

## **Speech at the Launch of SECTION27**

Adila Hassim, 7 May 2010

Welcome and thank you for joining the launch of SECTION27. Everybody here this evening is important to us, but we would particularly like to acknowledge:

- Edwin Cameron, founder of the ALP
- Comrade Vavi
- Our international visitors, Judge Chandrachud of the Bombay High Court, Bernadette Devlin McKaliskey, legendary social justice activist, Deidre McKaliskey, member of HRC Northern Ireland, Anand Grover, UN Special Rapporteur on Health, Li Dan and Tingting Shen from the Korekata Law Centre in Beijing, Scott Burris, Temple University, Lymor Goldstein, a peace activist and lawyer from Israel

Today is an important day for us.

We are closing the ALP, not because we have failed and not because we have succeeded, but because we want to contribute to revitalising struggles for AIDS treatment, health and human rights. Over the last decade and a half the AIDS Law Project has helped many people realise their Constitutional rights.

- We have used the Competition Commission to force pharmaceutical

companies to lower the prices of life-saving medicines.

- We have helped reduce discrimination against people with HIV in the workplace, as well as by insurers and medical schemes.
- The 2004 case to demand publication of the ARV Treatment Plan (which we know was called Annexure A but which Manto denied existed) reinforced the duty upon the state to communicate transparently and share its plans and information.
- The contempt of court proceedings against the MEC for Health in Mpumalanga following the PMTCT case and the proceedings initiated for interim procurement of antiretroviral treatment in 2004 helped seal the availability of antiretroviral treatment.

Today we celebrate about 1 million people on ARV treatment, representing a million lives saved. This is in part because of the joint work of the ALP and our closest partner over the last 10 years, the TAC. But it is equally because of brave doctors, activists and the pressure of COSATU during the dark years of Mbeki-inspired denialism. Many millions more will need treatment over the next few years. Ensuring that there are no more moratoriums, like the one in Free State in 2009, and that the targets of the National Strategic Plan on HIV are met and, indeed, improved upon after the current plan ends in 2011, will be a fundamental part of our work.

South Africa is fortunate to host so many organisations that are dedicated to upholding human rights. As we look to the future we also acknowledge the essential contributions of other public interest law organisations who have often worked with us. This is not a solo mission for a single organisation: the LRC, SERI, CALS, Women's Legal Centre, Lawyers for Human Rights and Probono.org are vital partners. But so too are the social movements and trade unions that represent poor people. COSATU is a vital ingredient to sustaining and deepening democracy in SA. The Constitution and constitutional law is not about small bands of lawyers, but about large movements of people working within the law to bring about change.

In the past our litigation has set precedents on the rights to life, dignity and health with direct consequences for poor and vulnerable people as well as for governance. But as importantly the ALP's work has exemplified how lawyers can work with social movements and combine litigation and mobilisation to fight for and achieve social justice.

## **Why?**

So why are we becoming SECTION27? What is the significance of this change of name, and the incorporation of the AIDS Law Project into a new entity? It has become increasingly clear to us over the last few years that the right to medical treatment cannot be separated from the right of access to health services, which in turn cannot be separated from access to social

services, shelter, nutrition, water.

Increasingly our work has had encompassed all these issues, such as our work with the homeless refugees at the Central Methodist Church. Equally, failures of governance undermine Section 27 of the Constitution, as the Nyathi case dealing with payment of damages awarded by the courts so clearly demonstrates.

But make no mistake, our focus on AIDS will continue. AIDS is central to our work. The TAC is central to our work, is part of our family. It is a misconception that the additional human rights and law that we plan to work on will dilute our AIDS work; it will complement and strengthen it. It will address the social determinants of health.

For example, it would be impossible for Medecins Sans Frontieres to continue providing health services to the Central Methodist refugees if those refugees are arbitrarily evicted: the right to shelter and the right to health services cannot be separated in that case.

Our work has been successful because of our great partners. In addition to TAC, we have also formed strong bonds with Students for Law and Social Justice, Health-e, the Central Methodist Church, Medecins Sans Frontieres, the Rural Health Advocacy Project, Equal Education and Community Media Trust. We look forward to building relationships with organisations like the Social Justice Coalition.

## **The right to basic education**

Although we are called SECTION27 we are also concerned about section29. Health and education are neighbours in life and in our constitution.

A key part of SECTION27's work will be to provide support to an organisation called Equal Education. EE has made great strides in a short period of time. It is an organisation that comes out of the tradition of the TAC. It is combining grassroots mobilisation with high quality research, savvy use of the media and legal expertise to address the ghastly South African education system. Already they have had successes campaigning in Khayelitsha for the broken windows at Luhlazo High School to be repaired and for an end to late-coming. Currently they are engaged in a struggle for the right to school libraries where they are encountering government intransigence not dissimilar to that encountered by TAC in the 2000s. Hopefully though library-denialism will not replace AIDS denialism!

A grotesquely unequal and dysfunctional education system was arguably the worst legacy of apartheid. But it has been made worse by a series of missteps since 1994. Our poor education system blocks the realisation of dignity, active citizenship, real economic development that benefits poor people and good governance. Perhaps one of the reasons former President Mbeki was able to impose his AIDS denialist views on South Africa was because of a lack of decent science education. One of the great

achievements of the TAC's work was to successfully implement HIV treatment literacy, a form of adult education that helped mobilise people to realise their health rights. So education too cannot be separated from the realisation of the right to health services.

### **Governance:**

South Africa faces huge challenges of inequality and governance.

Responsibility for good governance and reducing inequality is not solely the preserve of the state; the private sector has duties too, duties which it is often failing to meet. Be assured that our work will increasingly involve tackling the private sector – not for ideological reasons but because private power and wealth must meaningfully contribute to the transformation our Constitution demands. And it must certainly not block it.

There are undoubtedly promising political signs: Minister Motsoaledi is showing political courage and leadership in the struggle against AIDS. The trade union movement, led by our partner COSATU, continues to be a strong voice for the rights of working people. There is a renewed commitment in some quarters of government to improving service delivery.

Nevertheless, we are all concerned about some aspects of the political direction of the country which manifests in service delivery failure, improper tenders and self-enrichment with state resources.

The progressive civil society organisations represented here today are crucial to holding government to account. In many ways, we are the main barrier to the worst abuses of the state. Our combined role is critical to improving governance. We have to become better at working together, at flexing our collective muscle. We have to speak out and protest against failed service delivery, tender corruption, tax evasion and the language of hate that has emanated from some political leaders. But most of all we must find a common way forward that brings about delivery and social improvement.

Our role in building a better country, in enforcing the rights enshrined in our Constitution, in realising the rights of Section 27 of that great document, is more critical than ever.

Thank you.

ENDS