

By **SOSTHENES
MWITA**

IN 2005, a national report on the prevalence of HIV/AIDS showed that by the end of 2004 it was estimated that 1.3 million Tanzanians had fallen victim to the virus, with the infection rate standing at seven per cent among the sexually active age groups.

The pandemic was declared a national hazard way back in 1999. However, a string of well-sustained nationwide campaigns by the state, NGOs and other stakeholders in the welfare of Tanzanians have whittled down the infection rate, but the struggle continues.

The initial HIV testing campaign took off on July 14, 2007. What followed was a rigorous, heart-felt initiative that eventually saw some light at the end of the tunnel. The struggle got massive funding from generous donors at home and abroad.

However, some people charge that some NGOs, institutions and individuals misappropriated donated funds that target alleviating the predicament of AIDS orphans and People Living With AIDS (PLWA).

Some were bitter that most of the money was being spent on seminars, travel allowances and snacks. The general demand was that all donated AIDS funds be channeled through the Ministry of Health and Social Welfare instead of falling into the hands of officials from TACAIDS, Global Fund or other NGOs.

Other people were of the view that all PLWA be given condoms free of charge. The general belief here was that the move would help whittle down fresh HIV infections. This was done albeit to a limited extent.

The situation prompted the nation to introduce a law that stated that: "Any person who intentionally transmits HIV to another person commits an offence and on conviction the culprit shall be liable to life imprisonment."

The felony amounted to gender violence and was partially what the HIV and AIDS Prevention Control Act (2007) sought to curb.

At the moment, the AIDS law remains in place but some people believe that it has failed to stem the rot.

The law is tailored to provide incisive prevention, care and control of HIV and AIDS and promotion of public health to persons living with HIV and AIDS. The law appears to work, for, the spread of HIV has come to a more manageable level at about five per cent.

It is legally known as The

HIV and AIDS Prevention Control Act (2007). It stipulates that “Any person who willfully breaches any provision relating to safe procedures and practices commits an offence and on conviction shall be liable to a fine of not less than 200,000/- or three months imprisonment.

However, it adds that, “A person shall not be compelled to undergo HIV testing and that pregnant woman and every person attending a health care facility shall be counseled and offered voluntary HIV testing.”

It also asserts that all health practitioners, traditional birth attendants and any other person attending patients shall be encouraged to undergo HIV testing. “Any health practitioner who compels any person to undergo HIV testing or procures HIV testing to another person without the knowledge of that other person commits an offence.

However, the Act points out that, “this can happen if the sick is unconscious and unable to give consent. The medical officer reasonably believes that such a test is clinically necessary or desirable in the interest of the sick person.

“The results of such test shall be confidential and shall be released only to the person tested or to the parent or guardian of a child; the spouse of the sick or a recognized guardian. The results can also be given to a sexual partner of an HIV tested person or a court of law – if applicable.”

