

## U.S. Global AIDS Policy and HIV Prevention

September 2008

### LAW TO REAUTHORIZE THE PRESIDENT'S EMERGENCY PLAN FOR AIDS RELIEF PL 110-293

On July 30, 2008, President Bush signed into law the Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. The Act reauthorizes the President's Emergency Plan for AIDS Relief (PEPFAR) at \$48 billion over the next five years (2009-2013). Although the Act makes great strides in moving the U.S. response from emergency to that of sustainability, it retains key elements that have seriously undermined prevention efforts, particularly among women and youth.

Original Law (PL 108-25)	Current Law (PL 110-293)
<p><b>Abstinence and Prevention</b></p> <p>33% of all HIV prevention funds must be spent on abstinence-until-marriage</p> <p>Expresses the "sense of Congress" that 20% of PEPFAR funding should go toward prevention of HIV</p>	<p>Replaces 33% abstinence-until-marriage earmark with requirement that the Global AIDS Coordinator report to Congress if less than 50% of funding to prevent sexual transmission of HIV is spent on abstinence and fidelity programs in countries with generalized epidemics</p>
<p><b>Prostitution and Sex Trafficking</b></p> <p>Any organization receiving U.S. global AIDS funding must have a policy explicitly opposing prostitution and sex trafficking</p> <p>No funds made available by the Global AIDS Act may be used to promote or advocate for the legalization or practice of prostitution</p>	<p>No change from original law</p>
<p><b>Family Planning</b></p> <p>Family planning programs may receive funding for HIV/AIDS programs irrespective of their compliance with the Mexico City Policy, meaning that groups that provide legal abortions or counsel women on legal abortions are eligible for funding</p>	<p>No change from original law (no reference to family planning)</p>
<p><b>Comprehensive Prevention for Women and Youth</b></p> <p>Does not include a prevention strategy for women and youth</p>	<p>No change from original law</p>
<p><b>Female condoms</b></p> <p>No mention of female condoms</p>	<p>Encourages the correct and consistent use of both male and female condoms in HIV prevention efforts, while also calling for increasing the availability of and access to these commodities</p>

*(See reverse side for Recommendations to Reform U.S. Global AIDS Policy)*

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### RECOMMENDATIONS TO REFORM U.S. GLOBAL AIDS POLICY

In order to effectively combat the global AIDS epidemic, prevent the greatest number of new infections and address the particular vulnerabilities of women and girls to HIV infection, the Center for Health and Gender Equity recommends the following reforms to current U.S. global AIDS policy:

#### Abstinence and Prevention

U.S. global AIDS policy must promote prevention programs that respond to local epidemics and equip individuals and couples with the knowledge, tools and skills necessary to reduce risk and prevent infection regardless of perceived risk. Restrictions and reporting requirements like those in PL 110-293 hinder access to life-saving information and services and must be eliminated.

#### Prostitution and Sex Trafficking

The anti-prostitution pledge must be removed. The most effective HIV prevention programs for sex workers develop trust, affirm dignity and create unity, while the pledge has promoted isolation and shame. The pledge has caused organizations to eliminate, water down, or censor their prevention efforts with sex workers, undermining best practices in public health. By conflating prostitution with sex trafficking, the pledge also undermines efforts to promote the fundamental rights of all persons.

#### Family Planning

U.S. global AIDS policy should promote full integration of HIV/AIDS services and family planning services. Integration of these services is paramount in addressing the needs of women and girls who are at high risk of both HIV infection and unwanted pregnancy.

#### Comprehensive Prevention for Women and Youth

Given the unique physiological and social realities of women and youth that put them at risk of violence and HIV infection, U.S. global AIDS policy should include a clear strategy to prevent HIV infections among married and unmarried women and girls as delineated in Sec. 3 of the Protection Against Transmission of HIV for Women and Youth (PATHWAY) Act of 2007, H.R. 1713.

### AN OVERVIEW OF U.S. GLOBAL AIDS POLICY UNDER ORIGINAL LAW

The goal of the original law was to prevent 7 million new HIV infections, treat 2 million people living with AIDS related illnesses, and provide care and support to 10 million persons affected by AIDS. The Global AIDS Act authorized the President to spend up to \$15 billion over 5 years (2003-2008), including \$10 billion in new money to expand global HIV/AIDS, tuberculosis, and malaria programs.

#### Office of the Global AIDS Coordinator (OGAC)

The original law created a position within the Department of State, known as the Office of the Global AIDS Coordinator (OGAC), to oversee the implementation of the law. OGAC is responsible for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic.

#### A focus on the "ABC" Approach

Original law emphasized a focus on the "ABC" approach (Abstain, Be faithful, use Condoms) to prevent the sexual transmission of HIV. OGAC adopted the approach and interpreted the abstinence-until-marriage earmark to apply to programs that exclusively teach abstinence and/or being faithful (AB only).

### RESOURCES

For more information on the reauthorization of the President's Emergency Plan for AIDS Relief (PEPFAR), visit:

[www.pepfarwatch.org](http://www.pepfarwatch.org).

For a summary of findings from the Government Accountability Office and the Institute of Medicine regarding the negative impact of funding directives for abstinence and fidelity programs, visit:

[www.pepfarwatch.org/pubs/GAOIOMfindings.pdf](http://www.pepfarwatch.org/pubs/GAOIOMfindings.pdf).

