

Preventable hysterectomies in Malawi: Addressing challenges in the healthcare system

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Abstract

Women should play a key role in ending the problem of preventable hysterectomies that are a result of poor obstetric and gynecological care in Malawi.

Keywords: Gender Equality Act; Hysterectomy; Malawi; Ombudsman; Post-cesarean infections; Reproductive health; Reproductive rights

This communication aims to augment the recommendations made in a 2019 report by Malawi's Ombudsman to address the problem of preventable hysterectomies.¹ The Ombudsman investigated allegations that a large number of women were undergoing hysterectomies because of post-cesarean wound infections. The report revealed systemic factors which contributed to poor obstetric and gynecological care. Contributing factors included long waiting periods to receive surgical care, lack of qualified personnel, shortage of surgical materials and essential drugs, poor infection prevention practices, and negligence of health providers.

Malawi has the obligation to respect, protect and fulfill women's right to the highest attainable standard of reproductive health. Malawi duly signed and ratified human rights treaties including the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The obligation to fulfill this right requires Malawi to adopt appropriate legislative, administrative, budgetary, judicial, promotional, and other measures.²

The Ombudsman requested that the government allocate resources for the construction, expansion, and renovation of facilities for the provision of essential obstetric and gynecological care. Further, she asked the government to ensure that obstetrics and gynecological departments are sufficiently staffed, and staff are appropriately trained. To ensure that adequate resources are allocated to reproductive health services, the Ombudsman requested that the government comply with the 2001 Abuja Declaration, where the heads of state of African Union countries pledged to allocate a minimum of 15% of their annual budget to the health sector.³ The obligation to allocate necessary resources tallies with the

position of treaty monitoring bodies such as the Committee on ESCR⁴ and the CEDAW Committee on how states should realize human rights immediately and progressively.⁵

The Ombudsman also suggested raising awareness among the general public about relevant legislation and policies. Women have suffered due to health system inadequacies and continue to suffer silently. The absence of women's voices on crucial matters that affect them reflects gender inequality. Women must be empowered to demand a health system that serves their needs. Malawi's legal framework, including the Constitution of Malawi and the Gender Equality Act, has provisions that aim to address gender inequality, promote women's rights, and recognize the right of every person to adequate sexual and reproductive health.⁶ The legal framework, therefore, empowers women and interested parties to enforce reproductive health rights in national courts. Courts of law are an important avenue for enforcing reproductive health rights and holding the government to account. Indeed, women in Kenya and Uganda have used the courts to hold their governments accountable for poor maternal health services, and the courts have vindicated the right to high-standard reproductive health services.⁷ However, using the courts is not the only avenue for holding the government accountable to its obligations under international, regional, and national laws. Other means include participating in monitoring budgetary allocations to check whether the government is allocating adequate resources to reproductive health services.⁸

It is also critical that the government addresses sociocultural factors such as child marriage and the low status of women that tend to undermine the well-being and health of women.⁹ The government should enhance education programs and raise awareness to improve health literacy alongside social cash transfer programs to improve the social and economic status of women.

The Ombudsman's report and recommendations show the crucial role of the Ombudsman in ensuring accountability to promote women's right to health. Through her report, Malawi's Ombudsman has demonstrated the capability of her office to monitor violations of women's right to health. This is commendable, and one hopes that the government will respond to the recommendations through effective implementation. To address such a systemic problem, it is vital that the Office of the Ombudsman collaborates with other institutions, such as the Malawi Human Rights Commission. Additionally, development partners including UNFPA and WHO should support women's organizations to ensure that the government implements the recommendations in the Ombudsman's report. Ultimately, as the primary rights-holders, women should be enabled to play a central role in addressing the problem of preventable hysterectomies in Malawi's public health facilities.

AUTHOR CONTRIBUTIONS

GK led the initial drafting of article, while CS and ED reviewed and provided comments and suggestions that shaped the final version of the paper.

CONFLICTS OF INTEREST

The authors have no conflicts of interest.

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