Women’s Health Rights Advocates Applaud Court Ruling Against Bush-era HIV/AIDS Policy Against Sex Workers

Center for Health and Gender Equity Calls on Obama Administration to Stop Enforcing Anti-Prostitution Pledge

WASHINGTON, July 6, 2011—The Center for Health and Gender Equity (CHANGE) applauded today’s decision by a federal appeals court that the United States government cannot require U.S. organizations that receive U.S. foreign assistance to fight HIV/AIDS globally to denounce prostitution. Serra Sippel, president of CHANGE, welcomed the court’s decision and stated that the Obama administration, “should immediately stop enforcing this self-defeating policy against U.S.-based and foreign organizations.”

The policy, also known as the “anti-prostitution pledge policy,” is a provision in the 2003 United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act (Leadership Act), legislation passed by Congress that required organizations receiving U.S. funds to fight HIV/AIDS globally to adopt a specific organization-wide policy opposing prostitution. The provision was not removed by reauthorization legislation passed by Congress and signed by President Bush in 2008, and remains in place.

Global health advocacy groups like CHANGE have criticized the law because it does nothing to advance its stated goals of defeating HIV/AIDS and the trafficking of persons. “Instead,” stated Sippel, “the policy weakens the best HIV prevention efforts among sex workers, and exacerbates stigma and discrimination against already marginalized groups. Any anti-prostitution declaration by organizations working with persons in the sex sector undermines trust among the very people these organizations seek to assist, making it difficult or impossible to provide services or assistance to those at risk.”

It was for these reasons that Brazil rejected $40 million in U.S. global AIDS money in 2005, noting that such restrictions undermined the very programs responsible for Brazil’s success in reducing the spread of HIV.

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In today’s decision, the court found that, as implemented, the policy “falls well beyond…permissible conditions on the receipt of government funds.” The policy, the court found, “compels recipients to espouse the government’s viewpoint.”

While the ruling only blocks application of the policy to U.S.-based organizations, foreign organizations and those they serve are left unprotected from its imposition of speech.

“Given today’s decision and that the Obama Administration’s global AIDS strategy states that U.S.-funded services must advance the rights of populations that face stigma—including sex workers and men who have sex with men—and expand equal access to care,” stated Sippel, “we expect the administration will do the right thing and refrain from enforcing the anti-prostitution pledge policy requirement against U.S.-based and foreign organizations.”


About the Center for Health and Gender Equity (CHANGE)
The Center for Health and Gender Equity (CHANGE) is a U.S.-based non-governmental organization that seeks to ensure that U.S. foreign policies and programs promote sexual and reproductive health and rights through effective, evidence-based approaches to prevention and treatment of critical reproductive and sexual health concerns, and through increased funding for critical international programs and institutions. [www.genderhealth.org](http://www.genderhealth.org)