



# SEXUALITY POLICY WATCH

## *Fact sheets re-edition*

These *Fact Sheets* was prepared for the Review of the implementation of the Program of Action adopted in the International Conference on Population and Development (Cairo Plus Ten) in Latin American and the Caribbean organized by the Committee on Population and Development (CELADE) of the Economic Commission of Latin America ECLAC in San Juan, Puerto Rico (June, 2004).

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The Sexuality Policy Watch was constituted in 2002 as the *International Working Group on Sexuality and Social Policy* (IWGSSP). In the last four years SPW has been engaged in research and political activism and has been able to produce a series of policy analyses as well as other materials. In August 2006 we met in Toronto to assess and share the outcomes of our main policy research activities. We decided to change the name of the initiative as to more precisely project the image of who we are and what we do.

## Abortion and Reproductive Health Services



Abortion has been the alleged concern behind multiple measures adopted under the Bush Administration. Closer examination reveals that the fundamental aim is not to prevent or reduce abortion, but to reduce women's autonomy and their ability to control both their fertility and their sexual lives.

### **Women's rights trumped by the fetus:**

- In 2002, at a population conference in Bangkok, the White House stated, for the first time, "the United States supports innocent life from conception to natural death."<sup>1</sup>
- The Unborn Victims of Violence Act purports to protect pregnant women from violence, while pronouncing a fetus or embryo shall be considered a separate person.<sup>2</sup>
- The Bush administration issued a regulation in 2002 extending low-income children's health coverage to "unborn children" from "conception up to age 19," but it withdrew support from bipartisan legislation which would add coverage to low-income pregnant women, arguing women did not need coverage because it was provided directly to the fetus.<sup>3</sup>
- The 2003 Partial Birth Abortion Ban Act attempts to outlaw a number of common techniques for performing safe abortions after the first trimester of pregnancy.<sup>4</sup>

### **Facts Altered or Ignored:**

- In November 2002, "Abortion and Breast Cancer," a fact sheet on the National Cancer Institute website debunking the right-wing myth that abortion increases breast cancer risk was replaced by "Early Reproductive Events and Breast Cancer," which states studies are "inconsistent" and fails to mention that early studies linking abortion and breast cancer risk were found to be scientifically unsound or that larger, better designed studies found no link.<sup>5</sup>
- In March 2003, the NCI Board of Scientific Advisors and Board of Scientific Counselors concluded that there is no evidence that having an abortion increases a woman's risk of developing breast cancer. The online fact sheet remains unchanged.<sup>6</sup>
- The Food and Drug Administration ignored its Reproductive Health Drugs Advisory Committee recommendation to approve over-the-counter sales of Plan B (emergency contraception).<sup>7</sup>

### **Funding flat or denied:**

- There have been no increases for family planning services under Title X of the Public Health Services Act, which provides contraception services, gynecological exams, and other preventive health care services to low income and uninsured women.<sup>8</sup>
- In 2001, Bush reinstated the "Global Gag Rule," restricting foreign NGOs receiving USAID funds from using their own funds to provide legal abortion services, lobby governments for abortion law reform, or provide counseling or referrals on abortion.<sup>9</sup>
- The Global Gag Rule has been expanded to all State Department Programs for "voluntary population planning furnished to foreign non-governmental organizations," including refugee programs with a reproductive health dimension.<sup>10</sup>
- NGOs refusing US money have had to cut reproductive health services. Groups taking US money cannot participate in national debate about abortion or refer patients for a legal abortion.<sup>11</sup>

<sup>1</sup> Economic and Social Commission for Asia and the Pacific, *Report of the Fifth Asian and Pacific Population Conference*, Doc.E/ESCAP/1271 (March 2003), Annex III (b), U.S. General Reservation, issued 17 December 2002, available at [www.unescap.org](http://www.unescap.org), as cited in Girard, note 75, page 18 and note 85, page 20, and discussed in Girard, pages 20-21

<sup>2</sup> As discussed in Girard, page 22.

<sup>3</sup> See <http://cms.hhs.gov/providerupdate/regs/cms2127f.pdf> and

[http://bingaman.senate.gov/Issues/Health\\_Care/uninsured\\_pregnant/test\\_bingaman/test\\_bingaman.html](http://bingaman.senate.gov/Issues/Health_Care/uninsured_pregnant/test_bingaman/test_bingaman.html) , cited in Girard, note 96, page 23, and discussed in Girard, page 23.

<sup>4</sup> As discussed in Girard, page 22.

<sup>5</sup> World Health Organization, *Abortion Does Not Increase The Risk of Breast Cancer*, Fact Sheet no. 240, June 2000, cited in Girard, note 94, page 23, and discussed in Girard, pages 22-23.

<sup>6</sup> See International Women's Health Coalition, "Bush's Other War: The Assault on Women's Sexual and Reproductive Health and Rights," available at [www.iwhc.org](http://www.iwhc.org); and [http://www.house.gov/reform/min/inves\\_admin/admin\\_hhs\\_info.htm](http://www.house.gov/reform/min/inves_admin/admin_hhs_info.htm), [http://www.cancer.gov/cancer\\_information/doc.aspx?viewid=8cf78b34-fc6a-4fc7-9a63-6b16590af277](http://www.cancer.gov/cancer_information/doc.aspx?viewid=8cf78b34-fc6a-4fc7-9a63-6b16590af277), and <http://www.cancer.gov/cancerinfo/ere-workshop-report>, cited in Girard, note 95, page 23, and discussed in Girard, pages 22-23.

<sup>7</sup> As discussed in Girard, page 23.

<sup>8</sup> National Family Planning and Reproductive Health Association, "President Bush sends FY05 Budget to Congress: Flat Funding Proposed for Title X as Abstinence Funding Soars," available at <http://www.nfprha.org/uploads/FY2005PresidentRequest.pdf>, accessed 10 February 2004, cited in Girard, note 97, page 23, and discussed in Girard, page 23.

<sup>9</sup> As discussed in Girard, page 21.

<sup>10</sup> *Associated Press*, <http://www.seacoastonline.com/news/08302003/world/47580.htm>, Agence France-Presse, [http://story.news.yahoo.com/news?tmpl=story&u=afp/20030829/hl\\_afp/us\\_abortion\\_aid\\_bush\\_030829231126](http://story.news.yahoo.com/news?tmpl=story&u=afp/20030829/hl_afp/us_abortion_aid_bush_030829231126), and *Los Angeles Times* (CA), <http://www.latimes.com/news/nationworld/world/la-fg-family30aug30,1,6418240.story> , cited in Girard, note 86, page 21, and discussed in Girard, page 21.

<sup>11</sup> As discussed in Girard, page 21.

## HIV Prevention, Treatment and Care

The Bush White House made much of new HIV/AIDS legislation and \$15 billion allocated for HIV prevention and treatment in Africa and the Caribbean. Contrary to promises to act quickly and decisively made by the President during a 2003 trip to Africa, the White House has been dragging its feet on spending money authorized for HIV, making questionable choices for AIDS leaders, and attempting to direct federal funds for HIV to religious groups.



### Funding Promises Not Met:

- \$3 billion for global HIV/AIDS programs was authorized in FY 2004 but Bush reduced his request to \$2 billion—only \$500 million more than FY 2003 HIV spending<sup>1</sup>
- Bush targeted \$100 million in FY 2004 for the Global Fund to Fight HIV/AIDS, Malaria and Tuberculosis saying it had enough money; Fund says it is \$700 million below goal.<sup>2</sup>
- Congress, under pressure from AIDS activists and health groups, finally approved \$2.4 billion for global HIV/AIDS and infectious diseases and \$546 million for the Fund.<sup>3</sup>

### Funding Controlled:

- New Global AIDS Coordinator Randall Tobias supports Bush plan to direct funding for AIDS projects through American ambassadors' plans for each country rather than through Global Fund—setting up conflicts with what countries themselves want to do.<sup>4</sup>
- For US-Brazil joint venture on HIV/AIDS treatment, care and prevention, US insisted on abstinence as standard. Brazil chose to leave sexuality education out to access the funds.<sup>5</sup>
- 16 mentions of “faith-based” groups in HIV legislation show funds could go to conservative groups approaching HIV prevention/treatment from moral and religious perspective.<sup>6</sup>

### Pharmaceuticals Favored:

- Global AIDS Coordinator Tobias headed Eli Lilly, a large pharmaceutical company supporting pharmaceutical trade group lobbying to prevent distribution of generically manufactured antiretroviral drugs (ARVs).<sup>7</sup>
- The US obstructed a World Trade Organization export ban of inexpensive generic drugs, citing pharmaceuticals concerns until 2003, then agreed on lifting ban but built in bureaucratic obstacles to drug importation.<sup>8</sup>
- 2003 HIV legislation directs 55% of money appropriated to be spent on HIV treatment, with 75% of this money to go toward the purchase of ARVs—Tobias has indicated that this money will not be spent on generic ARVs.<sup>9</sup>
- Recent U.S.-Central American Free Trade Agreement (CAFTA) created new restrictions on generic drugs (e.g., requiring Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to extend pharmaceutical patents beyond 20 years)<sup>10</sup>

### Activists Harassed:

- Investigations of domestic HIV/AIDS groups have been conducted by HHS Inspector General to see “if their content is too sexually explicit or promotes sexual activity.”<sup>11</sup>
- Stop AIDS in San Francisco asked by CDC director to discontinue safer sex workshop or lose \$500,000 in federal grants<sup>12</sup>
- AIDS groups report chilling effect on programming from fear of losing federal funding.<sup>13</sup>
- Republican Congressman complained to HHS that 2002 Barcelona International AIDS conference did not focus sufficiently on role of religious groups in HIV prevention.<sup>14</sup>

<sup>1</sup> New York Times, *"Betraying the Sick in Africa,"* 4 October 2003, p. A18, as cited in Girard, note 43, page 12, and discussed in Girard, page 12.

<sup>2</sup> *Kaisernetwork.org Daily HIV Reports*, "Global Fund To Consider Delaying Grant Applications in Light of Funding Shortage," October 14, 2003, available at [www.kaisernetwork.org/daily\\_reports/rep\\_hiv.cfm#20315](http://www.kaisernetwork.org/daily_reports/rep_hiv.cfm#20315), as cited in Girard, note 56, page 14, and discussed in Girard, page 14.

<sup>3</sup> CONSOLIDATED APPROPRIATIONS BILL, H.R.2673, Division D, Foreign Operations, Export Financing and Related Programs Appropriations, 2004, Title II, Bilateral Economic Assistance - Child Survival and Health Program Fund; see also Congressional Research Service, "HIV/AIDS International Programs: Appropriations, FY2002 - FY2004," 28 January 2004, available at <http://fpc.state.gov/documents/organization/28757.pdf>, accessed 16 February 2004, as cited in Girard, note 44, page 12, and discussed in Girard, page 12.

<sup>4</sup> Remarks at the American Enterprise Institute by Randall L. Tobias, 5 February 2004, available at <http://www.state.gov/s/gac/rl/rm/2004/29181.htm>, accessed 15 February 2004, as cited by Girard, note 47, page 13 and note 55, page 14, and discussed by Girard, page 14.

<sup>5</sup> As discussed in Girard, page 14.

<sup>6</sup> A November 2003 workshop in Washington D.C. organized by USAID and entitled "Working with USAID: An Introductory Workshop for Community- and Faith-Based Organizations," brought together over 150 such groups, many of whom had little experience working abroad or with HIV/AIDS. The report of the workshop can be found at [http://www.usaid.gov/our\\_work/global\\_health/aids/TechAreas/community/fbo\\_wrkshp.html](http://www.usaid.gov/our_work/global_health/aids/TechAreas/community/fbo_wrkshp.html), as cited in Girard, note 58, page 14, and discussed in Girard, page 14.

<sup>7</sup> As discussed in Girard, pages 14-15.

<sup>8</sup> As discussed in Girard, page 13.

<sup>9</sup> ACT TO PROVIDE ASSISTANCE TO FOREIGN COUNTRIES TO COMBAT HIV/AIDS, TUBERCULOSIS, AND MALARIA, AND FOR OTHER PURPOSES, Public Law 108-25, ("HIV/AIDS ACT of 2003"), Title IV Authorization of Appropriations, Section 403 Allocation of Funds, as cited in Girard, note 24, page 8 and note 48, page 13; New York Times, *"Bush's AIDS Initiative,"* 16 February 2004, p. A18, as cited in Girard note 45, page 12 and note 49, page 13, and discussed in Girard, page 13.

<sup>10</sup> As discussed in Girard, page 13.

<sup>11</sup> *Kaisernetwork.org, Daily Reports*, "All CDC-Funded HIV/AIDS Programs Currently Under Bush Administration Review," *Fox News Reports*, July 31, 2002, available at [http://www.kaisernetwork.org/daily\\_reports/rep\\_index.cfm?hint=1&DR\\_ID=12614](http://www.kaisernetwork.org/daily_reports/rep_index.cfm?hint=1&DR_ID=12614), as cited in Girard, note 62, page 15 and discussed in Girard, page 15.

<sup>12</sup> *Kaisernetwork.org, Daily Reports*, "CDC Asks Stop AIDS Project To Discontinue 'Controversial' HIV Prevention Programs," June 16, 2003, available at [http://www.kaisernetwork.org/daily\\_reports/rep\\_index.cfm?hint=1&DR\\_ID=18279](http://www.kaisernetwork.org/daily_reports/rep_index.cfm?hint=1&DR_ID=18279), accessed 4 February 2004, as cited in Girard, note 66, page 15, and discussed in Girard, page 15.

<sup>13</sup> *Washington Post*, "Bush Policies Hurt AIDS Prevention, Groups Say Administration Accused of Disinformation on Condom Use, Harassment Audits of Education Programs Tuesday," October 1, 2002; Page A06, as cited in Girard, note 63, page 15 and discussed in Girard, page 15.

<sup>14</sup> As discussed in Girard, page 15.



## Lesbian, Gay, Bisexual, Transgender, and other Diverse Sexualities

Lesbian and gay rights and diverse sexualities are an increasingly urgent source of concern for the religious right-wing. A series of court decisions in favor of gay rights, including the June 2003 Supreme Court decision overturning state sodomy laws, have galvanized opponents and advocates of gay marriage. Conservative groups in particular report that they are revitalized by the debate over gay unions, and that this issue could eclipse abortion as a mobilization tool.

### Changing the Constitution:

- In 2003, Rep. Marilyn Musgrave and 81 co-sponsors introduced a bill for a federal constitutional amendment banning same-sex marriage, which defines marriage as only existing between a man and a woman. This amendment would do away with civil unions, domestic partnerships, and alternatives to marriage for gay or straight couples.<sup>1</sup>
- Following the 2003 Supreme Court decision overturning state sodomy laws and stating private sexual acts between consenting adults are protected by the U.S. Constitution, President Bush announced his opposition to the ruling and that White House lawyers were reviewing the proposed constitutional amendment.<sup>2</sup>
- In 2004, the Bush Administration announced its support for the Musgrave Amendment, more commonly known as the Federal Marriage Amendment.<sup>3</sup>

### Changing History:

- Conservative obsessions about the gay movement reached the National Park Service. Under pressure from right-wing groups, the Park Service has reportedly agreed to edit the video that has been shown at the Lincoln Memorial in Washington since 1995, to remove any image of gay or abortion rights demonstrations that took place at the memorial.<sup>4</sup>

### Changing International Policy:

- At the UN Special Session on HIV/AIDS in 2001, the US took action against lesbian, gay, bisexual and transgender rights:<sup>5</sup>
  - The US supported efforts by Egypt, Iran, Pakistan, and others to remove from the text any mention of certain stigmatized groups known to be particularly vulnerable to HIV infection, including men who have sex with men, sex workers, and IV drug users.<sup>6</sup>
  - All references to the International Guidelines on HIV/AIDS and Human Rights were expunged from the final Declaration of Commitment, because the Guidelines explicitly name these same marginalized groups.<sup>7</sup>
  - Conservative euphemisms for denouncing gay sex, such as "risk-taking sexual behavior" and "responsible sexual behavior" were inserted in Declaration of Commitment at the urging of the US and conservative Islamic allies.<sup>8</sup>
  - When Egypt, Libya, Iran, Sudan, Syria, Pakistan and Malaysia voted against having the US-based International Gay and Lesbian Human Rights Commission (IGLHRC) participate at a roundtable between NGOs and governments, the US failed to support IGLHRC even being at the table. As a majority of states began voting to reinstate IGLHRC, the US joined that vote, but the US silence was significant.<sup>9</sup>

<sup>1</sup> PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO MARRIAGE , H.J. RES. 56, as cited in Girard, note 79, page 19, and discussed in Girard, pages 18-19.

<sup>2</sup> As discussed in Girard, pages 18-19.

<sup>3</sup> As discussed in Girard, page 19.

<sup>4</sup> Public Employees for Environmental Responsibility, "Religion on Display in National Parks, Christian Fundamentalist Influence on Park Service Decisions, 'Faith-Based Parks' Decried," 22 December 2003, available at <http://www.peer.org/press/415.html>, as cited in Girard, note 82, page 19, and discussed in Girard, page 19.

<sup>5</sup> As discussed in Girard, pages 19-20.

<sup>6</sup> As discussed in Girard, page 19.

<sup>7</sup> As discussed in Girard, page 19.

<sup>8</sup> *United Nations*, Declaration of Commitment on HIV/AIDS as cited in Girard, note 83, page 20, and discussed in Girard, page 20.

<sup>9</sup> As discussed in Girard, page 20.

## Marriage, Family

The current national debate over gay marriage and civil unions reveals that right-wing conservatives have focused on the defense of heterosexual marriage as the most effective strategy to beat back lesbian, gay, bisexual and transgender rights. In addition to showing a tremendous fear of non-traditional forms of the family, including families headed by gay or lesbian couples, the effort is emblematic of the religious right-wing's ideal for women: they should be mothers, as long as they are married to a man. And if they cannot be married, they should abstain from sex.



### Promoting (Heterosexual) Marriage in domestic policy:

- The 1996 Welfare Reform Act was used by conservatives to not only inject millions of dollars into abstinence-only education, but to promote (heterosexual) marriage, especially for the poor and working class.<sup>1</sup>
- The Welfare Reform Act contains 15 provisions aimed at *reducing illegitimacy*, including an initial \$50 million/year for abstinence-only education and a cash bonus of up to \$25 million/year for states that reduce illegitimacy and abortion rates ("Illegitimacy Bonus").<sup>2</sup>
- The Temporary Assistance to Needy Family (TANF) block grant allows states to deny benefits for additional children born while the parent(s) are on welfare.<sup>3</sup>
- In 2003, the bill to reauthorize welfare reform—The Personal Responsibility, Work, and Family Promotion Act—gave activities for "healthy marriage promotion" to support two-parent households, with emphasis on the importance and promotion of heterosexual marriage as opposed to same-sex couples or cohabitating heterosexual couples.<sup>4</sup>
- In January 2004, the Bush Administration announced a five-year, \$1.5 billion initiative to promote marriage, reportedly timed to satisfy right-wing groups that were pressing for a constitutional amendment to ban gay marriage. Health and Human Services specified that federal money for marriage promotion would be available only to heterosexual couples.<sup>5</sup>
- The previous TANF goal of encouraging two-parent families did not encourage marriage *per se* and could encourage families headed by same-sex parents, so the Administration had the goal "clarified" to read: "to encourage the formation and maintenance of *healthy, two parent married* families and responsible fatherhood."<sup>6</sup>

### Promoting (Heterosexual) Marriage in foreign policy:

- The Administration's obsession with the married, two-parent, heterosexual "family" has carried to the UN, where the Vatican has been trying to enshrine it in international agreements for over a decade. Attempts to define the "family" as the nuclear family have so far failed at the international level, for obvious cultural reasons, and the statement that "in different cultural, political and social systems, various forms of the family exist," remains the agreed norm.<sup>7</sup>
- At recent UN negotiations, the Bush Administration has been issuing reservations on "the family" that are in line with Vatican positions emphasizing marriage between a man and a woman, the control of parents over children, and the "stability" of the family<sup>8</sup>
- The Bush Administration has adopted a classic Vatican tactic of attempting to replace the health of individuals (especially their reproductive health) with "family health" language, which undermines the interests of individual family members.<sup>9</sup>

<sup>1</sup> THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996, H.R. 3739, Public Law 104-193, "WELFARE REFORM ACT OF 1996, as cited in Girard, note 11, page 5, and discussed in Girard, pages 15-16.

<sup>2</sup> As discussed in Girard, page 16

<sup>3</sup> As discussed in Girard, page 16.

<sup>4</sup> THE PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003, H.R. 4, section 103 Promotion of Family Formation and Healthy Marriage, (b), as cited in Girard, note 72, page 17, and discussed in Girard, pages 16-17.

<sup>5</sup> *New York Times*, "Bush Plans \$1.5 billion Drive for Promotion of Marriage," 14 January 2004, p. A1, as cited in Girard, note 73, page 17, and as discussed in Girard, page 17.

<sup>6</sup> [www.whitehouse.gov/news/releases/2002/02/welfare-reform-announcement-book-all.html](http://www.whitehouse.gov/news/releases/2002/02/welfare-reform-announcement-book-all.html), as cited in Girard, note 70, page 16, and discussed in Girard, page 16.

<sup>7</sup> As discussed in Girard, pages 16-17.

<sup>8</sup> Economic and Social Commission for Asia and the Pacific, Report of the Fifth Asian and Pacific Population Conference, Doc.E/ESCAP/1271 (March 2003), Annex III (b), U.S. General Reservation, issued 17 December 2002, available at [www.unescap.org](http://www.unescap.org), as cited in Girard, note 75, page 18, and discussed in Girard, pages 16-17.

## Research on Sexual Behavior

The Bush Administration – notably Health and Human Services – and House Republicans are aggressively questioning research on "sensitive" topics. A prime target is sexual behavior, especially sexual practices of lesbian, gay, bisexual, and transgender (LGBT) individuals and sex workers. Intimidation tactics intend to deter scientific research into sexuality and threaten the integrity of the peer review process in government funding of research.



### Targeting Sexuality Research

- In July 2003, the House of Representatives narrowly defeated an amendment of Patrick Toomey (Republican-PA) to deny funding to four National Institutes of Health sexuality research projects.<sup>1</sup>
- In September 2003, the Traditional Values Coalition circulated a list of 250 NIH sexuality research grants in Congress, including grants to educate college students about STIs, understand the history of cancer among gay men living with HIV, help prevent suicide in gays and lesbians, and decrease HIV-related stigma.<sup>2</sup>
- Throughout 2003, Roland Foster, a staffer for a House Committee headed by Mark Souder (Republican-IA), repeatedly sent inquiries to NIH expressing concern about specific grants on sexual behavior and sexuality-related matters.<sup>3</sup>

### Blacklisting 157 Researchers<sup>4</sup>

- Citing requests by Republican lawmakers, NIH reportedly called 157 researchers to ask them to describe the usefulness of their work and "to inform them that their names were on a list being circulated in Washington." It appears likely that the list was compiled for the Traditional Values Coalition by HHS staff using HHS data banks.

### Targeting Individual Researchers<sup>5</sup>

- In January 2003, HHS officials called Toru Nemoto of the University of California, San Francisco (UCSF) for information about his NIH grants including research on such topics as HIV prevention among Asian sex workers.
- After the call from HHS, NIH told UCSF that several agencies planned a site visit to discuss Nemoto's grants – a "very unusual" step. In March 2003, four NIH officials spent two days at UCSF asking about procedures and going "all over San Francisco" to hear scientific talks by Nemoto's team. UCSF, not hearing back from NIH, assumes the grants are in compliance.

### Blacklisting Words<sup>6</sup>

- Off the record, NIH program staff have warned applicants to remove certain terms from their grant applications in order to reduce the projects' visibility to scrutiny.
- The "blacklisted" words include "condom effectiveness," "transgender," "men who have sex with men," "commercial sex workers," "needle exchange," and "abortion".

### Having a Chilling Effect

- A former NIH Director of Behavioral and Social Science Program, Office of AIDS Research says, "NIH staff feels censored and beat upon, and researchers are nervous. It is having a chilling effect on everyone."<sup>7</sup>

<sup>1</sup> <http://www.cossa.org/sexual%20research%20grants.htm> as cited in Girard, note 115, page 26, and discussed in Girard, page 26.

<sup>2</sup> CBS News, "Sex, AIDS Research Under Scrutiny," 28 October 2003, available at [http://www.cbsnews.com/htdocs/send\\_article/framesource.html?story\\_headline=Sex,+AIDS+Research+Under+Scrutiny&story\\_url=http://www.cbsnews.com/stories/2003/10/28/health/main580425.shtml](http://www.cbsnews.com/htdocs/send_article/framesource.html?story_headline=Sex,+AIDS+Research+Under+Scrutiny&story_url=http://www.cbsnews.com/stories/2003/10/28/health/main580425.shtml), accessed 14 February 2004, as cited in Girard, note 116, page 26, and discussed in Girard, page 26.

<sup>3</sup> Jocelyn Kaiser, "Studies of gay men, prostitutes come under scrutiny," *Science*, Friday, April 18, 2003, available at [www.csis.org](http://www.csis.org), as cited in Girard, note 112, page 25, and discussed in Girard, page 25.

<sup>4</sup> CBS News, "Sex, AIDS Research Under Scrutiny," 28 October 2003, available at [http://www.cbsnews.com/htdocs/send\\_article/framesource.html?story\\_headline=Sex,+AIDS+Research+Under+Scrutiny&story\\_url=http://www.cbsnews.com/stories/2003/10/28/health/main580425.shtml](http://www.cbsnews.com/htdocs/send_article/framesource.html?story_headline=Sex,+AIDS+Research+Under+Scrutiny&story_url=http://www.cbsnews.com/stories/2003/10/28/health/main580425.shtml), accessed 14 February 2004, cited in Girard, note 116, page 26; Letter from Representative Henry Waxman to Secretary Tommy Thompson, 27 October 2003, available at <http://www.cossa.org/CPR/thompson.10.27.03.PDF>, cited in Girard, note 117, page 26, and discussed in Girard, page 26.

<sup>5</sup> Jocelyn Kaiser, "Studies of gay men, prostitutes come under scrutiny," *Science*, Friday, April 18, 2003, available at [www.csis.org](http://www.csis.org), as cited in Girard, note 112, page 25, and discussed in Girard, page 25.

<sup>6</sup> Jocelyn Kaiser, "Studies of gay men, prostitutes come under scrutiny," *Science*, Friday, April 18, 2003, available at [www.csis.org](http://www.csis.org), as cited in Girard, note 112, page 25, note 118, page 26 and discussed in Girard, page 26.

<sup>7</sup> Personal conversation of author with Judy Auerbach, 28 January 2004, as cited in Girard, note 120, page 27, and discussed in Girard, pages 26-27.

## Sexuality Education

The Bush Administration has taken up with vigor abstinence-only education policies. The right-wing's moral and religious agenda on sex outside marriage has proven to be more important to the Bush Administration and Republican Congress than epidemiology, science, or the rights and realities of young people.



### Targets Set:

- Healthy People 2010 policy, coordinated by Health and Human Services, has objective to increase adolescents aged 15-17 who are abstinent to 75% of all males and females—against 1995 baseline of 57% and 62%, respectively.<sup>1</sup>
- 23% of sexuality education teachers in secondary schools now teach abstinence as only way to prevent pregnancy and STIs—up from 2% in 1988.<sup>2</sup>

### Funding Increased:

- \$50 million added by Congress in 2000 to abstinence-only sexuality education under SPRANS (Special Projects of Regional and National Significance Community-Based Abstinence Education) of HHS.<sup>3</sup>
- \$33 million increase directed to SPRANS by Bush FY 2003 budget.<sup>4</sup>
- 49 states have requested and received funds for abstinence education under welfare law (California is only state to refuse funds tied to abstinence only requirement).<sup>5</sup>
- \$135 million in federal funds going to abstinence-until-marriage sex education programs.<sup>6</sup>
- 33% of \$15 billion for HIV/AIDS prevention and treatment in Africa and Caribbean must go to abstinence-only programs—despite effectiveness of multiple approach campaigns.<sup>7</sup>

### Facts Altered:

- Centers for Disease Control (CDC) website altered in 2002 to reflect Bush Administration's preference for abstinence-only education:<sup>8</sup>
  - *Programs that Work* guide to educators on sexuality education curricula, deleted.
  - *Facts about Condoms and their Use in Preventing HIV Infection* removed for weeks; re-posted without instructions on how to use condoms or efficacy of different kinds.

### Tactics Used:

- Groups critical of abstinence-only and advocating for comprehensive sexuality education subjected to new and repeated audits under the Bush White House:<sup>9</sup>
  - Advocates for Youth reviewed 3 times in 2003 (first time in 15 years of CDC grants).
  - SIECUS (Sexuality Information and Education Council of US) audited for first time.
- US joins with Vatican, Sudan, Libya, Egypt, Syria and Iran at 2001 UN Special Session on HIV/AIDS and 2002 UN Special Session on Children in attempt to insert language promoting abstinence to the exclusion of other prevention and education messages.<sup>10</sup>

### Impact of abstinence-only education on adolescents:

- Denies freedom of information<sup>11</sup>
- Impairs access to health services<sup>12</sup>
- Reduces rates of contraception (including condoms)<sup>13</sup>
- Fails to delay initiation of sexual activity as research shows comprehensive sexuality education does delay sexual activity and increases use of contraceptives<sup>14</sup>

<sup>1</sup> Healthy People 2010 as cited in Girard, note 9, page 5.

<sup>2</sup> J.E. Darroch, et al. "Changing Emphases on Sexuality Education in U.S. Public Secondary Schools, 1988-1999," *Family Planning Perspectives*, vol. 32, no. 5, pp. 204-211, 265, as cited in Girard, note 20, page 7.

<sup>3</sup> Discussed in Girard, page 6.

<sup>4</sup> <http://www.nfprha.org/pac/factsheets/absunlessmarried.asp> and

<http://www.whitehouse.gov/omb/budget/fy2004/pdf/budget/hhs.pdf>, as cited in Girard, note 19, page 7 and discussed in Girard, page 7.

<sup>5</sup> As discussed in Girard, page 7.

<sup>6</sup> <http://www.nfprha.org/pac/factsheets/absunlessmarried.asp> and

<http://www.whitehouse.gov/omb/budget/fy2004/pdf/budget/hhs.pdf>, as cited in Girard, note 19, page 7, and discussed in Girard, page 7.

<sup>7</sup> ACT TO PROVIDE ASSISTANCE TO FOREIGN COUNTRIES TO COMBAT HIV/AIDS, TUBERCULOSIS, AND MALARIA, AND FOR OTHER PURPOSES, Public Law 108-25, ("HIV/AIDS ACT of 2003"), as cited in Girard, note 24, page 8 and note 35, page 10, and discussed in Girard, pages 8-10.

<sup>8</sup> [http://www.house.gov/reform/min/inves\\_admin/admin\\_hhs\\_info.htm](http://www.house.gov/reform/min/inves_admin/admin_hhs_info.htm) and <http://www.cdc.gov/hiv/pubs/facts/condoms.htm>, accessed 15 October 2003, as cited in Girard, note 22, page 8, and discussed in Girard, pages 7-8.

<sup>9</sup> <http://www.washingtonpost.com/wp-dyn/articles/A551-2003Aug15.html> and

[http://story.news.yahoo.com/news?tmpl=story&u=/ap/20030816/ap\\_on\\_he\\_me/aids\\_condoms\\_1](http://story.news.yahoo.com/news?tmpl=story&u=/ap/20030816/ap_on_he_me/aids_condoms_1), as cited in Girard, note 21, page 7, and discussed in Girard, page 7.

<sup>10</sup> As discussed in Girard, page 8.

<sup>11</sup> As discussed in Girard, page 6.

<sup>12</sup> As discussed in Girard, page 6.

<sup>13</sup> As discussed in Girard, pages 6 and 11.

<sup>14</sup> As discussed in Girard, page 11.

## Trafficking and Sex Work

Sex trafficking is a favorite subject of ultra-conservatives in the Bush Administration and Congress. Their multiple actions are based on the basic conservative position that all prostitution should be eradicated—defining all sex workers as victims and characterizing all sex work as a form of sexual violence. This approach narrows the possible scope of intervention and fails to recognize the complex decisions made by women (and men) regarding migration and work. While sex trafficking is an issue that merits serious action, the underlying agenda and moralistic view of sex work prevails, often to the detriment of the victims of trafficking.



### Legislation that can Hurt not Help:

- Legislation on which the Bush Administration's efforts hang was sponsored by conservative anti-abortion activist Rep. Chris Smith (Republican-NJ) and passed in 2000: the Act to Combat Trafficking in Persons, especially into the Sex Trade, Slavery, and Involuntary Servitude, to Reauthorize Certain Federal Programs to Prevent Violence Against Women, and for Other Purposes (TVPA).<sup>1</sup>
- The TVPA adopts a punitive, criminal law enforcement model that is largely unhelpful to individuals who have been trafficked.<sup>2</sup>
- In 2003, President Bush signed a National Security Directive against Trafficking in Persons and established a Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons, stating prostitution (i.e., sex work) contributes to sex trafficking.<sup>3</sup>
- Most support measures offered to victims in the US (work visas, health services, resettlement, permanent residence) require them to "assist in every reasonable way in the investigation and prosecution of severe forms of trafficking..." – something which many trafficked persons are unlikely to agree to, for fear of reprisals.<sup>4</sup>
- 2003 HIV Legislation requires that efforts be made to eradicate prostitution, which is equated with sexual violence, as part of HIV prevention strategies. It prohibits funding any organization that does not have an explicitly anti-prostitution policy.<sup>5</sup>

### Policies that Punish:

- Critics argue that TVPA and the Administration's strict abolitionist stand toward sex work:
  - Adopts a punitive, criminal law enforcement model that is largely unhelpful to individuals who have been trafficked;<sup>6</sup>
  - Denies any distinction between sex work and trafficking, and in doing so ignores the fact that for commercial sex workers, abuse, violence, and repression often comes at the hands of law enforcement officials;<sup>7</sup>
  - Denies non-humanitarian aid to countries deemed not to act sufficiently vigorously against prostitution and trafficking;<sup>8</sup>
  - Prevents sex workers' advocacy organizations and groups that provide services to sex workers from accessing funding.<sup>9</sup>

<sup>1</sup> 2000 ACT TO COMBAT TRAFFICKING IN PERSONS, ESPECIALLY INTO THE SEX TRADE, SLAVERY, AND INVOLUNTARY SERVITUDE, TO REAUTHORIZE CERTAIN FEDERAL PROGRAMS TO PREVENT VIOLENCE AGAINST WOMEN, AND FOR OTHER PURPOSES, H. 3244, ("VICTIMS OF TRAFFICKING ACT OF 2000"), as cited in Girard, note 130, page 28, and discussed in Girard, pages 28-29.

<sup>2</sup> As discussed in Girard, page 28.

<sup>3</sup> *Trafficking in Persons National Security Presidential Directive*, 25 February 2003, available at <http://www.whitehouse.gov/news/releases/2003/02/20030225.html>, as cited in Girard, note 126, page 27, and discussed in Girard, page 27.

<sup>4</sup> VICTIMS OF TRAFFICKING ACT OF 2000, op. cit. note 129, section 107 (b) (1) (E), as cited in Girard, note 132, page 28, and discussed in Girard, page 28.

<sup>5</sup> ACT TO PROVIDE ASSISTANCE TO FOREIGN COUNTRIES TO COMBAT HIV/AIDS, TUBERCULOSIS, AND MALARIA, AND FOR OTHER PURPOSES, as cited in Girard, note 24, page 8, and notes 127-129, page 28, and discussed in Girard, pages 27-28.

<sup>6</sup> As discussed in Girard, page 28.

<sup>7</sup> *New York Times*, "12 Nations in Southeast Europe Pursue Traffickers in Sex Trade," 19 October 2003, p. 8, as cited in Girard, note 133, page 28, and discussed in Girard, page 28.

<sup>8</sup> VICTIMS OF TRAFFICKING ACT OF 2000, as cited in Girard, note 134, page 29, and discussed in Girard, page 29.

<sup>9</sup> HIV/AIDS ACT of 2003, as cited in Girard, note 129, page 28; AN ACT TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 2004 AND 2005 FOR THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000, AND FOR OTHER PURPOSES, H.R. 2620, section 7, as cited in Girard, note 136, page 29.

## United Nations Population Fund (UNFPA)

The United Nations Population Fund (UNFPA) is the world's largest provider of family planning and reproductive health services and has been a constant target of right-wing religious groups in the U.S. The Bush Administration has also targeted UNFPA as part of its broader agenda of weakening reproductive health and family planning agencies and undermining women's sexual and reproductive autonomy, whether in the U.S. or in the developing world.



### Funding Denied<sup>1</sup>

- After an agreement with the Bush Administration, Congress approved \$34 million for UNFPA.
- Months later, President Bush personally blocked release of the \$34 million based on claims from the Population Research Institute (an ultra-conservative group) that UNFPA supported coerced abortion and sterilization in China.
- The State Department dispatched a handpicked team to China to investigate and found no evidence that UNFPA was involved in forced abortion. The State Department recommended that the \$34 million for UNFPA be released.

### Facts Ignored<sup>2</sup>

- The Administration cast aside the State Department report and invoked a piece of US law (known as 1985 Kemp-Kasten Amendment) that prohibits funding programs that include abortion counseling, abortion services or coercive sterilization.
- In reality, UNFPA has worked actively to persuade the Chinese government to relax the "one-child policy" and the resulting coercive practices. In the 32 counties where UNFPA is active in China, family-planning quotas and targets have been abandoned.
- A background note on China *currently posted on State Department's Website* states that "Recent international efforts, including those funded by the UN Population Fund (UNFPA), are demonstrating to government officials that a voluntary, non-coercive approach to family planning can be effective in promoting sustainable population growth."<sup>3</sup>

### Others Affected<sup>4</sup>

- The Administration promised that the \$34 million blocked from UNFPA would be redirected to family planning programs in 19 countries, including 13 in Africa, through the United States Agency for International Development (USAID).
- In January 2003 the State Department announced its intention to use these funds for non-family planning programs and only in Afghanistan and Pakistan.
- In 2003, the State Department invoked Kemp-Kasten to cut off funding for African and Asian refugees, run by the Reproductive Health for Refugees Consortium, a group of seven organizations.
- One of the seven groups, Marie Stopes International (MSI), has been working with UNFPA in China for years. Solely on that basis, and without investigation, the State Department concluded that MSI was supporting forced abortions and sterilizations.<sup>5</sup>
- The other six other groups in the Consortium were offered the money if they repudiated MSI; they refused to withdraw their support because of "baseless allegations."<sup>6</sup>
- The 2003 HIV legislation, in its section on bilateral assistance, makes a point of naming a list of UN agencies with which the President will collaborate, without naming UNFPA.<sup>7</sup>

<sup>1</sup> As discussed in Girard, page 24.

<sup>2</sup> As discussed in Girard, page 24.

<sup>3</sup> U.S. Department of State, "China: Background Note," dated March 2003, available at <http://www.state.gov/r/pa/ei/bgn/18902.htm>, accessed 18 February 2004, cited in Girard, note 105, page 24.

<sup>4</sup> As discussed in Girard, pages 24-25.

<sup>5</sup> *The Guardian* "US ends funds for African Aids Programme," August 28, 2003, available at <http://www.guardian.co.uk/aids/story/0,7369,1030583,00.html>, accessed 27 January 2004, as cited in Girard, note 107, page 25, and discussed in Girard, page 25.

<sup>6</sup> *New York Times*, "US ends funds for AIDS Program, Provoking Furor," August 27, 2003, available at <http://www.nytimes.com/2003/08/27/international/asia/27AIDS.html> accessed 27 January 2004, as cited in Girard, note 108, page 25, and discussed in Girard, page 25.

<sup>7</sup> *ACT TO PROVIDE ASSISTANCE TO FOREIGN COUNTRIES TO COMBAT HIV/AIDS, TUBERCULOSIS, AND MALARIA, AND FOR OTHER PURPOSES*, Public Law 108-25, Title III—Bilateral efforts, Subtitle A—General Assistance and Programs, Section. 104A. Assistance to Combat HIV/AIDS (c) Conforming Amendment, cited in Girard, note 24, page 8 and note 110, page 25, and discussed in Girard, page 25.