From 8 to 12 June 2009, the South African Human Rights Commission (the Commission) hosted a series of public hearings in Johannesburg on ‘The Millennium Development Goals (MDGs) and the realisation of economic and social rights in South Africa’. The primary objective of the public hearings was to critically assess South Africa’s progress in realising economic and social rights in the context of its commitment to meeting the MDGs.
together representatives from communities, academia, civil society and government departments at the national and provincial levels, who gave presentations and engaged with the Commission and participants over five days.

Each day focused on a different set of socio-economic rights: the environment, water and food; social security; health; land and housing; and education. The daily presentations were followed by intense questioning from a panel of experts and open sessions for public participation. The presentations were highly informative, and the questioning and debates that followed were lively and thought-provoking.

Environment, water and food
On the first day of the public hearings, the government’s progress in providing access to water and sanitation, food and a clean environment was discussed. It was noted that South Africa still faces many challenges in realising the right to food and water. The national Department of Water and Environmental Affairs pointed out that it is currently providing access to water to a majority of South Africans. However, this still leaves over two million people without access to water. Furthermore, 4.3 million households do not have access to adequate sanitation. The participants stressed that water scarcity is a serious problem in South Africa and that in future, the government cannot focus exclusively on providing access to water. It must develop a comprehensive plan that combines the effective use of available water sources with sustainable development.

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The Constitution of South Africa (the Constitution) requires the Commission to monitor and assess the observance of human rights by calling upon relevant state organs to provide it with information on the measures they have taken towards the realisation of socio-economic rights (section 184(3)). In line with this mandate, the Commission called for written submissions from relevant national and provincial departments for the period April 2006 to March 2009. It further called for written submissions from civil society, academia and any other relevant interested party. The Commission requested that the submissions provide

- an assessment of the progress the state has made in the realisation of economic and social rights from both a quantitative and a qualitative perspective; and
- an understanding of the content of the obligation placed on the state to achieve the ‘progressive realisation’ of economic and social rights.

The Constitution further stressed that active participation by all members of society in the democratic process was essential to the realisation of human rights. The public hearings thus brought...
Social security
Social grants have made a large impact in fighting poverty and lowering inequality in South Africa. On the second day of the public hearings, the challenges of realising the right to social security and social assistance in South Africa were identified. One of the key challenges relates to the availability and distribution of social grants. Grants fail to reach a substantial portion of the population, and the available grants are often insufficient to support families. Also, poor households continuously have to prove their level of poverty through a process that stigmatises them. Some participants noted that the South African social security system is unsustainable - that social grants temporarily relieve poverty but do not eradicate it.

The importance of good-quality data and statistics for analysing issues of social security was also noted. Many representatives of civil society complained about the ‘frightening’ lack of sound data and statistics concerning poverty indicators. Statistics South Africa confirmed that there is insufficient data, and that the data that is available is of poor quality. It admits to having met only 54% of its goal of producing greater amounts of quality data. Without sufficient data and statistics, it is difficult to adequately address the issue of poverty in South Africa.

Health
Health was the topic of discussion on the third day of the public hearings. It was noted that South Africa is not on track to meet the MDGs concerning the right to health. The government has not done enough to eradicate extreme poverty and hunger or combat HIV/AIDS, malaria and other diseases. An important concern that was highlighted is the recruitment and retention of high-quality doctors, nurses and health services staff. Limited funding makes it difficult for hospitals and clinics to retain enough qualified health professionals. This problem is exacerbated as patient loads increase at poorly funded clinics.

Several recommendations were made regarding the realisation of the right to health. These included the development of monitoring and evaluation bodies and the implementation of the Health Care Act 17 of 2002. The implementation of comprehensive national health services, it was noted, must become a government priority because there is a sharp divide between the content of the law and the government’s implementation of this policy.

Land and housing
Day four of the public hearings addressed the government’s successes and failures in addressing the right to housing in South Africa. The Department of Human Settlements (DoHS) noted that the government has delivered over 2.8 million houses since 1994. The DoHS claims it has spent all its resources and cites a lack of funding as a major limitation in delivering housing. Dealing with backlogs was noted as another major challenge. The housing backlog, according to the DoHS, stands at 2.2 million households, almost 1 675 000 of them currently in free-standing informal settlements.

Some participants pointed out that the government is putting too much focus on eradicating slums and not enough on improving the lives of slum dwellers. The government was blamed for failing to address the structural problems that lead to the creation of informal settlements.

Much of the discussion centred on the need for coordination between different levels of government and departments. Participants urged the government to develop a comprehensive plan to address housing needs in South Africa that incorporates all levels of government. The government was called upon to recognise that the issue of housing is intertwined with development: it is not just about chasing delivery numbers, but rather about viewing housing in a holistic sense. The government needs to look at the quality of houses being built. Also, spatial planning is important. It was emphasised that the government cannot keep building housing developments on the outskirts of urban areas with little or no access to employment opportunities or transport infrastructure.

Education
On the final day of the public hearings, it was reported that the South African education system is

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failing the students of South Africa in certain aspects. With regard to the MDGs, South Africa is performing quite well in achieving universal primary education. However, it was noted that 50% to 70% of students entering Grade 1 now will not complete secondary school.

The need to address qualitative indicators of success in schools was identified, as the MDG indicators are purely quantitative and do not address issues of quality and equity. It was noted that the right to education is not just about access to education, but also about offering quality education. Many other education challenges were discussed, including gender equality, disabilities, transportation, discipline, security, and nutrition in schools. Lastly, many of the participants highlighted the importance of well-qualified teachers, especially for disadvantaged schools. It was recommended that the government increase access to teacher training colleges and ensure that teachers act in a professional manner.

Conclusion
The public hearings strove to increase access to information, transparency, public participation and governmental accountability. They sought to include the people of South Africa in the process of policy-making, lawmaking, and service delivery.

Many government departments, civil society organisations and academics that attended the conference noted South Africa’s progress in realising socio-economic rights. However, all parties agreed that South Africa still faces many daunting challenges in realising these rights and in attaining the MDGs. The chief concerns of the public hearings related to the lack of good-quality data and statistics, the lack of coordination between various branches of government, and the lack of public participation in the democratic process and in service delivery. The need to focus on the qualitative dimension of realising socio-economic rights was noted as crucial in ensuring that delivery of these rights results in actual improvement in people’s lives.

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