

# TAC Electronic Newsletter

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## Dealing with the Department of Correctional Services appeal in the Westville Prisoners matter

*(The court papers and other related materials in this case are available [here](#).)*

The Department of Correctional Services (DCS) has filed an appeal against a Durban High Court judgment compelling Westville Prison to speed up providing antiretroviral (ARV) treatment to all inmates who need it. The order was granted by Judge Thumba Pillay on 22 June 2006 after 15 inmates and TAC, represented by the AIDS Law Project (ALP), argued an urgent application on 30 May 2006. The Court found for the applicants and ordered the prison to remove any barriers delaying access to ARV treatment. The order was granted against the head of Westville Prison, the minister of correctional services, the department's area commissioner for KwaZulu Natal, and both the provincial and national ministers of health.

The DCS has applied for leave to appeal to a full bench of the provincial division of the KwaZulu Natal High Court or, alternatively, the Supreme Court of Appeal. It will be heard on Thursday 20 July 2006. The appeal was anticipated and so the ALP will on the same day apply to have the order executed until the outcome of the appeal is decided. An interim execution of Judge Pillay's order would ensure that Westville's HIV positive prisoners have access to treatment during the lengthy appeal process.

Most of the prisoner applicants have not started treatment. The health of a number of the prisoners is very poor and they require ARVs. There are also concerns by the prisoners' health practitioners that the prison diet is inadequate, especially for people with HIV.

The Constitution requires a commitment to ensuring basic human rights for all South Africans, including prisoners. The state is legally and constitutionally bound to provide adequate medical treatment to prisoners in need. The TAC repeats its warning to the Minister of Health that her legal predicament will become extremely serious should one of the prisoners die because of failing to start ARV treatment or starting too late.

[END OF WESTVILLE PRISON REPORT]

## **TAC march in Khayelitsha against violence against women and children**

On 16 June 2006, about 4,000 TAC members marched through Khayelitsha to call for an end to violence against women and children. The marchers chanted slogans including "Declare zero tolerance for violence against women and children".

The marchers handed over a memorandum at Site B police station. One of their demands was for political leadership by the presidency and legislature to fast-track the Sexual Offenses Bill as well as an end to the apathy to violence against women by the police and the legal system. This was followed by a meeting which included drama and music to bring attention to violence against women and children.

TAC has followed up on the march by running workshops in Khayelitsha schools to bring attention to violence against women and children.

In 2003, TAC Khayelitsha member Lorna Mlofana was raped and murdered. Two years of campaigning by TAC helped bring about a successful conviction of the perpetrators. Late last year, another TAC Khayelitsha member, Nandipha Matyeka, was murdered. Again the Khayelitsha district is campaigning for a successful prosecution. Abuse of women and children remains one of the foremost concerns of TAC Khayelitsha district members because of high levels of violence and rape in the area. But the high incidence of rape in Khayelitsha is not isolated, it signals a national crisis which requires greater political leadership than has so far been displayed.

## **Rape Statistics collected by Simelela Rape Crisis Centre in Khayelitsha - June 2006**

Number of rapes reported to the centre: 45 (44 females, 1 male)

Number younger than 12: 8

Number 12 to 18 years: 12

Number older than 18: 25

Number who reported rape within 72 hours (cutoff time for post-exposure prophylaxis): 39

[END OF KHAYELITSHA REPORT]

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