# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 1462**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 05 MAY 2023**

**(INTERNAL QUESTION PAPER NO. 15)**

**Ms P Marais (EFF) to ask the Minister of Health:**

Considering that in 2020 the Commission for Gender Equality compiled a report on the forced sterilisation of black women and noting that the specified report included recommendations that his department had to implement over four months, (a)(i) what recommendations have not been implemented and (ii) why have such recommendations not been implemented and (b)(i) what recommendations have been implemented and (ii) on which dates were the specified recommendations implemented? **NW1690E**

**REPLY:**

1. (i)-(ii) 12.1 The Commission will refer this report and its findings to the Health Professions Council of South Africa (Health Professions Council of South Africa) and the complaints contained herein. The HPCSA guides and regulates health professions on all aspects pertaining to professional conduct and ethical behaviour. Thus, they ought to engage with this report on this matter as they have the necessary capacity to investigate the professional conduct and behaviour of the implicated health care practitioners.

**Recommendation was supposed to be implemented by the Commission and not the Department of Health**

12.2 The Commission will refer this report and its findings to the South African Nursing Council (SANC) and the complaints contained herein. The SANC guides and regulates nurses on all aspects pertaining to professional conduct and ethical behaviour. Thus, they ought to engage with this report on this matter as they have the necessary capacity to investigate the professional conduct and behaviour of the implicated health care practitioners.

**Recommendation was supposed to be implemented by the Commission and not the Department of Health**

12.5 The Commission will present this report as part of its petition to the SALRC for amendments to legislation that ensure consent is properly obtained such as counselling prior to consent, the timing of obtaining consent and compulsory information that must be provide.

**Recommendation was supposed to be implemented by the Commission and not the Department of Health**

1. (i)-(ii) 12.3 The NDOH, upon receipt of this report must interrogate and scrutinise the provisions of the Sterilisation Act and interrogate consent forms for sterilisations to ascertain whether the provisions contained therein provide for and protect the principle of informed consent in all respects. The NDOH must report to the CGE within 3 (three months) of receipt of this report as to what concrete steps the Department will take in order to ensure that the eradication of the harmful practice of forced sterilisation.

**Date of implementation: November 2020**

12.4 The NDOH, upon receipt of this report must facilitate dialogue between themselves and the complainants in order to for them to find ways of providing redress to the Complainants.

**Date of implementation: 3-4 June 2021**

12.6 The NDOH must revise consent forms to bring them into conformity with the guidelines provided by International Federation of Gynaecology and Obstetrics and standardised for all sterilisation procedures. The NDOH should also print consent forms in all official languages, and the explanation around the procedure, particularly its irreversible nature should be given in the patient’s language of choice. This must be executed and attested to;

**Date of implementation: December 2022**

12.7 The NDOH must make it an operational policy requirement that where a patient agrees to sterilisation, they must be given a “cooling off” period in order to fully appreciate the risks and consequences of their sterilisation procedure.

**Date of implementation: December 2021**

12.8 Standard timeframes should be put in place in relation to when the discussion around sterilisation should take place. Patients cannot be informed about this process minutes before going to theatre. Patients must also be informed that they are at liberty to change their minds at any time before the procedure takes place.

**Date of implementation: December 2022**

12.9 The DOH must ensure that their filing systems, both manual and electronic are standardised for ease of coordination. Feedback to the latter must be provided within 3 months from date of this report.

**Date of implementation: Process is ongoing.**

END.