

HIV/AIDS AND THE LAW - CLOSING ADDRESS

By Misa Telefoni

PASIFIKA AT THE CROSS ROADS: ACT NOW OR FOLLOW SOUTH AFRICA'S TRAGIC PATH

"A good head and a good heart are a formidable combination"

Nelson Mandela

Nelson Mandela we all know, had both a good head and a good heart. He is one of the free world's greatest global citizens.

Nelson Mandela freely admits his greatest failure as a Leader was not to do enough to combat HIV/AIDS in South Africa.

We in the Pasifika Region have a lot to learn from Nelson Mandela and especially South Africa's experience.

In 5 years the incidence of HIV/AIDS in South Africa increased from .5% to 1%.

Suddenly there was an explosion!

In the subsequent 7 years, the incidence of HIV/AIDS increased from 1% to 20%.

Now 1 in every 5 adults in South Africa suffers from HIV/AIDS.

Justice Michael Kirby has now warned us all – his same speech he delivered 14 years ago and was unheeded in South Africa – he is repeating to us now. If Pasifika is where South Africa was in 1993 – then where will Pasifika be in the next 7 years?

Pregnant women being tested at ante-natal clinics in Papua New Guinea are showing a 2% incidence of HIV/AIDS – and this is only those being tested.

Without drastic action, given the South African experience, this figure will jump to 20% in 7 years unless drastic measures are taken now.

New Zealand has had a greater incidence of HIV/AIDS infections in 2006 than the previous 5 years put together.

URGENT DRASTIC ACTION NOW – WILL AVOID A HUMANITARIAN TRAGEDY

Pasifika needs to act NOW – to avoid going down South Africa's path.

MISA TELEFONI'S TOP TEN

What measures work to control and reduce the spread of HIV/AIDS?

Here are my Top Ten –

What works - No.1

Compassion not coercion works. The classic Kirby HIV/AIDS paradox. We know what fails: coercion, vilification and stigmatization of victims fail.

Remember – the enemy is the disease, not the victims.

What Works No. 2

The human rights approach to dealing with HIV/AIDS works.

Ensuring the emancipation of women, and protection of their rights, is an important priority.

Acceding to the CEDAW Convention and ensuring society and the law does not tolerate any discrimination against women's rights is an essential ingredient of any human rights approach to HIV/AIDS prevention.

What Works - No.3

The holistic approach to HIV/AIDS prevention works.

This was very well put by Dame Carol Nidu of Papua New Guinea using her Millennium Development Goals (MDGs) analysis:

$$\mathbf{1 + 2 + 3 = 6}$$

MDG -1 – Poverty reduction

+ MDG – 2 – Education for ALL

+ MDG – 3 – Empowering Women

= MDG – 6 – HIV/AIDS Prevention

What Works - No. 4

Collaborating closely together with People Living with HIV/AIDS works.

Peati lupeli was to have addressed you yesterday. Unfortunately she was committed to another Conference and could not attend. She is a fierce campaigner for HIV/AIDS prevention.

We were all moved by Pauline of Fiji's address. Fierce defiance and determination to live a full and satisfying life. Society owes as much to all the victims of this insidious disease.

These are our major stakeholders, and they can in turn be our most effective advocates for HIV/AIDS.

What Works No. 5

Good legislation works.

The 1998 Philippine Act and the 2003 Papua New Guinea legislation are excellent pieces of legislation.

We have discussed and analysed the PNG legislation extensively. It is human rights based, and can be most effective.

Pasifika should adopt similar legislation as quickly as possible.

What Works - No. 6

Working with sex workers and other marginalized groups such as gays and trans-sexuals works.

Dame Carol Nidu spoke of the 4Ms – Mobile Males with Money and Multiple sex partners.

My son Rev. Warren Retzlaff preached a sermon on tolerance a few weeks back. He gave an illustration of when a transsexual named John but called Jane comes into Church.

"You must get to know Jane first before you can minister the gospel to John" Warren preached.

Working successfully with marginalized groups means dealing with them at their level – and **never** showing any prejudice against them.

What Works No. 7

Condom use works.

"Stick to One Partner" is a noble cry and appeals to Christian values. But for the 8% - 10% of the population who cannot meet these ideals – they must be encouraged to use condoms.

The free distribution of condoms is very effective, and has been successful. The free distribution and exchange of used needles has also been successful, especially in USA.

What Works - No. 8

Working with our leaders of religion works. The World Council of Churches are now aggressively working in collaboration with other agencies and NGOs in the fight against HIV/AIDS.

Bishop Jabez Bryce – Anglican Bishop of Polynesian has said: *"Those who discriminate against persons with AIDS do not follow the gospel of Christ."*

Pasifika's religious leaders are a major influence and I commend all efforts to comprehensively include them in our efforts to curb the spread of HIV/AIDS.

What Works - No. 9

Working with the finance people and economists works.

The full impact of HIV/AIDS is not only human and social, but economic as well.

There have been many meetings of economists and finance ministers – counting the economic toll of HIV/AIDS in both human and monetary terms.

These meetings are essential so we can justify greater budgets to combat HIV/AIDS.

It is all part of a cost-benefit analysis exercise.

What Works - No. 10

Greater budgets and more funding for this cause, works.

You will note from my Paper delivered to the Kuala Lumpur Commonwealth Law Conference, I emphasise the expense and feeding paradoxes. Only greater funding can comprehensively combat mother-child transmission, and access victims to an affordable but effective drug regime.

Conclusion:

Mother Theresa once said: *"If you judge people, you have no time to love them"*.

We need to act and act now!

We commend PNG for their drastic action in the face of a mounting crisis. They have in attendance here in this Conference three ministers and the Attorney-General – that is a very real commitment in manpower and resources – reflected in their enacted legislation and recent national initiatives.

Let us unite to combat this killer disease – this insidious scourge on all the world and now Pasifika!

Act Now!

Act Now to Save Lives in the Future.

God Bless you all

Soifua ma la Manuia

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