



Violation of social and economic rights

The violation of social and economic rights occurs when the State fails to meet its obligations required by the national legislation and international human rights law.

The State is in violation of the economic and social rights if:

- it fails to take measures required for the promotion and protection of economic and social rights
- it fails to remove promptly obstacles which it is under duty to remove in order to allow immediate fulfilment of a right
- it fails to implement without delay a right which it is required to provide immediately
- it wilfully fails to meet an accepted minimum standard of achievement, which is within its powers to meet
- it deliberately retards or halts the progressive realization of a right, unless it is acting within a limitation permitted or due to a lack of available resources
- it fails to submit reports as required under the Constitution and international human rights law.

Remedies on violation of economic and social rights

Any person or group whose economic and social rights have been violated is entitled to have adequate

reparation either through judicial remedies or other appropriate remedies.

The courts have been given recognition as effective judicial bodies to provide relief upon the violation of economic and social rights.

Other appropriate remedies mean that people can also approach institutions such as the South African Human Rights Commission (either by phoning, fax, or visit its offices), the Public Protector, and NGOs that are working on economic and social rights and the media.

A person or group can approach one of the bodies and seek relief depending on the circumstances of each case.

The remedies may take a form of:

- rehabilitation
- satisfaction or guarantees of non-repetition
- mediation
- arbitration
- restitution
- compensation