

**THE ROLE PLAYED BY THE SOUTH AFRICAN HUMAN RIGHTS
COMMISSION'S ECONOMIC AND SOCIAL RIGHTS REPORTS IN GOOD
GOVERNANCE IN SOUTH AFRICA**

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Summary

The preamble of the *Constitution of South Africa*, 1996 (the Constitution) contains the commitment to, amongst other things, establish a society based on democratic values, social justice and fundamental human rights, lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law and improve the quality of life of all citizens and free the potential of each person. One of the methods used to achieve these objectives is the inclusion of enforceable socio-economic rights in the Chapter 2 Bill of Rights.

Despite numerous debates surrounding the issue of enforceability of socio-economic rights, it has become evident that these rights are indeed enforceable. Not only does section 7(2) of the Constitution place the state under an obligation to respect, protect, promote and fulfil all rights in the Bill of Rights, including socio-economic rights, but the Constitutional Court has in various decisions passed judgment on issues relating to socio-economic rights, underpinning the fact that these rights are indeed enforceable.

The fact that socio-economic rights have been included in the Bill of Rights and are enforceable is, however, not sufficient to achieve the aims set out in the preamble. In order for these rights to be of any value to the people they seek to protect, they need to be implemented. One of the ways in which the

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implementation of these rights is monitored is by means of the South African Human Rights Commission's annual *Economic and Social Rights Reports*. The aim of this contribution is to assess these reports and to establish the degree to which they contribute to good governance in South Africa with reference to, *inter alia*, the constitutional mandate of the South African Human Rights Commission, the reporting procedure and the evaluation of reports.