

1. Record Nr.	UNINA9910404134803321
Autore	Marius Pieterse
Titolo	Can Rights Cure?
Pubbl/distr/stampa	Pretoria University Law Press (PULP), 2014
Descrizione fisica	1 electronic resource (194 p.)
Disciplina	344.046
Soggetti	Rights of nature
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	<p>1 Rights, health, courts and transformation -- 1.1 Introduction -- 1.2 The state of the South African health system -- 1.3 Content and dimensions of the right to health -- 1.3.1 International law -- 1.3.2 South African constitutional law -- Health-related freedoms -- The right to equality -- Rights to non-medicinal determinants of health -- Rights to health care services -- 1.4 Justiciability of the right to health -- 1.5 Conclusion: Aims and objectives of this book -- 2 Rights through legislation/legislation through rights: Health law and policy in the Constitutional era -- 2.1 Introduction -- 2.2 Health care legislation in post-democracy South Africa and its impact on access to care -- 2.2.1 The Choice on Termination of Pregnancy Act 92 of 1996 -- 2.2.2 The National Health Act 61 of 2003 -- 2.2.3 The Medical Schemes Act 131 of 1998 -- 2.2.4 Overview: Transformation through health legislation and policy? -- 2.3 Assessing legislative and executive compliance with constitutional health rights: The Constitutional Court's approach -- 2.4 Conclusion -- 3 Health rights litigation, individual entitlements and bureaucratic impact -- 3.1 Introduction -- 3.2 The health rights judgments and their aftermaths -- 3.2.1 Van Biljon v Minister of Correctional Services -- 3.2.2 Soobramoney v Minister of Health (KwaZulu-Natal) -- 3.2.3 Minister of Health v Treatment Action Campaign -- 3.2.4 Minister of Health v New Clicks South Africa -- 3.2.5 N v Government of the Republic of South Africa -- 3.2.6 Law Society of South Africa v Minister of Transport -- 3.2.7 Lee v Minister of Correctional Services -- 3.3 The impact of the health rights judgments on individual and collective struggles for access to health care services</p>

-- 3.4 The impact of rights-vindication on health system reform -- 3.5 Conclusion -- 4 Rights and resources: The limits of justiciability? -- 4.1 Introduction -- 4.2 Rights discourse, resource allocation and the unmasking of tragic choices -- 4.3 Rights as directives for resource allocation and rationing -- 4.3.1 Possible normative directives embodied by health-related rights in the South African Constitution -- 4.3.2 Institutional obstacles to providing normative resource-related directives through the courts -- 4.4 Assessing the impact of South African human rights jurisprudence on health budgeting and financing -- 4.5 Rights and contemporary health financing policy debates -- 4.6 Conclusion -- 5 Rights, horizontality and regulation: facing the public/private divide -- 5.1 Introduction -- 5.2 Rights as impetus for private health sector regulation -- 5.3 Rights as parameters for private health sector regulation -- 5.3.1 Health care practitioners' freedom of occupational choice -- 5.3.2 Patients' right of access to care -- 5.4 Beyond regulation: Towards enforcing human rights obligations in the private health sector -- 5.5 Conclusion -- 6 Rights as restraints?: Balancing individual liberties and public health -- 6.1 Introduction -- 6.2 Assessing the human rights impact of public health policies -- 6.3 Public health and the South African Bill of Rights -- 6.4 Rights, limitations and the prevention of multi-drug resistant (MDR) and extreme drug resistant (XDR) tuberculosis -- 6.4.1 Adopting a human-rights framework to current laws, policies and practices aimed at MDR and XDR-TB prevention -- 6.4.2 How not to apply a human-rights framework: Minister of Health, Western Cape v Goliath 1 -- 6.5 Conclusion -- BIBLIOGRAPHY.

Sommario/riassunto

Can Rights Cure? by Marius Pieterse 2014 ISBN: 978-1-920538-27-9
Pages: 194 Print version: Available Electronic version: Free PDF available
