

# Ipas

## THE HARMFUL IMPACT OF THE HELMS AMENDMENT ON WOMEN IN KENYA



photo © Richard Lord



If the Helms law were repealed, USAID could save the lives of many women at all levels—poor women in the village or rich women. Women are suffering. [Without Helms]...money would go to save the lives of women without any controls.



### **MONICA OGUTTU**

Founder/Executive Director, Kisumu Medical and Education Trust (Kenya)



### **THE HELMS AMENDMENT**

The world's most vulnerable women are harmed by a U.S. law that restricts funding for safe abortion services—the Helms Amendment. This amendment bars U.S. foreign assistance funds from being used for abortion services. The law denies women their reproductive rights and deprives them of the care they want and need.

Everywhere in the world, regardless of law or policy, women seek abortions. Restrictive laws like the Helms Amendment cause women to resort to unsafe abortion resulting in the preventable deaths of women across the developing world. The Helms Amendment restricts the ability of individuals to make their own personal decisions and undermines U.S. goals to advance gender equality and address maternal health and gender-based violence around the world.

Annually, there are more than 25 million unsafe abortions worldwide that lead to millions of injuries and tens of thousands of preventable maternal deaths. The majority of these women live in developing countries where access to safe abortion and other reproductive health services is often limited. The Helms Amendment exacerbates this crisis.

### **HARMFUL IMPACTS OF HELMS AMENDMENT IN KENYA**

In the last three decades, more than four dozen countries have changed their laws to allow for greater access to abortion. These changes are driven by an acknowledgement of access to abortion as a human right and also because access to safe abortion services is essential to protecting women's lives and health.

In Kenya, unsafe abortion has long been recognized as a leading cause of death and injury for women. Under the new Kenyan constitution, abortion is legal under certain circumstances. Despite its legality, the Helms amendment and other U.S. policies challenge access to safe abortion for women in Kenya. Women continue to die of preventable causes due to unsafe abortion and women who are poor, young, or victims of sexual violence suffer the most under Helms restrictions.

The United States is the largest bi-lateral donor of reproductive health and family planning funding globally and policies and limitations on abortion have broad impacts that include:

- Reducing the availability of safe, legal abortion; women increasingly seek unsafe abortion alternatives
- Denying health-care providers life-saving equipment and training
- Censoring critical health information; NGO avoidance of providing abortion-related information and counseling
- Creating stigma, which negatively impacts women's healthcare seeking behavior and in extreme cases may result in reprisals against service providers
- Limiting programs that offer integrated health care to women (facilities that offer all services women may need including HIV, malaria, immunizations and reproductive health care)—particularly important in rural and poor urban settings
- Limiting feasibility of multi-donor programming, a type of programming that can be more efficient and effective
- Isolating NGOs working on safe abortion

In addition, there is ample evidence that USAID frequently provides unclear, inaccurate and sometimes contradictory guidance on U.S. policy on funding and abortion to NGOs in Kenya—or none at all. Consequently, many NGOs avoid any association with abortion services, even when not in violation of any U.S. law or regulation, for fear of jeopardizing their U.S. funding.

#### CASE STUDY:

### *Helms Amendment Chills Kenyan Efforts to Reduce Maternal Death*

The 2010 Kenyan constitution liberalized access to abortion in Kenya and the Kenyan Ministry of Health began to develop standards and guidelines for implementing safe abortion in Kenya. As this process progressed, staff of U.S.-funded family planning and reproductive health organizations were directed by USAID-Kenya not to attend a meeting by the Ministry of Health during which abortion could be discussed in the context of reproductive rights. The next day, the policy standards and guidelines and training curricula for safe abortion were withdrawn by the Ministry of Health. The withdrawal of the documents weakened the process to approve the standards and guidelines and since then, U.S.-funded stakeholders have been cautious about participating in discussions around reducing maternal mortality and morbidity that may also involve access to safe abortion in the country. U.S.-funded organizations that address gender-based violence also generally omit information about abortion as an option for a woman who is pregnant as a result of rape.

## CALL TO ACTION

As the largest government funder of family planning and reproductive health services, the United States plays a vital role in improving public health around the world.

Congress should repeal the Helms Amendment immediately. It should be replaced with a policy that supports access to quality, comprehensive sexual and reproductive health care services for all people and provides funding for safe abortion services worldwide targeted at saving women's lives.

# Ipas

P.O. Box 9990 • Chapel Hill, NC 27515 USA  
1.919.967.7052 • [www.ipas.org](http://www.ipas.org)