



INTER-PARLIAMENTARY UNION
OFFICE OF THE PERMANENT OBSERVER TO THE UNITED NATIONS

Item 41 of the General Assembly:
Implementation of the Declaration of Commitment on HIV/AIDS and
the Political Declaration

Statement by
the Honorable Ms. Sapana Pradhan Malla
Member of Parliament (Nepal)

United Nations
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Mr. President,

I speak on behalf of the Inter-Parliamentary Union. Let me begin by saying that as parliamentarians, one of our principal aims is to push for more forthright parliamentary leadership in dealing with the epidemic.

How is this to be done? Often, for us in parliament, it means taking a courageous stand before an electorate that may have mixed views on ways to tackle the virus and its allied complexities. As leading spokespersons in society, we parliamentarians have to stand up and speak out for groups that are most disadvantaged as a result of prejudice, discrimination, and ignorance and thereby prevent creation of further vulnerabilities on which the epidemic thrives. We have to broadcast the message of tolerance and understanding, using the force of example at home in our constituencies.

We are all aware that people living with HIV have rights that need protecting. In that connection, we are concerned at the increasing tendency among legislatures to criminalise the transmission of the HIV virus in certain circumstances. In the IPU we have made it clear that before rushing to legislate we should give careful consideration to the fact that passing HIV-specific criminal legislation can further stigmatize people living with HIV. It can provide a disincentive to HIV testing, create a false sense of security among people who are HIV-negative, and, rather than assisting women by protecting them against HIV infection, impose on them an additional burden and risk of violence or discrimination.

In addition, there is no evidence that criminal laws specific to HIV transmission will make any significant impact on the spread of HIV or on halting the epidemic. Priority must be given to increasing access to comprehensive and evidence-informed prevention methods in the fight against HIV/AIDS.

We also have to remedy the shortcomings in the legislators' knowledge of other issues connected with HIV and AIDS. For example, if we want to work for universal access to antiretroviral therapy, we need to know and understand problems connected with pricing, trade laws, and distribution. We need to know why the drugs are not reaching the people who need them. And where this means legislating and amending old laws, we should be ready to do so. We want more information to be provided to parliaments on the multilateral intellectual property regime and its repercussions on access to medicines. Fuller knowledge of intellectual property rights can lead to lives being saved.

We are currently giving practical effect to this, working at the regional level. Earlier this year the IPU joined with the National Assembly of South Africa in setting up a regional training seminar for members of parliament on drug accessibility and affordability. As the seminar revealed, the question is more intricate than the technicalities of WTO TRIPS flexibilities, complex though they are. Even when the drugs are affordable, there are difficulties relating to storage and distribution, and further down the line, in ensuring compliance with a prescription regime and making sure that the medicines are used for the proper purpose. Parliaments need to do more to study these issues, and we recommend that they set up cross-party committees as the central point in the institution for the purpose. These committees should work closely with civil society and people living with HIV.

Another area where the IPU is taking action concerns HIV-related travel restrictions. After participating in the UNAIDS task force on the subject, the IPU and its governing bodies have adopted its recommendations, opening the way for us to push for legislative reform to bring this discrimination to an end.

The IPU also works to mobilize parliamentary involvement in major international HIV and AIDS events. It gathered over a hundred members of parliament and staff in a parliamentary briefing organized on the occasion of the International AIDS Conference 2008 in Mexico City, and it will be working in conjunction with the Austrian Parliament to ensure that legislators make their presence felt in Vienna next year. We welcome the increased political dimension of the International Conferences. At the risk of stating the obvious, let me say that HIV and AIDS is an eminently political question. In that respect, while welcoming the UN Secretary General's report under this agenda item, let me say that I fail to understand why, once again, it makes no reference whatsoever to the work done by parliaments.

Mr. President,

The achievements in parliamentary activism on HIV and AIDS would not be possible without a true partnership and the IPU is grateful to its United Nations partners for their engagement and support. The IPU is committed to keeping the momentum and will do its best to help members of parliament create an enabling legal environment to respond to HIV and AIDS.

Thank you.