

Joint Meeting of CIDI and the OAS Permanent Council on "Tools for the Development and Strengthening of ESCERs"

August 30, 2023

Remarks by IACHR Commissioner and Second Vice President *Roberta Clarke*

Good morning. It is an honor for me as Second Vice-president of the Inter-American Commission on Human Rights to participate in this joint session of the Inter-American Council for Integral Development (CIDI) and the Permanent Council to discuss the "Tools for the Development and Strengthening of Economic, Social, Cultural and Environmental Rights (DESCA)". Undoubtedly, despite the advances in their recognition as justiciable rights at the same level as civil and political rights, there are still challenges that must be addressed to ensure their full guarantee in the Americas.

IACHR is committed to the protection of ESCER rights in the Americas and the Caribbean and has recognized them through all its mechanisms. This commitment is evident in the establishment of REDESCA, as an autonomous office supporting the IACHR in fulfilling its mandate to promote and protect all human rights in our region.

I would also like to take this opportunity at this special session to acknowledge, on behalf of the IACHR, the foundational work done by the first Special Rapporteur Soledad García Muñoz, who will be completing her mandate tomorrow.

In the framework of the Inter-American Human Rights System, progress has been made towards the direct justiciability of ESCER. We now recognize that these rights, like political and civil rights, are enforceable. The recognition and consolidation of state obligations has come in phases through both the contentious and consultative spheres of the IACHR Court and the Commission.

The IACtHR -through its contentious function- began by examining these rights indirectly, through the lens of violations of civil and political rights -such as the right to life, personal integrity, and property. The Court went on to recognize them autonomously in its

consideration of Article 26 of the American Convention, reiterating their enforceability and the applicability of the obligations to respect and guarantee.

Similarly, the Commission, through its various mechanisms has reaffirmed and exercised its competence to rule on violations of Article 26 of the American Convention and the ESCER contained in the American Declaration within the framework of the system of individual petitions and cases. Repeatedly, the Commission has emphasized the interdependence and indivisibility of economic, social, cultural, and environmental rights with respect to civil and political rights.

On this last point, it should be noted that the organs of the Inter-American system have signaled that interdependence, indivisibility, and progressivity are human rights principles linked to the full realization of ESCER.

Despite these standards advances, there are major challenges in the Americas that have prevented the realization of ESCR.

The Caribbean and the Americas continue to experience elevated levels of inequalities, poverty, employment informality, corruption, and underdevelopment, exacerbated by the socioeconomic impacts of the Covid pandemic. This, coupled with inflation, lack of social investment and the impacts of the war in Ukraine, environmental degradation and of the climate crisis, all undermine state capacity and political will to guarantee of human rights, particularly ESCER.

The data tells us that we are in the most unequal region. This economic inequality gap reinforces social and gender inequalities too. According to ECLAC data, by 2022 32.1% of the Latin American population approximately 201 million people-lived in poverty. And 13.8% -86 million people- lived in extreme poverty. Over 80 million people lack the resources to buy a basic food basket. This projection however does not include the number of people who are falling into poverty or do not have the sufficient means to buy basic necessities in countries like the United States or Canada, which REDESCA has reported on for example in its report on the visit it conducted to Los Angeles to assess the situation of unhoused people.

Despite Latin America and the Caribbean being the largest net food exporting region in the world, there has been a substantial increase in hunger levels - of 30% (reaching 56.5 million) between 2019 and 2021-. In this framework, conflicts, migration, extreme weather events and economic crises are pushing more communities into hunger situations. There are countries in critical situations, with many people facing acute food insecurity driven by inequality and violence, starting with Haiti (where communities face or are at risk of famine or catastrophic conditions) and including El Salvador, Guatemala, Honduras, and Nicaragua.

The Commission notes with concern that according to ECLAC and the ILO, growth projections for the economies of Latin America and the Caribbean point to a modest 1.2% advance in 2023, a scenario that, coupled with relatively high inflation rates. The labour market is characterized by precarity, informality, low wages, and inadequate labour protections, all of which have a differential impact because of intersectional inequalities such as gender, ethnicity, and age factors. Historically discriminated population groupings and the youth continue to struggle with unequal and oppressive power relations to access conditions, services, and opportunities for dignified life.

The work of REDESCA is critical to addressing these endemic and persisting challenges. Because of the pioneering work of the outgoing Special Rapporteur, we are better placed, with analyses and human rights-based policy guidance, to tackle these complex issues of inequalities and underdevelopment.

On behalf of the Commission, I assure you that this work will continue with the appointment of the new Special Rapporteur.

On behalf of the IACHR I urge member states to strengthen national and regional mechanisms to ensure the respect and guarantee of ESCER in the Americas and the Caribbean. At the regional level, these include REDESCA, the Inter-American Commission on Human Rights, and the Working Group of the Protocol of San Salvador and for the ratification of all related Inter-American instruments.

Thank you very much.

