



## FREQUENTLY ASKED QUESTIONS

*Banda & Others v the Attorney General & Others;*

*Makwiza & Another v the Attorney General & Others*

11 October 2019

### WHAT IS MDR-TB?

- Multidrug-resistant tuberculosis (MDR-TB) is a form of tuberculosis (TB) caused by bacteria that are resistant to treatment with at least two of the most powerful first-line anti-TB drugs.
- MDR-TB is spread through coughing and is highly contagious.
- Treatment for MDR-TB is longer than ordinary TB treatment, and requires more expensive and more toxic drugs.
- The latest data reported to the [World Health Organisation](#) show a treatment success rate for MDR-TB of only 55% globally. A significant proportion of people who become infected with MDR-TB will therefore die, even if receiving treatment.
- Because of the severe side-effects of MDR-TB treatment, even those who survive have a strong possibility of suffering severe and lifelong disabilities in the result.

### HOW DO CONDITIONS IN THE PRISONS RELATE TO TB AND MDR-TB?

- The claimants argue that the current prison conditions are a breeding ground for the spread of this drug-resistant strain of TB. These prison conditions include severe overcrowding and poor ventilation in the prisons, a lack of adequate food, and the absence of isolation facilities to accommodate the inmates while infectious and undergoing lengthy and toxic treatment.
- These conditions not only exacerbate the likelihood of TB spreading, but also increase the likelihood of the manifestation of TB disease and of persons with TB not recovering from their illness even if treatment is provided.
- The World Health Organisation says that worldwide, the level of TB in prisons has been reported to be up to 100 times higher than that of the civilian population. Cases of TB in prisons may account for up to 25% of a country's burden of TB. The claimants therefore consider that the state of TB in Malawi's prisons is important to Malawi's overall TB burden and to public health as a whole.



#### **WHAT IS CHREAA'S INTEREST IN THE CASE?**

CHREAA is a registered non-governmental organisation dedicated to the promotion and protection of human rights. Inspired by Malawi's past history of oppression and human rights abuses, CHREAA is committed to combating ignorance of rights and to making justice accessible to marginalised communities. CHREAA is well aware that the daily struggles of ordinary people are often overlooked. In joining this application as a party, CHREAA seeks to ensure that the rights of all prisoners are advanced in the determination of the case as well as the rights of its paralegal officers who are working in the prisons on daily basis and are likely to be exposed to infection.

#### **WHAT IS SALC'S INTEREST IN THE CASE?**

SALC is a regional human rights organisation that works to promote and advance human rights, democratic governance, rule of law and access to justice in the Southern Africa region through advocacy, capacity strengthening and strategic litigation support. SALC's Health Rights Programme works, amongst others, to advance human rights-based approaches to HIV and TB and advance the social and environmental determinants of health, particularly for key populations such as prisoners. SALC is supporting CHREAA in this case.