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Canadian prisoner and AIDS Law Project of South Africa receive human rights awards

Fight human rights abuses that drive AIDS epidemic

Montreal, 12 September 2003 – Deceased Canadian prison activist **Laurence Stocking** and the **AIDS Law Project, South Africa** (ALP) are the recipients of the 2003 "Awards for Action on HIV/AIDS and Human Rights" from the Canadian HIV/AIDS Legal Network and Human Rights Watch.

"Human rights abuses, in Canada and internationally, continue to fuel the HIV/AIDS epidemic," said Ralf Jürgens, executive director of the Canadian HIV/AIDS Legal Network. "In Canada, governments still refuse to provide life-saving prevention measures to prisoners. And internationally, 95 percent of people living with HIV are denied access to the medicines that could save or at least prolong their lives," he added.

Laurence Stocking, recipient of the 2003 Canadian Award for Action on HIV/AIDS and Human Rights, fought tirelessly for the rights of prisoners to stay free from HIV and hepatitis C. He raised awareness of the diseases (that according to studies are ten to seventy times more common among prisoners than among the general public), and was an outspoken critic of Correctional Services Canada for its failure to provide prevention measures and provide adequate care to prisoners living with HIV. "Laurence continued to point out that prisoners are legally and morally entitled to the same level of care and protection that is provided to people on the outside," said Jürgens.

After several media interviews in which he talked openly about the growing HIV/AIDS crisis in Canadian prisons, Stocking was involuntarily transferred to Kingston's Millhaven Penitentiary. Four months later, in November 1998, he died. A coroner's inquest ruled that his death resulted from an accidental drug overdose, but others have blamed delays in responding to calls for medical help.

"It is clear that prisons offer little to protect inmates from the risks of HIV infection," said Dr. Mary Pearson, who worked with Stocking as a physician at Kingston's Joyceville Penitentiary. "For a prisoner to speak out against this injustice while being in prison is exceptional. It takes unbelievable courage, confidence and tremendous compassion to do what Laurence did."

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The AIDS Law Project of South Africa, recipient of the 2003 International Award for Action on HIV/AIDS and Human Rights, has been on the frontlines of the battle for the rights of people with AIDS in South Africa to have access to antiretroviral drugs. "ALP has steadfastly fought the irrationality of the South African government's stance on drugs for AIDS, and it has helped create a movement that will eventually win this struggle," said Joanne Csete, director of the HIV/AIDS Program at Human Rights Watch.

The AIDS Law Project co-founded the Treatment Action Campaign (TAC), chaired by Zackie Achmat, a former ALP director. ALP and TAC led a coalition that took the South African government to court in 2002, which led to a ruling that requires the provision of antiretroviral drugs to pregnant women for the prevention of mother-to-child HIV transmission. TAC and ALP are also lead players in the grassroots movement that led to the recent announcement by the South African government that it would roll out an antiretroviral treatment plan after years of resisting the very idea of treatment for AIDS.

"ALP's outstanding leadership addresses both the AIDS epidemic and the epidemic of human rights abuse that fuels AIDS in Africa and other parts of the world," concluded Csete. "ALP won't rest until people with AIDS in South Africa and those at risk can live in dignity."

At the awards ceremony in Montreal today, Liesl Gertholtz, a lawyer with the ALP, accepted the award on ALP's behalf. The Canadian award was accepted for Laurence Stocking by his mother and daughter, Ena and Chantelle Stocking. Dr. Wan Yanhai, first recipient of the Legal Network's and Human Rights Watch's International Award for Action on HIV/AIDS and Human Rights in 2002 while being detained by the Chinese government, and Stephen Lewis, the UN Special Envoy for HIV/AIDS in Africa, also participated.

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The Awards for Action on HIV/AIDS and Human Rights are presented annually to one Canadian and one international recipient to recognize excellence and long-term commitment in work that decreases vulnerability to HIV/AIDS and protects the rights and dignity of those infected and affected. Additional information about the awards and in-depth profiles of the 2003 award recipients are available online at <http://www.aidslaw.ca/Maincontent/awards.htm>.

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) is a national organization engaged in education, legal and ethical analysis, and policy development, with over 250 organizational and individual members from across Canada and around the world. Founded in 1992, the Network promotes responses to HIV/AIDS that respect human rights; facilitate prevention efforts and access to care, treatment and support; minimize the

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adverse impact of HIV/AIDS on individuals and communities; and address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses.

Human Rights Watch (www.hrw.org) is an independent, non-governmental organization that conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. Its reputation for timely, reliable disclosures has made it an essential source of information for those concerned with human rights. Human Rights Watch addresses the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. It defends freedom of thought and expression, due process and equal protection of the law, and a vigorous civil society; it documents and denounces abuses of internationally recognized human rights. Its goal is to hold governments accountable if they transgress the rights of their people. Human Rights Watch began in 1978, and today includes divisions covering Africa, the Americas, Asia, and the Middle East as well as three thematic divisions on arms, children's rights, and women's rights, and special programs on business and human rights and HIV/AIDS. The organization maintains offices in New York, Washington, Los Angeles, London, Brussels, Moscow, and Tashkent.

SPEAKING NOTES

**Awards for Action on HIV/AIDS and Human Rights Press conference
Holiday Inn – Midtown, Montreal
12 September 2003**

Dr. Mary Pearson
Physician and advocate

I am honoured to speak a few words about the recipient of the 2003 Award for Action on HIV/AIDS and Human Rights, Laurence Stocking. Laurence was a prisoner at the Federal Institutions of Millhaven and Joyceville serving a life sentence. He died at the age of 39 while still incarcerated. As the physician at Joyceville, I came to know Laurence through his extensive advocacy work. His accomplishments ranged from being a Peer Counsellor, providing food exchange to prisoners living with HIV and AIDS, organizing major health workshops for prisoners in conjunction with outside agencies, to being key to the production of two prisoner-produced videos on tattooing, Hepatitis C, and harm reduction. He also played an important role in two of the three published studies on the seroprevalence of hepatitis C and HIV in Federal Prisons. Furthermore, Laurence worked with Maureen Brosnohan of the CBC in a series of award winning stories about drug use and HIV in prisons. Through this period he also obtained a B.A. in psychology from Queen's University. This list is a testimonial of Laurence's exceptional work but does not speak about the exceptional nature of the person behind these accomplishments.

Federal prisoners are members of a particularly marginalized group living in a community with high rates of HIV and hepatitis infection lacking even the basic tools to assist in prevention and care. The intrinsically punitive nature of incarceration silences voices that may appear to be pro-prisoner. It is clear that prisons offer little to protect inmates from the risks of HIV infection. To speak out while being an inmate is so exceptional and dangerous that it is shocking that so much could be accomplished by such an individual. It takes unbelievable courage, confidence and tremendous compassion to do what Laurence did. Laurence did not find his work easy. He had his own personal battles. He was repeatedly silenced and disempowered by the Correctional Service of Canada system. He was shaken and hurt many, many times yet he still found the kindness and determination to continue in his work with fellow prisoners.

To watch Laurence work humbly with his fine sense of humour was a great privilege and honor for me. Laurence Stocking will always inspire me.

Liesl Gernholtz

Advocate and head of the legal unit, AIDS Law Project, South Africa

When I was asked to come to Canada to accept this award, and to make this speech, I wondered what I could possibly say about the HIV/AIDS epidemic and its catastrophic effect on my country, that hasn't already been said, by people far more eloquent than I am. I was then lucky enough to read some words that inspired me, not only to write this, but also to think about the work of the AIDS Law Project and my own work.

I am not sure what the protocol is about quoting from previous speeches of the person who is presenting you with an award, but I hope that Stephen Lewis will forgive me for the breach in etiquette! He made a speech recently in South Africa, just before the first South African AIDS Conference in August, and the paragraph that I would like to read to you now resonated with me for a long time. It forced me to confront again the terrible knowledge that behind each statistic is a person with a life, with family and friends, with dreams and hopes. It is important that we do not forget that very simple fact.

In his speech, Stephen asks the question:

"What is wrong with the world? People are dying in numbers that are the stuff of science fiction. Millions of human beings are at risk. Communities, families, mothers, fathers, children are like shards of humanity caught in a maelstrom of destruction. They're flesh and blood human beings, for God's sake; is that not enough to ignite the conscience of the world? Why should we have to produce all these tortured rationales to drive home such an obvious point? This pandemic has done something dreadful to the instinct for compassion. I don't really understand what's happening; I don't really understand why the simple act of saving or prolonging a human life isn't sufficient anymore."

In so many ways, the vastness of this epidemic and the unspeakable tragedy that it has caused and will continue to cause in the lives of individual people has truly done dreadful things to our collective instinct for compassion. Even those of us who work in the area now remain

unmoved by the statistics on orphans, by the anecdotes about the deaths of the young and productive and failure of our governments to act decisively to stem this great tide of suffering. At the project, we regularly see clients who have been evicted from their homes, whose partners assault them, whose friends desert them, whose families neglect them. Too often, we take down their stories, impatient that they should give us just the facts, and not the emotions, and then we debate the legal merits of the case.

In so many ways, the epidemic has brought out the worst in us all.

But, in many, many other ways, it has also brought out the best – it has challenged some of the most unlikely people, lawyers, nurses, doctors, scientists, economists and actuaries to become activists for human rights. It has mobilized diverse sectors around the common causes of justice and equality. It has finely honed this instinct for compassion of which Stephen speaks, and, if I may use a hackneyed phrase, made ordinary people do quite extra-ordinary things.

I have been privileged to work with and for some of these people at the AIDS Law Project and it is to them that this award truly belongs to. I would like to pay tribute to some of them and thank them for their work –

Recently the project has worked closely with a number of paediatric HIV specialists who are trying to provide treatment to children at the Chris Hani Baragwanath Hospital – until 8 August, as you well know, anti-retroviral treatment was not available in the public sector and the vast, vast majority of their patients cannot afford treatment. I am told that many people choose to specialize in paediatrics because it is a “happy” speciality – your patients get better and you have the pleasure of watching them go home to their families. This is no longer the case in South Africa for those doctors who work in the public sector. They watch their young patients return to hospitals and clinics time and time again, getting sicker and sicker, until eventually they die. There is no pleasure in this. Dr Tammy Meyers, the chief paediatrician at Baragwanath Hospital, has worked indefatigably to raise funds from private donors to provide treatment for these children. When she says that her dream is to treat all children in Gauteng (one of the nine provinces in South Africa), she really means it and I have no doubt that she will achieve that, by hook or by crook. What amazes and inspires me about her work and that of her colleague, Dr Harry Moultrie, is that in face of the preventable and unnecessary deaths of so many of their patients, and the pain of watching parents and care-givers grieve for dead children, they are still

willing to genuinely care for each child they treat. They most certainly haven't lost their instinct for compassion.

The project has also worked with doctors that are providing medical care to orphaned and abandoned children – one of the consequences of the epidemic is an increase in the number of children, especially newborn babies, who are being abandoned, and who eventually find their way into children's homes. Dr Gayle Sherman started a project called CHOMP – the Children's Homes Medical Outreach Project. Gayle is a paediatric haematologist – so she could quite legitimately have stayed safely behind her microscope in her lab. Instead she is working to provide proper medical care for children with HIV in these homes – as you will imagine, many homes are over-stretched and do not have the capacity to care for sick children. I am also astounded by Gayle's capacity to remain angry at the inadequate care offered to these children and her commitment to changing that. She too has not lost her instinct for compassion.

Recently the landscape around HIV in South Africa changed dramatically – on 8 August, our government announced that they will begin the process of rolling out anti-retroviral treatment in the public sector. For the first time in a long while, we have hope again. We know however that these new developments will offer us many new challenges – as lawyers and activists, we must begin to examine issues around stigma and discrimination more closely and how these will impact on people's ability to access treatment. The new situation has already begun to present the human rights issues in different ways – the increasing numbers of children orphaned by HIV/AIDS has meant that many of these most vulnerable children live without legal guardians. This has serious implications for who may give consent to these children receiving access to HIV testing and anti-retroviral treatment. Issues concerning privacy and confidentiality will also be affected – it has been suggested that once treatment becomes available in the public sector, an anti-retroviral register be established that will assist in the monitoring of treatment. This will have an impact on how information about HIV status is collected and how confidentiality is maintained.

We have already started that process at the Project and we have begun to discuss what new areas of work we need to engage in. I hope that as part of this discussion, we will also discuss our need not to misplace our instincts for compassion.

This brings me to the last part of my speech – I am here on behalf of the AIDS Law Project to gratefully accept this award. The project is unique – started by Judge Edwin Cameron in 1993, run by Zackie Achmat after that

and currently led by Mark Heywood, it has a proud tradition of successfully using the law to defend the rights of people infected and affected by HIV/AIDS. The project brings together an unusual group of people, with different views about the law and legal activism, but united in their common desire to pursue justice for our clients.

I accept the award on behalf of the project, but in many ways, it really belongs to Mark Heywood. Mark has been a courageous, unflinching and inspiring leader, not only of the project, but of civil society and its response to an irrational government policy. Although he is not a lawyer, he has taught the lawyers of the project, including me, how effectively we can use the law as a tool to advance the human rights of those who are most vulnerable and marginalized. He has remained acutely aware of the need not to forget the names and the faces of those who are poor, sick and dying. His instinct for compassion has guided and immeasurably strengthened the work of the project.

Finally I would like to thank the Canadian HIV/AIDS Legal Network. We have had links with them for the past eight years and although we work in very different environments, the high quality of their work has enriched our work and their quiet support has meant much to us.

Ena Stocking

I am very proud to accept this award on behalf of my son, Laurence Stocking. Laurence only spoke to me once about the crime that he had committed. He expressed his deep remorse over taking a life, an action he could never undo. He said « If I spend the rest of my life trying to help others maybe I can in a small way atone for my crime ». This is exactly how he spent the rest of his life, helping others in every way. Thank you for the honour you have given to my son today.

BIOGRAPHICAL NOTES

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Ralf Jürgens

Executive Director, HIV/AIDS Canadian Legal Network

Ralf Jürgens, one of the co-founders of the Network, has been its Executive Director since 1 June 1998. Since February 2002, he has been a member of the Board of CACTUS-Montréal (a needle-exchange program in downtown Montreal). In 2001, he was a member of Canada's delegation to the United Nations General Assembly on HIV/AIDS. Other past activities include: Ralf was President of the Interagency Coalition on AIDS and Development (ICAD) from 1995 to September 2000; from June 1998 to June 2001, he was a member of the Ministerial Council on HIV/AIDS; and from 1992 to 1994 he was Project Coordinator of the Expert Committee on AIDS and Prisons, and taught the first course on AIDS and the Law ever to be offered at a Canadian university (McGill, Faculty of Law). Ralf has a Master's Degree in Law from McGill University, Montréal, Canada, and a doctorate in law from the University of Munich, Germany.

Joanne Csete

Director, HIV/AIDS and Human Rights, Human Rights Watch

Joanne Csete is the Director of the HIV/AIDS and Human Rights Program at Human Rights Watch, where she supervises research and advocacy on a wide range of human rights violations related to the AIDS epidemic. She was previously chief of policy and programs in the UNICEF Regional Office for Eastern and Southern

Africa in Nairobi where she worked on AIDS programs and policies for UNICEF in the region. She lived and worked in Africa for over ten years, including in Rwanda, Burundi and in the Democratic Republic of Congo, focusing mainly on public health and nutrition programs.

Stephen Lewis
Special Envoy for HIV/AIDS in Africa

On June 01, 2001, UN Secretary-General Kofi Annan appointed Stephen Lewis as his Special Envoy for HIV/AIDS in Africa. Mr. Lewis' work with the UN has shaped the past two decades of his career. Mr. Lewis has served as Deputy Executive Director, and Special Representative for UNICEF, and from 1984 to 1988, as Canadian Ambassador to the United Nations. In the 1960s and 1970s, Stephen Lewis was an elected representative to the Ontario Legislature, becoming leader of the New Democratic Party and leader of the Official Opposition. Mr. Lewis holds 18 honorary degrees from Canadian universities. And in 2003, he was appointed a Companion of the Order of Canada, Canada's highest honour for lifetime achievement. Recently, Mr. Lewis created the Stephen Lewis Foundation (www.stephenlewisfoundation.org) to help ease the pain of HIV/AIDS in Africa.

Dr. Mary Pearson
Physician and advocate

Mary Pearson is a family physician who has worked extensively in the federal prison system since 1987. An outspoken advocate for the health right to health for prisoners, she helped establish a limited methadone program, screening for hepatitis C and HIV, and TB testing in Ontario prisons. While she was the physician at Joyceville Penitentiary, she saw Laurence Stocking weekly. Mary Pearson is the mother of 4 children and stepmother to 2 more.

Ena & Chantelle Stocking

Respectively mother and daughter of deceased prison activist Laurence Stocking, recipient of the 2003 national Award for Action on HIV/AIDS and Human Rights.

Liesl Gertholtz
Advocate and head of the legal unit, AIDS Law Project, South Africa

Liesl Gertholtz has a BA LLB from the University of the Witwatersrand. She practised as an advocate from 1991 until 1996 when she joined the South African Human Rights Commission as its Senior Legal Officer, with responsibility for the investigation into human rights violations. In 1998 she

joined the Commission on Gender Equality as the head of its Legal Department. She left in July 2001 to take up the position of Manager of the Legal Unit at the AIDS Law Project. She remains active in the gender field and is presently the Deputy Chairperson of People Opposing Women Abuse and a Board member of Gender Links.