



**AIDS law
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04 June 2008

Dr Zola Skweyiya
Minister of Social Development
Private Bag X901
Pretoria 0001

Per fax: 012 325 7071 and per e-mail: dikeledid@socdev.gov.za

Dear Minister

**REQUEST FOR A MEETING – PREVENTION OF AND TREATMENT FOR
SUBSTANCE ABUSE BILL**

1. The Treatment Action Campaign (TAC), the AIDS and Rights Alliance for Southern Africa (ARASA) and the AIDS Law Project (ALP) would like to request an urgent meeting with you to address our concerns in relation to the Prevention of and Treatment for Substance Abuse Bill [B 12 – 2008].
2. The Bill – which is currently being processed in Parliament – fails to incorporate HIV harm reduction measures, as recommended by the national *HIV & AIDS and STI Strategic Plan for South Africa, 2007-2011* (NSP). Simply put, it fails sufficiently to recognise the links between substance use, HIV/AIDS and other infectious diseases. It also fails to include key interventions to prevent and treat substance use and its associated harms.
3. In our written and oral submissions on the Bill, we recommended that the introduction of harm reduction measures be included in the Bill. At the public hearings in Parliament, however, there seemed to be much reluctance on the part of the Portfolio Committee to implement such measures. More recent deliberations by the committee suggest some movement, although at this late stage in the process it is unclear what can be done if the current deadlines are to be met.
4. Our concerns on this issue were tabled at the most recent plenary meeting of the South African National AIDS Council (SANAC). They were to have been considered by an urgent meeting of the Inter-Ministerial Committee on AIDS (IMC), which was to have met yesterday. Unfortunately, that meeting was postponed indefinitely. Attached to this letter is a copy of the TAC/ARASA request for the matter to be tabled at the SANAC Plenary. It sets out our concerns arising from the parliamentary hearings, noting in particular as follows:

Board of Directors: Ms V. Dubula (Chairperson), Justice J. Kriegler (Deputy Chairperson), Mr N. Ndlovu (Treasurer), Prof. Q. Abdool-Karim, Mr A. Achmat, Dr B. Brink, Prof. S. Fonn (ex-officio), Mr M. Heywood (Executive Director), Prof. P. Kruger, Prof M Pieterse (ex-officio), Ms T. Steele

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is formally associated with the School of Law at the University of the Witwatersrand, Johannesburg.

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Harm reduction programmes are not only beneficial through the reduction of the spread of infectious diseases such as HIV/AIDS and hepatitis C; but have also been proven – in a wide variety of contexts – to benefit broader societal interests by decreasing illicit drug use and decreasing criminal activity associated with drug use. Furthermore, scientific evidence has demonstrated that harm reduction programmes have been associated with higher rates of recovery among long-term substance-using populations, as they allow for ongoing engagement between the chronic user and health services, allowing him or her sustained access to educational interventions and referrals to treatment and rehabilitation services.

5. In our view, your urgent intervention is needed to ensure that the processing of the Bill does not take place in a manner that undermines the NSP and our collective response to HIV and AIDS.
6. We look forward to your speedy response.

Yours sincerely

Mark Heywood
Executive Director: AIDS Law Project
Deputy Chairperson: SANAC

On behalf of the TAC, ARASA and ALP

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