

**THE RIGHT OF ACCESS TO HEALTH CARE SERVICES: PROSPECTS AND  
CHALLENGES**

**BY**

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### **LIST OF ABBREVIATION**

Acquired Immunodeficiency Syndrome (AIDS)

National Health Insurance (NHI)

Human Immunodeficiency Virus (HIV)

Treatment Action Campaign (TAC)

National Health Act (NHA)

Constitutional Court (CC)

Justice (J)

Western Cape Court (WCC)

Deputy Director (DD)

Department of Correctional Service (DCS)

Department of Health (DOH)

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## **ABSTRACT**

In the 18th years of our young but thriving democracy, several programmes were established to improve access to health care for disadvantaged groups in South Africa. Although numerous studies have been conducted examining trends on access to health care, considerable controversy remains. Nearly all authors concur that important progress has been made, and that gaps in access to health care narrowed considerably. Some however, go further and conclude that the evidence indicates that all significant gaps have been eliminated and access to health care is universally shared. Evidence on access to health care has important policy implications. If the task of assuring access to health care has been largely accomplished, further expansion of South African health care programmes to promote access would be unwarranted. If selected population groups lag behind others in access to health care, targeted policies to close remaining gaps may be warranted. The introduction of the National Health Insurance Scheme call for the health reform in South Africa and it will change the whole health sector and offers equal benefits on access to quality health care services to everyone in South Africa.

## DECLARATION BY STUDENT

I, **Tumisang Oupa Phasha**, declare that this mini-dissertation hereby submitted to the University of Limpopo, for the degree of Masters of Laws in Labour Law, has not been previously submitted by me for a degree at this or any other university, that it is my own work in design and in execution and that all material contained herein has been duly acknowledged.

.....

**Tumisang Oupa Phasha**

.....

**May 2013**

## **DECLARATION BY SUPERVISOR**

I, Adv. Lufuno Tokyo Nevondwe, hereby declare that this mini-dissertation by Tumisang Oupa Phasha for the degree of Masters of Laws (LLM) in Labour Law be accepted for examination.

.....

**Adv. Lufuno Tokyo Nevondwe**

**May 2013**

## DEDICATION

This work is dedicated to the late **Mphahlele Samuel Shai** (1986-2010) who although ambitious passed away before achieving his dreams and sharing his brains with the world.



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Most of all I thank God almighty, who gives without limits and nurtures endlessly.

## **LIST OF INTERNATIONAL INSTRUMENTS**

1. The Universal Declaration of Human Rights (1948) (UDHR).
2. The International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR).
3. The African Charter on Human and People's Rights (ACPHR).
4. The Convention on the Rights of the Child (1989) (CRC).
5. The Southern Africa Development Community (SADC).
6. The Standard of Minimum Rules for the Treatment of Prisoners (1955) (SMRTP).

## TABLE OF CASES

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2. *Centre for Child Law & Another v Minister of Home Affairs*, 2005 (6) SA 50 (T).
3. *DP V Minister of Correctional Services*, (unreported judgment, case number 6399/04, TPD, judgment delivered by Patel J on 15 March 2004).
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6. *Law v Canada* (1999).
7. *R v Morgentaler* (1988) 1 S.C.R 30, 44 D.L.R. (4th) (Morgentaler)

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1. The National Health Act 61 of 2003
2. The Mental Health Care Act 17 of 2002
3. The Sterilization Act 12 of 1998
4. Choice of Termination of Pregnancy Act 92 of 1996
5. The Medical Schemes Act 131 of 1998
6. The Tobacco Amendment Control Act 12 of 1999
7. The Medicines and Related Substances Control Amendment Act 90 of 1997
8. The Correctional Services Act 111 of 1998
9. The Children's Act 38 of 2005

