



PREGNANCY AND PERINATAL TRANSMISSION

CHAPTER 6

Discrimination and inequality affecting women's reproductive lives have been deepened by the pandemic. Pregnant women who are HIV positive may be subjected to coercive mandatory pre- and post-natal testing. Abortion or sterilization may be forced upon them by health authorities, or they may make these choices under pressure or on the basis of misinformation. In cultures that tie women's value to their ability to produce children, childlessness may be stigmatized – with the result that women may ignore the danger to their health and attempt to become pregnant through unprotected sex, and positive women may refuse to consider the option of abortion. Short course treatment preventing mother to child transmission of the virus may not be provided or accessible, and all efforts to care for the mother may terminate once treatment to protect her child is complete. Fear of the consequences of disclosing their HIV positive status may cause women to breastfeed where safer alternatives are available.

“When I was told about my HIV status I was pregnant, and the doctor who told me my results advised me to have an abortion. He said that the child was going to die so it is just as good to have an abortion. Because my mind was in turmoil I agreed to that. He did not give me a chance to think about it. He just said that if I didn't decide at the time he would not do the abortion which means I and my child will die. So I went ahead and had that abortion which I still regret to this day... I still grieve for the child I lost. If the doctor told me about the 50-50% chance of having a negative child, I would have tried.”

*Source: – Millicent, Harare
UNIFEM/Zimbabwe
Network of Positive Women*

RESPONDING WITH CEDAW

The Women's Convention articles on health and equality in marriage and family relations, as well as several of the General Recommendations, set out clear obligations in relation to pregnancy.

The measures States parties may need to take to comply with their obligations under the Convention include: ensuring that all new mothers who are HIV positive are provided with short course treatment to prevent transmission to their children, and that once it is completed treatment for the mother continues; prohibiting coercive testing and forced abortion and sterilization; providing HIV positive women with accurate information to assist them in making their own decisions; and providing the option of breast milk substitutes where it is possible for them to be used safely, as well as information on the benefits and risks of different feeding methods.

In Latin America, according to Mabel Bianco, head of Argentina's Coordination and Implementation Unit for HIV/AIDS, many doctors equate a woman with a "reproductive machine", and ignore her rights as a person. In practice, she says, this means that HIV positive women may be discouraged from becoming pregnant, or they are pushed to undergo sterilization. If an infected woman becomes pregnant, she may receive care to ensure that her baby is born healthy, but the follow-up of her disease is ignored afterwards.

Source: "Poverty Linked to the Feminization of HIV/AIDS" in Sbaan, IPS/UNIFEM Magazine on Gender and Human Rights





WHAT THE CONVENTION SAYS

- In addition to the broader obligations in relation to health care services which article 12 imposes, it also requires States parties to ensure to women **appropriate services in connection with pregnancy**, confinement and the post-natal period, granting **free services** where necessary, as well as **adequate nutrition during pregnancy and lactation**.
- In its General Recommendation on women and health, the CEDAW Committee has noted that many women are at risk of death or disability from pregnancy-related causes because they lack the funds to obtain or access the necessary services, which include ante-natal, maternity and post-natal services. The Committee also notes that States parties have a **duty to ensure women's right to safe motherhood** and emergency obstetric services and that they should allocate to these services the **maximum extent of available resources**.
- Article 16 requires States parties to ensure men and women the same rights to decide freely and responsibly on the **number and spacing of their children** and to have **access to the information, education and means** to enable them to exercise these rights.
- In its General Recommendation on equality in marriage and family relations, the CEDAW Committee has stated, regarding coercive practices such as forced pregnancies, abortions or sterilization, that **a woman's decision whether to have children or not must not be limited by spouse, parent, partner or Government**. As well, the Committee has recommended in its General Recommendation on violence against women that States parties ensure measures are taken to **prevent coercion in relation to fertility and reproduction**.