Accessible healthcare for PEH: when is it enough?

CONTEXT

- Accessible healthcare for PEH is important but often overlooked in legislation and policy, hampering the exercise of their right to health
- Defining a "lower threshold" according to human rights instruments may contribute to improvement
- Contribution:
  → evaluative legal framework
  → validation through an assessment of Belgian legislation

METHODS

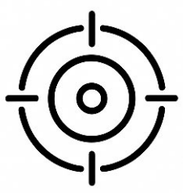
Desk study of international human rights instruments: ESC and ICESCR

- General statements > decisions > observations
- Focus on medical assistance (MA) and health insurance (HI)

Legal assessment of Belgian healthcare legislation

FRAMEWORK

Scope of application



- ✓ Universal scope (MA)
- ✓ Cover significant % population (HI)
- ✓ Independent of employment
- ✓ Including vulnerable groups

Registered address requirement

- ✓ Preferable: no address requirement
- ✓ Accessible procedure to obtain documents/address
- ✓ No bureaucratic requirements

Conditionality

- ✓ Needs-based (MA)
- ✓ Reasonable & proportional
- ✓ Codified in legislation
- ✓ Transparent & precise (no discretionary decisions)

Equality

- ✓ No discriminatory conditions
- ✓ No unjustified difference in treatment (based on lack of registered address)
- ✓ Special attention for PEH

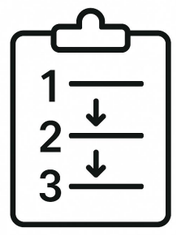
Affordability

- ✓ Community bears part of costs
- ✓ Taking financial capacity into account
- ✓ +/- Free of charge for needy (MA)
- ✓ Health insurance premium is affordable and transparent

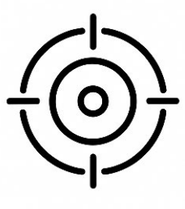
Awareness

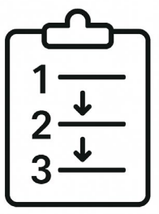
Availability

Procedure



BELGIAN LEGISLATION





CONCLUSIONS

Belgian legislation

Several shortcomings

- Hidden barriers for PEH
  → role of address for scope
  → third-payer scheme
  → affordability measures
- Possible discriminations
- Lack of attention for PEH

Value of the framework

- Transferability
- Interdisciplinarity: bridge between sociological and legal research
- Sound basis for policy reform by defining a lower threshold
- New perspective: uncover hidden barriers in legislation for PEH

Instruments' limitations

- Lack of precision in definitions
- Enforceability
- Progressive realization lowers threshold

Lotte Lammens, Institute for Social Law, KU Leuven (lotte.lammens@kuleuven.be)

KU LEUVEN