

Addressing the Issue of Forced Sterilization

Forum: General Assembly II

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Introduction

Sterilization is the method we use today to prevent reproduction. The UN Committee on Economic, Social and Cultural Rights in its 2016 and the UN Committee on the Rights of Persons with Disabilities and the Special Rapporteur on torture affirmed that the practice of forcible sterilization may constitute cruel, inhuman or degrading treatment. From the view of The International Justice Resource Center (IJRC), the term forced Sterilization refers to “the involuntary or coerced removal of a person’s ability to reproduce, often through a surgical procedure referred to as a tubal ligation.” This term is also known as compulsory sterilization. A sterilized person will never be able to reproduce because it is an irreversible method from much prevalent contraception in the world. Forced sterilization violates many human rights since it is performed without consent. In some countries, people from certain population groups, including people living with HIV, persons with disabilities, indigenous peoples and ethnic minorities, and transgender and intersex persons, continue to be sterilized without their full, free, and informed consent. While both men and women are subject to sterilization, mostly women and girls are subjected to this practice. The World Health Organization (WHO), along with OHCHR, UNAIDS, UNDP, UNFPA, UNICEF, and UN Women, have issued a statement on “Eliminating forced, coercive and otherwise involuntary sterilization”, describing the history of Forced sterilization, including violating the basic human rights principles of autonomy and dignity, as a method of controlling mass childbirth in the late 20th century. Nevertheless, the right of integrity and the right of women to make their own reproductive choices are included in many international human rights treaties and organizations, a significant number of women are denied these rights from the form of forced sterilization.

Background

Forced sterilization is often implemented based on presumptions, stereotypes, and/or misinformation about the individuals at risk

The movement of eugenics restricted the reproduction of the least-powerful people, including minority women, immigrants, the physically and mentally ill, and the poor. By limiting this, the advocates of eugenics believe people who do not have “flaws” would be left, and Genetic heritage with “flaws” would be eliminated.



Forced sterilization Operation

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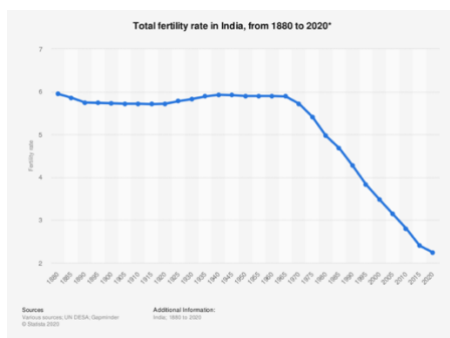
Some countries implement forced sterilization because the fertility rate is too high and there is a need to stop the population growth. The procedure of forced sterilization is often performed at the same time as cesarean sections or women are presented with consent forms during labor or delivery, when in great pain or duress. Recent cases of forced sterilization have been targeted at women living with HIV, women of ethnic minorities, disabled women, and poor women. Women's consent was obtained by coercion. In this case, women are asked to sign a consent form during labor or to receive other medical procedures such as abortion or Caesarean section and must agree to sterilization. In other cases when failed to obtain consent from women, who have never asked if they want sterilization, they were notified of sterilization after the Caesarean section. In some cases, women do not know that they have been sterilized until they try to access contraceptives. Then they find out that they are sterilized. According to an interagency statement: Eliminating forced, coercive and otherwise involuntary sterilization, agencies including The UN Office of the High Commissioner for Human Rights (OHCHR) have produced research, in the form of a statement for general release, to add weight to calls for States to take action to eliminate involuntary sterilization. Acknowledging “Sterilization is one of the most widely used forms of contraception in the world.”

International Actions

Countries around the world have banned forced sterilization as an illegal process. The right of integrity and the right of women to make their own reproductive choices are included in many international human rights treaties and organizations. The World Health Organization (WHO), along with OHCHR, UNAIDS, UNDP, UNFPA, UNICEF, and UN Women, have stated “Eliminating forced, coercive and otherwise involuntary sterilization.” the statement reaffirms that this must only be used with the “full, free and informed” consent of those undergoing the procedure. Some countries including United States have illegalized forced sterilization. Other countries including India and China does not have a strict regulation related to sterilization. The government uses sterilization for controlling population growth.

Places of High Concern

India



India has been an overpopulated country for nearly five decades. In June 2017, the United Nations reported that India's population will rise to 1.5 billion by 2050. To reduce population growth, India has been using sterilization since 1951. According to the United Nations, India alone was responsible for 37 percent of the world's female sterilization in 2011. Sterilization has decreased the fertility rate of India—fertility rates dropped from 3.4 in the 1990s to 2.2 in 2016. However, this leads to political

problems in the 1970s: “The Emergency”—a twenty-one-month-long period widely considered the darkest in post-1947 Indian history.

United States

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Eugenics has been a major cause of forced sterilization. In 1907, sterilization law was first adopted by the state of Indiana, United States. The law allowed mental patients, prison inmates, and the poor to undergo forced infertility surgery. Soon after, the sterilization law was adopted in 31 other states, and more than 60 thousand people with genetic disabilities were sterilized. In 1927, the U.S. Supreme Court case, known as *Buck v. Bell* was held. The case reaffirmed the right of individual states to forcibly sterilize anyone "afflicted with a hereditary form of insanity or imbecility."



Picture of the Bucks before the Supreme Court

Canada

Two Canadian states, Alberta and British Columbia carried out compulsory sterilization programs for eugenics in the 20th century. Canadian forced sterilization was operated through the same mechanisms of institutionalization, judgment, and surgery as the American system.

The Sexual Sterilization Act of Alberta was enacted in 1928 and abolished in 1972. In 1995, Leilani Muir sued the province of Alberta in 1959 for forcing her to sterilize without her permission. After Muir's incident, the Alberta government apologized for forcing more than 2,800 people to be sterilized. Nearly 850 people from Alberta who underwent fertility surgery were awarded \$142 million in damages under the Sexual Sterilization Act. Until 2017, many indigenous women could not see their newborn babies unless they agreed to sterilize them. More than 60 women are involved in the lawsuit.

Sweden



Swedish transgenders battle for forced sterilization

From 1906 to 1975, Forced sterilization was performed on eugenic, medical, and social grounds. Between 1972 and 2012, sterilization was used for sex reassignment surgery. Between 1941 and 1976, sterilization was legal in several pre-conditions: Medical purpose when women could be in serious problem when pregnant, eugenic purpose when a mentally or physically disabled person is considered pregnant, and a social indication of disabled persons would lead them to sterilization. From 1934 to 1974, 62,000 Swedes were sterilized as part of a national program based on the science of race biology and were carried out by officials who believed they were helping build a progressive and enlightened welfare state. For many years, these actions have been accepted in Sweden and other Scandinavian countries and often promoted by officials, who were otherwise considered to be an embodiment of their values as progressive and humanitarian states. In recent days, reports have highlighted similar programs in Switzerland, Austria, and Belgium.

Possible Solutions

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As there are many aspects of this problem, many solutions can be proposed. Among the many problems that exist within this issue, some of the most efficient means include:

1. To improve deterrence of forced sterilization, it is highly recommended that laws are strengthened and better enforced. This includes encouraging families to have only two children per family, spacing the birth of these children for about a few years, and providing full information about sterilization and proceed with full consent. Consent by the sterilized person should be reinforced, requiring official forms to fill out.
2. Provide incentives to adopt children, decreasing the fertility rate without forcing people to stop having children. Incentives should be given on education and raising of the child. This should be given to two children per family with only adopted children.
3. Launching public education campaigns to cease forced sterilization. The government can help begin changing behavior by raising awareness of the adverse effects of forced sterilization.
4. Proceed with further research on eugenics and conclude the theory.

There are countries still with sterilization law and the act of forced sterilization is not illegal. This problem should be widely spread. This problem means a lot to the victims of forced sterilization. There are already statements related to this act, however, there are countries still forcing sterilization, and the consents from the sterilized people are gained from suppression.

Glossary

OHCHR (Office of the High Commissioner for Human Rights): OHCHR is to ensure universal enjoyment of all human rights, to remove obstacles to their effective implementation, and to enhance coordination and cooperation of human rights-related activities throughout the United Nations system.

UNAIDS (Joint United Nations Programme on HIV and AIDS): UNAIDS is an innovative joint venture of the United Nations family which brings together the efforts and resources of 11 UN system organizations to unite the world against AIDS

Eugenics: Eugenics is a social and political philosophy. It seeks to influence how people mate and raise children, aiming at the development of the human race.

Sterilization Law: Sterilization is the law that gives a person the right to choose or reject reproductive sterilization within the reproductive right and governs when the government can restrict this basic right.

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