

THE ENFORCEMENT OF SOCIO-ECONOMIC RIGHTS

RJ de Beer^{*}
S Vettori^{**}

Summary

In recent years the South African legislature has made a very bold attempt to improve the socio-economic conditions of citizens. Amongst others, the *Social Assistance Act* 59 of 1992 provides for monthly payments to citizens under certain prescribed conditions. In situations where other legislation does not provide a remedy for those unable to care for themselves the Constitution provides for justiciable socio-economic rights. Unfortunately legislative rights alone have proved insufficient and all too frequently the constitutional values and aspirations of human dignity and equality have had a 'hollow ring'. The most obvious reason for this failure of delivery on the part of the government is of course a shortage of financial resources. Another reason has been a simple disregard for the terms of legislation and court orders by organs of the state and state employees. The authors are of the view that in order to avoid such a dire result, the courts, given their broadly framed constitutional powers, should be adventurous in crafting means to ensure that their orders are properly implemented and adhered to. This article explores the role that courts can play in ensuring proper implementation of both the terms of social security legislation as well as the implementation of court orders with reference to well-fare judgments in the Eastern-Cape.

* Advocate of the High Court of South Africa and a member of the Society of Advocates Johannesburg, B Juris LLB (PU for CHE) LLM (UP).

** Associate Professor, Faculty of Law, University of Pretoria, BA LLB (Wits) LLM (UNISA) LLD (UP).