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ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON
ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (SRESCER)

**“Working for the Effective Indivisibility and Interdependence of All Human Rights for
All People in the Americas”**

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Rights

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WASHINGTON DC

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2017**

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CHAPTER I INTRODUCTION

A. Progress in creating an institutional framework for ESCER in the IACHR

1. For decades, Inter-American Commission on Human Rights (IACHR) has been endeavoring to ensure respect for and the protection of economic, social, cultural, and environmental rights (ESCER) in the region. In 2012, the Commission created an Economic, Social, and Cultural Rights (ESCR) Unit—the Unit was initially headed up by Commissioner Rose-Marie Belle Antoine, and thereafter, beginning in January 2014, passed to Commissioner Paulo Vannuchi.
2. Among the ESCR Unit’s activities, the regional consultation process it pursued with respect to the status of ESCER in Argentina, Brazil, Colombia, Costa Rica, Jamaica, Mexico, and the United States is noteworthy. That process aimed to collect data on the thematic priorities identified in the sub-regions in order to engage in work on ESCER. The IACHR also prepared the report, “Access to Water in the Americas: An Introduction to the Human Right to Water in the Inter-American System,” which was included in its 2015 Annual Report, as well as the report on “Poverty and Human Rights in the Americas,” launched in December 2017.
3. Moreover, the IACHR is part of the Working Group to Examine the Periodic Reports of the States Parties to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, “Protocol of San Salvador.” To date, this instrument has been ratified by Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay. The Protocol of San Salvador recognizes the right to work and to just, equitable, and satisfactory conditions of work; trade union rights; the right to social security; and the right to health and to a healthy environment, food, education, and the benefits of culture, among others. This Protocol was adopted in 1988 and the text thereof was based on a draft prepared by IACHR. In addition, the mechanism of the Working Group to examine reports stemmed from work done by the IACHR, especially by Commissioner Víctor Abramovich.¹
4. As part of an effort to further its ESCER-related work and the numerous demands of civil society organizations and many States, the IACHR decided to create a Special Rapporteurship for such rights in 2014. The process began in April of that year when a special fund was established to secure the resources needed to finance it.
5. The IACHR also decided to incorporate environmental issues as one of the working areas of the new Special Rapporteurship. On the one hand, due to the aim of seeking to respond to the progressive and increasingly important focus of attention on the relationship between human rights and the environment; and on the other, for developing comprehensively and cogently the decisions of the organs of the Inter-American System where there is a link between environmental issues and the guarantee of human rights. In addition, this integration highlights the situation that groups historically discriminated against and excluded suffer as a result of natural disasters, climate change and pollution of soil, water and air. Precisely, it should be stressed that in the consultations conducted by the ESCR Unit in the Americas, the importance of the treatment of environmental law was underlined with the suggestion that the Special Rapporteurship incorporates the topic of environmental rights in its mandate. This proposal was also presented directly in the framework of the workshops for the preparation of the current strategic plan of the IACHR 2017-2020.

¹ See, IACHR, *Guidelines for Preparation of Progress Indicators in the Area of Economic, Social, and Cultural Rights*. Document available at: <https://www.oas.org/es/cidh/docs/pdfs/Lineamientos.pdf>.

6. In 2017, once the resources to make the Special Rapporteurship operational had been identified, the Inter-American Commission of Human Rights (IACHR) announced the opening of a public competition for the position of Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (ESCER). The Special Rapporteur for ESCER is responsible for supporting the IACHR in the fulfillment of its mandate to promote and protect economic, social, cultural, and environmental rights in the Americas.
7. As the President of the IACHR, Commissioner James Cavallaro stated: “With the creation of the ESCER Special Rapporteurship, the Inter-American Commission is seeking to strengthen and expand its work of defending and protecting economic, social, cultural, and environmental rights.”² For his part, Commissioner Paulo Vannuchi emphasized that: “This is a momentous step in the history of the IACHR and the history of human rights in the region.”³
8. For his part, IACHR Executive Secretary Paulo Abrão thanked those who had, in one way or another, provided support to reach this goal. “This achievement is the result of the efforts of many social activists, and is also in keeping with an aspiration of the States of the region,” he said. “This had long been a matter of unfinished business for the inter-American human rights system, to balance out its thematic rapporteurships. This opens up a whole new set of possibilities to develop new inter-American standards, update the Commission’s thematic agenda, and fundamentally expand its social reach.”⁴

B. Nature and mandate of the SRESCER-IACHR

9. Like the Special Rapporteurship for Freedom of Expression, the SRESCER was created by the Commission as a permanent and autonomous office—with its own operational structure and functional independence—which operates with the support of and within the legal framework of the IACHR to promote the defense of ESCER throughout the hemisphere.
10. As the announcement for the competition stated explicitly,⁵ “the ESCER Special Rapporteur is responsible for supporting the IACHR in the fulfillment of its mandate to promote and protect economic, social, cultural, and environmental rights in the Americas.”
11. Specifically, the Special Rapporteur will perform the following functions:
 - Prepare the work plan of the ESCER Special Rapporteurship, in accordance with the strategic plan of the IACHR.
 - Prepare reports about ESCER for the approval of and publication by the IACHR, including thematic reports about the general situation of human rights in member states and portions of the Commission’s annual report.
 - In accordance with the IACHR Rules of Procedure and in coordination with its Executive Secretariat, process petitions and individual cases about ESCER for the decision of the IACHR, as well as represent, by delegation, the Commission in litigation before the Inter-American Court of Human Rights in cases related to ESCER.
 - Assist the IACHR in the promotion of international instruments related to ESCER, including the organization of and participation in promotional activities aimed at authorities, civil society, social movements, trade unions, professionals, journalists and students about the IACHR’s work in this field.
 - Make recommendations to the IACHR about urgent situations that could require the adoption of precautionary measures or the adoption of provisional measures before the Inter-American Court of Human Rights, among other mechanisms.
 - Monitor the situation of ESCER in the region and provide advice and assistance to the member states of the Organization of American States (OAS) in the adoption of legal, judicial, and administrative

² Source: http://www.oas.org/en/iachr/media_center/PReleases/2017/015.asp

³ Ibid.

⁴ Ibid.

⁵ Cf.: <http://www.oas.org/en/iachr/employment/competitions/desca2017.asp>

measures, *inter alia*, that may be needed in order to make economic, social, cultural and environmental rights effective in practice.

- Advise and assist the other organs of the OAS in subjects related to ESCER in the Americas.
- Develop necessary measures for the collection and management of cooperation funds and for the development of projects needed to accomplish the assigned mandate.
- Accomplish other tasks related to the promotion and protection of the ESCER that will be delegated by the IACHR in accordance with the Rapporteurship's mandate.

C. Selection process for and appointment of the first Special Rapporteur

12. The applicable regulatory norms governed the process by which the Commission selected the ESCER Special Rapporteur. Applications were accepted through March 15, 2017, and the names and backgrounds of the finalist candidates were published on the IACHR website until May 30, 2017, in accordance with the competition's terms of reference.
13. The selection was thus the result of an extensive, open, transparent, and participatory process that included a total of 92 individuals who applied for the position that had been posted for competition on February 16, 2017. During its 162nd special session, held in Buenos Aires, Argentina from May 22 to 26, 2017, the Commission selected the finalists and published their curricula vitae on its website. In line with the provisions of Article 15(4) of the IACHR Rules of Procedure, the Commission opened up a period for public comments regarding the finalists from May 23 to June 15, 2017. During this period, the IACHR recorded 475 comments from OAS member states and from civil society.
14. The full Commission interviewed the four finalists on July 3, during its 163rd session, which was being held in Lima, Peru. The IACHR recognized the excellent professional capacity of all those selected as finalists, which was again made evident during the interviews. The Commission thanked the finalists for participating in the process.
15. On July 5, 2017, the IACHR selected Soledad García Muñoz as the first person to hold the position of Special Rapporteur on Economic, Social, Cultural, and Environmental Rights. The Commission referred her name to the Secretary General of the Organization of American States, who approved the appointment. In accordance with Article 15 of the IACHR Rules of Procedure, Soledad García Muñoz was appointed for a three-year period, which may be renewed once.
16. According to the Inter-American Commission, the decision was made based on the candidate's professional qualities and experience, taking into special consideration her technical capacity, her leadership, and her ability to work effectively with the States, civil society organizations, and other actors in the inter-American human rights system.⁶ The Commission also took into account the broad support her candidacy received during the public comment period, which was expressed by civil society organizations from many countries in the region.⁷
17. As stated by Commissioner Francisco Eguiguren, President of the IACHR when the decision was made: "The beginning of this Special Rapporteurship marks an historic moment for the inter-American human rights system, one that will enable it to broaden and deepen the crosscutting work the Commission has been doing in this area."⁸ For his part, Commissioner Paulo Vannuchi, who is in charge of the ESCR Unit that has now become the new Special Rapporteurship, stated that: "There are enormous challenges in guaranteeing these rights in the region, and I am confident that the new Special Rapporteurship will become an important mechanism to continue the efforts that have already been implemented and to move forward in upholding and protecting these rights. The inter-American community had been

⁶ Source: http://www.oas.org/en/iachr/media_center/PReleases/2017/090.asp

⁷ Ibid.

⁸ Ibid.

waiting for this moment, which represents a major achievement of civil society and the States of the region.”⁹

CHAPTER II MAIN ACTIVITIES

A. ESCR Unit

18. In terms of its specific activities over the course of the year, the ESCR Unit lent support to Commissioner Arosemena during the Fourth Period of Sessions of the Working Group of the Protocol of San Salvador (WGPSS), which took place in Buenos Aires on May 18–20, 2017. During the Fourth Session of the WGPSS, an open day was held with officials from the three branches of the Argentinian government on Evaluation of Compliance with the Rights of the Inter-American System, co-organized by the Office of Human Rights of Argentina’s Ministry of Foreign Affairs in the Foreign Ministry’s Press Room. Another open day was held with civil society, academic, and research organizations on Economic, Social, and Cultural Rights in the Inter-American System: Perspectives and Challenges, sponsored by the *Programa Ciencia y Justicia del Consejo Nacional de Investigaciones Científicas y Tecnológicas* [Science and Justice Program of the National Council for Scientific and Technological Research] (CONICET).
19. It is equally important to note that the ESCR Unit coordinated the IACHR’s visit to the Norperuano Oil Pipeline in July 2017. During the visit Commissioner Vannuchi had the opportunity to visit the repairs being done to the pipeline and meet with the communities affected by constant oil spills to hear directly from them about their situation and petitions.
20. Also noteworthy was the presentation of the preliminary report on Poverty, Extreme Poverty, and Human Rights in the Americas, on August 15 at the headquarters of the National Autonomous University of Mexico’s Institute for Legal Research, organized by the Observatory of the Inter-American Human Rights System.
21. In August 2017, the ESCR Unit also arranged a trip to Jackson, Mississippi to engage in promotional activities in connection with the right to freedom of association with respect to trade unions. During the visit, meetings were held with workers at Nissan’s Mississippi headquarters.
22. Overall, the ESCR Unit is pleased that it was able to fulfill its initial, priority, and fundamental mission, which was the full institutionalization of ESCER in the inter-American system through the effective establishment of the Special Rapporteurship on ESCER. It also completed an extensive process of hemisphere-wide consultations to develop the strategic plan for the Rapporteurship; prepared and produced two thematic reports; took part in the development of important funding projects; and:
 1. Compiled data furnished by civil society, experts, social movements, academics, and States in the hemisphere to determine priorities with respect to the situation of economic, social, cultural, and environmental rights in the Americas;
 2. Provided opinions and inputs with respect to the processing and consideration of requests for precautionary measures, petitions, and cases in connection with alleged violations of economic, social, and cultural rights;
 3. Undertook general monitoring activities with respect to the situation of economic, social, and cultural rights in the region;
 4. Promoted the work of the ESCR Unit in order to raise the profile of ESCER;
 5. Engaged in ongoing and strategic dialogue with other actors in the inter-American human rights system and the OAS, including the Inter-American Court of Human Rights. It also

⁹ Ibid.

established strategic ties to several specialized agencies of the United Nations and regional organizations; and

6. Supported close interaction and ongoing collaboration with, *inter alia*, the Working Group of the Protocol of San Salvador.

B. SRESCER

1. Launch

23. On Monday, August 28, 2017, Soledad García Muñoz took up her position as Special Rapporteur on Economic, Social, Cultural, and Environmental Rights at the headquarters of the Inter-American Commission on Human Rights.
24. On August 31, a few days after arriving in Washington, D.C. to take office, the Special Rapporteur traveled to Mexico City to join the IACHR delegation. The 164th regular session of the IACHR thus marked the first ever participation of the ESCER Special Rapporteur.
25. Upon returning to IACHR headquarters, the ESCER Special Rapporteur proceeded with the task of getting the Rapporteurship up and running, beginning with an intense orientation schedule that had her meeting with all of the Executive Secretariat's work teams so she could familiarize herself with the internal functioning thereof and determine necessary information flows and coordination of tasks.
26. The Special Rapporteur also held productive working meetings with the Special Rapporteur for Freedom of Expression, Edison Lanza, and his team in order to learn about their procedures and how they work and to establish the foundations for internal cooperation. Also especially noteworthy are the meetings held in connection with the ESCER project being financed with the support of Spanish cooperation aid, and in the context of which the Special Rapporteur is already making great strides.

2. Participation in IACHR periods of sessions and public hearings

164th Period of Sessions, Mexico City

27. During this session, the Special Rapporteur took part in several of the public hearings, specifically those having to do with persons with disabilities in Cuba, the situation of women human rights defenders in Nicaragua, and the right to food in Central America (monocultures and agro-toxins). Throughout the session, the Special Rapporteur kept up a busy schedule of meetings with several individuals and organizations that, in addition to airing their issues, provided input to the ongoing dialogue regarding development of a work plan for the Rapporteurship for its first mandate.
28. The ESCER Special Rapporteur also attended the Commission's working meetings, participating actively in the IACHR's discussions on ESCER-related topics and giving her input on matters of such importance as the Working Group of the Protocol of San Salvador; precautionary measures having to do with the right to health; adoption of the report on poverty; the structure of the country report on Venezuela; and greater visibility for the ESCER perspective on matters such as the fight against impunity and corruption. During her first period of sessions, the Special Rapporteur also made a decisive contribution to the adoption of the press release expressing solidarity with and calling on the States to assume their human rights obligations in the context of natural disasters and emergencies, by providing input and making statements alongside IACHR President Francisco José Eguiguren Praeli and the IACHR Rapporteur on the Rights of Migrants and Internally Displaced Persons, Luis Ernesto Vargas.
29. The Special Rapporteur on ESCER was also part of the IACHR delegation during the meeting with the Inter-American Court of Human Rights, which was held at the National Autonomous University of Mexico. During the meeting, the President of the Inter-American Court commended the IACHR on the selection process and appointment of the Special Rapporteur and emphasized the opportunity that the launch of the

Rapporteurship signified for boosting the level of sensitivity about and effective protection for ESCER in the inter-American system as a whole.

30. The Special Rapporteur also participated in the meeting between the IACHR and representatives of the UN system in Mexico, during which she was introduced by the IACHR Executive Secretariat.

165th Period of Sessions, Montevideo

31. Several hearings were held with respect to economic, social, cultural, and environmental rights. Among these, two hearings on labor rights—Situation of Labor and Labor Union Rights in Argentina and Labor Reform and Outsourcing in Brazil—warrant mention, as does the hearing on the Zika Virus and Human Rights: Protection and Guarantee of Women’s Rights and the Rights of Persons with Disabilities in Latin America and the Caribbean. In this same context, the Special Rapporteur also participated in the hearings on the Right to Education in Venezuela, the Right of Access to Land of Quilombola Afro-descendants in Brazil, and on the Rights of Female Environmental Activists in Latin America.
32. In addition, the Special Rapporteur attended the IACHR’s working meetings, during which she had the opportunity to present her first activities report. The Rapporteur had an important schedule of meetings with State and civil society representatives from several countries in the region and gave a talk on ESCER and the Rapporteurship during a course for civil society organizations that was attended by nearly 40 organizations from throughout the region. The Special Rapporteur was also present during the discussion on Memory, Truth, and Justice, which was the first of its kind since the creation of its respective Unit.

166th Period of Sessions, Washington, D.C.

33. The Rapporteur took part in the hearings on ESCER in Puerto Rico, on Labor Rights in the Automotive Industry in the United States, and on Follow-up and Implementation of International Human Rights Obligations in Canada. The Special Rapporteur also met with State, labor union, and civil society representatives from several countries in the region, attended the IACHR’s working meetings, and participated actively in the activities of the First Forum of the Inter-American Human Rights System.

3. Monitoring work

34. From the beginning of its mandate, the SRESCER has been engaged in monitoring activities, in close coordination with the teams of the IACHR Executive Secretariat, taking in and seeking out information on the situation of ESCER in the region. In undertaking this work, the SRESCER has been involved in the preparation of the annual report and the report on Venezuela, as well as joint statements with other IACHR thematic rapporteurships, to wit: With the Rapporteurship on Migrants regarding natural disasters; with the Rapporteurships on the Rights of Women and Children regarding sexual and reproductive rights; with the Rapporteurships on the Rights of Women, Children, and LGBTI Persons regarding the International Transgender Day of Remembrance and the prohibition of gender education in Paraguay.

4. Efforts in connection with petitions and cases

35. From the time she became a part of the IACHR, the ESCER Special Rapporteur began to work with the system of petitions and cases. Following initial meetings with the precautionary measures, admissibility, protection, and Court teams, the Special Rapporteur has begun to offer specialized inputs to those teams and is working on an analysis of ESCER litigation to identify cases related to the strategic agenda to strengthen and broaden IACHR standards in this area. The Special Rapporteur has similarly met with petitioners and representatives visiting the IACHR, and during the Commission’s periods of sessions, and has given her input during the process of registering and examining requests for precautionary measures as well as on reports on admissibility for petitions and cases being processed by the IACHR.

5. Working Group of the Protocol of San Salvador

36. The Special Rapporteur has been working to strengthen ties with the Working Group of the Protocol of San Salvador (WGPSS). Accordingly, as directed by the IACHR, she participated in the activities of the WGPSS period of sessions, held in Washington on November 13–16, 2017. Both the WGPSS and the Special Rapporteur agreed on the need to work in coordination and synergistically for the effective protection of ESCER, as well as toward ensuring that all member states ratify the Protocol of San Salvador.

6. Promotional and academic events

37. During the IACHR period of sessions in Mexico, the Special Rapporteur gave the keynote speech at the International Forum for the Right to the City—organized by the Federal District Human Rights Commission (CDHDF)—which was attended by some 100 people representing a broad swath of sectors and organizations from Mexico City. The Special Rapporteur also held working meetings with CDHDF staff, including the CDHDF President, Dr. Perla Gómez Gallardo, with whom she began to identify guidelines for cooperation on ESCER.
38. On the days the session was being held, the Special Rapporteur gave a talk on challenges to the justiciability of ESCER in the inter-American system during a seminar organized by the National Autonomous University of Mexico's Institute for Legal Research. On that occasion, besides discussing the topic of her presentation, the Special Rapporteur also took the opportunity to explain the functions and challenges of the new IACHR Special Rapporteurship to the students.
39. On September 21, the Special Rapporteur gave a talk on inter-American standards with respect to ESCER, as well as the challenges faced by the Rapporteurship, during a workshop at IACHR headquarters on strategic litigation for civil society from the Northern Triangle of Central America.
40. On September 25, the Special Rapporteur was a panelist at the opening session of the virtual seminar: "Gender Equality in Education in Latin America and the Caribbean," debating the topic of "Gender Equality and its Link to the Right to Education." The seminar was the initiative of the Regional Inclusive Education Observatory and was organized by the *Campaña Latinoamericana por el Derecho a la Educación* in conjunction with the Economic Commission for Latin America and the Caribbean (ECLAC), with the support of the Organization of Ibero-American States, UNESCO, and UNICEF.
41. During the IACHR's regular session in Uruguay, the Special Rapporteur gave a presentation on ESCER in the region and the role of the Special Rapporteurship during the annual course for civil society organizations, which was attended by nearly 40 organizations from throughout the region.
42. On November 9–10, the Special Rapporteur took part in the international conference on "Transnational Corporations and Human Rights: Paths for the effective protection thereof" in Espirito Santo, Brazil. The conference was organized by the Friedrich-Ebert-Stiftung (FES) and its regional project, *Nueva Sociedad* (NUSO), in the framework of the Project on Transnational Corporations (TNCs) "From corporate capture to capturing the corporate" (FES/NUSO). The Rapporteur discussed the paper "Regional Instruments and Strategies for Defending Human Rights with respect to Transnational Corporations," prompting a rich exchange among participants. The inputs and exchange that came about thanks to her involvement in the conference will be extremely valuable to the process of preparing the first thematic report on the subject.
43. On November 15, the Special Rapporteur was a panelist during the Colloquium, "The Vanguard in Indicators: The OAS Experience on Monitoring Mechanisms on Human Rights in the Americas." The Colloquium, aimed at both Permanent Representatives and Observers to the OAS and local civil society organizations, saw an especially large turnout and offered an opportunity to introduce the new Rapporteurship to the very distinguished audience.
44. On November 27, the Special Rapporteur on ESCER gave the opening remarks at the Fifth Specialized International Course on Human Rights: Access to International Protection Systems, in Santa Marta,

Colombia. This academic event was organized by the Inter-American Commission on Human Rights in association with the Colombian Institute for Human Rights (ICDH) and the Universidad Antonio Nariño, and was attended by some 100 people from different countries and very diverse sectors. The fifth course focused on ESCER.

45. On December 4–5, during the First Forum of the Inter-American Human Rights System, the SRESCER organized an Open Consultation and the presentation of the Report on Poverty, and also helped organize the meeting on Corruption and Human Rights. In addition, the Special Rapporteur was a panelist at the side event on “Sexual and Reproductive Rights from an ESCER Approach,” which had been organized by Amnesty International, the Center for Reproductive Rights, the O’Neill Institute for National and Global Health Law at Georgetown, and Planned Parenthood Global.
46. On December 8, the Special Rapporteur was a panelist at the event organized by the Pan-American Health Organization, in observance of International Human Rights Day, on the subject of “Reducing maternal mortality using a human rights approach.”
47. Lastly, on December 14, during the Third Regional Consultation for Latin America and the Caribbean on Implementation of the Guiding Principles on Business and Human Rights, in the framework of the 2030 Sustainable Development Agenda, held in Santiago, Chile at the initiative of the Regional OHCHR Office, ECLAC, and the United Nations Working Group on Business and Human Rights, and sponsored by the IACHR, the Special Rapporteur was a presenter on the panel on “International Mechanisms: Universal System, Inter-American System, and Arbitration Courts.”

7. Other efforts

48. The SRESCER has also been actively involved in several in-house processes underway at the IACHR, to wit: Identification of workflows; the course to build capacity with respect to fundraising and leadership; organization of the December Inter-American Forum; the project with the OHCHR on corruption and human rights; organization of the period of sessions in Uruguay, where the Special Rapporteur has countless contacts and the main focus was on ESCER and indivisibility; and, meetings and the generation of inputs for establishing protocols for the IACHR’s relationship with its Special Rapporteurships. The Rapporteurship was also involved in Rapid and Integrated Response Coordination Unit efforts having to do with the United States, Honduras, and Venezuela.
49. During her first months in office, the Special Rapporteur has had a productive agenda of meetings and contacts with States, public institutions, academia, rights holders, civil society, other OAS bodies, inter-governmental organizations, and donors.
50. In addition, she joined in on the busy agenda of meetings and dialogues between the IACHR and the Inter-American Court of Human Rights, which included the visit of the President, Vice President, and Secretary of the Inter-American Court of Human Rights at the beginning of her term.

8. Consultations

8.1. Introduction of and open consultation with the SRESCER in the framework of the First Forum of the Inter-American Human Rights System

51. On December 5, 2017, the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER) held an open consultation, which was attended by representatives of the Working Group of the Protocol of San Salvador, as well as by different States, civil society organizations, and independent academic experts. The consultation focused on the process of developing a work road map for the Rapporteurship’s first mandate and preparation of its first thematic report. To this end, the aim of this round table was to glean a first set of inputs for the new Rapporteurship that would allow it to respond to

the topics identified in the IACHR's Strategic Plan 2017–2021¹⁰ and in the thematic report being drafted about “Business and Human Rights.”

52. For that purpose, the discussion unfolded in the form of an interactive dialogue between the Special Rapporteurship and the attendees, in the framework of two groups of discussion questions:
 - a. What are the priority challenges that must be addressed by the new Special Rapporteurship in the exercise of its first mandate, in accordance with the IACHR Strategic Plan 2017–2021 and its current operational capacity? What cooperation and synergy schemes would be feasible and necessary to strengthen the activities of the SRESCER and generate greater impact in the hemisphere?
 - b. What is the expected value added of the first thematic report on Business and Human Rights being prepared by the Special Rapporteurship? With respect to the format and content of the report, what thematic pillars do you consider to be essential, and that should be addressed, and how would you expect it to be structured in order to put such standards into operation practically speaking?
53. The consultation was widely attended (around 70 people) and gathered highly valuable contributions to enrich the process of preparing both the work plan of the Rapporteurship and its first thematic report. The questions were also shared on the Special Rapporteur's social media accounts, via which contributions were received from several countries, which made the results of the consultation even better and more inclusive.
54. The inputs received during the consultation and since the SRESCER's mandate began, in addition to monitoring tasks and responsibilities with respect to the petitions and cases system, have enabled the ESCER Special Rapporteur to identify emerging themes beyond those the IACHR included in its Strategic Plan. Among these, the following stand out: The impact of fiscal policies on human rights; natural disasters and their impact on human rights; the impact of corruption on poverty and ESCER; setbacks in fiscal, social, and labor policies; and challenges to the right to health and the right to education in the hemisphere. Nevertheless, the extent of the problem and the budget and operational limitations of the SRESCER require it to establish priorities, which will be laid out in the work plan it is putting together with all the inputs received during the first months of its mandate.

8.2. SRESCER roundtables in the framework of the Third Regional Consultation on Business and Human Rights

55. The SRESCER participated directly in the Third Regional Consultation on Business and Human Rights put on by the Regional Office for South America of the UN Office of the High Commissioner for Human Rights in Santiago, Chile on December 12–14, 2017. In this context, in addition to the two presentations given during the Regional Consultation, the SRESCER organized three side roundtable discussions aimed at representatives of States, civil society organizations, academia, and businesses attending the forum in order to gather information for the structure and content of the report on Business and Human Rights it would be preparing.

¹⁰ Let's recall that it identifies the following: Situation of poverty in the region; rights to water and food; obstacles to access to justice in cases of violations of economic, social, cultural, and environmental rights; special impacts on the enjoyment of economic, social, and cultural rights of vulnerable people, collectives, and groups; obstacles to the right to access to information and participation with respect to economic, social, and cultural rights; and violations in the context of activities undertaken by businesses, especially in extractive, development, and investment projects. According to the Plan, the ESCERSR will coordinate with the 2030 Agenda in order to accomplish its objectives. In addition, the IACHR considered that over the next years there were four categories of obligations of States in this area that had to be analyzed and developed: (i) The State obligation to adopt measures to eradicate situations of structural discrimination regarding the enjoyment and exercise of economic, social, cultural, and environmental rights, which is an immediate obligation and one that is independent from the resources available in the State in question; (ii) the prohibition of the adoption of regressive measures regarding ESCER; (iii) the State obligation to take progressive measures in the area of ESCER; and (iv) obligations deriving from the duty to guarantee the satisfaction of minimum content of each economic, social, cultural, and environmental right for the inhabitants subject to their jurisdictions. Cf. IACHR. Strategic Plan 2017–2021 from March 20, 2017, OAS/Ser.L/V/II.161 Doc. 27/17, p. 35

56. The three roundtables were widely attended (56 people) and the inputs received are of great value to the report-writing process as they came from individuals and institutions directly related to the topic and in attendance at a specialized forum.

9. Reports

57. During the first three months of her term, the Special Rapporteur began the process of preparing her first thematic report, which will focus on the topic of Business and Human Rights. She was also involved in the preparation of the annual report, and the report on Venezuela.

9.1 Report on Poverty and Human Rights [in the Americas]¹¹

58. The Special Rapporteur joined the IACHR just as its first report ever on poverty and human rights was being adopted. This report is part of an important legacy the SRESCER inherited from the ESCR Unit. In addition to reaffirming the importance of the Report on Poverty and Human Rights [in the Americas], the Special Rapporteur has taken on the commitment to promote the standards set forth therein and to assist in their implementation throughout her term.
59. Over the last decade, important progress has been made in the region with respect to economic, social, cultural, and environmental rights, which has enabled large sectors of the population to climb out of poverty and extreme poverty. However, such achievements are currently at risk of being reversed. With the report, the Inter-American Commission is seeking to help efforts to reduce and eradicate poverty in the Americas by offering recommendations aimed at improving and enhancing laws, policies, and actions implemented by States in an effort to ensure that the human rights of persons living in poverty are duly upheld and protected.
60. The IACHR observes with concern that the ongoing situation of poverty and extreme poverty in the member states of the Organization of American States translates into serious obstacles to the effective enjoyment of human rights. The IACHR has confirmed in its visits to countries that people who live in poverty face geographic, economic, cultural, and social obstacles to exercising their rights.¹²
61. In many regions, people in poverty live far from their workplaces, public plazas, and markets and have difficulty gaining access to public services such as potable water, sanitation, electricity, health facilities, schools, and social service institutions. They sometimes have to travel long distances and traverse paths, infrastructure, and roads that are in poor condition, risking their very lives.¹³
62. These everyday obstacles faced by people, groups, and collectives living in poverty add up, leading to degrading and dangerous working conditions, unhealthy housing, inadequate nutrition, risk of disease, exposure to violence, unequal access to justice, and little or no participation in decision-making processes related to their circumstances.¹⁴
63. This situation has a particular impact on groups that have historically faced discrimination, such as women, children and adolescents, indigenous peoples, Afro-descendant populations, migrants, persons deprived of liberty, people with disabilities, the LGBTI population, and older people. The IACHR urges States to consider these risk factors that people in these groups face and develop social policies to address and remedy their situation of poverty, as well as to actively confront the multiple forms of discrimination they have suffered historically.¹⁵
64. States have the obligation to take deliberate, concrete steps toward the elimination of poverty in the Americas. They should address the problem of poverty from a human rights perspective, developing

¹¹ See: <http://www.oas.org/es/cidh/informes/pdfs/PobrezaDERECHOS HUMANOS2017.pdf>

¹² See: http://www.oas.org/en/iachr/media_center/PReleases/2017/202.asp

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

strategies to protect the rights to decent work, health, food, housing, and education, guaranteeing the economic and social empowerment of people who live in poverty. States should also facilitate the participation of people who are in a situation of poverty, taking their experiences and perspectives into account.¹⁶

65. The IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights reaffirm their commitment to work with the States of the Americas to draft and implement public policies with a human rights approach to ensure a life of dignity for people who live in poverty and to progressively achieve the complete eradication of poverty in the hemisphere.¹⁷

10. Statements

66. Below is a list of press releases the SRESCER issued either independently, or as part of a collective effort with other IACHR or UN Rapporteurships.

10.1. SRESCER

67. November 15, 2017: The Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights Welcomes the Historic Decision of the Inter-American Court of Human Rights on Justiciability in Matters of ESCER.¹⁸

10.2. In cooperation with other Rapporteurships of the IACHR

68. September 12, 2017: IACHR Expresses Solidarity with People Affected by Earthquake and Hurricanes in Countries of the Region and Urges States and the International Community to Take Steps to Address the Situation of Those Affected.¹⁹
69. November 20, 2017: On International Transgender Day of Remembrance, the IACHR Urges States to Protect Trans Persons' Full Access to their Economic, Social, and Cultural Rights.²⁰
70. December 5, 2017: IACHR Presents Report on Poverty and Human Rights in the Americas.²¹
71. December 15, 2017: IACHR Regrets Ban on Gender Education in Paraguay.²²

10.3. In cooperation with Special Procedures of the United Nations

72. December 4, 2017: IACHR Joins UN Rapporteur in Recognizing Canadian Human-Rights-Based Approach to Housing.²³

11. Work team

73. The scope of the Rapporteurship's mandate and agenda require assembly of a good work team. The Special Rapporteur on ESCER has already taken the first steps in that direction, with the support of the Executive Secretariat. She brought in an initial volunteer, Christina Kauffman, a Master's student in Human Rights at American University, who has been supporting the work of the Rapporteurship for three months.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ See: http://www.oas.org/en/iachr/media_center/PReleases/2017/181.asp

¹⁹ See: http://www.oas.org/en/iachr/media_center/PReleases/2017/139.asp

²⁰ See: http://www.oas.org/en/iachr/media_center/PReleases/2017/185.asp

²¹ See: http://www.oas.org/en/iachr/media_center/PReleases/2017/202.asp

²² See: http://www.oas.org/en/iachr/media_center/PReleases/2017/208.asp

²³ See: http://www.oas.org/en/iachr/media_center/PReleases/2017/198.asp

74. In addition, Luis Carlos Buob Concha, a Peruvian attorney, joined the team on November 1 after being selected from the competition for SRESCER special consultant based on his professional and academic merits, especially his litigation experience in the system and post-graduate specialization in ESCR.

12. Funding

75. Along with the challenges inherent to incorporating the topic of ESCER into both the IACHR and the hemispheric agenda, one of the main tasks facing the new mandate involves finding funding to make the new Special Rapporteurship's actions sustainable.
76. Accordingly, in addition to thanking the donors that made both the establishment of the Rapporteurship and its initial work possible (Peru, Spain, Switzerland, and Uruguay), member states are being called upon to make voluntary and specific contributions to the Rapporteurship, as are different donors and potential partners to work together actively with the Special Rapporteur in the quest for funds and projects.
77. The responsibilities and tasks of a newly created Rapporteurship, especially one that covers such a wide range of topics and issues, are incredibly vast and diverse and so too are its financial- and management-related challenges; the support of the IACHR and its Executive Secretariat for the efforts of the SRESCER are therefore key to its success in discharging its functions and responsibilities.

CHAPTER III SITUATION OF ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS (ESCER) IN THE HEMISPHERE

78. One of the most concerning general human rights situations corroborated by the IACHR in 2017 is the situation of poverty and extreme poverty affecting a growing number of vulnerable people, groups, and collectives. With its first report on the topic, the IACHR is seeking to help efforts to reduce and eradicate poverty in the Americas by offering recommendations aimed at improving and enhancing laws, policies, and actions implemented by States in an effort to ensure that the human rights of people living in poverty are duly upheld and protected.²⁴
79. The IACHR observes with concern that the ongoing situation of poverty and extreme poverty in the member states of the Organization of American State translates into serious obstacles to the effective enjoyment of human rights. The IACHR has confirmed in its visits to countries that people who live in poverty face geographic, economic, cultural, and social obstacles to exercising their rights. The problem's scope and complexity, as well as the need to find solutions, has been recognized by various States and by civil society as well as by international organizations and institutions such as the United Nations, the World Bank, and the Inter-American Development Bank, among others.
80. As a best practice in the area of ESCER, it is important to note that in 2017, the IACHR welcomed the fact that the States of Argentina, Bolivia, and Chile had ratified the Inter-American Convention on Protecting the Human Rights of Older Persons. The IACHR has repeatedly underscored the importance of universal ratification of the instruments of the inter-American system as an essential part of the full respect for and protection of human rights in the hemisphere.
81. As an important advance in this area, the SRESCER hailed the decision of the Inter-American Court of Human Rights in the case of Lagos del Campo v. Peru, of August 31, 2017, in which it declared a violation of Article 26 of the American Convention on Human Rights for the first time. This decision marks an historic milestone in inter-American jurisprudence and a step forward in the region as far as the

²⁴ See, Report on Poverty and Human Rights: <http://www.oas.org/es/cidh/informes/pdfs/PobrezaDERECHOS HUMANOS2017.pdf>

interdependence between and indivisibility of civil and political rights and ESCER is concerned. The possibility of being able to require, in a legally and binding way, respect for and the protection of ESCER via the organs of the inter-American system will make it possible to develop, and gradually define the content of each of these rights as well as the obligations of the States Parties with respect thereto, thereby making it easier to draw up appropriate public policies and establish regional guidelines and standards for the effective enjoyment and exercise thereof, especially with respect to the most vulnerable populations.

82. The above notwithstanding, a series of challenges and human rights violations related to economic, social, cultural, and environmental rights were identified, specifically, as mentioned previously, related to: The infringement and violation of the human rights of people, groups, and collectives living in poverty and extreme poverty; the mounting problem of lack of access to water in the hemisphere; grave human rights issues in connection with lack of access to adequate food, especially the serious cases of malnutrition in infants and expectant mothers; infringement of human rights stemming from the business community; lack of access to education and to the right to health and employment in the region; and the topics discussed in detail below, which particularly affect people, groups, and collectives living in situations of historic discrimination.
83. Below is a brief summary of the topics reported to the SRESCER and before that, to the IACHR's ESCR Unit, at a regional level. Furthermore, it is important to note that both the Unit and the Rapporteurship have been receiving information about the status of ESCER in the different countries of the region by means of country and thematic hearings as well as through other IACHR work mechanisms; these are situations the SRESCER will continue to monitor and follow up and act on via the appropriate institutional channels.
84. In 2017, information was received about the current status of access to public information with respect to economic, social, cultural, and environmental rights during a hearing on the subject. Civil society organizations highlighted the need to make headway in the development of standards to determine and consolidate state obligations in connection with access to and the production of information in order to secure implementation, enforceability, and access to ESCER. To that end, they indicated the need to have a more robust discussion about the scope of these obligations and the enforceability of producing disaggregated information. These organizations also highlighted the importance of access to disaggregated budgetary information, which, they indicated, was essential for monitoring and evaluating measures adopted by States to accommodate ESCER to the extent their available resources allow. The IACHR pointed out the historic importance of this hearing, noting that it was the first ever on the right to access to information conducted by the ESCER Special Rapporteurship, together with the Special Rapporteurship on Freedom of Expression, and referred to the importance of developing public policies with a human rights approach for access to and the production of information in this area.
85. In 2017, the Commission continued to receive troubling information about human rights challenges related to the business sector. In the hearing on the right to territory of Amazonian indigenous peoples and communities, which had been requested by the Pan-Amazonian Ecclesial Network (REPAM) and regional institutions of the Catholic Church, in a joint effort to support pan-Amazonian communities in the integral defense of their territories and ways of life in the context of violations caused by extractive industries and the execution of infrastructure megaprojects, reports were given about harm done to native communities and biodiversity as a result of the region's extractive economic model, which "places money before human need, causing death and destruction."
86. Moreover, during the hearing on the situation of environmental rights defenders in the Americas, the petitioning organizations discussed the situation of violence faced by such individuals in the region as a result of the work they do and offered an overview of the particular situation of vulnerability by way of figures and maps of the violence. The petitioning organizations presented testimony from environmental rights defense organizations describing how their homes and workplaces had been searched, how they had been criminally prosecuted, and how attempts had been made to dissolve their organizations for being "involved in politics." These organizations also underscored the growing violence against women environmental defenders and the different brand of aggression targeting them—rooted in gender

violence—in an effort to compel them to migrate from the country to cities in order to clear out their lands and engage in extractive activities therein.

87. The significance of the regional hearing on the right to housing is also worth highlighting. During it, the IACHR was informed about challenges related to access to housing and the situation of informal settlements in the countries of the hemisphere. According to the information presented, more than 104 million people live in informal settlements in Latin America, with limited access to basic services. Because of this, the Inter-American Commission was asked to urge the OAS member states to comply with the international treaties to which they are signatories, giving effect to rights already recognized and developing crosscutting public policies on the right to housing. The Commission was also asked to recognize the informal settlements as areas where human rights are infringed and to assign priority to the matter, as well as to press States to include informal settlements in national counts and censuses and make such information public.
88. In the hearing on the human rights situation of female sex workers in the Americas, the participants provided information on the need for: Recognition within regulatory frameworks that criminalize sex work, which includes, *inter alia*, recognition of the rights of female sex workers, and, which guarantees them the same labor and union benefits as any other work-related activity; the adoption of comprehensive public policies aimed at ensuring better working conditions; and repeal of ambiguous regulatory frameworks that are used in practice to criminalize female sex workers.
89. In addition, information was received during a public hearing on an emerging topic—the effects of Zika with respect to the right to health in the population. A diagnostic analysis was given and a series of petitions were presented to the IACHR with respect to addressing this human rights issue.
90. For their part, in the hearing on the right to food in Central America, the petitioning organizations reported human rights violations in connection with access to food, water, and a healthy environment by companies working in monoculture. They alleged that the practice of growing certain natural resources like sugar cane, palm oil, and bananas had impacted neighboring communities in various ways. They further reported that the use of pesticides had contaminated their lands, causing problems like diarrhea, vomiting, and kidney disease, and that the building of dams for those plantations had diverted rivers, forcing several communities to move. The civil society organizations further commented that monoculture as a form of development had not been legitimized by means of a democratic process and complained that individuals who attempted to call attention to this issue had been attacked, persecuted, and even murdered. These organizations asked the IACHR to request information from the governments about the environmental management policies they had in place. They also asked the ESCER Special Rapporteurship to visit the States to ascertain the situation and thereafter issue a report for compliance with inter-American standards on food, water, and a healthy environment. Lastly, they asked the IACHR to call on the States to cease expansion of monoculture and to investigate the human rights violations reported by community leaders.
91. During the hearing on labor rights in the automotive industry in the United States, four representatives of the petitioning entities described the anti-union climate currently facing workers in Canton, Mississippi; these individuals stated that theirs was just a snapshot of what is happening throughout the country. In 2016, the plant in Canton had a workforce of 5,300 workers, 80 percent of whom were African-American. According to the representatives, almost since the founding of the plant, Nissan and government officials had engaged in a systematic campaign to deny the workers their basic rights. Nissan kept on with this campaign despite multiple complaints to the U.S. National Labor Relations Board. According to these witnesses, the Nissan Motor Company's anti-union conduct, which included meetings with captive audiences and monitoring of individual workers, with the support of the local government, had prevented workers from exercising their human rights, namely the right to a safe workplace and the right to fair elections. The representative of the United States responded that the specific allegations of the workers could not be addressed as they were part of an open investigation being conducted by the competent authorities (among them, the National Labor Relations Board). He emphasized that the United States had a

robust system to protect workers, as evidenced by laws like the National Labor Relations Act, as well as a long track record of international interest and participation in labor rights.

92. In the hearing on ESCER in Puerto Rico, civil society reported on the dire humanitarian consequences of the impact of the hurricanes, vigorously denouncing the United States for its response, which it considered insufficient and discriminatory vis-à-vis the response given to the mainland areas of the country affected by natural disasters around the same time. The experts argued that the austerity measures implemented by the U.S. Congress had been extremely prejudicial, that the federal government had been lacking in its response, and that recent natural disasters had simply exacerbated the subordination, marginalization, and vulnerability of Puerto Rico's population. They also described the exponential growth of contaminated environments (due to previous contamination by U.S. entities), extreme poverty, internal displacement, food insecurity, inadequate medical attention, school closures, and insufficient communications channels. The representative of the United States responded that 2017 had been a particularly difficult year for the country in terms of natural disasters and confirmed that, despite such challenges, the State had reacted successfully inasmuch as it had significantly restored electricity, transportation, water, banking, and cell phone service, also helping to reopen post offices, service stations, and supermarkets. He recognized the extreme nature of the situation, especially in light of Puerto Rico's paralyzing debt, but assured the Commission that the United States was committed to the full recovery of the island.
93. Given the information and inputs received, the SRESCER believes it is important to conclude by adding that setbacks in laws and fiscal and social policies seen in recent years have gravely affected access to basic economic and social rights such as food, health, education, or labor and trade union rights, with a disproportionate effect on sectors that were already poor, as well as on children, adolescents, older people, women, Afro-descendants, indigenous peoples, and LGBTI persons, among other historically excluded groups. The SRESCER also calls attention to the impact of natural disasters on the enjoyment of ESCER in countries and territories affected by them. A special point of concern for the Special Rapporteurship is the impact corruption has on the enjoyment and exercise of ESCER, and therefore it proposes to incorporate an anti-corruption approach into its work plan, which will include other perspectives—indivisibility, gender, and intersectionality, as well as the business and human rights perspective—which are fundamental to the discharge of its mandate.
94. The Rapporteurship also expressed concern about the threats, criminalization, reprisals, and violence against human rights defenders and has noticed an increase in the disproportionate use of force and police repression in the context of demonstrations, protests, and claims clearly related to ESCER, which particularly affects more vulnerable populations such as people experiencing poverty, indigenous peoples, Afro-descendant and *campesino* communities, labor union members, defenders of the environment, women, children and adolescents, migrants, refugees, stateless and internally displaced persons, and lesbian, gay, bisexual, trans, and intersex persons, among other segments of society.
95. As the IACHR stated after its regular session in Uruguay, setbacks in laws and social policies seen in recent years have gravely affected access to basic economic and social rights such as food, health, and education, with disproportionate effects on sectors that were already poor, as well as on children, adolescents, older people, women, Afro-descendants, indigenous peoples, and LGBTI persons, among other historically excluded groups.²⁵
96. The Commission and its SRESCER have thus observed a series of challenges that are currently impeding the full enjoyment of economic, social, cultural, and environmental rights, especially by individuals, groups, and collectives that have historically suffered discrimination. Accordingly, the States of the region have been called upon to adopt the measures necessary to ensure the enjoyment of these rights as they intersect with all human rights.²⁶

²⁵ Cf. Press release, available at: http://www.oas.org/en/iachr/media_center/PReleases/2017/168.asp

²⁶ Ibid.

97. Specifically, the SRESCER calls on the States to effectively implement the system's regulatory framework in this area in accordance with the standards developed by the Inter-American Commission and Court, as well as the recommendations issued by the Working Group of the Protocol of San Salvador, and to continue to adopt public policies to guarantee, progressively, and by mobilizing available resources, the full enjoyment and exercise of ESCER in the Americas.
98. Alongside its call for the ratification of all of the system's human rights treaties, especially the Protocol of San Salvador on Economic, Social, and Cultural Rights, the Rapporteurship also underscores the obligation of all member states to immediately take the actions necessary to guarantee full protection of the minimum content of all economic, social, cultural, and environmental rights of all people, without discrimination or regression, based on the recognition of human dignity.

CHAPTER IV
GENERAL OVERVIEW OF ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS (ESCER) IN THE REGION: THE KEY ROLE OF THE SRESCER-IACHR. STRATEGIC PRINCIPLES FOR ACTION

99. In a region commonly acknowledged as being the most unequal and violent in the world, the IACHR's work regarding ESCER is key to ensuring the effective enjoyment of all human rights. Poverty and extreme poverty represent one [sic] of the major challenges in our hemisphere to the effective exercise of economic, social, cultural, and environmental rights, as well as civil and political rights.
100. The IACHR report on "Poverty and Human Rights in the Americas" provides tragically eloquent data that confirm how discrimination, insecurity, poverty, and harm to the environment constitute routine violations of human rights in the region.²⁷ Corruption in its different forms and manifestations is considered as one of the most deeply rooted causes of poverty, which is why decisive action, with a solidly social-minded approach, is needed to combat it.
101. A reading of paragraph 106 of the IACHR report suffices to understand the gravity of the situation and the extremely urgent need to adopt measures to bring about better distribution of wealth on our continent:

In terms of inequality, it is concerning that the Latin America and Caribbean region continues to be the most unequal in the world, with an economic inequality gap that reinforces social and gender inequalities, despite the economic growth seen over the last decade. According to the United Nations Development Program (UNDP), 10 out of the 15 most unequal countries in the world are in Latin America. What is more, the IACHR has received information that in 2014, 10 percent of the population in Latin America and the Caribbean held 71 percent of the wealth, while the poorest half of the population held only 3.2 percent. More specifically, a mere one percent of the population possessed 40 percent of the region's wealth. These figures broadly demonstrate the true magnitude of inequality in the region.
102. According to data from the Economic Commission for Latin America and the Caribbean (ECLAC), we are talking about 175 million people in the hemisphere who live in poverty, of which approximately 75 million live in extreme poverty. The Caribbean stands out as the sub-region with the direst figures and situations.
103. ECLAC has also warned of the "feminization of poverty," posited as an indisputable fact given that for every 100 poor men, there are 118 women in the same situation. This is one of the reasons why addressing ESCER issues from a gender perspective is urgent and critical.

²⁷ See: http://www.oas.org/es/cidh/informes/pdfs/PobrezaDERECHOS_HUMANOS2017.pdf

104. Such a structurally unequal scenario, with intolerable consequences for the lives of so many individuals, demands decisive action on the part of the OAS' main human rights body, the IACHR. Thus, the creation of the ESCR Unit initially and this ESCER Special Rapporteurship now by the IACHR are milestones in crafting an agenda that is increasingly robust and committed to human dignity in our continent.
105. The SRESCER, whose rationale consists of continuing the important work already undertaken by the ESCR Unit²⁸ and incorporating the lessons learned and best practices developed by the IACHR's other Rapporteurships, in particular the Special Rapporteurship for Freedom of Expression (SRFE) founded 20 years ago, is called upon to play a crucial role in ensuring that the IACHR is a beacon for the promotion and protection of ESCER in our region.

A. Strategic principles for action

106. In strict compliance with the institutional values identified by the IACHR in its Strategic Plan, to wit:

- Independence and autonomy in its functions;
- Leadership in establishing international human rights standards;
- Commitment to the victims of human rights violations;
- Ongoing dialogue with social actors and member states;
- Diversity, equity, impartiality, integrity, and responsibility in its work;
- Excellence in its outcomes; and
- Transparency, participation, and accountability in its management.

107. The SRESCER will also be guided in its work by the following principles:

1. Continuity and innovation

108. The SRESCER will be based on the worthy legal and institutional legacy of the IACHR, as well as that of the ESCR Unit and the Inter-American Court of Human Rights, while at the same time innovating standards, practices, and tools—including new technologies—that further compliance with its mandate.

2. Indivisibility approach

109. The new Special Rapporteurship embraces the challenge of working within the IACHR as a whole (Commissioners, other Rapporteurships, Executive Secretariat) to attain a comprehensive perspective that operationalizes the indivisibility, interdependence, and interrelation of human rights in general fulfillment of all the IACHR's promotion and protection duties, as well as [to provide] technical assistance to support States in formulating public policies. For this reason, it is important to strengthen the work closely with all the areas of the IACHR to ensure a greater holistic adherence to all human rights within the inter-American system.

²⁸ We recall that the objectives of the ESCR Unit's Action Plan are to:

1. To institutionalize the issue of ESC rights in the IACHR by establishing the Office of the Special Rapporteur for ESC Rights.
2. To continue monitoring, promoting, and protecting ESC rights in the Americas.
3. To develop international standards for interpreting the inter-American human rights instruments in relation to ESC rights, and to expand the case law of the inter-American system on these rights.
4. To attain specialization of the Executive Secretariat with capacity-building on specific issues in the area of ESC rights.
5. To advance knowledge and analysis of emerging issues in the field.
6. To ensure that ESC rights are considered in all of the IACHR/OAS' work.
7. To continue promoting the visibility of issues related to ESC rights in the Americas, as well as the work of the IACHR and its ESC Rights Unit.
8. To continue exploring and generating avenues of collaboration with the various United Nations agencies, in particular with the Committee on Economic, Social and Cultural Rights; the United Nations Educational, Scientific and Cultural Organization (UNESCO); the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), and the International Labor Organization (ILO), among others.
9. To continue exploring and generating avenues of collaboration with other regional agencies such as the Economic Commission for Latin America and the Caribbean (ECLAC) and the Inter-American Development Bank (IDB), among others.

Source: <http://www.oas.org/en/iachr/desc/desc-action-plan.asp>

110. This task, which we refer to as mainstreaming the indivisibility of human rights, entails constant inquiry into how ESCER, as well as civil and political rights, are affected in cases and situations under analysis, until we are sure that we are working with a 360-degree view in order to protect human rights as a whole. We do so by having individuals as our focus, while also considering the need to preserve the environment in which we lead our lives.

3. Gender and intersectionality approach

111. The process of mainstreaming an integral perspective is necessarily linked to mainstreaming a gender and intersectionality approach.²⁹ This is extremely innovative not only for the IACHR and the inter-American system, but also for national and international human rights protection as a whole.

4. Poverty and anti-corruption approach

112. As poverty and extreme poverty are a priority for SRESCER action due to its overall effect in our hemisphere on millions of individuals' ESCER, the SRESCER will seek to implement measures that further analysis of poverty based on a human rights perspective, recognizing that individuals, groups, and collectives living in this situation are bearers of human rights and agents of change.
113. Furthermore, inasmuch as corruption is one of the most deeply-rooted structural causes of poverty and inequality, the SRESCER will adopt measures using an anti-corruption approach based on rights that is also aimed at creating new tools and standards in the field.

5. Excellence and impact

114. The SRESCER, like the IACHR, will gear its actions towards an ongoing quest for excellence in all of its endeavors, as well as to ensuring the greatest impact in protecting ESCER and all human rights through an unflagging effort to apply the *pro homine* principle together with the precautionary principle as regards protection of the environment in the dialogue it will seek to promote in the framework of the inter-American system.

6. Dialogue and participation

115. The SRESCER will manage its work by promoting dialogue and participation as essential assets to fulfill its mandate in the framework of the IACHR's international legal attributions.

7. Coordination of efforts with all key actors

116. The SRESCER comes into existence with a clear vocation and need to coordinate its efforts with the widest range of actors possible for the optimal fulfillment of its mandate. Below is a list of the efforts that have been identified and discussed with the SRESCER to date.

7.1. Coordination with the other IACHR Rapporteurships, the Inter-American Court of Human Rights, and the OAS

117. The SRESCER cooperates and works with the Commissioners on different issues related to ESCER in the region, in close collaboration with the General Secretariat and all the Rapporteurships that currently exist and may be created in the future.

²⁹ The approach used by the I/A Court H.R. itself in the case of Gonzales Llué et al., in which the Court affirms that "HIV-related stigmatization does not affect everyone in the same way and that the impact is more severe on members of vulnerable groups." For other references regarding non-discrimination and intersectionality in the international system, see UN Committee on the Elimination of Discrimination against Women (CEDAW) General Recommendation No. 28; Committee on the Elimination of Racial Discrimination (CERD) General Recommendation No. 25; Committee on Economic, Social, and Cultural Rights (CESCR) General Comment No. 20.

118. In particular, the Special Rapporteurship must leverage the Commissioners' joint and cumulative work to further issues that they handle with particular expertise and dedication. Such issues, just to mention a few, include: ESCER, and the human rights of women, indigenous peoples, Afro-descendants, human rights defenders, children and adolescents, LGBTI individuals, migrants, older adults, the disabled, and persons deprived of liberty, among others.
119. The Special Rapporteurship will always strive to ensure coordinated work with the rest of the inter-American system, both with the OAS and its different institutions, as well as the Inter-American Court, seeking to ensure that the IACHR contributes to harmonious and coordinated efforts being undertaken with regard to ESCER, promoting synergies for the best possible impact in this regard.

7.2. Working Group of the Protocol of San Salvador

120. Coordination of the SRESCER's work with this Group of Experts is essential. Preparing an agenda of joint cooperation and mutual empowerment with this Group is a priority.

7.3. States

121. The SRESCER is making headway towards a robust agenda of cooperation and joint work with OAS member states, in close coordination with the IACHR and the General Secretariat. Among diverse issues that the Rapporteurship's duties address, support for and guidance to the States in relation to ESCER promotion and protection in the Americas in the framework of the 2030 Agenda stands out. The Rapporteurship will also endeavor to create an interactive database of resources and best practices to share with the States and other actors, as a basis for establishing standards and positive exchanges for implementing ESCER in the region.

7.4. Civil society organizations and social movements

122. It is vital that the Special Rapporteurship set forth a joint work agenda with civil society organizations and social movements from throughout the region, particularly taking into account the need to involve new communities—such as unions, student movements, and cultural and environmental entities—in the IACHR's endeavors and agendas.

7.5. Vulnerable communities and groups

123. It is important to consider separately the work with vulnerable communities and groups, as well as the work undertaken with civil society organizations and social movements in order to address the particular characteristics thereof.

7.6. SRESCER coordination with the universal system and joint work with other regional and sub-regional systems

124. It is crucial that joint work with all human rights protection systems be strengthened, especially with the universal system—the UN High Commissioner for Human Rights and the treaty bodies, the special procedures and the Universal Periodic Review of the United Nations. Furthermore, the SRESCER considers the practice of the IACHR and the Special Rapporteurship for Freedom of Expression of having rapporteurs from the regional and universal system issue joint statements to be key. This is a strength and a practice to continue promoting. The SRESCER likewise considers it essential to promote and actively seek exchanges and collaboration among other regional systems, such as the European and the African systems.
125. The SRESCER will also seek to further an agenda of dialogue with agencies specialized in issues related to its mandate, such as international financial and lending institutions.

7.7. Donors and cooperation agencies

126. Given that mobilizing resources to fulfill its mandate is one of the management challenges for the SRESCER's implementation and outreach, promoting a proactive agenda of dialogue and cooperation with donors is an essential factor in the Rapporteurship's operation.

8. Interdisciplinarity

127. It is necessary to consider and take advantage of the knowledge of various disciplines to complement the legal approach, which will allow the SRESCER to make complex analyzes of the situation and the impact on the issues of ESCER. Given that these rights involve such diverse technical aspects, at an economic level, as cultural, social or environmental; interdisciplinary work is essential. To do this, a database of the academy and other spaces on various thematic areas will be created to enrich the work of the Rapporteurship and the Commission as a whole.

CHAPTER V

THEMATIC AGENDA IN LIGHT OF THE IACHR STRATEGIC PLAN 2017-2021: AN INITIAL ROAD MAP FOR DETERMINING THE SRESCER'S OPERATIONAL PRIORITIES

128. With the IACHR Strategic Plan 2017-2021 in mind, it is essential to link the priorities that have already been identified with the historic opportunities and cumulative experience that we have in the system currently. As the evaluation of the context of the Americas has revealed, challenges persist and grow; at the same time, we are witnessing a moment of greater awareness about human rights, in which historically marginalized individuals and groups who have demanded their rights have attained greater visibility that must be consolidated. In this regard, new technologies and access to information are tools that we need to explore intensively as they are crucial for the defense, monitoring, and observance of human rights, as well as for reporting violations thereof.
129. Thus, taking into account the thematic pillars and objectives of the ESCER Strategic Plan, the SRESCER has outlined a number of linkages it has envisaged a priori and which, together with the outcomes of consultations and inputs gathered during the first months of its mandate, provide a foundation for consolidating its initial work plan.

A. Implementation of the 2030 Agenda in the Americas

130. The 2030 Agenda is a global agenda and therefore all the States of the Americas have committed to attaining the targets thereof.³⁰ This Agenda constitutes a strategic opening for working with States in the implementation of ESCER. All of the Agenda's components are interrelated and tied to ESCER, and therefore it is important we not lose sight of the binding obligations of States (assumed through treaty ratification) when following up on these targets (Sustainable Development Goals) undertaken voluntarily. Hence, human rights offer a basic foundation for implementing these key targets and goals, which allow for a redefinition of the obligations undertaken by States and their significance in individuals' actual daily lives. The SRESCER, therefore, will align its regional work strategy with internationally defined indicators, as well as with regional indicators established by the Working Group of the Protocol of San Salvador

³⁰ In October 2015, the OAS member states agreed to the Declaration of Tela for Sustainable Development in the Americas, which, together with the following steps and the system's institutional framework on the issue, constitutes a concrete commitment of the existing political will to further the objectives laid out. http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-316/15

Furthermore, at the 46th Regular Session of the OAS General Assembly held in 2016 in Santo Domingo, Dominican Republic, the OAS member states adopted the Declaration on Institutional Strengthening for Sustainable Development in the Americas, in which they reaffirmed their commitment to the 2030 Agenda. For more information, see: <http://www.oas.org/en/council/AG/ResDec/Default.asp?q=&e=&evento=>

(WGPSS) and ECLAC in relation to compliance with the Montevideo Consensus on Population and Development.³¹

B. Poverty, development, and human rights

131. Overcoming the poverty and exclusion that exist in the region is an ongoing challenge. In this regard, it bears highlighting that the intervening factors that keep people in poverty are interrelated and encompass economic, social, cultural, and environmental rights, in addition to civil and political rights. Therefore, as in other key topics, it is vital to shed light on the interconnections among these rights and how the impairment of one or some affects all the others. Undoubtedly, work on the 2030 Agenda is essential in this regard as we have mentioned above. What is equally important is to continue calling into question the causes of poverty in order to disprove the notion—wherever it may still exist—that poverty is inevitable and there will always be those who suffer from it. A clear path already exists to do away with this idea and we must continue to bring to bear a human rights approach to demonstrate not only that poverty is surmountable, but also that it is the States' obligation to persevere in overcoming it. As the IACHR has set forth in its report, poverty constitutes one of the clearest manifestations of human rights violations.³² In the bid to address poverty and exclusion from a rights approach, efforts in the framework of the 2030 Agenda will be an important contribution.
132. The SRESCER will emphasize in its action the links to impacts on historically vulnerable communities and groups, especially those affected by current contexts—i.e., by the effects of climate, natural disasters, conflicts over resources and land, or human mobility—contributing the human rights approach needed to address the structural causes that impact those who live in poverty and extreme poverty and how these situations of vulnerability intensify the deprivation they experience.

C. Right to water and food

133. The focus on the right to water and food allow us to show the links between different groups of rights; this is above all the case if we wish to demonstrate a direct nexus with the environment. Affected rights that have a clear component linked to sustaining life, such as water and food, play prominently in conflicts over livelihoods and use of natural resources.
134. By bringing these rights into focus, we show how they dovetail with other interconnected rights and can no doubt build on the trajectory of specific rapporteurships in this regard at an international level. As mentioned previously, the complementarity and collaboration between the regional and universal systems has been very important. This Special Rapporteurship intends to continue fostering this collaboration to attain tangible impacts in the issues it works on. The work with civil society, and specifically, with affected groups and human rights defenders bears mentioning here once again.

D. Access to justice in the case of ESCER violations. Justiciability of ESCER

135. Access to justice for ESCER is fundamental, given that it is more difficult to exercise a right for which they are no channels to demand enforcement. For this reason, it is crucial for individuals to be able to access justice, where necessary, to assert their ESCER. Furthermore, access to justice results in greater recognition of these rights, which have historically been relegated to a secondary role as compared to civil and political rights. A great deal of headway has been made in putting all human rights on a level playing field, recognizing their interdependence and indivisibility. In this sense, the entry into force of the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights in the international system represents a great step forward. In this triumph, ratification of the Protocol by many countries in the region was key. The ESCER Special Rapporteurship's affirmation of the indivisibility of all human rights, as well as the complementarity of the human rights systems, will be a constant in its promotion of ESCER.

³¹ See [Operational guide for implementation and follow-up of the Montevideo Consensus on Population and Development](#)

³² See <http://www.oas.org/es/cidh/informes/pdfs/PobrezaDERECHOS HUMANOS2017.pdf>

136. Justiciability is crucial for supporting national processes to fully recognize these rights and the defenders who fight for such rights. In this regard, it will also be useful to complement this with other thematic pillars and priorities identified in the field of ESCER.
137. As regards the inter-American system, the Inter-American Court of Human Rights' judgment on August 30th of 2017 in the case of *Lagos de Campo v. Peru* portends significant progress in the system's standards in relation to the implementation of Article 26 of the Pact of San Jose. This decision is a historic milestone in the Inter-American jurisprudence and a step forward in the region in relation to the interdependence and indivisibility of civil and political rights and the ESCER. The possibility of legally and bindingly enforcing the respect and guarantee of the ESCER through the bodies of the Inter-American System will allow the development and progressive definition of the content of each of these rights and the obligations of the States Parties in relation to them; enabling the formulation of adequate public policies and establishing regional standards and guidelines for their effective enjoyment and realization, especially with respect to the most vulnerable populations. The SRESCER, in that framework, is a fundamental actor in order to align its work with those of the Inter-American Court, in keeping with the mandates of the IACHR.

E. Human rights and business

138. The last decade has been important in acknowledging the impact of non-state agents, particularly transnational businesses, on the enjoyment of human rights in general. This can be considered a cross-cutting issue in all of the IACHR's actions and Rapporteurships, with a specific ESCER focus that has led to its inclusion in the IACHR's Strategic Plan. The States are obliged to protect their population from the actions of third parties that may be harmful to their human rights. These agents must respect these rights, and currently there is a debate regarding the development of binding standards in the universal system in parallel to the work being undertaken to implement the Guiding Principles on Businesses and Human Rights.
139. The SRESCER will work in tandem with the States and other organizations in the region to support the development and application of standards and provisions that enforce observance of ESCER by businesses and other non-state agents. In this regard, special attention will be paid to megaprojects and extractive and development projects, which have been clearly shown to be related to respect for communities' ESCER, access to information, prior and informed consent, as well as grave attacks on defenders in these contexts.
140. In addition to providing a response to the mandate given to the IACHR by the General Assembly³³ and preparing a thematic report on the matter, the SRESCER will seek to foster the exchange of lessons learned by States in developing normative frameworks and national plans on businesses and human rights. At the same time as it strengthens its relationship with civil society, academia, and communities, the Special Rapporteurship will coordinate efforts to promote existing human rights standards in the field, including for the business sector and other actors related to the issue.

F. Situation of human rights defenders

141. As was mentioned, full recognition of the legitimate work of defenders, as well as justiciability of ESCER, contribute to the acknowledgement of this essential work to realize individuals' human rights.
142. Defenders in the region face serious dangers in many countries. Many of these situations are clearly linked to conflicts over the use of natural resources. In this regard, the SRESCER must pay close attention and will play a key role in making defenders' work more visible, contributing as well to their protection by utilizing all the tools of the inter-American system.

³³ Cf. AG/RES 2840 (XLIV-O/14) of June 4, 2014 and AG/RES. 2887 (XLVI-O/16) of June 14, 2016.

G. Access to information and participation in connection with ESCER

143. Access to information is a right and an essential tool in the exercise and enjoyment of other human rights. Communities and individuals are fundamental agents, as they must know their rights to demand them; bolstering this capacity is crucial for sustainable and enduring change. Participation is a necessary condition for democratic societies where human rights are respected and observed. For the SRESCER, access to information and participation are vital in order to continue strengthening respect for these rights and furthering their implementation. Having available data related to poverty, public policies, and programs that the States implement, as well as demanding information related to violations, constitutes a basic tool for monitoring compliance and making States' accountable—as duty-bearers—as well as for demanding changes and observance of rights on the part of the population. To this end, it is also key to work with the States not only so they respect this right, but also so they produce disaggregated, reliable, quality data that allow for effective evaluation of public policies implemented and that guarantee ESCER.
144. Information and participation are also indispensable to highlight situations where there are violations of rights, discrimination, and exclusion, which so often go unnoticed or are presented as inevitable. The human rights perspective, and especially the contribution that we can make by defending ESCER, is an essential vehicle for creating long-lasting and impactful change.
145. It is important to point out here that the SRESCER will work on these issues in a coordinated manner with the Special Rapporteurship for Freedom of Expression, the body that has established a solid work agenda on the right to access public information in the Americas.³⁴

H. Promotion of the universality of the Convention and the Protocol of San Salvador. Helping to Strengthen the Working Group to Examine the National Reports Envisioned in the Protocol

146. The SRESCER will support the objectives laid out regarding the inter-American human rights system's universalization.³⁵ In the work to promote ESCER we must develop a special dialogue with the States to favor widespread ratification of the instruments that are still pending ratification. The Protocol of San Salvador will be a cornerstone and in this sense points to bolstering the work that the Working Group on the Protocol of San Salvador³⁶ has been undertaking with the indicators system, promoting substantive support to States so they incorporate review of ESCER implementation, and especially providing forums and concrete manners to review their compliance and gradual progress in fulfillment thereof using these and other tools.
147. Furthermore, as provided for in the Strategic Plan, the SRESCER will seek to continue deepening ties with special UN entities, especially with the Committee on Economic, Social, and Cultural Rights (CESCR) and other related rapporteurships, to build on the rich experience of these bodies that undoubtedly are touchstones for the development of this Special Rapporteurship. Taking complementary actions and working with these bodies and special rapporteurships will contribute to the strengthening of a universal corpus in the field of human rights. Regionally it is also important to exchange and absorb experiences from other regions such as Europe or Africa. Hence, exchange will be fostered with the European Court of Human Rights, the Council of Europe's European Committee of Social Rights, or the African Commission's Working Group on Economic, Social, and Cultural Rights.
148. The complementarity of the human rights systems is clearly laid out in international and regional treaties. For this reason, contributing to their full observance and recognition will favor both their optimal implementation—taking practices that can be benchmarks—as well as provide greater opportunities for civil society to cooperate and for States to best undertake their obligations.

³⁴ See 2016 report by the Special Rapporteurship for Freedom of Expression: [Specialized Supervisory Bodies for the Right to Access Public Information](#)

³⁵ <https://www.oas.org/en/iachr/reports/pdfs/Universalization-InterAmerican-System.pdf>

³⁶ 2016 Activities Report of the WGPSS (in Spanish): <http://scm.oas.org/pdfs/2017/CP37313TINFORME.pdf>

I. Categories of obligations and other topics to be addressed pursuant to the IACHR Strategic Plan: Labor and trade union rights; right to a healthy environment; and the challenges of climate change

149. According to the provisions of the IACHR Strategic Plan, in upcoming years four categories of State obligations are to be analyzed and developed:
- (i) The state obligation to adopt measures to eradicate situations of structural discrimination regarding the enjoyment and exercise of economic, social, cultural, and environmental rights, which is an immediate obligation and one that is independent from the resources available in the State in question;
 - (ii) the prohibition of the adoption of regressive measures regarding ESCE rights;
 - (iii) the state obligation to take progressive measures in the area of ESCE rights; and
 - (iv) obligations deriving from the duty to guarantee the satisfaction of minimum content of each economic, social, cultural, and environmental right for the inhabitants subject to their jurisdictions.
150. Furthermore, pursuant to the Strategic Plan's mandate, the Special Rapporteurship is the forum from which the IACHR proposes to move forward to develop and strengthen inter-American standards related to the right to dignified and equitable working conditions and the right to freedom of association for unions; as well as the human right to a healthy environment and emerging challenges concerning climate change.

J. Conclusions

151. Through the agenda laid out during the beginning stage of its operation, the SRESCER confirms the relevance of the challenges identified by the prior ESCR Unit vis-à-vis the preparation of its work plan and in keeping with the IACHR Strategic Plan.
152. This initial roadmap briefly summarizes the different challenges we face in the region, as well as the opportunities to address them and bring about changes in people's lives.
153. The Special Rapporteurship will continue the process of consultation and exchange both with States and with civil society organizations, social movements, collectives, and communities in vulnerable situations, as well as with the entire inter-American system and other international organizations, in order to set the final priorities of its work plan in light of the existing IACHR Strategic Plan.
154. The Special Rapporteurship considers it essential to continue building on what has already been accomplished, especially by the ESCR Unit, recognizing the work of other stakeholders in the IACHR and its principle allies, until becoming a catalyst of ESCER in order to take compliance therewith to another level.
155. Efforts will be focused on providing a vision from an ESCER standpoint on the comprehensive nature of human rights, with a gender and intersectional perspective, seeking to redesign some issues and contribute to creating potential alternatives for the full exercise of these rights with a clear progressive and non-regressive vision of their protection, as well as compliance with immediate obligations and essential minimum content of each right.
156. This Special Rapporteur understands that the defense and promotion of ESCER with the OAS member states also entails bolstering dialogue and exchange of best practices with the aim of creating greater capacity in the different countries so they may comply with their obligations in this regard and to develop a sense of belonging to the inter-American system.
