Reviewer’s report

Title: Implementing community participation through legislative reform: A study of the policy framework for community participation in the Western Cape province of South Africa

Version: 1 Date: 1 June 2012

Reviewer: Gorik Ooms

Reviewer’s report:

This is an interesting paper, well written and relevant. I recommend to accept it, but have two suggestions.

First, I strongly believe that ‘self-determination’ and ‘autonomy’ are delusional concepts when applied to individual human beings, and the right to health is a good example of that. The right to health has no meaning whatsoever if one tries to detach it from the relationship between the individual and the community, society, or state. Having a right to health means that one is not self-determining and that one is not autonomous, but depending on a society that is willing or not to make collective efforts improving health. I think that what the authors really wanted to express on pages 4 and 5 is that participation in policy making can turn the individual from a passive dependent into an active partner, but being an active partner is not the same as being an autonomous person. It may have little importance for the entire paper, but it is disturbing for lawyers like me who strongly believe that human rights only make sense within a community – Robinson Crusoe did not have human rights.

Second, in Western Cape, since 1999, there was another kind of community participation in health policy making: the Treatment Action Campaign (TAC) was trying to influence policy, acting on behalf of a substantial part of the community (people infected or otherwise directly affected by HIV). This was an informal, spontaneous and perhaps more government-challenging than government-assisting kind of community participation. I think it should be acknowledged. It would have been interesting to compare both, in particularly from a right to health perspective, and explore if there have been tensions between TAC chapters and Health Councils.

Level of interest: An article of importance in its field

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:
I declare that I have no competing interests