Perspectives

HIV progress ... dropping slow

Australia should use its influence as a United Nations Security Council member to advance a clear global strategy to tackle HIV

The news, released by the Kirby Institute on 17 October 2012, of an 8% increase in new HIV diagnoses in Australia[1] is a cause for concern. The increases, mainly in Victoria, New South Wales and South Australia, were primarily among men who have sex with men (MSM). As David Wilson, head of the Institute's surveillance and evaluation program put it, "We thought we had at least reached a plateau about five years ago but we have not".[2]

At about the same time, in an address at Columbia University in the United States, Justice Edwin Cameron of South Africa, one of the few officials in Africa openly living as an MSM with HIV, called for the "normalisation" of AIDS to turn around the still horrendous death toll in Africa. Last year, more than 200 000 people died of AIDS in South Africa alone, and "every day, 750 people die needlessly of AIDS when treatment for their condition is already available" (Justice Edwin Cameron, Mailman School of Public Health, New York, 18 Oct 2012).

South Africa, in particular, demonstrates that the hurdle of stigma is very difficult to overcome, especially for disadvantaged groups who are in the frontline of HIV: MSM, disempowered women and children, commercial sex workers and injecting drug users. But in many developing countries, the law presents serious obstacles that reinforce the stigma attached to these groups, and prevents outreach to them with education, knowledge and antiretroviral drugs. So what is to be done?

In 2010–2011, the Eminent Persons Group (EPG) was established to advise the Commonwealth Heads of Government Meeting in Perth, Western Australia, in October 2011. The EPG delivered a unanimous report identifying HIV as a specific Commonwealth problem, since its incidence in the Commonwealth is twice that of the rest of the world.[3] It urged heads of government to "encourage the repeal of discriminatory laws that impede the effective response of Commonwealth countries to the HIV/AIDS epidemic, and commit to programmes of education that would help a process of repeal of such laws".[3]

Some of the leaders instantly reacted adversely, but dialogue has continued since. A Commonwealth foreign ministers' meeting at the United Nations in New York in September 2012, chaired by Australia, reportedly agreed to the EPG recommendation. But getting action from their governments in the face of strong religious, cultural and political opposition is never easy.

In July 2012, a report by the Global Commission on HIV and the Law of the UN Development Programme (UNDP) provided wider recommendations[4] addressing the legal changes needed globally to tackle HIV effectively, especially those relating to the most vulnerable groups. But a major section of the Commission's report also addressed the world's intellectual property laws (especially patents) and the fight for affordable treatment of HIV. The Commission called for a complete re-evaluation of the current global patent regime, which was established before the advent of universal human rights after 1945. This involves taking on powerful players in the pharmaceutical industry and those interests that pressure vulnerable nations to surrender their present flexibilities under current global patent law, which are vital for times of medical crises.

Sometimes there are glimmers of light. At the end of October 2012, Malawi announced that it would re-examine its colonial-era laws against MSM (although it may have subsequently backed down).[5] At the same time, Indonesian President Susilo Bambang Yudhoyono authorised his government to override patents for seven medicines used to treat HIV and hepatitis.[6] This is the most recent example of an admirable insistence that, in a national health crisis, generic drugs can play a vital lifesaving role. Sometimes they will help patients living with HIV to defend their lives and the highest attainable standard of physical and mental health.

The world now has two reports by well informed experts that chart the steps that national governments must take. Australia should use its increased prominence in international affairs through its newly won seat on the UN Security Council (2013–2014) to advance the clear global strategy that has been advocated. We need action at home and even more action abroad.

WB Yeats's poem *The lake isle of Innisfree* described a place of peace, but also warned that "peace comes dropping slow". Action on the EPG report and the UNDP Commission recommendations also comes dropping slow. We must ensure a heightened sense of urgency. And, for once, law and medicine need to be locked together in harmony to help attain this end.

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Provenance: Commissioned; not externally peer reviewed.

1 Kirby Institute. HIV, viral hepatitis and sexually transmissible infections in Australia: annual surveillance report 2012. Sydney: Kirby Institute, University of New South Wales, 2012. http://www.kirby.unsw.edu.au/sites/hiv.cms.med.unsw.edu.au/files/hiv/resources/2012AnnualSurvReport.pdf (accessed Nov 2012).
2 Corderoy A. Alarming increase in number of HIV cases. *Sydney Morning Herald* 2012; 17 Oct. http://www.smh.com.au/national/health/alarming-increase-in-number-of-hiv-cases-20121016-27p4u.html (accessed Nov 2012).
3 Eminent Persons Group. A Commonwealth of the people: time for urgent reform. The report of the Eminent Persons Group to Commonwealth Heads of Government. London: Commonwealth Secretariat, 2011. http://www.thecommonwealth.org/files/241620/FileName/EminentPersonsGroupReport.pdf (accessed Nov 2012).
4 Global Commission on HIV and the Law. Risks, rights and health. New York: United Nations Development Programme, 2012: 76. http://www.hivlawcommission.org/resources/report/FinalReport-Risks,Rights& Health-EN.pdf (accessed Nov 2012).
5 Human Rights Watch. Malawi: courageous move to suspend anti-gay laws. 6 Nov 2012. http://allafrica.com/stories/201211060389.html (accessed Nov 2012).
6 President of the Republic of Indonesia. Presidential Decree No. 76 of 2012. http://www.citizen.org/documents/PresidentalDecree20121.pdf (accessed Nov 2012).