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Supreme Court Declares Anti-Prostitution Loyalty Oath a Violation of First Amendment
(United States Agency for International Development v. Alliance for Open Society International,
No. 12-10)

WASHINGTON, June 20, 2013—The Supreme Court today declared that the anti-prostitution loyalty oath (APLO), a policy that requires organizations to adopt the U.S. government’s point of view as a condition of receiving U.S. global HIV funds, violates the First Amendment when it is applied to U.S. organizations. The decision allows U.S. organizations to address the HIV and AIDS epidemic with evidence-based interventions, free from discrimination and political agendas.

“This decision is a victory for human rights,” said Serra Sippel, president of the Center for Health and Gender Equity (CHANGE). “The anti-prostitution loyalty oath was based on discrimination against one of the groups most at risk of HIV infection, and had nothing to do with evidence or best practices. This will allow organizations fighting HIV to address the epidemic in the most effective way possible, and fulfill sex workers’ basic human right to life-saving healthcare. We all—regardless of source of income, in this case—have the right to protect ourselves.”

The APLO was part of the 2003 law authorizing the President’s Emergency Plan for AIDS Relief (PEPFAR). It required organizations receiving U.S. global HIV funds to adopt an organization-wide policy opposing sex work. It was challenged on the grounds that it violated an organizations’ First Amendment right to free speech. [Research presented at the July 2012 International AIDS Conference](#) found that the APLO had a detrimental effect on U.S. HIV programs, as organizations limited or eliminated programs targeting sex workers for fear of losing funding.

As a result of the decision, U.S. organizations receiving U.S. HIV funds will no longer be required to adopt the oath, and those who have already adopted it will not be required to comply. However, it will still be applicable to organizations based outside the U.S. receiving U.S. funds.

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The decision is a beneficial step forward for the United States, Sippel said. “Discriminatory policies like the anti-prostitution pledge keep us from ever getting ahead of HIV. There is no place for discrimination in an AIDS-free generation.”

Further information

[Media Brief: "Supreme Court to Decide Basic Rights of Groups Fighting HIV/AIDS: What it Means."](#) CHANGE, 2013

["Implications of U.S. Policy Restrictions for HIV Programs Aimed at Commercial Sex Workers."](#) CHANGE, 2008.

About the Center for Health and Gender Equity (CHANGE)

The Center for Health and Gender Equity (CHANGE) promotes the sexual and reproductive health and rights of women and girls worldwide through education and advocacy affecting U.S. policy.