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AIDS Law Project statement: Defend ethical doctors from unethical politicians

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DEFEND ETHICAL DOCTORS FROM UNETHICAL POLITICIANS
DR MALCOLM NAUDE GOES TO LABOUR COURT TO CHALLENGE DISMISSAL IN 2001 FOR PROVIDING ARVs TO RAPE SURVIVORS

On Monday 12th May 2008, Dr Malcolm Naude is going to trial in the Labour Court in Braamfontein to challenge his unfair dismissal by the Department of Health in Mpumalanga in 2001. Dr Naude believes his dismissal as a medical officer at Nelspruit?s Rob Ferreira hospital was unfair discrimination arising from his acting in accordance with his conscience and medical best practice in prescribing anti-retroviral treatment to rape survivors.

In early 2000 the Nelspruit hospital staff (including doctors and nurses), the South African police services and the Greater Nelspruit Rape Intervention Project (GRIP) jointly established a rape crisis centre.

Part of the service included funding doctor?s prescriptions for anti-retrovirals (ARVs) to rape survivors. At the time, the Mpumalanga Department of Health opposed the prescribing of ARVs and issued an instruction that hospital doctors were not permitted to do so. Dr Naude and other doctors believed this was an unwarranted interference in the exercise of their professional discretion in making clinical and ethical decisions in the care and treatment of patients. They continued to prescribe ARVs where this was required.

In February 2001, the Mpumalanga DOH requested GRIP to vacate the care-rooms where it provided services at the hospital. It also started legal proceedings against GRIP to prevent it from operating in the hospital. In June 2001 Dr Naude provided an affidavit in support of GRIP?s case opposing the eviction. In response the Mpumalanga DOH terminated his services.

Attempts to settle this case have been spurned leaving Dr Naude with no option but to pursue it in the Labour Court. Although the dismissal took place seven years ago, the issues clearly remain relevant given the current attacks by the KZN MEC for Health on rural doctors in Manguzi.

Stand by Our Doctors!

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