

Court: Namibia HIV sterilizations violated rights

July 30 2012, by JON GAMBRELL

(AP) — Namibia's government sterilized three women infected with HIV without getting proper consent, forcing them to sign forms they didn't understand as they suffered through the pains of labor, a judge ruled Monday.

Activists applauded the decision by Judge Elton Hoff, though the ruling rejected lawyers' accusations that doctors sterilized the women specifically because they had HIV in a country where the virus remains endemic. The activists say they worry more women in the southern African nation are coerced into the procedure, as other cases pending before courts allege women suffered similar treatment at the hands of doctors.

The three women, in their 20s to 40s, all sought care at government hospitals in Namibia. All signed release forms that allowed doctors to sterilize them, though at the time they didn't realize what they had agreed to, said Nyasha Chingore, an HIV project lawyer with the Southern Africa Litigation Centre. In one case, a woman signed a form that used only acronyms to describe the procedure, while another signed after being told she didn't have a choice, Chingore said.

"The consent forms were all signed when they were in labor," she said.

Corinna van Wyk, the lawyer who represented the women in court, said the government had 14 days to appeal Hoff's ruling. All three of the women will be entitled to monetary damages, though that portion of the

case will be delayed as the court deals with other similar cases.

However, the major point of the case — that women should have the right to be properly informed and allowed to make their own free decision about being sterilized — has been upheld by the court, she said.

"Right now, all we wanted was a standard and we got that," van Wyk said.

Namibian authorities could not be immediately reached for comment Monday.

As many as 210,000 people live with HIV in Namibia, nearly 10 percent of the population in the country of 2.1 million people, according to UNAIDS, the Joint United Nations Program on HIV and AIDS.

Sterilization is a drastic tactic to treat HIV-positive women, as mother-to-child transmission of HIV and AIDS can be prevented with medication. However, that medical aid reaches about 58 percent of pregnant women in Namibia now, according to UNAIDS.

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