

FORCED AND COERCED STERILIZATION OF WOMEN WITH HIV/AIDS

At least forty HIV-positive women in Namibia have indicated they were subjected to forced or coerced sterilization at public hospitals, violating their rights to life, dignity, family and freedom from degrading treatment and discrimination guaranteed under Namibia's Constitution. These women comprised nearly twenty percent of a group of 230 HIV positive women in education programs run by the International Community of Women Living with HIV/AIDS (ICW) in Namibia. SALC and ICW have assisted the Legal Assistance Centre (LAC) in preparing fifteen cases of coerced or forced sterilization in public hospitals for litigation. Three of these cases were heard in Namibia's High Court this June. In each of these cases, the plaintiff is seeking 1 million Namibian dollars for violations of her constitutional rights. The trial is in recess until 1 September 2010.

In all of the documented cases, sterilization was either forced or coerced. In the cases of coerced sterilizations, medical personnel failed to obtain informed consent from the patient. For example, in a number of cases, consent forms were given while they were in labor or as a pre-requisite to a needed medical procedure, such as a Cesarean section.

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Jennifer Gats-Mallet – Coordinator –
International Community of Women
Living with HIV/AIDS

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Rosa Namises – Director
Women's Solidarity Namibia

In cases of forced sterilizations, women were unaware that they were sterilized, often times having signed a consent form without being informed of its contents. Some women did not learn they were sterilized until follow-up appointments, weeks after the sterilization. None of the women were provided full and accurate information regarding the nature and impact of the sterilization procedure. All of the women who were subjected to coerced or forced sterilization were HIV positive, and believe that the sterilization was done because of their HIV status.

Coerced and forced sterilization can lead to serious ramifications for a woman's societal role. The ability to reproduce plays a major role in a woman's status and position in society, making infertility "worse than having HIV," as ICW coordinator Jennifer Gatsi- Mallet told the *Mail and Guardian*. Testifying in the Windhoek High Court, one woman who was coercively sterilized described the shame she now feels, unable to tell her family because it would involve revealing her HIV status and cause problems with her in-laws. Sterilized women face particular risks because they can no longer fulfill a duty promised in exchange for the customary *ilobola* (bride price). It can also become more difficult for women to find husbands. For example, as Vicky Noa, a thirty year-old activist who was allegedly sterilized told *The Namibian*, men who love her despite her HIV-positive status "disappear" once they learn she cannot bear children.

Further, forced and coerced sterilization has widespread consequences for the health system. As Mark Nonkes of LAC told *The Namibian*, "fear of discrimination and mistreatment can discourage women from seeking healthcare services and can undermine the Government's gains in the provision of sexual and reproductive health services and the HIV response as a whole." One HIV-positive woman who was not sterilized described her fears to ICW, telling them, "[m]y main concern is how the hospital will treat me because I refused sterilization... I am afraid now."

Namibian women are taking steps beyond litigation. ICW organized a petition with over 1,100 signatories calling for an immediate end to forced sterilization.

Sit-ins were held at hospitals responsible for the human rights violations, including at Katutura State Hospital, where nurses provided support to protestors, listening to their arguments and accepting informational pamphlets to distribute to patients. However, despite the filing of the case and popular support, as of August 2010, little had been done by the Namibian government to end the practice and thoroughly investigate the reported cases in order to hold institutions to account. Further, as Esther Sheehama of the ICW told Radio Netherlands Worldwide, it may be especially difficult for those women who have not disclosed their HIV status to come forward and seek relief through the trial process.

SYMPTOM OF A GREATER PROBLEM

The coerced sterilization of HIV positive women entrenches the stigmatization of women, who are already more vulnerable to HIV. The percentage of southern Africans living with HIV is disproportionately skewed towards women. This is primarily due to women's systemic vulnerability due in part to a younger age for losing their virginity, disempowerment in negotiating safer sex, and a lower standard of education, according to the Joint UN Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO). When HIV-positive, women are often "stigmatized as vectors of disease, irrespective of the source of infection," reported UNAIDS. Stigmatization and the common misconceptions surrounding transmission of HIV often prevent women from accessing necessary treatment. Rosa Namises, Director of Women's Solidarity Namibia, noted that "Namibia has an extremely high HIV prevalence, fuelled by stigma against people living with HIV... women living with HIV are highly vulnerable to human rights violations." However, many HIV organizations do not focus specifically on the plight of women.

Forced sterilization violates many human rights guaranteed in the Namibian Constitution and international treaties, including the International Covenant on Civil

and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Subjecting women to sterilization without their consent violates their rights to reproductive self-determination, found a family, and be free from inhuman and degrading treatment and medical experimentation. It also violates the right to equality; as a local protestor commented, “[T]his is very wrong, it is a violation against women’s rights and it’s a shame to the nation.”

COERCED STERILIZATION BEYOND NAMIBIA

Coerced sterilization of HIV positive women is not isolated to Namibia. According to Human Rights Watch, in 2009 a Reproductive Health Bill was unsuccessfully proposed in Rwanda that permitted mandatory HIV testing and allowed health care professionals to sterilize certain individuals. Additionally, there have been reported cases of forced and coerced sterilization in other southern African countries, including South Africa.

SALC will continue working with local partners throughout southern Africa to document the practice and hold perpetrators accountable in an effort to end the coerced sterilization of HIV positive women.

For more information on the situation in Namibia, please see <http://endforcedsterilisation.wordpress.com/>.