

## Appendix A: Key Developments in Politics, Law and AIDS

KEY DEVELOPMENTS IN POLITICS	KEY DEVELOPMENTS IN LAW	KEY DEVELOPMENTS IN AIDS	KEY ALP SUBMISSIONS & SEMINARS
<b>8 August 2007:</b> Dismissal of Deputy Minister of Health, Nozizwe Madlala-Routledge.		<b>1 December 2006:</b> Presidency announces Record of Agreement on restructuring of South African National AIDS Council (SANAC).	
		<b>23 February 2007:</b> First meeting of SANAC's Law & Human Rights Sector.	
		<b>30 April 2007:</b> First Plenary meeting of SANAC: National Strategic Plan on HIV & AIDS and STIs (NSP) is endorsed.	
		<b>3 May 2007:</b> Cabinet adopts NSP as official policy.	
		<b>5 – 8 June 2007:</b> 3rd South African AIDS conference in Durban.	
<b>8 August 2007:</b> Dismissal of Deputy Minister of Health, Nozizwe Madlala-Routledge.			<b>21 August 2007:</b> 11th Joint Civil Society Monitoring Forum (JCSMF) meeting resolves that Department of Health (DoH) Human Resources for Health Plan is inadequate and should be challenged.
		<b>10 September 2007:</b> SANAC Plenary meeting; Mark Heywood confirmed as deputy chairperson.	<b>4 September 2007:</b> ALP/TAC oral submission to Parliament on Correctional Services Amendment Bill.
		<b>16 November 2007:</b> South Africa's application to Round 7 of Global Fund fails.	

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<p><b>16 – 20 December 2007:</b> ANC's 52nd National Conference: Jacob Zuma replaces Thabo Mbeki as party president.</p>		<p><b>28 November 2007:</b> SANAC Plenary meeting: Deputy President and Director-General of Health (DG) commit government to finalising revised PMTCT protocol within two weeks.</p>	
<p><b>30 January 2008:</b> Central Methodist Church raided by police. Over 300 people – mostly Zimbabwean refugees and asylum seekers – arrested and detained.</p>			<p><b>18 January 2008:</b> 12th JCSMF meeting: Calls for immediate announcement of new PMTCT protocol. Also raises concerns about upcoming ARV tender.</p>
		<p><b>11th February 2008:</b> National Health Council (NHC) adopts amended PMTCT protocol.</p>	
			<p><b>18 March 2008:</b> Memorandum submitted to DoH on concerns relating to 2008 ARV medicine tender specifications. <b>19 March 2008:</b> Memorandum to ANC on drug resistant TB. <b>25 March 2008:</b> Written submission to Department of Justice &amp; Constitutional Development on draft regulations in terms of Criminal Law (Sexual Offences and Related Matters) Amendment Act.</p>

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<p><b>12 May 2008:</b> Xenophobic attacks break out in Gauteng and later in Western Cape.</p> <p><b>30 May 2008:</b> Constitutional Court issues statement on complaint to Judicial Service Commission (JSC) alleging Justice Hlophe improperly tried to influence two judges in Jacob Zuma matter.</p>	<p><b>8 April 2008:</b> TAC seeks interdict to prevent Yanga Janet from intimidating, harassing and assaulting TAC members in Khayelitsha – interdict granted on same day.</p> <p><b>12 – 16 May 2008:</b> Dr. Malcolm Naude's case on unfair dismissal heard in Labour Court in Johannesburg.</p> <p><b>15 – 16 May 2008:</b> Case against SANDF's HIV testing policy argued in Pretoria High Court.</p> <p><b>16 May 2008:</b> Settlement with South African National Defence Force (SANDF) made an order of court: SASFU and Others v Surgeon General and Others.</p>	<p><b>26 May 2008:</b> National workshop on Provincial AIDS Councils – agreed that councils to be represented on SANAC.</p> <p><b>27 May 2008:</b> SANAC Civil Society meeting</p> <p><b>SANAC Plenary meeting:</b></p> <ul style="list-style-type: none"> <li>• Procedural guidelines adopted.</li> <li>• DoH and civil society sectors agree to convene joint workshop of local experts to discuss voluntary medical male circumcision.</li> <li>• Resolved to bring public and private ART treatment into uniformity.</li> </ul>	<p><b>26 March 2008:</b> Joint ALP/TAC oral submission to Parliament on Refugees Amendment Bill.</p> <p><b>29 April 2008:</b> ALP written submission to DoH on draft communicable disease regulations.</p> <p><b>16 May 2008:</b> Written submissions to DoH on draft National Health Amendment Bill and Medicines and Related Substances Amendment Bill.</p> <p><b>20 May 2008:</b> Meeting with DoH to discuss submissions on draft health bills.</p> <p><b>27 May 2008:</b> Joint ALP/TAC written submission to SANAC plenary on access to health care for refugees.</p>
<p><b>6 June 2008:</b> Justice Hlophe asks Minister of Justice for leave of absence.</p> <p><b>10 June 2008:</b> Justice Hlophe lodges complaint with JSC alleging Constitutional Court judges violated his rights.</p>	<p><b>1 June 2008:</b> TAC announces successful outcome of Competition Commission complaint against MSD and Merck.</p>	<p><b>10 – 11 June 2008:</b> UN High-Level meeting on AIDS in New York. Delegation led by Deputy President includes Minister of Health, DG and four SANAC civil society representatives. Mark Heywood addresses conference by live video link-up.</p>	<p><b>4 June 2008:</b> Written submission to National Treasury on Insurance Laws Amendment Bill.</p> <p><b>12 June 2008:</b> Further written submission to National Treasury on Insurance Laws Amendment Bill.</p>

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	<p><b>13 June 2008:</b> Judgment handed down in TAC and Another v Matthias Rath and Others, establishing duty on state to enforce scientific governance of medicines as per Medicines and Related Substances Act 101 of 1965.</p>		<p><b>30 June 2008:</b> ALP/TAC written submission to Parliament on Medicines and Related Substances Amendment Bill.</p>
		<p><b>1–4 July 2008:</b> First national conference on TB, Durban.</p> <p><b>10 July 2008:</b> First Plenary meeting of Development Bank of Southern Africa (DBSA) “Health Roadmap process”.</p> <p><b>31 July 2008:</b> SANAC Plenary meeting.</p> <p><b>July 2008:</b> Adila Hassim becomes member of ANC committee on National Health Insurance (NHI).</p>	<p><b>21 July 2008:</b> ALP hosts seminar on health reform: Deputy Chief Justice Moseneke is key speaker.</p>
		<p><b>5 August 2008:</b> Deputy President Phumzile Mlambo-Ngcuka attends International AIDS conference in Mexico – Minister of Health does not attend. Deputy President calls for national HIV prevention campaign.</p>	<p><b>5 August 2008:</b> ALP/TAC oral submission to Parliament on Medicines Amendment Bill.</p> <p><b>10 August 2008:</b> ALP/TAC written submission to Parliament regarding proposed amendments to Medicines Amendment Bill.</p>
<p><b>20 September 2008:</b> Recall of President Mbeki by ANC.</p>	<p><b>12 September 2008:</b> Justice Nicholson hands down judgment in favour of Jacob Zuma.</p>	<p><b>3 September 2008:</b> Adila Hassim resigns from ANC NHI committee.</p>	

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<p><b>25 September 2008:</b> Kgalema Motlanthe is sworn in as President. Barbara Hogan replaces Manto Tshabalala-Msimang as Minister of Health.</p>	<p><b>25 September 2008:</b> Justice Hlophe wins first round in High Court case against Constitutional Court judges regarding violation of dignity. Appeal pending. <b>26 September 2008:</b> Justice Hlophe indicates intention to sue Constitutional Court judges in R10 million defamation claim.</p>	<p><b>25 September 2008:</b> New Deputy President Baleka Mbete replaces Phumzile Mlambo-Ngcuka as SANAC chairperson.</p>	<p><b>10 September 2008:</b> 13th JCSMF meeting resolves that further action needed to give full effect to rights of prisoners, sex workers, refugees, asylum seekers, displaced and undocumented persons, men who have sex with men and other sexual minorities. <b>18 September 2008:</b> Written submission to DoH on "revised" draft communicable disease regulations. <b>29 September 2008:</b> Further ALP/TAC written submission to Parliament regarding proposed amendments to Medicines Amendment Bill.</p>
	<p><b>21 October 2008:</b> Judgment handed down in Labour Court in favour of Dr Malcolm Naude in case against former MEC for Health in Mpumalanga.</p>	<p><b>16 October 2008:</b> SANAC Programme Implementation Committee (PIC) meeting:</p> <ul style="list-style-type: none"> <li>• Mandates deputy chairperson and PIC co-chair to develop proposal to restructure and relocate SANAC secretariat outside DoH.</li> <li>• Resolves that DoH must convene national meeting toward developing policy on voluntary medical male circumcision.</li> <li>• Resolves that sex workers be represented on SANAC.</li> </ul>	
		<p><b>8 November 2008:</b> Plenary meeting adopts Roadmap for Health Reform at DBSA in presence of new Minister of Health.</p>	

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<p><b>12 January 2009:</b> Supreme Court of Appeal (SCA) reverses Justice Nicholson's judgment of September 2008.</p>	<p><b>11 December 2008:</b> Case to compel Minister of Correctional Services to provide access to Judicial Inspectorate of Prisons (JIOP) report on death of ALP client in prison argued in Pretoria High Court. Treatment Action Campaign v Minister of Correctional Services and Another.</p> <p><b>31 December 2008:</b> President Kgalema Motlanthe appoints Justice Edwin Cameron to the Constitutional Court.</p>	<p><b>10 November 2008:</b> News of Free State shortage of ARVs is reported.</p> <p><b>13 November 2008:</b> South Africa fails in Round 8 application to Global Fund.</p> <p><b>28 November 2008:</b> SANAC plenary agrees on World AIDS Day plan, PMTCT social mobilisation and continuation of secretariat move to DBSA.</p>	<p><b>7 November 2008:</b> ALP hosts seminar on TB, public health and human rights.</p>
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<p><b>12 January 2009:</b> Supreme Court of Appeal (SCA) reverses Justice Nicholson's judgment of September 2008.</p>	<p><b>30 January 2009:</b> Judgment handed down ordering Minister to provide access to JIOP reports.</p>	<p><b>1 December 2008:</b> World AIDS Day is organized by SANAC. National minute of silence is televised live. 15 minute work stoppage across the country. Text messages promote ARV treatment, HIV testing and PMTCT.</p>	<p><b>22 January 2009:</b> ALP writes letters to Ministers and MECs of Health and Finance regarding moratorium on ARV treatment in the Free State.</p>

## Appendix B: Publications

- ALP Newsletter (April, July, September and December 2008)
- Jonathan Berger, "Litigating for Social Justice in Post-Apartheid South Africa: a Focus on Health and Education" in Varun Gauri and Daniel M. Brinks (eds.), *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World* (Cambridge University Press, New York: 2008)
- Jonathan Berger, "Getting to the Constitutional Court on Time: a Litigation History of the Road to Same-sex Marriage" in Shaun de Waal et al (eds.), *To Have and to Hold: the Legal Steps to Same-sex Marriage* (Jacana Media (Pty) Ltd, Johannesburg: 2008)
- Jonathan Berger, "AIDS" in Krista Johnson Dates and Sean Jacobs (eds.), *Encyclopedia of South Africa* (Lynne Rienner Publishers, Boulder, CO: forthcoming in 2009)
- Fatima Hassan, "Summary of Track 3 – 3rd South African AIDS Conference", *AIDS Analysis of South Africa* (July 2007). Also published as Fatima Hassan, "Summary of Track 3 – 3rd South African AIDS Conference", (2007) 28 *Southern African Journal of HIV Medicine* 11
- Fatima Hassan, "Conditions in camps getting worse", *Cape Times* (28 September 2008)
- Fatima Hassan and Mark Heywood, "Counter point – the wrong Minister was fired", *Mail & Guardian* (16 August 2007)
- Adila Hassim, "Providing a health budget that respects equality", *Business Day* (20 February 2008)
- Adila Hassim, Mark Heywood, Jonathan Berger and Brian Honermann, *The National Health Act: a guide* (Siber Ink, Cape Town: 2008)
- Mark Heywood, "HIV in the military", *Sunday Independent* (8 June 2008)
- Mark Heywood, "Male Circumcision", in Lance Gable et al, *Legal aspects of HIV/AIDS: a guide for policy and law reform* (World Bank, Washington DC: 2007)
- Mark Heywood, "Political climate dangerous for poor most of all", *Business Day* (28 July 2008)
- Mark Heywood, "The Achilles heel? The impact of HIV/AIDS on democracy in South Africa" in Salim S. Abdool Karim and Quarraisha Abdool Karim (eds.), *HIV/AIDS in South Africa* (Cambridge University Press, New York: revised version of 2005 publication forthcoming in 2009)
- Mark Heywood, "Should Wealthy Nations Promote anti-AIDS efforts in Poor Countries: A response to Garrett and Schneider", (forthcoming in 2009 in *Congressional Quarterly*)
- Mark Heywood, "South Africa's Treatment Action Campaign: Combining Law and Social Mobilisation to Realize the rights to Health", (2009) 1 *Journal of Human Rights Practice* (forthcoming in 2009)
- Mark Heywood, and Adila Hassim "Remedying the Maladies of 'Lesser Men and Women': The Persona, Political and Constitutional Imperatives for Improved Access to Justice", (2008) 24 *South African Journal on Human Rights* 264 (forthcoming in 2009)
- Brian Honermann, "SANDF Unable to defend an Unethical HIV Study", *Business Day* 23 June 2008)
- Brian Honermann, "Act in Need of Intensive Care", *Business Day* (18 January 2008)
- Brian Honermann, "Know your rights when you get tested", *The Times* (6 July 2008)
- Amy Kapczynski and Jonathan Berger, "The Story of the TAC Case: the Potential and Limits of Social Justice Litigation in South Africa" in Deena Hurwitz et al (eds.), *Human Rights Advocacy Stories* (West Academic Press, New York: 2008)
- Dan Pretorius, "Unlocking labour laws", (2007) 31.3 *South African Labour Bulletin* 15
- Pholokgolo Ramothwala, "Widows constitutional rights ignored", *City Press* (15 September 2007)
- Pholokgolo Ramothwala, "AIDS, law and culture", *Mail & Guardian* (10 October 2007)

## Appendix C: ALP written submissions

- “Draft Intellectual Property Rights from Publicly Financed Research Bill”, Department of Science and Technology (18 July 2007)
- “Correctional Services Amendment Bill [B 32 – 2007]”, Portfolio Committee on Correctional Services, Parliament (30 August 2007)
- “Panel for the Independent Assessment of Parliament” (22 September 2007)
- “Draft Nursing Council Regulations”, Department of Health (28 September 2007)
- “Draft Regulations Relating to the Labelling and Advertising of Foodstuffs”, Department of Health (September 2007)
- “KwaZulu-Natal Health Care Bill, 2007”, KwaZulu-Natal health department (1 October 2007)
- “UNGASS Composite Index Survey on HIV/AIDS”, Department of Health (November 2007)
- “Draft Regulations Relating to Foodstuffs for Infants, Young Children and Children”, Department of Health (25 January 2008)
- “Draft Intellectual Property Rights from Publicly Financed Research and Development Bill, Department of Science and Technology (11 March 2008)
- “Regulations in Terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act”, Department of Justice & Constitutional Development (25 March 2008)
- “Draft Regulations Regarding Communicable Diseases”, Department of Health (29 April 2008)
- “Draft Medicines and Related Substances Amendment Bill, 2008”, Department of Health (16 May 2008)
- “Draft National Health Amendment Bill”, Department of Health (16 May 2008)
- “Insurance Laws Amendment Bill”, National Treasury (4 and 12 June 2008)
- “Medicines and Related Substances Amendment Bill [B 44—2008]”, Portfolio Committee on Health, Parliament (30 June 2008)
- “Draft VCT policy”, Department of Health (18 July 2008). Also submitted to SANAC on 22 July 2008
- “Text of proposed amendments to the Medicines and Related Substances Amendment Bill [B 44—2008]”, Portfolio Committee on Health, Parliament (10 August 2008)
- “HIV/AIDS workplace discrimination”, Portfolio Committee on Labour, Parliament (12 September 2007)
- “Draft Regulations Regarding Communicable Diseases (revised)”, Department of Health (18 September 2008)
- “Text of proposed amendments to the Medicines and Related Substances Amendment Bill [B 44B—2008]”, Select Committee on Social Services, Parliament (29 September 2008)



## Appendix D: Oral Presentations

### Jonathan Berger

- 1st August 2007. Human Sciences Research Council (HSRC) colloquium on National Health Insurance, Pretoria. “Health service delivery planning as an integral part of the funding debate”
- 4 September 2007. Portfolio Committee on Correctional Services, Cape Town. ALP submission on the Correctional Services Amendment Bill, 2006
- 7–9 September 2007. Student Seminar for Law and Social Justice, Onrus. Various presentations
- 12 September 2007. Human Rights Development Initiative (HRDI) training, Pretoria. “Human rights obligations of states to regulate the pharmaceutical industry to ensure access to medicines”
- 14 September 2007. People-to-people documentary film festival, Johannesburg. Panel discussion on HIV, the media and documentary film making.
- 3 October 2007. Perinatal HIV Research Unit (PHRU) Priorities in AIDS Care and Treatment (PACT) conference, Johannesburg. Panel discussion on men and HIV
- 10 October 2007. Centre for the Study of Violence and Reconciliation (CSV) workshop on sexuality, violence and HIV in prisons, Johannesburg. Presentation on the national framework for the prevention and treatment of HIV in prisons
- 16–17 October 2007. Commonwealth Secretariat workshop for government officials in Botswana on implementing TRIPs flexibilities to ensure access to medicines, Gaborone. Presentation on using competition policy to increase access to medicines and briefing on proposed amendments to provisions dealing with patents in the Industrial Property Act, 1996
- 25 October 2007. Norad and Norwegian Royal Ministry of Foreign Affairs meeting on HIV/AIDS, human rights and legislation, Oslo. Presentation on the use of the criminal law to address HIV/AIDS
- 15 November 2007. PEPFAR Partners in PMTCT meeting, Ekurhuleni. Presentation on PMTCT and human rights (from informed consent to early treatment of infected infants)
- 27 November 2007. National civil society conference on the NSP, Ekurhuleni. Plenary presentation on draft SANAC Rules of Procedure
- 29 November 2007. Clients of Macquarie First South (Johannesburg). Briefing for fund managers on the ARV market
- 5 December 2007. Clients of Macquarie First South (Cape Town). Briefing for fund managers on ARV treatment
- 18 January 2008. Joint Civil Society Monitoring Forum (JCSMF) meeting, Cape Town. “2008 ARV tender: concerns about access to EFV and TDF products”
- 29 January 2008. University of the Witwatersrand, Johannesburg: masters class (health law module), Steve Biko Centre for Bioethics. “The Constitution, legal action and the right to health: the TAC experience”
- 14 February 2008. University of the Witwatersrand, Johannesburg: undergraduate health sciences class (human behavioural sciences). “Access to medicines: the why, what and how”
- 27 February 2008. University of the Witwatersrand, Johannesburg: LLM class (Medicines, rights and regulation). “Enforcing the Medicines Act: the law” (facilitated discussion)
- 28 February 2008. Southern African HIV Clinicians Society (SAHCS): Johannesburg branch meeting, Johannesburg. “The ABC of drug access: reflections of a Pharma-basher”
- 29 February 2008. University of the Witwatersrand, Johannesburg: MPH class. “Accountability and participation in the health system: reflections on the experience of the TAC and ALP”
- 12 March 2008. Centre for Human Rights, University of Pretoria: LLM class. “Social movements and socio-economic rights: a focus on TAC’s use of legal action to ensure the realisation of the right to health”

- 19 March 2008. University of the Witwatersrand, Johannesburg: LLM class (Medicines, rights and regulation). “TRIPs, Doha and the politics of access to medicines” (part one)
- 29 March 2008. Southern African Litigation Centre (SALC): workshop for private legal practitioners, Gaborone. “Conducting public impact litigation on HIV/AIDS – Learning from a South African case study: *NM, SM and LH v Smith, de Lille and Another*”
- 29 March 2008. SALC: workshop for private legal practitioners, Gaborone. “Litigating for access to comprehensive services in prisons – Learning from another South African case study: *EN and Others v Government of the RSA and Others*”
- 2 April 2008. University of the Witwatersrand, Johannesburg: LLM class, Medicines, rights and regulation. “TRIPs, Doha and the politics of access to medicines” (part two)
- 4 April 2008. University of the Witwatersrand, Johannesburg: LLB class, HIV/AIDS and the law. “Access to health care services”
- 4 April 2008. Webber Wentzel, Johannesburg: ALP/ProBono.org Access to Justice seminar. “Law in the time of HIV/AIDS – Ensuring access to appropriate health care services: a focus on TAC and the ALP”
- 11 April 2008. University of the Witwatersrand, Johannesburg: LLB class, HIV/AIDS and the law. “Access to prevention and treatment ‘goods’ for HIV/AIDS”
- 19 April 2008. Lawyers’ Collective, Global South Dialogue on Trade, IPRs and Access to Medicines and Treatment, Delhi. “Using competition law in South Africa”
- 30 April 2008. University of the Witwatersrand, Johannesburg: LLM class (Medicines, rights and regulation). “Case studies on patent law: scope of patentability” (facilitated discussion)
- 7 May 2008. University of the Witwatersrand, Johannesburg: LLM class (Medicines, rights and regulation). “Amending the Patents Act in the post-TRIPs era”
- 13 May 2008. Centre for Human Rights, University of Pretoria: human rights and access to medicines seminar, Pretoria. “Litigation strategies to increase access to medicines: a focus on South Africa’s TAC and ALP”
- 14 May 2008. University of the Witwatersrand, Johannesburg: LLM class (Medicines, rights and regulation). “Intellectual property and competition law”
- 2 July 2008. TB conference, Durban. Press conference and launch of Southern African HIV Clinicians Society (SAHCS) “Guidelines for the prevention and treatment of HIV in arrested, detained and sentenced persons”
- 5 August 2008. Portfolio Committee on Health, Parliament. Submission on the Medicines and Related Substances Amendment Bill [B 44—2008] (with Zackie Achmat)
- 25 August 2008. University of California, Berkeley School of Law. Presentation on the work of the ALP
- 25 August 2008. University of California, Berkeley School of Law: JD class (World Trade Law). Presentation on the ALP’s work on international trade law
- 15 September 2008. International Health Department, Georgetown University School of Nursing and Health Studies: MPH class (HIV/AIDS: Who shall live, who shall pay, what can be done?). “Prevention of mother-to-child transmission of HIV in South Africa”
- 2 October 2008. O’Neill Institute for National and Global Health Law, Georgetown University Law Center. Presentation to O’Neill fellows on the work of the ALP
- 7 October 2008. O’Neill Institute for National and Global Health Law, Georgetown University Law Center: JD/LL.M class (Health Law Colloquium). Participation in health law panel
- 7 October 2008. Georgetown University Law Center: JD/LL.M class (Health and Human Rights). “The story behind the TAC case: before, during and after the litigation”
- 13 October 2008. University of Virginia School of Law: Human Rights Program. “Health rights and HIV in South Africa: impact of the Constitutional Court’s decision in the Treatment Action Campaign case”
- 17 October 2008. Global Campaign for Microbicides, Washington DC. Presentation to staffers on the work of the ALP

- 22 October 2008. Washington College School of Law, American University: JD class (Intellectual Property and Human Rights). "Access to medicines and the law: focus on a comprehensive legal framework"
- 30 October 2008. The World Bank, Washington DC. "Socio-economic rights in the private sector: law and the regulation of pharmaceutical products in South Africa"
- 12 November 2008. University of Toronto Faculty of Law: Health Law Club. Brief overview of sabbatical research project
- 14 November 2008. University of Toronto Faculty of Law: JD/LL.M class (Sexual and Reproductive Health Law). "Legal institutions and the right to health: a focus on public health funding"
- 20 November 2008. University of Toronto Faculty of Law: Health Law and Policy seminar series. "Institutions matter: the right to health, the regulation of medicines and the South African Constitution"
- 24 November 2008. Yale Law School: Universities Allied for Essential Medicines panel on access to medicines. "Taking on the international IP system one lawsuit at a time? Towards a comprehensive regulatory framework"
- 25 November 2008. Munk Centre for International Studies, University of Toronto. "Competition law, refusals to license and the right of access to medicines: a South African case study"
- 1 December 2008. University of Toronto. "World AIDS Day 2008: SANAC and South Africa's National Strategic Plan"
- 3 December 2008. World Trade Organization, Geneva: Workshop on the TRIPs agreement and public health. "Implementing TRIPs flexibilities on access to medicines: a South African case study"

#### **Fatima Hassan**

- 12-13 July 2007. University of the Western Cape School of Public Health: Winter School. "The implementation of the Operational Plan and its implications for the success of the NSP"
- 7 August 2007. Deneys Reitz Attorneys, Cape Town. "The law and HIV – role of legal professionals"
- 14-16 August 2007. University of Cape Town School of Public Health: Law, Health and Human. Various classes
- 21 October 2007. Duke University, Durham, North Carolina: Duke Law and AIDS Clinic and Consortium on Southern Africa (COSA). "Law and the struggle for treatment in South Africa"
- 30 October 2007. Duke University, Durham, North Carolina: School for Public Policy. "Finding the right ingredients to cook the perfect pot of rice: civil society and its role in the struggle against AIDS"
- 2 August 2008. International AIDS Conference, Mexico City: Ford Foundation Pre-Conference. "Litigating Rights in South Africa"
- 5 August 2008. International AIDS Conference, Mexico City. "Fighting for Medicines in South Africa"
- 8 October 2008. Social Justice Coalition: Irene Grootboom lecture series, Cape Town. "Refugees and the right to equality – what does it mean?"
- 9 October 2008. Filmmakers Against Racism, Cape Town. Panel member on refugee rights and xenophobia
- 17-21 October 2008. International Treatment Preparedness Coalition (ITPC) conference, Amsterdam. Discussion of models of strengthening civil society communication, policy and advocacy
- 30 October 2008. A national priority? TRC recommendations and the need for redress, Cape Town. Speaker on health panel: response of government to HIV/AIDS in the last 10 years – what have we missed?
- 5 November 2008. South African Business Coalition on HIV/AIDS (SABCOHA) conference. Panel member on leadership on AIDS
- 6-9 November 2008. Closing the gap in a generation: health equity through action on the social determinants of health conference, London. Poster presentation on health care access for migrants, asylum seekers and refugees

### Adila Hassim

- 14 March 2008. Workshop for ALP staff. "Litigating in the ALP"
- 2 July 2008. TB Conference, Durban: Round table debate. "TB, public health and individual rights: a constitutional perspective"
- 2 July 2008. TB Conference, Durban: SAHCS skills-building workshop. "TB and human rights"
- 9 July 2008. University of the Witwatersrand, Johannesburg: School of Law. "Reasonableness in health: Post-TAC case"
- 21 July 2008. ALP seminar on health sector reform, Constitution Hill. "Rands, Resources and Rights: rethinking health reform"
- 21 July 2008. SANAC NGO sector, Johannesburg. Presentation on the chronic illness grant
- 7 August 2008. University of the Witwatersrand, Johannesburg: School of Law. "SANDF and its aftermath"
- 1 September 2008. University of the Witwatersrand, Johannesburg: LLM class. "Legislative and executive responses to the White Paper on Transformation of the Health Sector"
- 9 September 2008. Training for TAC, Johannesburg. "Current Health Reform Processes"
- 29 September 2008. Workshop for ALP staff. "Public interest law at the ALP"
- 7 November 2008. ALP seminar on TB, Health Precinct, Hillbrow. "Public health individual rights and state duties"

### Mark Heywood

- 30 January 2008. EU+ Donors' meeting. Presentation on progress with SANAC
- 12 February 2008. Panel for the Independent Assessment of Parliament. Oral presentation of ALP/TAC submission
- 13 February 2008. South African Council of Churches. Presentation on PMTCT
- 20 February 2008. ALP/ARASA seminar, Cape Town. "Politics of Global Health"
- 29 February 2008. University of the Witwatersrand, Johannesburg: LLB class. Lecture on the politics of AIDS
- 1 March 2008. TAC Gauteng Congress. Keynote address
- 11 March 2008. Royal Netherlands Embassy partners meeting. "Politics and AIDS" and "What we Expect from Donors"
- 12 March 2008. South African Council of Churches. Presentation to youth leaders on the challenges of HIV
- 15 March 2008. TAC National Congress. Treasurer's Report
- 27 March. TAC donors meeting. Report
- 11 April 2008. SANAC Law & Human Rights Sector consultation. "Overview of Progress at SANAC"
- 15 April 2008. Swedish Ambassadors from southern Africa countries. Presentation on strategic priorities on HIV
- 16 April 2008. University of the Witwatersrand, Johannesburg: LLM class (Medicines, rights and regulation). "Debunking Conglomo-talk" – presentation on the PMA case
- 22 April 2008. HIV Local Government Learning Event. "Progress with SANAC"
- 25 April 2008. University of the Witwatersrand, Johannesburg: LLB class (HIV/AIDS and the Law). Lecture on HIV testing and confidentiality
- 20 May 2008. Pan African Business Council. Keynote speaker at gala dinner
- 23 May 2008. SANAC Disability Sector: report launch. Keynote speaker
- 10 June 2008. United Nations High Level meeting on AIDS, New York. Keynote civil society speaker (via video link)

- 11 June 2008. Children's Sector HIV Network Summit. Keynote speaker
- 3 July 2008. TB conference, Durban. Plenary presentation: "TB and human rights – time to demand"
- 18 July 2008. Centre for the AIDS Programme of Research in South Africa (CAPRISA) 5th anniversary celebration, Durban. Keynote address
- 21 July 2008. ALP seminar on health sector reform, Constitution Hill. Presentation on summary of discussions
- 22 July 2008. SANAC NGO sector consultation. Update on SANAC
- 19 August 2008. SANAC research sector meeting on human resource issues. Presentation on challenges facing the sector
- 22 August 2008. Reproductive Health & HIV Research Unit (RHRU), Johannesburg. Panellist on debate on TB
- 31 August 2008. South African Medical Association conference. "Health reform and human rights: the 10 commandments"
- 10 September 2008. University of Witwatersrand, Johannesburg. "Practical experience of legal campaigns around social and economic rights"
- 12 September 2008. South African Democratic Nursing Union (SADNU), Bloemfontein. "Human resource issues for nurses: challenges and how to overcome them"
- 3 October 2008. SANAC Prevention Task Team Workshop. Introductory remarks
- 6 October 2008. PHRU's PACT Conference, Johannesburg. Presentation on budgeting for AIDS
- 7 October 2008. AIDS Foundation of South Africa (AFSA) Gala Dinner, Durban. Keynote address
- 10 October 2008. University of Witwatersrand, Johannesburg: School of Law symposium honouring Justice Edwin Cameron. Presentation on access to legal services
- 13 October 2008. EU+ Donors meeting. Presentation on progress with SANAC and the NSP
- 15 October 2008. Seminar on European Social Models for Health Care. Presentation on the South African health system
- 16 October 2008. SANAC Programme Implementation Committee. Presentation on priority work areas
- 23 October 2008. Gauteng AIDS Summit, Johannesburg. Keynote address
- 23 October 2008. Private Sector Strategic Workshop, Cape Town. Keynote address
- 28 October 2008. Oxfam Regional Seminar, Johannesburg. "TAC's Advocacy: Lessons and Learnings for Civil Society"
- 28 October 2008. Indaba of the National House of Traditional Leaders, Pretoria. Presentation on the NSP and its intersection with traditional health practices
- 5 November 2008. Private Sector Conference, Johannesburg. Panellist on the role of the private health sector in responding to AIDS
- 8 November 2008. Health Roadmap process, Development Bank of Southern Africa. Presentation at the final plenary meeting on SANAC and World AIDS Day, 2008
- 10 November 2008. NEDLAC. Presentation on plan for World AIDS Day 2008
- 12 November 2008. Private Sector Strategic Workshop, Durban. Keynote address
- 17 November 2008. SANAC Resource Mobilisation Committee (RMC). "The Deputy Chairperson's views on the Role and Responsibilities of the RMC"
- 24 November 2008. UNAIDS Symposium to remember the legacy of Dr Jonathan Mann, Geneva. Panellist
- 6 December 2008. Korekata Law Centre training for Chinese lawyers, Wuhan, China. "Law and human rights: approaches to HIV"

- 9 December 2008. Institute for Health Law, Tsinghua University, Beijing, China. Lecture on AIDS, Human Rights and Law

### **Brian Honermann**

- 29 May 2008. Wits Business School, Johannesburg: HIV/AIDS in the Workplace Research Symposium. Presentation on the SANDF case

### **Nonkosi Khumalo**

- 19 – 24 November 2007. TAC/ALP workshop on gender-based violence. Presentation
- 4 – 6 December 2007. Diakonia Council of Churches. Presentation
- 28 – 29 June 2008. Ermelo Legal Aid Board. Presentation on community awareness on HIV/AIDS and the law
- 5 – 6 July 2008. Piet Retief Legal Aid Board. Presentation on community awareness on HIV/AIDS and the law
- 24 - 27 August 2008. ALP/TAC training on access to justice, Limpopo. Facilitator/trainer
- 10 - 12 November 2008. ALP/TAC training on law and violence against women, Mpumalanga. Facilitator/trainer

### **Dan Pretorius**

- 1 August 2007. University of Witwatersrand School of Public and Development Management: public service managers' course. "HIV/AIDS and the Law"
- 28 August 2007. Helen Joseph hospital: trainee VCT counsellors, nurses and doctors. Training on HIV/AIDS and the law
- 13 – 17 August 2007. Public Service International SA affiliates: organizers in the health, education, police and municipal workers' unions. Training on HIV/AIDS and the law
- 29 August 2007. University of the Witwatersrand, Johannesburg: public health law course for doctors and public health managers. "Healthcare users' rights and healthcare workers' rights"
- 13 September 2007. Islamic Care Society. Training for social workers on HIV/AIDS and the law
- 24 October 2007. Justice College, Bloemfontein. Training for magistrates on HIV/AIDS and the law
- 8 November 2007. Diakonia AIDS Ministry. "HIV/AIDS: Workplace and Law"
- 13 November 2007. South African Commercial, Catering and Allied Workers' Union (SACCAWU). Training for Ackermann's shop stewards on HIV/AIDS and the law
- January 2008. TAC treatment literacy update course, Cape Town. Presentation on how to take up workplace complaints from workers living with HIV
- 6 February 2008. University of the Witwatersrand, Johannesburg: Public and Development Management School. One-day training on HIV/AIDS and the law for managers from the Gauteng health department
- 15 February 2008. Helen Joseph Hospital: trainee VCT counsellors. Presentation on HIV/AIDS and the law
- 20 – 21 February 2008. Industrial Health Research Group conference on unions and health and safety issues, Cape Town. Presentation to 200 trade unionists on HIV in the workplace (discrimination disputes and workplace policies)
- 22 February 2008. University of the Witwatersrand, Johannesburg: LLB class (HIV/AIDS and the Law). "HIV/AIDS and Employment"
- 29 February 2008. University of the Witwatersrand, Johannesburg: LLB class (HIV/AIDS and the Law). "HIV/AIDS and the Constitution"
- 27 March 2008. LAB/SAHRC/TAC training, Polokwane. Presented section on HIV in the workplace

- 2 April 2008. Webber Wentzel, Johannesburg: ALP/ProBono.org Access to Justice seminar. Presentation on HIV workplace disputes
- 25 April 2008. University of the Witwatersrand, Johannesburg: LLB class (HIV/AIDS and the Law). Lecture on social security, insurance and HIV/AIDS
- 6 May 2008. Right to Care: course on HIV Management for Doctors, Johannesburg. "HIV, Law and Ethics"
- 19 – 20 June 2008. LAB/SAHRC/TAC training, Nelspruit. Presented sections on testing, privacy and workplace rights
- 25 June 2008. Justice College, Pretoria: training session for magistrates. Presentation on HIV/AIDS and the law
- 29 – 30 May 2008. Wits Business School, Johannesburg: HIV/AIDS in the Workplace Research Symposium. Presented discussion points for roundtable discussion on discrimination in the workplace
- 25 June 2008. Justice College, Pretoria. Training for magistrates on HIV and the law
- 9 July 2008. Wits P&DM School, Johannesburg. Presentation on HIV and the law to health sector managers
- 18 July 2008. Helen Joseph Hospital, Johannesburg. Training for VCT trainees
- 30 July 2008. Wits P&DM School, Johannesburg. Training on HIV and the law for health sector managers

### **Amelia Vukeya**

- 24 October 2008. Fordham University Conference on the role of customary law in the 21st century, Gaborone, Botswana. "Customs and HIV/AIDS in South Africa: Engaging Traditional Leadership in the Fight Against HIV/AIDS"

### **Agnieszka Wlodarski**

- 18 July 2008. SANAC Law and Human Rights Sector. Presentation on ALP's TB work and relevant cases

## **Appendix E: Positions held by members of staff**

### **Jonathan Berger**

- Honorary research fellow, School of Law, University of the Witwatersrand, Johannesburg
- Law & Human Rights Sector representative, SANAC Programme Implementation Committee
- Visiting researcher, O'Neill Institute for National and Global Health Law, Georgetown University Law Center (September to October 2008)
- Visiting scholar, International Programme on Reproductive and Sexual Health Law, University of Toronto Faculty of Law (November to December 2008)
- Member of the South African Human Rights Delegation to Israel and Palestine (July 2008)

### **Fatima Hassan**

- Convenor, Joint Civil Society Monitoring Forum (until November 2008)
- Board member, Médecins Sans Frontières (MSF) South Africa (resigned November 2008)
- Honorary research fellow, School of Law, University of the Witwatersrand, Johannesburg
- South African country team research representative, International Treatment Preparedness Coalition (until November 2008)



- Member, Western Cape Civil Society Task Team on Xenophobia (2008)
- Member of the South African Human Rights Delegation to Israel and Palestine (July 2008)
- Fleishman Fellow, Duke University, Durham, North Carolina (October to November 2007)

### **Adila Hassim**

- Honorary research fellow, School of Law, University of Witwatersrand, Johannesburg
- Board member, Southern African AIDS Trust (SAT)
- ANC National Health Insurance Committee (resigned September 2008)
- Member, Health Advisory Committee, Project 25: Statutory Law Review, South African Law Reform Commission

### **Mark Heywood**

- Chairperson, UNAIDS Global Reference Group on HIV and Human Rights
- Board member, Amandla AIDS Advisory Trust
- Honorary senior researcher, School of Law, University of Witwatersrand, Johannesburg
- Distinguished visitor, O'Neill Institute for National and Global Health Law, Georgetown University Law Center
- Phyllis W. Beck visiting Professor of Law, Temple University, Philadelphia (October to November 2007)
- Deputy Chairperson, SANAC
- Member, TAC secretariat
- Editorial board member, *Journal of Human Rights Practice*, Oxford University Press

### **Brian Honermann**

- James E. Tolan Fellow in International Human Rights, Fordham University (September 2008 to August 2008)

### **Nonkosi Khumalo**

- Chairperson, TAC
- Law & Human Rights Sector representative, SANAC Programme Implementation Committee
- Board member, AIDS and Rights Alliance for Southern Africa (ARASA)

### **Shalom Ncala**

- Siyayinqoba Beat It! Presenter

### **Dan Pretorius**

- Part-time commissioner, Commission for Conciliation, Mediation and Arbitration (CCMA)
- Board member, Southern African AIDS Trust (SAT)



## Appendix F: Financial statements

### AIDS Law Project

Association Incorporated Under Section 21

Registration No: 2006/021659/08

### Income statement

	<b>31 Dec 2008</b>	<b>31 Dec 2007</b>
	Unaudited	Audited
	R	R
<b>INCOME</b>	<b>9 464 733</b>	<b>7 972 353</b>
Grants	8 978 366	7 355 180
Donations	520	17 900
Donations - Support Nozizwe Fund	-	87 050
Litigation costs recovered	80 658	10 000
Recoveries	30 000	-
Sale of ALP publications	1 307	80 243
Interest received	364 548	330 457
Sundry income	9 334	91 523
<b>EXPENDITURE</b>	<b>9 261 163</b>	<b>7 396 980</b>
Assets under R5 000	15 926	11 073
Bank charges	-	70
Consultations	163 674	247 118
Conferences, meetings and seminars	478 685	178 000
Courier, printing, postage and stationery	178 201	148 458
Evaluation	167 370	85 428
Legal and consultation fees	427 732	169 113
Publications	564 698	224 277
Refreshments and cleaning	44 991	48 418
Rent, water, electricity, repairs & maintenance	626 449	520 058
Salaries, wages and contributions	5 288 553	4 842 367
Staff development	33 707	14 379
Sundry expenses	252 501	27 147
Telecommunications and IT support	297 299	318 561
Travel and accommodation	291 912	331 078
Training and workshops	429 465	231 435
<b>Surplus for the year</b>	<b>203 570</b>	<b>575 373</b>

## Balance sheet

	31 Dec 2008 Unaudited R	31 Dec 2007 Audited R
<b>INCOME</b>	<b>3 841 188</b>	<b>6 088 480</b>
<b>Non current assets</b>	<b>379 552</b>	<b>280 909</b>
Equipment	379 552	280 909
<b>Current assets</b>	<b>3 461 636</b>	<b>5 807 571</b>
Trade and other receivables	239 670	152 611
Accrued grant income	225 687	-
Amount due from CALS	40 062	40 062
Cash and cash equivalents	2 956 217	5 614 898
<b>Total assets</b>	<b>3 841 188</b>	<b>6 088 480</b>
<b>RESERVES AND LIABILITIES</b>	<b>3 841 188</b>	<b>6 088 481</b>
<b>Capital and reserves</b>	<b>1 344 076</b>	<b>1 140 506</b>
Director's reserve fund	964 524	812 617
Programmes fund	-	46 980
Equipment fund	379 552	280 909
<b>Current liabilities</b>	<b>2 497 112</b>	<b>4 947 975</b>
Trade and other payables	32 422	32 422
Deferred income	2 457 434	4 908 297
Interest received in advance	7 256	7 256
<b>Total reserves and liabilities</b>	<b>3 841 188</b>	<b>6 088 481</b>