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INTERNATIONAL AIDS CONFERENCE

GLOBAL FORUM ON MSM AND HIV  
PRECONFERENCE

WASHINGTON D.C.

UNITED STATES OF AMERICA

OPENING PLENARY MSMGF

21 JULY 2012

The Hon. Michael Kirby AC CMG

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WEAKNESS TO WEAKNESS OR STRENGTH TO STRENGTH?\*

THE HON MICHAEL KIRBY AC CMG\*\*

*GOOD NEWS/BAD NEWS*

For the first time in more than two decades, the world returns to Washington to reflect upon the progress being made in the global response to the human immunodeficiency virus (HIV).

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\* Text on which was based an address to the opening session of the MSMGF Preconference Session, Washington, D.C. 21 July 2012.

\*\* Commissioner of the UNDP Global Commission on HIV and the Law, (2010-12). Member, Eminent Persons Group of the Commonwealth of Nations (2010-11). Commissioner, WHO Global Commission on AIDS (1988-92). Member of UNAIDS Reference Group on HIV and Human Rights (2003-). Justice of the High Court of Australia (1996-2009). Personal views.

As was the case at the last conference in this city, our halls are decorated with the Aids Quilt: the unforgettable reminder of the impact of the epidemic on individuals. May their spirits strengthen my tongue to speak with clarity and practicality at the outset of this session of the Global Forum on MSM and HIV (MSMGF). And remind us all that HIV and AIDS is not about statistics but about human beings: our brothers and sisters.

Statistics, however, there must be. This week will reverberate with them as we try to understand where we have come from, where we are and where we are going. Many of the statistics we can safely forget. However, some we must keep steadily in mind:

- \* In just three decades, over 30 million people have died of AIDS. In the same time, more than 34 million, additionally, have been infected with HIV;
- \* Every day, some 7,400 people are newly infected with HIV and 1.8 million died of AIDS in the last year alone<sup>1</sup>;
- \* An important, and in some countries predominant, portion of the epidemic has fallen on men who have had sex with men (MSM). More than 60% of new HIV infections in countries such as the United States of America are found amongst gay men;<sup>2</sup>

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<sup>1</sup> United Nations Development Programme, Global Commission on HIV and the *LAW, RISKS, RIGHTS & HEALTH* (New York, UNDP, 2012) (UNDP Report), 7.

<sup>2</sup> *USA Today*, July 20, 2012, *supplement*, 11.

- \* HIV prevalence rates amongst MSM in most countries are much higher than those in the general population. This is a reflection of the fact that “only an estimated 2% of the global HIV prevention budget is directed at, or available to, MSM. MSM around the world face pervasive social and structural barriers [to knowledge about prevention care and treatment] because of stigma, discrimination and human rights violations”.

Add to these figures the devastating impact on the international response to the epidemic of the global financial crisis (GFC); the decline in subventions to fund the vital anti-retroviral treatments; and the hostility to MSM as a class, and a measure of the challenge before us will become plain. In our world, being MSM is usually a serious burden, at least so far as HIV is concerned. HIV falls on all sections of all communities, for it is simply a human virus. Yet in practical terms, it falls most heavily upon women and MSM.

Because of the epidemic, significant changes have happened in the last 30 years in the civic rights of MSM in many countries:

- \* In the United States, President Obama and Secretary of State Hillary Clinton have lately said and done many good things for civic equality, as have some legislatures and courts in this country;

- \* In the United Kingdom, Prime Minister David Cameron has been a specially precious voice because of his insistence that he respects and upholds the rights of gay citizens not *despite* the fact that he is a conservative, but *because* of that fact;
- \* In Australia, despite changes of government, we have held steadily to a generally bipartisan approach to MSM and HIV issues, both in domestic policy and foreign aid. Although there is progress still to be accomplished, we will probably muddle our way to good outcomes;
- \* In the United Nations, there has never been a time when so many leaders have spoken up, loud and clear, for empowering MSM for their own dignity and for the success of the HIV response. Ban Ki-moon, Secretary-General, recently described the violence and discrimination directed at people because of their sexual orientation or gender identity as “appalling” and a “monumental tragedy” and “stain on our collective conscience”, and a “violation of international law”. “To those who are lesbian, gay, bisexual or transgender” he declared: “You are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values the United Nations and I have sworn to defend and uphold. Today I stand with you ... and I call upon all countries and people to stand with you too.”<sup>3</sup>

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<sup>3</sup> G. Ayala, Executive Director MSMGF, Supplement n 2, 11.

- \* Even in previously hostile places, the voices of true leaders are now acknowledging the urgent necessity to change old ways of thinking, repeal old laws and terminate discrimination. The recently elected President of Malawi, H.E. Grace Banda, announced in recent months her proposal to end the criminal laws that target MSM. We must hope that this is the first of many changes, as age old prejudice gives way to scientific truth, rationality and effective epidemiology.

### *BUT THERE IS BAD NEWS TOO*

For all these signs of hope, we would be deceiving ourselves if we thought that recent years had brought a great turn around in the attitudes of societies, leaders and nations. Sadly, it is not so.

In the middle of 2011, at the General Assembly of the United Nations, I witnessed first hand the level of the hostility still directed by the global community towards MSM. I was reminded of this in recent days when reading the sobering account, just published in *The Lancet*, on “Men who have Sex with Men: Stigma and Discrimination”<sup>4</sup>. This analysis, written by scientists, sociologists and lawyers from Australia, the United States, South Africa, Hong Kong and Brazil, led by Professor Dennis Altman of Australia, shows what a long journey lies ahead.

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<sup>4</sup> Ban Ki-moon, Secretary-General, statement to Human Rights Council, 7 March 2012, Geneva, Switzerland. Available <http://www.un.org/sg/statements/?nid=5900> accessed 24 April 2012.

In their analysis there is a reminder of the fragile days in June 2011 at the General Assembly. The aim was to gather commitments to sustain the efforts of the international community, principally through the Global Fund to fight AIDS, Tuberculosis and Malaria, so as to treat the sick and to slow the spread of the virus. A century after the earlier research of Krafft Ebing and Havelock Ellis, and 70 years after the taxonomies of Alfred Kinsey, revealed that sexual and gender distinctions were just an ordinary natural variation in the human species, the ignorance and vehemence of the opposition was palpable.

Arab and African delegations, astonishingly led by Egypt then in the midst of its own revolution for equality and dignity, opposed the merest mention of MSM in the draft General Assembly resolution. They said that this would 'legitimise' a group, regarded by their religion and culture as illegitimate. Sadly, they were supported in their endeavours by the International Islamic Conference and by representatives of the Holy See of the Roman Catholic Church.<sup>5</sup>

I watched how the joint chairs of the General Assembly meeting (Australia and Botswana) struggled to avoid an outcome by which a key population, critical for the HIV epidemic, would disappear entirely from mention in the resolution of the world community. They fought valiantly for truth.

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<sup>5</sup> D. Altman, P. Aggleton, M. Williams, Travis Kong, Vasu Reddy, D. Harrad, T. Reis, R. Parker, "Men Who Have Sex with Men: Stigma and Discrimination", *The Lancet*, July 2012, 91-97. (Hereafter "Altman et al").

In the end, MSM were mentioned in the text<sup>6</sup>. But the opponents exacted a great price. As Dennis Altman and his colleagues describe it<sup>7</sup>:

“The 2011 General Assembly meeting on AIDS which mentioned MSM did not include them on the list of groups targeted for prevention. In the meeting, resources were demanded to pay particular attention to ‘women and girls, young people, orphans and vulnerable children, and migrants and people affected by humanitarian emergencies, prisoners, indigenous people and people with disabilities’ [But not MSM, nor sex workers nor drug users]. More importantly, the statement allowed any government to invoke its sovereignty to override any particular commitment to recognising rights it feels infringe national sovereignty or national laws.”<sup>8</sup>

Such hostility, demanding silence and exceptionalism, would be bad enough in terms of universal human rights, individual dignity and equality. In the context of an epidemic, for which developing countries on the front line were seeking funds from developed countries to target prevention effectively, this was an attitude of

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<sup>6</sup> Altman et al, 94.

<sup>7</sup> UN Political Declaration on HIV/AIDS: Intensifying our Efforts to Eliminate HIV/AIDS, General Assembly, 1948.

[http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/06/20110610\\_un\\_A-RES-65-277\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/06/20110610_un_A-RES-65-277_en.pdf) (accessed 26 January 2012).

<sup>8</sup> Altman et al, 96. See fn.7.



belligerent folly: insisting that the tap should be left running for distorted reasons of supposed culture and religion.

This is the real world in which we live in the midst of AIDS. It is as well that we know it and confront it. Starry eyed optimism will not change things. Different strategies are needed.<sup>9</sup>

#### *COMMONWEALTH EMINENT PERSONS GROUP*

Each of us, in our different ways must endeavour to advance these different strategies. We must do so because of the principles endorsed by the United Nations 65 years ago in the *Universal Declaration of Human Rights*<sup>10</sup>. In any case, we must do so in difficult financial times, to slow the spread of HIV, with its devastating national, community and individual consequences.

Between 2010-11, coinciding with the General Assembly Special Session, I was invited to serve on an Eminent Persons Group (EPG) established by the Commonwealth of Nations. The EPG comprised 10 distinguished Commonwealth citizens. The Commonwealth is an association of 54 member countries, freely connected to espouse shared values and to promote development in the lands that were once part of the British Empire. Today, the Commonwealth comprises 2 billion human beings, about one third

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<sup>9</sup> Ibid 98-102

<sup>10</sup> Adopted and proclaimed by the General Assembly, Resolution 217A (iii) of 10 December

of humanity. It shares the English language, similar institutions and sports. It explores the alleviation of poverty and economic disadvantage. The EPG was established to give advice on the future of this international family of nations, with its potential to do good beyond the geopolitics of much contemporary international discourse.

The Chair of the EPG was Tun Abdullah Badawi, past Prime Minister of Malaysia. Other members included Dr Emmanuel Akwetey (Ghana), Patricia Francis (Jamaica), Ms Asma Jahangir (President of the Bar, Pakistan), Samuel Kavuma (Uganda), Sir Malcolm Rivkind (U.K. past Foreign Secretary), Sir Ronald Sanders (Guynna), Senator Hugh Segal (Canada) and Sir Ieremia Tabai (first President of Kiribati).

Amongst the many priorities addressed by the EPG was the HIV epidemic. It soon became clear that HIV is a specific problem of Commonwealth countries: The level of infection being twice that of the rest of the world. This fact caused the EPG to examine why it might be so. And what could be done to reduce the HIV burden. This enquiry led, in turn, to a study of history. All Commonwealth countries had inherited from Britain criminal laws that impose severe punishments on sexual activities, even those that are conducted by consenting adults in private. The criminal laws specifically targeted MSM, sex workers and drug users. The EPG was eventually convinced that this was a serious impediment to a successful Commonwealth-wide initiative to address the HIV pandemic. This conclusion was re-enforced by a comparison of

the infection rates in non-Commonwealth countries and as between different Commonwealth countries that persisted with harsh laws against MSM and those that had (like Britain itself) repealed such laws.

The EPG report on this subject called for leadership by the heads of government of the Commonwealth nations. It was delivered to the Commonwealth Heads of Government Meeting in Perth, Australia, in October 2011. The fact that the report was unanimous and included the proposals of Commonwealth citizens from every continent, different professions, religions, cultures and backgrounds, strengthened the credibility of the report.

Addressing specific submissions that the EPG should recommend repeal of criminal laws against MSM (which persist in 41 of the 54 member countries), the EPG said:<sup>11</sup>

“We have... received submissions concerning criminal laws in many Commonwealth countries that penalise adult consensual private sexual conduct including between people of the same sex. These laws are a particular historical feature of British colonial rule. They have remained unchanged in many developing countries of the Commonwealth despite evidence that other Commonwealth countries have been successful in reducing cases

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<sup>11</sup> Commonwealth Secretariat, Eminent Persons Group, *A Commonwealth of the People – Time for Urgent Reform* (report of the EPG, Perth, October 2011).

of HIV infection by including repeal of such laws in their measures to combat the disease. Repeal of such laws facilitates the outreach to individuals and groups at heightened risk of infection. The importance of addressing this matter has received global attention through the United Nations. It is one of concern to the Commonwealth not only because of the particular legal context but also because it can call into question the commitment of member states to the Commonwealth's fundamental values and principles, including fundamental human rights and non-discrimination.”

Specifically, the EPG recommended that the heads of government should take steps to encourage the repeal of discriminatory laws that impede the effective response of Commonwealth countries to the HIV/AIDS epidemic, and commit to programs of education that would help a process of repeal of such laws<sup>12</sup>.

This recommendation and others were considered at the Perth meeting. They will not go away. They were referred to officials of Commonwealth countries to prepare recommendations for ministers. It is rumoured that these officials have sought to delete the foregoing recommendation and to insist on the right of countries to decide what laws are discriminatory and what steps they deem appropriate to address such laws. Civil society and international institutions are watching and pressing for action. The recent announcement by the President of Malawi is a hopeful sign.

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<sup>12</sup> Ibid, EPG report, 100 (recommendation 60).

Still the forces of hostility, antipathy and apathy remain strong. And, in many of the nations most affected, public opinion itself is a disincentive to action and presents a very serious governance dilemma in the national AIDS responses<sup>13</sup>. This is why MSM and bodies concerned in the epidemic must redouble their attention to strategic approaches to convert words into action. Words are not enough.

#### *GLOBAL COMMISSION ON HIV AND THE LAW*

Another body on which I served in 2010-12 was the Global Commission of HIV and the Law, established by the United Nations Development Programme (UNDP), under the leadership of Helen Clark, past Prime Minister of New Zealand.

The report of the Global Commission was delivered at the United Nations Headquarters in New York on 9 July 2012. Again, it comprised unanimous recommendations on the part of the commissioners. In this instance, they were 14 members, likewise from every continent and different backgrounds, professions and cultures. The chair of the Global Commission was Fernando Henrique Cardoso, past President of Brazil. Participants included the Hon. Representative Barbara Lee of the United States, Festus Gontebanye Mogae (past President of Botswana) and participants from Costa Rica, New Zealand, Brazil, Namibia, Papua New

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<sup>13</sup> P. Strand, "Public opinion as leadership disincentive: Exploring a governance dilemma in the AIDS response in Africa" (2012) 18 *Contemporary Politics* 174.

Guinea, Canada, India, Uganda, Thailand and Kenya. I added an Australian voice.

The UNDP report, *HIV and the Law: Risks, Rights & Health*<sup>14</sup> is a remarkable document for the breadth of its analysis and the scope and force of its recommendations.

I pay tribute to UNDP Administrator Helen Clark, the UNDP team led by Jeffrey O'Malley and Dr Mandeep Dhaliwal (who is present at this Forum). Of course, there were differences of emphasis amongst the commissioners. But in the end, with the support of an informed Technical Advisory Group and with the stimulus of regional dialogues and hundreds of submissions from all over the world, consensus was achieved on three subjects needing urgent attention:

- \* The law as it affects women and children, as human beings especially vulnerable to HIV;
- \* The law as it concerns particularly vulnerable groups, including drug users, sex workers, prisoners, refugees, MSM and transgender minorities; and people criminalised for causing HIV infection; and
- \* The law as it relates to intellectual property protection, with its large consequences for the costs of remedial drugs essential both for treatment and prevention of HIV, especially in poorer countries of the world.

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<sup>14</sup> UNDP, New York, July 2012.

Time does not permit a review of the many proposals by the UNDP Commission. It is now up to civil society throughout the world, and governments and officials everywhere, to consider, and act upon, the recommendations. The epidemic of HIV is urgent and life threatening. It has devastating consequences for individuals, the economies and societies of countless countries. It is essential that this United Nations report should not gather dust of the shelves but should be used as an advocacy tool for action. I hope that MSMGF will pick it up and pursue the themes in the report. They address areas where the law has been underutilised and areas of regulation where the law is part of the problem. On the specific topic of MSM, the report recommends:

- \* Repeal of all laws that criminalise consensual sex between adults of the same sex and/or laws that punish homosexual or transgender identity;
- \* Enforcement of respect for existing laws relating to privacy protection;
- \* Removal of legal, regulatory and administrative barriers to the formation of community organisations by and for GLBT people;
- \* Amendment of anti-discrimination laws to prohibit discrimination based on sexual orientation and gender identity; and
- \* Promotion of effective measures to prevent violence against MSM.

Because this is an instance of 'breaking news', I commend the report of the UNDP Global Commission to MSMGF and its networks around the world. Here is a strong, unanimous, powerful, well-informed international voice that adds to the demands for urgent action. Our task is to convert the words into deeds.

### *JAMAICA: A SPECIAL CASE*

Several of the commissioners of the UNDP Global Commission took part in the 'launch' of the UNDP Report in New York on 9 July 2012. I did not receive that call. But I was deployed 14-17 July 2012 in a country and a region that has been sorely afflicted by HIV and by violence against MSM, I refer to Jamaica in the Caribbean.

During my visit to that beautiful country, I was given every courtesy by relevant Ministers, heads of department, members of the United Nations family, the academic community, civil society and the judiciary.

The principal purpose of the visit was to participate in a judicial dialogue organised by the chief justice of Jamaica (Hon. Chief Justice Zaila McCalla). With her encouragement, a large cohort of judges and magistrates took part in an intensive discussion in Kingston about the challenges which HIV/AIDS presents to the legal system. I briefed them on the report of the UNDP Commission, then but a week old.



I have participated in dialogues of this kind in the past in many countries, including India and most recently Nigeria.<sup>15</sup> As is usual, a foundation was set for the dialogue by a thorough briefing on the dimension and patterns of the HIV epidemic in the country concerned. My last visit to Jamaica was in 1986, for a legal conference. At that time, the rate of HIV amongst MSM was 10%. Today it is 33%. This figure is all the more significant because of evidence that significant numbers of MSM in Jamaica engage in sexual activity with female partners. This fact increases the risk of the spread of HIV from MSM into the general population.

The rate of infection of HIV in the general population of Jamaica is 1.7%. In global terms, this is a very high epidemic: with great individual and economic significance for the country. Many of the countries of the Caribbean have high infection rates. Many display features of homophobia and violence against MSM that frighten this vulnerable communities into shame. This puts MSM out of contact with the messages and means of protection and prevention and the facilities for care and treatment.

Amongst the most concerning discoveries of my visit to Jamaica, a few stand out:

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<sup>15</sup> It was following the Indian judicial dialogues that the Delhi High Court in *Naz Foundation v Delhi and Ors* [2009] 4 LRC 838, struck down s377 of the *Indian Penal Code* 1860 as incompatible, in its application to consenting adults in private, with equality, privacy and other provisions of the Constitution of the Republic of India, 1950.

- \* There are very few, if any, resident heroes or champions for MSM. There are virtually no gay men who are leading citizens and who stand up and identify themselves as MSM. Of course, there have been very successful gay citizens in Jamaica and some have been widely known to be gay. But virtually all have kept their sexual orientation a dark secret: thereby conspiring in their own oppression. Even amongst the heterosexual community, there have been precious few proponents of reform of the laws affecting MSM. Even heterosexual professors of medicine, who know the scientific facts, have not really stood up. Very few, if any, in the musical, cultural, sporting and other groups in Jamaica have stood up and spoken out for science, truth and rationality.<sup>16</sup> These discoveries added to my sense of obligation to do so whilst I was in Jamaica, for default of necessary voices;
- \* Part of the reason for this brooding silence, is fear: sheer visceral fear. In the last three months in Jamaica 12 young MSM have been murdered. Some media voices have suggested that this does not matter much because this is 'gay on gay' violence, or an instance of 'crimes of passion'. All too often, this has been the response of media and politicians. In this, the response parallels a defect identified by the UNDP Commission report in the case of domestic violence against women. The vulnerable are subject to

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<sup>16</sup> There had been some recent champions, not themselves homosexual, but embracing the message 'straight but not narrow'. They have included Jamaican music performer Mista Majah P and singer, Dianna King (who revealed her sexuality on her Facebook page, following Caribbean artist Nhojj in 2009. See "The Inns and Outs of Jamaica" Huff Post Gay Voices (July 25, 2012) accessible: [http://www.huffingtonpost.com/kevin-childs/inns-and-out-of-jamaica\\_b\\_1683777.html](http://www.huffingtonpost.com/kevin-childs/inns-and-out-of-jamaica_b_1683777.html) (accessed 19 July 2012).

unpunished violence. It is the duty of police, courts, politicians and other officials to respond with energy to this violence. Apart from everything else, it is devastatingly harmful to the economy of Jamaica which lags seriously behind its large potential<sup>17</sup>;

- \* Although some glimmers of hope have been presented to this discouraging scene, including comments by the new Prime Minister (Hon. Portia Simpson-Miller MP) that she was unconcerned with what adults did in their bedrooms, the insertion of a new charter of rights in Jamaica's Constitution was achieved at a price in including "covering clauses" that purport to exclude the judiciary from judicial review, including on the issue of homosexuality. Whether such exclusion is valid, in the context of the fundamental principles of the Jamaica Constitution, remains to be seen.<sup>18</sup> But it has a tendency to cause timidity on the part of political leaders and caution on the part of the legal profession and judiciary;
- \* The hostility towards MSM extends even into educated members of the academic community. They seek to justify this by reference to their 'religion and culture'. At a symposium at the University of Technology, Jamaica, which I addressed, a questioner, identified as a faculty member in a law school of another institution, asked

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<sup>17</sup> "Jamaica at 50, on your marks, get set ... oh" *The Economist*, 21 July 2012, 13. (vol. 404, no. 8794).

<sup>18</sup> The "basic structures" doctrine was expressed by the Supreme Court of India in a number of decisions, commencing *Golak Nath v State of Punjab*, AIR 1967 sc 1643, 1658, 8-9, 1666, 1707; (1967) 2 SCR 762. It holds that the amendment power in the constitution is subject to consistency with the basic structure of the entire document.

whether my proposal for repeal of the colonial laws against MSM would not lead logically to decriminalisation of sex with animals. He saw an analogy between the love of MSM and sexual congress with dogs and other beasts. I told him that such analogies were deeply hurtful to those, like myself, who had been blessed with a long and loving partnership of 43 years with an MSM partner. And, anyway, the sex with animals carries no risk of HIV, so it was immaterial to the issue we had come to address. When I referred to the science of sexuality, some hostile participants at the back of the room shook their heads in denial and disbelief. In the face of such wilful ignorance, in such an audience, it is hard to know where the steps for change must start; and

- \* Most shocking for me, was the evidence of the level of hatred that sometimes exists in this beautiful land of music, sunshine and golden beaches. In August 1997, at the general penitentiary in Spanish Town, Jamaica, the prison governor raised the idea of condoms in prisons, seemingly a rational and beneficial response to the undoubted risk of HIV. I was to discover, that to this day, it is difficult to provide condoms in prison, although gaols are potential incubators of the epidemic<sup>19</sup>. The excuse is that distributors would be guilty of the crime of aiding and abetting the serious offence of buggery. Sadly, the governor proffered his condom remarks so that they could be interpreted as a slight on the masculinity of the guards and of the prisoners. Immediately, the warders began a strike in protest. They abandoned the

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<sup>19</sup> UNDP Report above n.1, 55

prisoners. The prisoners themselves were also heard to protest vehemently their denials of sexual activity, MSM. In affirmation of that denial, they rounded up 16 of their fellow prisoners, suspected of being MSM. They bound them by hand and by feet. They led them into cells stacked with bedding and other flammable material. They set light to his material and burned the suspected MSM prisoners to death. All this to affirm their masculinity. Few voices of religion or the churches were raised. These happenings show the extent to which hostility and antipathy towards MSM runs deep in Jamaica.<sup>20</sup> This was 15 years ago. But the result has been a disinclination of politicians to face the practical problem of affording condoms to prevent the spread of HIV in Jamaica's prisons. Or to take other necessary and remedial steps. Reportedly, for default of condoms, plastic shopping bags are being used. Many will throw caution to the winds in the face of such difficulties and hostility. Violence, risk-taking and danger accompany the spread of HIV. This is the reality for some MSM in Jamaica<sup>21</sup>. A sense of real urgency to face the necessities is not immediately apparent. Religion and culture are given as excuses.

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<sup>20</sup> B. Andriette, "Horror in Jamaica: 16 men burned and stabbed to death in anti-gay prison riots", accessible: <http://www.gaytoday.com/garchive/world/100997wohtm> (accessed 26 July 2012).

<sup>21</sup> Ibid at 55 quoting Maurice Tomlinson (Jamaica) at Caribbean regional dialogue (April 2011).

## *THE TIME IS OUT OF JOINT*

Being here, on the opposite side of the world to my partner Johan, we have kept in touch. He is a source of love and common sense in a sometimes discouraging world. I telephone him to wake him. He returns the favour, from the far side of the globe. ‘What are you doing there?’ he asks. ‘You will not be able to change much, if anything’. But when I tell him of my visit to Jamaica and the dangers and disadvantages faced there by MSM and others. Then the practical sense of his Netherlands’ forebears kicks in. “Raise your voice” he says. “Lift your voice against irrationality. It is all that we can do”. We all must do that in the face of this epidemic.

I have been involved in the HIV epidemic since 1984. I was here at the last meeting in Washington. Progress has been made in bioscience and social science. We must continue to remain true to the original instruction of Jonathan Mann. We must never allow this world conference to be handed over entirely to bioscience. This is a peculiar, complex epidemic. It needs the insights as well of social scientists, lawyers and civil society, including the MSMGF.

When there is so much hate in the world, it is easy to give way to despair. When we witness a nation rising against autocracy but demanding silence about a love that must still not speak its name, it is easy to give up. When we hear that the Holy See and Africa demand silence about MSM when they are indisputably at the centre of this epidemic, we could weep. When we learn of prisoners in Jamaica who hated their fellow inmates so much that they could bind them, lock them

in cells and burn them to death, we know the level of the fierce animosity that we confront.

Still, we also know that every human being is genetically programmed, in some way or other, to express their sexual reality. And that, if this is part of the hard wiring of humans and, if addressed to people of adult years, expressed in private, it is what nature (or God) intended it to be, we know that this is part of the universality of human identity and of basic human rights. We also know that it is a truth essential to successful responses to a dangerous epidemic that continues to afflict our world and millions of people in it.

Gathered here in Washington, we look about us again. We look at the AIDS Quilt. We remind ourselves of those who have been lost and those who have been saved by the interaction of medical and social science. We look at the names in the Quilt once again. We affirm that we will tell the truth. We will reach out to all, in human friendship. We will become more strategic. But we will never give up. And we will never let the vulnerable down.

I close with a poem by a great Australian Aboriginal poet, Kath Walker (Oogeroo of the Noonuccal). In her poem, she was speaking to her own people, sorely afflicted by laws and attitudes, likewise often products of patriarchal approaches to the world and the human beings within it. The

poem is a “Song of Hope”.<sup>22</sup> With a little adaptation it begins and ends in words from which we too can take encouragement and hope:

“Look up my people.  
The dawn is breaking.  
The world is waking.  
To a bright new day.  
When none defame us.  
No restrictions tame us.  
No cause to shame us.  
Nor sneer dismay.

To our fathers fathers, the pain the sorrow.  
To those that follow, the bright tomorrow.

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<sup>22</sup> Kath Walker (Oogeroo of the Noonuccal) *Song of Hope*, in *Collected Poems*