

Vol. 15, No. 2 (2009)

ARE ECONOMIC, SOCIAL AND CULTURAL RIGHTS JUDICIALLY ENFORCEABLE?

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ABSTRACT

This article examines the contentious question of whether economic, social and cultural rights can be enforced in courts of law. It discusses the contending views for and against the judicial enforceability of such rights in historical context. It also analyses the major ways of enforcing these rights, viz., through a Bill of Rights, by the integrative method, and through interpreting economic, social and cultural rights into the Bill of Rights and under the Common Law. In the final analysis, the article contends that economic, social and cultural rights are capable of being judicially enforced in the same way as civil and political rights.