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Mr Ndoda Biyela  
Head of Department: Gauteng Province  
By email: [ndoda.biyela@gauteng.gov.za](mailto:ndoda.biyela@gauteng.gov.za)

21 August 2013

Dear Sirs

**URGENT: DRAFT POLICY AND NOTICES DENYING FOREIGN PATIENTS ACCESS TO BASIC HEALTHCARE SERVICES**

1. We have received a complaint regarding a draft policy that is being implemented in public hospitals in the Gauteng Province which requires health care service users who are unable to prove their South African citizenship or refugee or asylum-seeker status to pay in full before receiving treatment.
2. We have been informed that at least the following hospitals are implementing this policy:
  - 2.1. South Rand Hospital, Rosettenville
  - 2.2. Charlotte Maxeke Johannesburg Academic, Parktown
  - 2.3. Rahima Moosa Mother and Child Hosiptal, Parktown
  - 2.4. Helen Joseph Hospital, Auckland Park
3. On 20 August 2013, we received a report that HIV positive individuals are being turned away from the HIV clinic at South Rand Hospital if they are unable to prove their South African citizenship or refugee or asylum-seeker status.
4. We are gravely concerned that this policy denies health care users who are unable to prove their South African citizenship or refugee or asylum-seeker status access to health care services and denies HIV positive individuals access to life saving treatment. This policy will impact both those without the required citizenship or immigration status and those who cannot prove such status.

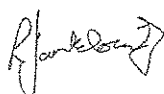
5. Further, it is unclear in some of the notices whether what is required is asylum-seeker status or whether application for asylum-seeker status is sufficient. This uncertainty in itself is problematic.
6. Section 27(1) of the South African Constitution provides that **everyone** has the right to have access to health care services, including reproductive health care. A policy denying such access to those unable to prove their South African citizenship, or refugee or asylum-seeker status is unlawful. It is also contrary to the National Strategic Plan on HIV, STIs & TB (2012–2016), which included migrants as a key population at risk.
7. In the light of the urgency of this matter and the ongoing rights violations occasioned by implementation of this unlawful policy, we request an **urgent meeting with the MEC for Health** in Gauteng. Please indicate an appropriate date for this urgent meeting to [stephen.ngcobo@mail.tac.org.za](mailto:stephen.ngcobo@mail.tac.org.za) and [Lauren@sahivsoc.org](mailto:Lauren@sahivsoc.org) **before 23 August 2013**.

Yours sincerely



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Sibongile Tshabalala  
Provincial Chairperson: Gauteng  
Treatment Action Campaign



Lauren Jankelowitz  
Chief Executive Officer  
Southern African HIV Clinicians Society

cc:

Dr Aaron Motsoaledi  
Minister of Health  
By email: [sethom@health.gov.za](mailto:sethom@health.gov.za)  
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