**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

# QUESTION NO: 2655

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## INTERNAL QUESTION PAPER: 45 OF 2020

 **Ms DB Ngwenya (EFF) to ask the Minister in The Presidency for Women, Youth and Persons with Disabilities:**

With reference to her reply to question 1801 on 7 August 2020, what are the details of the (a) urgent redress she demanded to be afforded to victims of forced sterilisation and (b) support that her Office has been giving to the specified victims who have been trying to access justice for more than 11 years? NW3370E

**REPLY**

 (a)

The Department of Women, Youth and Persons with Disabilities is engaging with the Department of Health on the Investigative Report of the Commission for Gender Equality on Forced Sterilisation of Women living with HIV and Aids. This collaboration is based on the findings and recommendations contained in the report to respond so that justice be served where there is proof of the violation of human rights and dignity, and reproductive injustices committed.

In this regard the redress must include the following that:

* the Department of Health must facilitate engagement with the complainants so that where such violations were committed, the appropriate redress can be provided for;
* there be an immediate review of the policy on sterilisation and if necessary, of the Sterilisation Act No 44 of 1998.
* where necessary, the guidelines and protocols related to the issue of sterilisation be reviewed and amended in order to protect against any loopholes that could lead to such violations;
* the Department of Health investigate the issue so that those doctors and nurses guilty of the alleged heinous acts be appropriately sanctioned.

The meeting between the two departments was to establish what interventions the Department of Health has made to date and to determine how the matter can be expeditiously addressed and redressed. The Department of Health informed the Department of the actions taken to date:

* In February 2020, the Department of Health received the Report from the Commission on Gender Equality, following which the Minister of Health engaged the Chair, Deputy Chair and the CEO of the Commission for Gender Equality, seeking clarity on issues contained in the Report .
* In order to better understand the nature and extend of the complaints and to take corrective action, the Department of Health is establishing a panel of independent experts from various fields to further investigate the matter.
* The Department of Health will request through the media that women who feel that they have been sterilised against their will make representation to the Health Ombudsman confidentially, so that they are not prejudiced
* The Department of Health is probing the consent forms for sterilisation to ascertain whether the provisions contained therein provide for and protect the principle of informed consent in all respects. The Department of Health indicated that the previous consent form has a few limitations which need to be strengthened and tightened to avoid any unintended negative consequences and that they are currently addressing these, including the recommendations from the Commission for Gender Equality report on language of counselling, and the provision of a “cooling off” period for the person seeking the procedure before it is actually performed, among others.

(b) The Department is unable to directly engage the alleged victims as they remain anonymous. It is envisaged that in working with the Department of Health the issue will be addressed though the interventions that the Department of Health is putting into place.