

SA Court Orders Public Hospitals to Grant Free Healthcare to Foreign Mothers

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The Gauteng High Court in Johannesburg, South Africa, on Friday, upheld the rights of all breastfeeding mothers and pregnant women, as well as children under six, to be provided with free health services at public hospitals, reported SowetanLive.

The court said these rights are included for foreign and undocumented patients.

The order follows a court application brought in May 2022 by the public interest law centre Section27, in response to complaints by pregnant women and mothers of young children who have been required to pay fees to access healthcare services at public hospitals in Gauteng.

Section27, said it welcomed the High Court's decision. It said the court ordered that the policy introduced by the Gauteng Department of Health in 2020, which denied free healthcare services to foreign pregnant women and young children, was now declared illegal.

Section27 also said the Gauteng Department of Health was also ordered to amend its policy by 16 October 2023. Section27 spokesperson Pearl Nicodemus said:

The court order vindicates constitutional rights, specifically women's sexual and reproductive health rights and children's right to health.

These health rights are promoted when we prioritise combating maternal and child morbidity and mortality by increasing access to free healthcare services for all persons.

Department spokesperson Motalatale Modiba said they will comment after they had gone through the ruling:

The Gauteng Department of Health takes note of the court ruling and is currently going through the judgment and its implications. We will comment further on it in due course.

In 2022, Limpopo Provincial MEC for Health, Dr Phophi Constance Ramathuba, was filmed ranting at a Zimbabwean patient saying she was straining her health budget.

Meanwhile, Nicodemus said the court ruling reduces the financial barriers that vulnerable women and children face when trying to access care in South Africa. He said:

Government respondents failed to respond to the litigation, other than filing a notice of intention to oppose in July 2022.

Regrettably, as we know, many categories of migrant persons [mainly asylum seekers, undocumented, and persons affected by statelessness] were being denied these free health services.

By affirming that these free health services must be provided, it reduces the financial barriers that vulnerable women and children face when trying to access care.

South Africa is home to millions of migrants, some undocumented, from other African countries and this has bred resentment among locals which has often degenerated into xenophobia.

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