BACKGROUND

As programs for the prevention of mother to child transmission of HIV were launched around the world, discriminatory attitudes and practices toward women living with HIV continued to emerge. There were untrue beliefs that women living with HIV could not, or should not, bear children which led to a great number of them being subjected to involuntary sterilization. Between 2005 and 2010, there was a sustained unofficial policy that led to the forced and coerced sterilization of women. They had several things in common. They were: living with HIV, of lower social-economic status, receiving medicine and food rations for themselves and their children, as part of programs to prevent mother to child transmission, and were threatened with withdrawal of the medical and food assistance if they did not produce evidence of permanent family planning. They were subjected to unwanted sterilization despite the fact that science had proven that with adequate medical care and essential medication, they could bear healthy children.

DESCRIPTION

In 2014, KELIN assisted five of these women to file suit in court against the facilities that coerced them into undergoing forced sterilization highlighting the violations they suffered. In their claim, they are also seeking state interventions to ensure that forced sterilization never happens again. That litigation is still pending, now in its 8th year.

CONCLUSIONS

We are expecting the conclusion to this process in 2022. Litigation is useful to secure individual redress and social change, but does not guarantee success. We will scale up other avenues for advocacy through which women living with HIV can secure justice, including social advocacy programmes to increase education about living with HIV, economic empowerment, and availability of medical and psychosocial support.

LESSON LEARNED

• The factors that resulted in the vulnerability of the victims to forced sterilization must be addressed alongside litigation.
• Litigation is a lengthy, technical and sometimes emotional process, and the likelihood of retraumatising the victims is ever-present.
• We must anticipate delays and the needs of the victims
• Litigation is only one step in the journey of redress for women who are living with consequences of forced and coerced sterilization.