

An Analysis of Foreigners' Right to Health Services as Enshrined in the South African Constitution

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ABSTRACT The South African Constitution provides for access to socio-economic basic rights, one of which is the right to health care services. This paper examines whether foreigners residing in South Africa are eligible to access health care facilities in South Africa. There have been a considerable number of judicial interpretations on the issue, hence this paper will shed more light on the jurisprudence emanating from courts in order to evaluate the extent of foreigners' entitlement to health care services. In advancing an argument based on the need for foreigner to be availed this right, this paper highlights how the judiciary interprets who should be entitled to this right. The role being played by the public service personnel in the health care industry was tested against the legislative frameworks and the South African Constitution which expressly provides that everyone is entitled to health care in South Africa. The essence of this is to make the health personnel have a clearer understanding of how to discharge their responsibilities