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Letter from international health and human rights experts to Mbeki and Zuma on the need for a human rights approach to TB

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Dear President Mbeki and ANC President Zuma**,**

On the 3rd of July at the South African National Tuberculosis (TB) Conference in Durban, Mr. Thami Mseleku, Director General of the Department of Health, stated publicly that: ?human rights are not relevant to the considerations of health policy in a developmental state?. As international health and human rights experts, we are extremely disturbed that someone holding such a central post with responsibility for health in South Africa would express such sentiment and display such a fundamental misunderstanding about human rights as a critical foundation of the health response in developing countries. The realization and protection of human rights is fundamental to reducing people?s vulnerability to infection, disease and mortality, as well as to reduce morbidity and other negative consequences of disease, e.g. discrimination, loss of employment and social support, wrongful imprisonment.

His statement comes more than two years after world leaders ? including the South African government ? officially reaffirmed their commitment to the full realization of human rights and fundamental freedoms as an essential element of the global response to HIV/AIDS. Mr. Mseleku?s comments were made as a direct criticism of a presentation by Mr. Mark Heywood, Deputy Chairperson of the South African National AIDS Council, which clearly outlined the legal obligation of the South African government to implement an effective, reasonable and rights-based response to health needs in the country. As you know, the human rights to life, dignity, equality and privacy, as well as the rights to acces to food, water, housing, healthcare and social security are guaranteed under the South African Constitution, and all organs of the state are obliged to respect, protect, promote and fulfil those rights. In addition, South Africa is a signatory to many international conventions and covenants on human rights, which address socio-economic rights, including the right to health.

The success and sustainability of any health policy or programme in any country is, to a large extent, dependent on its consideration of the human rights of all the people it affects: patients, health care workers and the general public. This is particularly true for both TB and HIV, which disproportionately affect poor, marginalized and vulnerable populations, whose civil, social and economic rights are often in jeopardy before they are struck by these diseases. Neglecting the State?s duty to ensure the realization of human rights not only renders such populations more susceptible to these epidemics and their effects, but also impedes their access to essential interventions. For instance:

- Poor people often live in substandard and crowded housing without proper ventilation which promotes the spread of TB;
- The nutritional status of poor people can affect their susceptibility to active TB disease;
- Women and girls face widespread discrimination and gender-based violence, including domestic violence, that fuels their HIV risk and impedes their access to vital health information and services;

- Children and youth lack unfettered access to HIV and TB information, sexual and life-skills education, and pediatric formulations of HIV medicines;
- Marginalized populations, such as people who use drugs and sex workers, are driven from HIV and TB services by discrimination and violence, often at the hands of police officers and judges charged with enforcing narcotics and prostitution laws;
- People living with HIV continue to face discrimination and violence, losing their jobs and homes and being rejected by their families and community.
- Incarceration of TB patients against their will and under conditions that do not respect their human rightS can drive people with TB away from health services and expose other patients and health care workers to TB nosocomial transmission.

We call upon Thami Mseleku to reconsider his comment that human rights are not relevant to the considerations of health policy in a developmental state. In particular, to the extent that he was asserting that this view is or should be reflected in South African health policy, we would call on you to publicly affirm that both government and ANC policy reject such an approach.

We are also calling upon you both to reaffirm South Africa?s commitment to human rights, not only in health, but across the spectrum of the work of your government and your party. Free and fair elections are one measure of a democratic, progressive state. The promotion and fulfilment of people?s civil, political, social and economic rights is the highest goal to which political leaders of all parties should aspire.

Yours truly,

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