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WESTVILLE PRISON: EVERYONE HAS THE RIGHT TO LIFE AND DIGNITY

TAC CALLS FOR LEADERSHIP AND IMMEDIATE ACTION ON THESE DEMANDS

1. An emergency and a long term plan for Westville Correctional Centre and for all prisons to access to HIV testing, counselling, antiretroviral therapy, proper nutrition and treatment of opportunistic infections.
2. Prison hospitals need to be accredited as ARV sites and get sufficient funding, support, human resources and drugs from the Department of Health.
3. Health in prisons must be placed under direction and management of the Department of Health.
4. Local health facilities in every province (clinics, community health centres and day hospitals) must accredited and supported to provide ARVs to deal with the long waiting lists and demand for life saving medications. Hospitals cannot cope with the load.
5. Government must respect of the rule of law, the authority of the courts and constitutional rights of all people to health, life and dignity.
5. Health Minister Manto Tshabalala-Msimang must be fired for HIV/AIDS denialism and incompetence, and an investigation into mismanagement of HIV/AIDS programmes and funds within the department of Correctional Services under the leadership of Minister Ngconde Balfour including investigation for the deaths of inmates.

WE ARE TAKING ACTION – JOIN TAC!!!!

- **Protest at Human Rights Commission Cape Town offices 18th August.** TAC demands that the SAHRC conduct an investigation into violations of the human rights of prisoners living with HIV in South African prisons, in particular the death of MM and other inmates who died of AIDS. This should also be done by the Judicial Inspectorate of Prisons.
- **Urgent application to the Durban High Court to stop government contempt of court in Westville Prison Case.** This case will be heard at the Durban High Court. Government has deliberately undermined the Court, smeared the Judge and disobeyed the Court order.
- **Global Day of Action - Thursday 24th August 2006.** All concerned people and organisations are invited to support the day of action to demand the human rights of prisoners and all people living with HIV and AIDS, the dismissal of the Health Minister and for political leadership on AIDS. For more information on how you can join this campaign contact the TAC national office on 021 788 3507 or email info@tac.org.za

BACKGROUND

Westville Correctional Centre situated in Durban, KwaZulu-Natal, one of the regions worst affected by the HIV/AIDS epidemic in the world. Many prisoners held at Westville have HIV or AIDS, and many are dying.

Since October 2005, the AIDS Law Project and TAC have assisted inmates to access HIV/AIDS treatment. The Department of Correctional Services refuses TAC access to prisoners to conduct HIV/AIDS education, treatment literacy and treatment preparedness workshops. DCS refuses TAC help to get ARV treatment to inmates.

Fifteen prisoners and TAC represented by the AIDS Law Project took government including the Departments of Health and Correctional Services to court. On 26 June 2006, Judge Pillay of the Durban High Court ordered government to “remove the restrictions that prevent... the applicants and

all other similarly situated prisoners at Westville Correctional Centre, who meet the criteria as set out in the National Department of Health's Operational Plan for Comprehensive HIV and AIDS Care, Management and Treatment for South Africa, from accessing Anti-Retroviral Treatment at an accredited public health facility.... and that [government] is ordered with immediate effect to provide anti-retroviral treatment to the applicants and all other prisoners at Westville.. at an accredited public health facility.

The state appealed this judgment first on the grounds that the judge must recuse himself because his daughter was an attorney that helped to serve papers, and then on the grounds that they are doing enough inmates with HIV. The Judge granted them leave to appeal but ordered that they must immediately begin the treatment for those prisoners that need it, and that government must produce a plan for the court about how they will do this. The deadline for this order was 14th August. Government refused to produce a plan and they have disobeyed a direct order from the court. Instead they again appealed. This is an utter disregard for the rule of law in our country and disregard for the right to life, dignity and health.

Since the judgment, one of the applicants of the case known as "MM" has died. More than 110 other prisoners died of AIDS in 2005. Prisoners are dying in their cells, and in the prison hospital ward. Many have untreated opportunistic diseases such as TB and thrush. Some of them cannot walk, wash or eat food by themselves as they are so sick. The DCS has done little to help these people.

THE PROBLEMS THAT PRISONERS WITH HIV FACE

1. Poor Nutrition - *There are only two proper meals a day; breakfast and lunch. In the afternoon, the inmates get 5 slices of bread and a cup of juice till the next morning. The quality and quantity of food is unhealthy. The food is badly cooked. Inmates get one fresh fruit once per week. Those who need to take evening TB medication do not have a proper meal it, and there are problems taking some TB drugs on an empty stomach. First-line ARVs can mostly be taken without a meal but good nutrition is essential for health.*

2. Limited access to health services in general *Health services are of a very poor quality, and often they are inaccessible to sick prisoners. The Westville clinic experiences serious problems such as understaffing and drug shortages. Often it takes a long time to get medicines once they are prescribed by a doctor. Basic drugs such as painkillers are often out of stock. Because of stock shortages there can be interruptions in treatment which is a serious problem in the case of TB and HIV medication.*

3. Inadequate HIV Care and Support, CD4 tests, and ARV treatment - *We have the names of more than 46 prisoners with HIV who have CD4 results of less than 200 and have serious symptomatic illnesses. They have AIDS. Most should have started ARVs a long time ago and its is almost three years since government adopted a treatment plan. Some prisoners have started ARVs only recently, and in some cases too late. Many prisoners have died due to AIDS related illnesses. Prisoners who have started on ARV therapy are not properly monitored, some of their medical files are getting lost. They have not had proper counseling or treatment awareness. Prisoners who are on treatment are at the whim of the DCS to take them to their appointments at King Edward hospital – many have missed appointments when there are not sufficient DCS staff to escort them. Most inmates with HIV related illness are going untreated and many die in the Westville clinic or in their cells.*

4. Bad health conditions, TB and treatment of other opportunistic infections - *Prisoners do not get enough blankets. They only get cold water to wash, and many struggle to get clean. There is a high TB rate in prison. Many prisoners are on TB medication but are not properly monitored or managed. There are serious cases of TB which go unchecked, and some may have multiple drug resistant TB (MDR). Basic drugs for the treatment of HIV opportunistic infection, skin infections and cold and flu are not available to prisoners that need these. For example - Fluconazole is often not available to treat oral and oesophageal thrush.*

5. No medical parole - *The prison appears to have suspended all medical paroles for people very sick with AIDS. Medical parole is released from prison when inmates are very sick, so they can be cared for their families, and in terminal cases, they get to die with dignity. Instead prisoners are dying in their cells and in the prison clinic. In the past there was no support for families when people are released sick.*