



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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The Public Protector
Adv. Busisiwe Mkhwebane
175 Lunnon Street
Hillcrest Office Park
Pretoria
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Electronic message to: registration2@pprotect.org

Dear Adv. Mkhwebane,

REQUEST TO SUPPORT THE CALL FOR A JUDICIAL INQUIRY INTO THE COLLAPSING HEALTHCARE SYSTEM

Over the past month, the DA embarked on a countrywide oversight inspection of Public Hospitals and Clinics as part of our #HospitalHealthCheck campaign. Our aim was to assess the real conditions and quality of care at public health facilities.

This campaign highlighted a sobering reality that the country's health system is teetering on the brink of total collapse. Public health facilities are no longer places of healing, they have become death-traps for the poor, who have no other options available to them.

The Minister of Health, Dr Aaron Motsoaledi, continues to downplay the severity of the countless crises in our public health sector. This is the worst form of denialism, as countless South Africans have lost their lives due to the poor health conditions available to them.

Among the myriad of issues, we identified throughout the provinces, there were 8 areas that were particularly alarming to the DA.

- **Chronic Staff Shortages and Long Waiting times**

Hospitals and clinics are plagued by long waiting times for patients, this can be directly linked to the chronic staff shortages which have also led to the neglect and even deaths of many patients. All the facilities we visited lacked staff in critical positions.

- **Equipment shortages**

One of the key system failures that have been identified by the DA is the purchasing and maintenance of medical equipment. Medical devices and equipment are essential for the diagnosis and treatment of a wide range of medical conditions.

- **Oncology Crisis**

While the President has promised action with regards to cancer treatment, this promise was not realized as there is not a single radiation oncologist in Limpopo or Mpumalanga. In fact, half the country's provinces may be relying on just nine radiation oncologists in Gauteng as cancer services in five provinces buckle. In contrast, the Western Cape has 16 cancer specialists in the Public Sector. The oncology crises include a lack of critical equipment and trained staff to operate and care for cancer patients.

- **Shortages of consumables and medicine**

At both hospital and clinic level, there are serious concerns over the lack of availability of medicines, vaccines and consumables. This hampers the efficient functioning of facilities and the safe treatment of patients.

- **Negligence and claims**

Furthermore, medical negligence claims have led to large pay-outs which have put a strain on the health budget. Currently, medico-legal claims run in the Billions. Last year, the Gauteng Health Department had R18.6 billion in negligence claims, Eastern Cape had R16.7 billion and KZN had over R9.2 billion. In comparison, the Western Cape Department of Health has R135 million in claims lodged against it.

- **Transport and Ambulance related issues**

Access to healthcare is a particular concern given the centrality of poor access in perpetuating poverty and inequality. In many cases there are simply not enough ambulances to service large areas or weren't operational due to mechanical problems.

- **Infrastructure/Lack of Maintenance**

Infrastructure is a major concern in the Health sector. The Department's Annual Report shows that out of the 44 Community Health Centres which were to be constructed and revitalised, only 22 were completed. Out of the 8 hospitals that were supposed to be constructed or revitalised, only 3 were

completed. The Department is not reaching more than half of its goals when it comes to infrastructure and this is very worrying, as the vast majority of South Africans have to suffer in inadequate health facilities.

- **Mental Health Crisis**

Following the Life Esidemiene tragedy in Gauteng; government is yet again failing to stop future mental health tragedies in South Africa. President Zuma, refused to instigate a Judicial Inquiry on the request of the DA on the Esidemiene matter. Given all the unanswered questions surrounding this tragedy, a Judicial Commission of Inquiry would have been essential to ensure justice for all of the victims and accountability for the loss of life. Unlike President Zuma, the DA does not believe that “the Health Ombud [investigation] was comprehensive and sufficient”, especially now that more evidence has emerged of a complete breakdown in communications, oversight and cooperation between the National Department of Health and the Gauteng Health Department. There must be political accountability for what can be described as culpable ignorance.

We are of the strong belief that the national and some provincial health departments have not fulfilled their obligations in terms of Section 27 of the Constitution. Section 27(1)(a) states that “**Everyone has the right to have access to healthcare services, including reproductive health care**”. Subsections (2) and (3) go on further to say that “**The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights; and No one may be refused emergency medical treatment.**”

We have reported many of these cases to the Health Ombudsman Prof Malegapuru Makgoba, but we believe that the collapse of the health system requires wider and more direct intervention, so the full scale of the problem can be uncovered with the mission of finding a lasting workable solution.

We have therefore **request your organisation support to encourage** President Cyril Ramaphosa to establish a Judicial Commission of Inquiry into the Collapse of South Africa’s Healthcare System, which you are empowered to do in terms of ***Section 84(f) of the Constitution***.

The DA has shown through our management of the Western Cape Health Department, *Our Health Plan* and the strengthening of health oversight that better services are possible in South Africa.

Yours sincerely

Patricia Kopane MP

DA Shadow Minister of Health

[Submitted electronically – not signed]