

[7.2.4] The role of courts in protecting social rights

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What factors explain the capacity of courts to promote social rights?

If some, or perhaps all, of the elements listed in the above text may have helped give greater legitimacy to the Indian Supreme Court's ruling, what is the role played by courts in your own country?

Do they rule on issues relating to economic, social and cultural rights at all? When they do so, do their rulings enjoy broad acceptance, or are they mostly challenged by government? Why do you think this is so?

I agree that a court should be a place where people seek justice and they have power to execute a resolution to a problem, but not all people can afford the time or money to go to a court for their issue. But I do agree that they should also be able to monitor other "bodies of state" as the person above described, and I know our Supreme Court often passes judgments on these topics in my country, the USA. Many programs exist for the poor already, but there are some "hot topics" that have not yet been debated upon in this area in my country, and currently that hot topic is health care, and although they provide it at low cost for all now, it is not free and guaranteed for all as it may be in other socialist type countries, and my understanding of my country is that it is a mix in that it provides some things, but other things it does not consider a guaranteed right, such as health care, that some other countries do. They do however, address the food and shelter issues, and have just recently tried to provide low cost health care, that I do know people from socialist countries that have it guaranteed do not agree with. But if that is eventually a right in my country the USA, and I don't know if it will ever change, but if it did, it could not happen overnight, since (my guess is) that it could disrupt an economy.

The factors that explain the capacity of courts to promote social rights would be if a court could order (in the USA, which is where I live) for those who cannot afford food, things like the Food Stamp program, which they can use to buy groceries, and I do not know who allows these in the USA. My guess is that if you submit a form to a government agency that allocates food stamps, and on that form you demonstrate your very low income, you will receive them. I know there are things such as low cost housing, there are shelters for the homeless, and programs for the poor who cannot afford to buy school lunches for their children. So if you mean by "capacity of the courts" that the poor can obtain these things by submitting forms to their government agencies, then yes, in many cases it does exist here.

And for those at an international level, I know there are many people in my country that try to promote these things in other countries where they have trouble providing these things on their own budgets. There are "food drives" here all the time too, whether for a disaster, domestically used, or for an international need. But those are NGO programs, non-governmental organizations or non-profit type places rather than provided by a court (I think).

Every country's challenges in these areas and budget to deal with them are different. I've also had some very recent conversations with some internationals that came to my country that told me about corruption in their country in the guarantee of these social and economic rights, and that they felt it was better for them here in that respect, and even though they greatly missed their home culture, they felt all things considered, they would rather stay here for these reasons. I've met other internationals who felt differently, people who may come from countries where not only are food and shelter guaranteed for everyone, but also health care and a more consistent educational system for all. And they get disgusted

with my country when they hear stories where those that are poor are not guaranteed health care and an equal education system.

My take on my country (the US) is that we were founded on basically really good principles, but that we are an infant compared to many places in the world that have been around much longer, and there could perhaps be things we could learn from them in dealing with those aspects of life. However, given how my country was founded on quite good principles, and with it written in our Constitution that it is subject to change over time, nothing is ever impossible, and we are all free to discuss it, without worry of anyone getting upset with us. People might disagree, but you are allowed to freely discuss and come to common sense decisions, and vote on things democratically. I do personally think though, that given we are an infant compared to more established and historical economies through out the world, there are things we can do better and improve upon, perhaps by learning from those that have dealt with these issues for 1000's of more years.