

Research Seminar Draft HIV/AIDS

World AIDS Day 2021

Event Title: A Research Discussion on Women and Girls with HIV and Forced Sterilization of women living with HIV/AIDS

Date: 30th November 2021

Attendees

Host: BCU School of Law Research Seminar Series (Dr Iyan Offor)

Presenters: Dr Alice Storey, Favour Kalu, Aise-Osa Igbinomwanhia

Brief Summary

The research seminar series event, which took place on December 1st in recognition of World AIDS Day 2021, provided a dynamic and stimulating forum for a discussion on the rights of women and girls living with HIV all over the world. The purpose of the event was to address the issue of HIV among women and girls and discuss what can be done to protect them from being infected by the disease.

Dr Alice Storey gave a report on the Birmingham City University Centre for Human Rights and its Universal Periodic Review (UPR) projects. Specifically, Dr Storey focused on UPR projects on Namibia and Eswatini. The BCU UPR projects aim to address human rights issues globally, producing research-based recommendations to bring about legal change within UN member state parliaments.

The UPR project reports that Namibia has the seventh-highest rate of HIV across the world, and HIV is the number one cause of death in the country.¹ The country is a signatory to seven of the nine major international human rights accords.² The International Covenant on Economic, Social, and Cultural Rights (ICESCR), which Namibia ratified in 1994, is particularly significant for the regulation of the right to health, notably in the context of HIV.³ However, it was found in the report that failure to implement the UPR recommendations was

¹ Birmingham City University UPR Project, 'Namibia Stakeholder Report' (2021) 2 <<https://www.open-access.bcu.ac.uk/11758/1/UPR%20Project%20at%20BCU%20Namibia%20Stakeholder%20Report.pdf>> accessed 13 May 2022.

² Ibid.

³ Ibid.

commonplace. Additionally, Dr Storey detailed how victims of HIV are stigmatized and segregated in Namibian society.

In Eswatini the UPR report focuses on two key issues for women and girls living with HIV in Eswatini: (1) the effect of HIV-related stigmatisation on women and girls, and (2) protecting female sex workers from HIV.⁴ Although Eswatini has the highest rate of HIV across the world and is a party to seven of the nine core international human rights treaties and a signatory to one (including the ICESR), implementation procedures are subpar.⁵

Following discussion of the research presented by Dr Storey, Ms Kalu presented on the issue of forced sterilisation of women. In her presentation, she noted that this oppressive practice is justified on the basis that it is supposedly done in the best interests of marginalised women including, in this case, women living with HIV/AIDS. This ‘best interest’ notion is ultimately to the tune that sterilizing marginalized women like those living with HIV/AIDS is an attempt to limit mother-to-child transmission of the virus. Ms Kalu’s discussion tilted towards the existing legal instruments that are in place to protect women living with HIV/AIDS from any form of violence. The research presented here exposes the nexus between forced sterilization of women living with HIV/AIDS on the one hand and discrimination on the other. Ms Kalu went on to examine whether the act of forced sterilization has been to any degree influenced by discrimination. She opines that forced sterilization is inherently a discriminatory practice. The motivating reason for forced sterilization is to deny specific populations the ability to procreate due to a perception that they are less than ideal members of the society and thus unworthy to procreate. On this basis, the group discussed the importance of calling for equality in gender-related health issues, suggesting that this issue be tackled from a human rights perspective.

Following the discussion of Ms Kalu’s presentation, Mr Igbinomwanhia led a discussion on how to keep female sex workers safe from HIV. Some of the important questions raised included: what measures have been put in place to protect women and girls from HIV/AIDS; how can female sex workers be encouraged to reduce the transmission of HIV/AIDS through

⁴ Birmingham City University UPR Project, ‘Eswatini Stakeholder Report’ (2021) 2 <<https://www.open-access.bcu.ac.uk/12203/1/UPR%20Project%20at%20BCU%20Eswatini%20Stakeholder%20Report.pdf>> accessed 13 May 2022.

⁵ Ibid 2.

interventions such as the use of Pre-Exposure Prophylaxis (PrEP);⁶ and what can governments and agencies do to help protect female sex workers from abuse and domestic violence.

Throughout discussion at this seminar series event, it was pointed out that failure of implementation of measures by state governments has contributed to the ongoing segregation of women with HIV. There was also discussion of the failure of UN member states to implement various UPR recommendations. The discussion also focused on addressing several specific sociocultural issues relating to women and girls with HIV/AIDs. Some of these sociocultural factors included domestic violence and abuse, stigmatization, police harassment, safety at work, and decriminalisation of sex work.

Discussion also focused on the fact that the Joint United Nations Programme on HIV/AIDS (UNAIDS) emphasises the importance of combining HIV prevention strategies for sex workers. For example, integrating condom distribution into other HIV services, or strengthening links between HIV services and other sexual and reproductive health services like family planning, gynaecological services, and maternal health.⁷ When these strategies are adopted, the overall health of female sex workers is likely to improve and, in turn, the risk of HIV will also reduce. Another issue discussed was reckless sexual transmission of HIV/AIDs.⁸ It was noted that some clients of female sex workers coerce them into having unprotected sex, taking advantage of their socioeconomic vulnerability and exposing them to sexually transmitted diseases like HIV/AIDS.

The seminar series was stimulating, interactive, and deep in its discussion of issues facing women and girls living with HIV/AIDs. Many of the discussion points outlined in this report were raised by attendees, made possible by the engaging and facilitative presentations provided. The group felt that perhaps the most significant issue to continue reflecting on and working on is the lack of implementation of UPR recommendations by UN member states like Eswatini and Namibia. Not only do solutions to many of the issues discussed here present

⁶ Pre-Exposure Prophylaxis (PrEP) (Center for Disease Control and Prevention Website August 6 2021) <<https://www.cdc.gov/hiv/risk/prep/index.html>> accessed 13 May 2022.

⁷ Bea Vuylsteke, Smarajit Jana 'Reducing HIV Risk in Sex Workers, Their Clients and Partners' <https://www.who.int/hiv/topics/vct/sw_toolkit/reducing_hiv_risk_sex_workers.pdf> accessed 13 May 2022.

⁸ Intentional or Reckless Sexual Transmission of Infection Legal Guidance, Sexual offences, Violent crime <<https://www.cps.gov.uk/legal-guidance/intentional-or-reckless-sexual-transmission-infection>> accessed 13 May 2022.

themselves in these recommendations, it is also possible that lack of implementation is a major reason why the stigmatization of HIV victims is still persistent in those countries.