Supreme Court Upholds Anti-Prostitution Pledges in AIDS Funding

The federal government can require foreign affiliates of U.S. companies to denounce sex work in order to secure HIV funding.

June 30, 2020 By Trent Straube

In a 5–3 ruling directly related to global AIDS funding, the Supreme Court ruled that foreign affiliates of companies based in the United States can be required to make pledges against sex work and sex trafficking in order to receive funding to fight HIV/AIDS, reports The Associated Press.

Writing for conservatives on the court, Justice Brett Cavanaugh noted that the affiliates are foreign companies operating abroad and as such have no rights under the Constitution.

The Supreme Court heard the case—USAID v. Alliance for Open Society International Inc.—in May via teleconference due to COVID-19 shutdowns.

It wasn't the first time so-called anti-prostitution pledges have been argued before the Supreme Court. As POZ reported on May 7, in a similar case heard in 2013, the court ruled that the federal government could not force health organizations to "pledge allegiance to the government's policy of eradicating prostitution" in order to receive AIDS funding. But that case involved U.S. companies, not affiliates abroad.

In the 2020 case, organizations fighting the HIV epidemic globally argued that they needed to be able to reach sex workers and that, as a result, forcing them to denounce sex work was counterproductive.

For the backstory on both cases, including how the rulings affect the President's Emergency Plan for AIDS Relief (PEPFAR), see "Supreme Court Hears New HIV Case About Anti-Prostitution Pledges."

In related news, another decision from the Supreme Court this week affects the HIV community. For details, see "Why the Abortion Ruling Is Good News for HIV Health Efforts."

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