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2023 – Decolonization and Development for
Africa and People of African Descent

Nov 3rd, 8:30 AM - 9:45 AM

Achieving Social Justice through Social Economic Rights Litigation

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2023 Social Practice of Human Rights Conference and the 6th International Conference on the Right to Development

Date: Nov. 2-4, 2023.

ROUND TABLE DISCUSSION:

ACHIEVING SOCIAL JUSTICE THROUGH SOCIAL ECONOMIC RIGHTS LITIGATION

Discussants: Adrian Jjuuko, Kerigo Odada, Michael Nyarko, Svati Shah

Human rights defenders are increasingly using socio-economic rights litigation to seek social justice. However, opponents have always expressed some disquiet on the suitability of courts in the adjudication of socio-economic rights, which have been deemed as disputes involving the distribution of socio-economic goods and services and, therefore, a prerogative of the political arms of government. Courts and other (quasi)judicial institutions have been said not to have sufficient expertise, information, nor the democratic legitimacy to interfere in the decisions relating to the policy choices that have to be made in the fulfilment of socio-economic rights.

Advocates for the (quasi)judicial enforcement of socio-economic rights have, on the other hand, been convinced. This has been instrumental in several jurisdictions, including South Africa, Colombia, India and the United States, to advance constitutionally guaranteed rights, including the right to health, education, water, and housing. Increasingly, international and regional human rights adjudicative bodies have also become involved in the adjudication of socio-economic rights and have made significant contributions to the normative development of socio-economic rights as well as providing substantive redress to victims.

Whereas socio-economic rights litigation is an attractive avenue for social transformation, critics are doubtful of the extent to which litigation can contribute to social change and achieve social justice. With this background in mind, this round table brings together scholars, activists, researchers, and lawyers from Africa, Latin America and India to discuss whether socio-economic rights litigation is a pragmatic strategy for safeguarding the right of every human person to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all persons can freely and fully realise their human rights and fundamental freedoms. The discussion shall examine socio-economic rights litigation and its potential to contribute to a new future of changing political, economic, feminist, and cultural engagement around Africa and people of African descent in the US and globally.