impeding timely access to healthcare services, and interfering with the full range of communications between healthcare providers and their patients by restricting the information providers may give to pregnant patients. The Domestic Gag Rule also disproportionately affects patients of color by reducing access to Title X providers, which will worsen existing health disparities for women of color, who compared to white women face higher rates of unintended pregnancies, HIV, STIs, cervical cancer, and maternal mortality.

Additionally, the Domestic Gag defeats the object and purpose of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC).

Revocation of the Domestic Gag Rule and ratification of human rights treaties

In order to comply with its obligations under international human rights law, the United States must revoke the Domestic Gag Rule and implement measures intended to eliminate gender and racial disparities in access to and quality of reproductive health care.

Further, the United States should take steps to ratify additional core human rights treaties including CEDAW, the ICESCR, and the CRC, and meaningfully incorporate and implement the obligations within such treaties.

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

— *International Covenant on Civil and Political Rights, Article 26*