

**CHEQUER
DECLARATION**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALLIANCE FOR OPEN SOCIETY
INTERNATIONAL, INC. and OPEN SOCIETY
INSTITUTE,

Plaintiffs,

DECLARATION OF
PEDRO CHEQUER, MD, MPH

v.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT and
ANDREW S. NATSIOS, in his Official
Capacity as ADMINISTRATOR,
U.S. AGENCY FOR INTERNATIONAL
DEVELOPMENT.

Defendants.
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I, PEDRO CHEQUER, declare, under penalty of perjury under the laws of the United States of America, that the following is true and correct:

1. My name is Pedro Chequer. I submit this declaration in support of the Plaintiffs' motion for a preliminary injunction.
2. I am the Co-Founder and Director of the Brazilian government's National AIDS Programme. After helping to establish the National AIDS Programme in 1987, I served as its Director from August 1996 to March 2000. I subsequently served as the representative for the Joint United Nations Programme on HIV/AIDS ("UNAIDS") in South America, Russia and Mozambique. I returned to the National AIDS Programme in August 2004, where I oversee implementation of Brazil's aggressive HIV prevention programs. I am a specialist in epidemiology, public health and sanitary dermatology.
3. Brazil's HIV prevention program is recognized as one of the most effective and multi-faceted programs in the world. We have succeeded in slowing down drastically the rate of infection of HIV/AIDS in our country. For instance, in 1992, the World Bank forecast that Brazil

would witness an explosive HIV epidemic, reaching 1.2 million individuals by 2000, but the number of estimated cases in 2004 was actually around 660,000.

4. The major components of our program, many of which are carried out in partnership with civil society, include HIV/AIDS prevention, care and treatment services. Our program includes education about HIV/AIDS, wide-reaching distribution of free condoms, and the manufacture and distribution of generic versions of antiretroviral drugs, which are provided at no cost to all HIV-positive people in the country.

5. One of the major reasons for the success we have had in containing the epidemic has been our accepting approach towards groups that are at high risk for the spread of HIV/AIDS, including sex workers, injection drug users, and men who have sex with men.

6. We view sex workers as essential partners in our HIV prevention efforts. We partner with non-governmental organizations ("NGOs") composed of and led by sex workers to formulate and implement our HIV prevention programs. These NGOs have been tremendously effective in getting Brazilians to give up dangerous sexual behavior, such as having sex with strangers without condoms.

7. Brazil's program, including its outreach to sex workers, has been a clear success compared to other efforts around the world, and is recognized as a preeminent model of HIV/AIDS prevention. For instance, in 1990, Brazil and South Africa had roughly the same rate of prevalence of HIV among adults – just over 1 percent. Now more than 20% of South African adults have HIV or AIDS, while Brazil's rate has dropped.

8. Although the United States Agency for International Development ("USAID") offered more than \$40 million to continue funding HIV/AIDS prevention efforts in Brazil through 2008, the National AIDS Programme, which acts as the central coordinator of all HIV/AIDS prevention efforts by government and NGOs, decided to reject the funds earlier this year. The decision of the National AIDS Programme was approved by the National AIDS Commission, a body composed of representatives of civil society and eight governmental ministries. After careful

consideration, we decided that it would be harmful to our program to have to oppose prostitution in order to comply with the requirements of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (the "Global AIDS Act"), as implemented by USAID. In particular, we believed that we could not conduct effective outreach to and programs with sex workers if our NGO partners were forced to state their explicit opposition to prostitution, as USAID was requiring. Because we did not believe that we could carry on with our successful program consistently with the requirements under the Global AIDS Act as implemented by USAID, we chose to decline the substantial amount of aid that would have come into the country from USAID.

9. This was a difficult decision, because the National AIDS Programme never has enough funding to do all of the important work we need to do. Until this year, the money from USAID that supported our AIDS program played an important role in preventing the transmission of HIV among people at high risk for being infected.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 24, 2005
Brasilia, Brazil


PEDRO CHEQUER