

Preface

The Constitution of the Republic of South Africa Act 108 of 1996 calls on the state to “respect, protect, promote and fulfil the rights in the Bill of Rights.”¹ It goes further, however, by establishing a mechanism for monitoring and assessing the realisation of the economic and social rights. Section 184(3) thus empowers the South African Human Rights Commission to require relevant organs of state to provide the Commission with measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.² The Commission has also included the rights pertaining to land and prisoners in this process.

This provision has capacity, if used creatively, to ensure not only the monitoring of the implementation of these rights, but also accountability. The South African Human Rights Commission Act 54 of 1994 gives the Commission powers to enforce this accountability through judicial means.

This second report, based on the information obtained from institutions of state, is part of the Commission’s continuing efforts and contribution to a meaningful realisation of economic and social rights in South Africa.

This second report mainly focuses on measures taken by relevant national and provincial government departments in discharging their constitutional mandate to realise economic and social rights. The Commission hopes that this report will help in the necessary and on-going promotion and protection of economic and social rights and provide meaningful and useful information in this regard.

During the drafting of this second report, like the first one, we have learned many lessons and committed several mistakes. However, these lessons and mistakes should help the Commission in this on-going process. In the end, we are proud of this effort, which is certainly an important process and meaningful contribution in our struggle for a better life for all the people of South Africa.

We thank the Finnish Government for the financial support provided through HURISA (Human Rights Institute of South Africa) for the remuneration of most of the researchers and the Canadian International Development Agency (CIDA), which provided funding for Dr. Richard Shillington who helped in the development of the Commission’s second socio-economic rights questionnaires (protocols).

We would also like to express our gratitude to members of the Commission who assisted in this process in their different capacities, especially the head of the Research and Documentation Department and Project leader (Tseliso Thipanyane) for his leadership and vision in putting together this report and the following researchers who

¹ Section 7(2) of the Constitution of the Republic of South Africa Act 108 of 1996.

² Section 184(3) *ibid.*

assisted in this process: Zandile Nkonyane, Busi Sithole, Ebrahim Asmal, Glenda Moss, Malose Mahloko, Musa Zuma and Rachel Odoi; Commissioner Charlotte McClain (the Commissioner responsible for economic and social rights) and Jeanette Campbell (Deputy Director: Communications) who assisted in proof-reading and Donna Reid (Communications Technician) for designing the cover and placing the report on the website, and Lesedi Sojane our Librarian and Documentalist.

To them we say lekamoso!

The struggle for equality, social justice and human dignity for all must continue.

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