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SOCIO-ECONOMIC RIGHTS

We submit that socio-economic rights are fundamental rights like civil and political rights. In some instances, it can be argued that socio-economic rights are a condition precedent to the full realisation of civil and political rights. For example, the right to education will assist enormously the full enjoyment of freedom of speech. We do not therefore, see any conflict between these rights, they are in fact interdependent.

The PAC does concede that there may be some problems with the issue of justiciability of some socioeconomic rights. But we respectfully submit that justiciability deals with enforcement by the courts and not whether these rights can be constitutionalised or can be rights per se. It is therefore possible to constitutionalise them and then use a different enforcement mechanism. For example, the right to free and compulsory education can be in the constitution and be implemented in phases through legislation. The Human Rights Commission can be empowered to monitor this and submit comments. Even the so-called guiding principles of state policy can, where appropriate, be employed so as to guide and influence policy makers, the public and the courts about the importance of these rights.

Finally, the list of socioeconomic rights which appear in Chapter 111 of the interim constitution, is not exhaustive. We would still like to see a right to a home/house, protection against eviction, a right to access to land based on affirmative action and the right to social security and so on.

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