

Where to Go for Help if Your Rights Have Been Violated

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Tel: +264 (0)65 - 230178

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The International Community of Women Living with HIV/AIDS (ICW):

Tel: +264 (0)61 - 220 117

Women's Solidarity Namibia

Tel: + 264 (0)61 - 260924

The Office of the Ombudsman:

Tel: +264 (0)61 - 2073111

Regional Health and Welfare Officers

The Health Professionals Council of Namibia:

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CAMPAIGN PARTNERS

Legal Assistance Centre

Southern Africa Litigation Centre

Open Society Initiative for Southern Africa

Namibia Women's Health Network

AIDS and Right Alliance for Southern Africa

Women's Solidarity Namibia

Women's Leadership Centre

Sister Namibia



End Forced Sterilisation!



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End Forced Sterilisation!



WOMEN LIVING WITH HIV HAVE ALLEGEDLY BEEN STERILISED WITHOUT THEIR INFORMED CONSENT:

What happened?

The alleged sterilisation of women living with HIV without their informed consent in Namibia is an emerging human rights issue although the extent of the problem is yet to be discovered.

In 2007, reports surfaced of cases in which women living with HIV, seeking medical care were allegedly subjected to sterilisation without their knowledge or informed consent at state hospitals in two of the thirteen regions of Namibia.

In an effort to stop this practise, obtain redress for the allegedly sterilised women and raise public awareness of the incidents, the International Community of Women living with HIV and AIDS, Namibia and Namibia Women's Health Network contacted the media and publicised the issue.

Since February 2008, the Legal Assistance Center (LAC) has documented fifteen individual incidences of alleged sterilisation of women living with HIV and continues to learn about more cases. ICW Namibia and Namibia Women's Health Network also conducted a pilot survey and documentation project to define the extent to which the alleged sterilisation without informed consent has affected women living with HIV in Namibia. Preliminary findings indicated that the initial documented cases appear to be merely the tip of the iceberg.

The targets of the alleged sterilisation without informed consent in Namibia have been women who access public health care services.

Why is it wrong?

The alleged sterilisation of women living with HIV without their full and informed consent is a serious human rights violation.

Every patient, including woman living with HIV, has the right to decide whether he or she wishes to undergo any operation of any kind and medical personnel may not proceed with the operation unless she has given her consent.

Medical personnel must warn the patient of the risks involved or possible alternatives to the procedure to enable the woman to make an informed decision about whether and how to proceed. Informed decision-making and consent is particularly important when permanent procedures such as sterilisation are being performed.

It is not merely saying "yes" to a procedure and involves a discussion between a patient and a healthcare provider. It must be given freely and voluntarily.

Sterilisation without informed consent violates a woman's constitutional, regional and internationally protected rights to equality, dignity, non-discrimination, health - which includes the right to make one's own decision about health care, to found a family and to fair administrative justice, including the right to proper treatment by hospital administration through medical ethics. In addition, the alleged sterilisation was as a consequence of them being women who are HIV-positive, thus violating their right to equality and freedom from discrimination.

Sterilisation without consent also violates women's sexual and reproductive health rights, defined in the 1994 International Conference on Population and Development (ICPD) that people have the right to a satisfying and safe sex life including the capability to reproduce and the freedom to decide if, when and how often to do so.

Implicit in this last condition are the rights of men and women to be informed and have access to safe, effective, affordable, and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health care services

The practice of sterilisation of women living with HIV without informed consent also directly violates Namibia's international law obligations.

How does it affect Namibian women, communities and you?

For many women, pregnancy and childbearing is central to self esteem and personal satisfaction. In patriarchal societies such as our own, women are often valued for their ability to bear children. In addition, our society still

operates in a highly unequal context, which contains many structural challenges that keep women in unequal and vulnerable positions.

HIV/AIDS has increasingly become feminised and women, already highly vulnerable to HIV infection, are at higher risk of human rights violations such as sterilisation without their consent due to their HIV status.

Women's rights to reproductive autonomy are integral to establishing a human rights framework. However, for women living with HIV, access to health care is often marked with human rights abuses and violations despite existing human rights frameworks.

Because these cases happened in public health facilities, and continue to happen, any Namibian woman – particularly one living with HIV - is potentially at risk.

What is being done?

The LAC is litigating against the Namibian Government (Ministry of Health and Social Services) on behalf of the women, who are claiming monetary compensation for the damages that they suffered. The court proceedings will commence in October and November.

An advocacy campaign, consisting of a media component and mobilisation activities including a march on 20 October will strive to raise public awareness of these issues and break down stigma against women living with HIV.

Court dates:

- First set: 20 to 23 October 2009
- Second set: 24 to 27 November 2009

What can you do?

You can stand up against this injustice by joining the march on 20 October starting at the Katutura Red Cross Shopping Centre on Independence Avenue at 8:00 AM.

You can also find out more about the issue by visiting the LAC office or any of the campaign partners (see contact list on the following page).

But most importantly, you need to respect the human rights of all and get to know the facts about HIV in order not to stigmatise or discriminate against people living with HIV.

