# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 2539**

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**(INTERNAL QUESTION PAPER NO. 23)**

**Ms D Carter (Cope) to ask the Minister of Health:**

Whether he had used departmental officials to investigate who had instructed HIV-infected women to be sterilised without their written consent and had used that investigation to bring to book those who had transgressed medical ethics and violated the right to bodily integrity safeguarded in the Constitution of the Republic of South Africa, 1996; if not, why not; if so, what are the relevant details?

###### NW2911E

**REPLY:**

In June 2012 the Department of Health requested Professor Jack Moodley (Chairperson of the National Committee on Confidential Enquiry into Maternal Deaths), and Dr Nat Khaole (then Acting Chief Director for Maternal and Women’s Health) to investigate allegations that HIV positive women have been sterilized without their consent. They visited two hospitals in Durban, namely, Addington Hospital and King Edward Hospital and found two evidence of systematic abuse of the consent process as alleged by the researchers.

When the issue was first brought to the attention of the Department of Health, I requested that details be provided, including names of the complainants, to enable the Department to investigate the matter fully. However, the Department was informed that the complainants did not wish to be identified to the Department as they were afraid of being victimised, despite our reassurance that I would personally ensure that the complainants are not victimised.

In 2015 the issue of forced sterilisation was raised with the Department of Health again. The Department again requested the NGO, *Her Rights Initiative*, to provide the names of the complainants, to enable the Department to fully investigate the allegations. In addition, a commitment was made that an independent team would investigate the allegations, if need be. However, to date, there has been great reluctance in providing the Department with the information necessary to investigate this matter.

The Department’s policy on any surgical procedure, including sterilization, is very clear – all surgical procedures require informed consent. In this regard, transgression will not be tolerated and disciplinary action will follow transgression when there is evidence to this effect.

END.