



Perspective on Human Rights

Social, Economic and Cultural Rights

BY ARIEL DULITZKY

IN THE LAST 20 YEARS, LATIN AMERICA HAS EXPERIENCED A SHIFT in the scope and debate regarding human rights compliance. In the 80s, Central America was immersed in civil wars, and South America was dominated by the swords of whichever military dictatorship happened to be in power at the time. The principal debate and the fundamental work of human rights movements focused on the struggle for effective compliance with civil and political rights. Massive and systematic violations of human rights predominated in the region as State policy, including disappearances, extra-judicial executions, torture, forced exile, and illegal and arbitrary arrests. It is not surprising that the human rights movement concentrated on preserving the right to life, physical freedom and integrity, the prohibition against torture, freedom of expression or the minimum and most basic rules of due process.

But the region has changed in these twenty years. Democratically elected governments are the rule and not the exception; the signing of peace agreements are a reality in Central America; in general, there are no officially-condoned State practices of human rights abuses. The strategies in the area of human rights in these two decades have also reflected these changes. At the end of the 80s and

in the decade of the 90s, the human rights movement faces challenges such as the appropriate response of a democratic society toward the massive violations of the past and the construction or reconstruction of countries' social fabric to consolidate stable democracies. Other challenges involve the strengthening of the independence, impartiality and efficiency of the judicial powers, the definition of the role of the Armed Forces, the construction of a doctrine of democratic security, and control and transparency of public administration. All of these themes are central, crucial and inescapable for the human rights movement. Therefore, the organizations that defend these rights continue to concentrate their efforts on civil and political rights.

Toward the end of the 90s, Latin America experienced processes such as the shrinking of the benefactor State, globalization, the opening of markets, economic integration, and the emergence of new actors. In this context, the egalitarian emphasis on ensuring economic, social and cultural rights—as well as political and civil

Children in Barahona, Dominican Republic, have poor parents who are unemployed. Many are orphans.

ones—is a political, judicial and ethical imperative. That imperative cannot be postponed or avoided.

Latin America's panorama gives us some indications of these necessities. According to 2001 United Nations Development Program statistics, life expectancy in Latin America and the Caribbean is 70.3 years, compared to 77.1 in developed countries. However, in Haiti, life expectancy was only 49.1 years; in Bolivia, 63.3 years, and in Guatemala, 65.3. Twenty percent of the Peruvian population does not have access to drinking water; 52.3% of the Ecuadorian population lives below the poverty line; malnutrition affects 21% of the Venezuelan population, 26% of those in the Dominican Republic and 29% in Nicaragua. These statistics extend through much of Latin America and show clearly how economic, social and cultural rights that guarantee some aspects of these basic needs are still only a dream.

The situation is even worse if one compares the fulfillment of civil and political rights with those of economic, social and cultural rights. While the civil and political rights in the region are more protected than 20 years ago, the same has not happened with social rights. CEPAL statistics show that 25% of all households in Latin America lived in poverty in 1980, but in 1999, the number had increased to 35%. In the same years, the number of unemployed increased from 6.1% to 8.4%. Of course, some rates such as infant mortality or literacy have improved, but in general terms, even those have stagnated rather than progressed. Therefore, some sectors of the human rights movement have timidly begun to direct their attention towards the guarantee of economic, social and cultural rights destined to achieve a more just, equitable, and fraternal society.

Faced with this panorama, there are some who argue that the best way to guarantee economic, social and cultural rights is through the protection of civil and political rights. Their reasoning is that only democratic societies, based on the full respect and application of public freedoms, can permit the economic growth that in turn will guarantee social rights. Others, on the other hand, understand that the work in defense and promotion of economic, social and cultural rights is a task that cannot be postponed. They sustain that there is no possibility of constructing democratic societies based on violation of the rights to equity or social rights.

Twenty years later, the challenge for the human rights movement continues to be the same: to make the promise of the Universal Declaration of Human Rights a reality. And that Declaration, it's worth clarifying, includes among other things, the right to work, to social security, to leisure time, to an adequate living standard, to education, to participate in the cultural life of one's country. The answer to this challenge requires the rescue of the most noble and traditional values of the human rights movement. These values demand the unyielding questioning of abuses of power, clamor in the face of injustice and the imaginative use of all the judicial and political instruments to question violations of all human rights—whether they be civil, political, economic, social or cultural.

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HARVARD FORUM ON HUMAN RIGHTS IN BRAZIL

A SEMINAR SERIES FOR 2003-2004

The *Harvard Forum on Human Rights in Brazil* spotlights Harvard faculty and research centers engaged in human rights and Brazil-related research. It also features Brazilian scholars and practitioners at the forefront of discussion and studies of these issues. The year-long human rights series seeks to create a forum for debating policies and practices in Brazil in regards to civil, political, economic, social and cultural rights, including rights to health, food, education and work. The series focuses on Brazilian institutions and processes through which rights and duties are articulated and the degree to which they are protected and enforced. The forum stresses the international and comparative dimensions of human rights and the ways in which conceptions of human dignity are realized or suppressed through legal and political structures in Brazil.

Since the end of military rule in 1985, Brazil has made significant strides in the promotion of human rights through the creation of legal and political instruments to protect civil and political, as well as economic, social, and cultural rights. While common crime has exploded and social conflicts over land, civil rights and abysmal living conditions continue, members of the police and armed forces charged with preserving order and security have often relied on violence, torture and murder as means of social control. These worrisome trends have led scholars such as former DRCLAS Visiting Scholar and Tulane University Professor Anthony Pereira to argue that a "state within a state" still exists in Brazil: a security apparatus that operates with impunity outside the control of the authorities supposedly responsible for it.

The seminar is composed of nine sessions. Five panels will take place in Fall 2003, with the remaining four during the Spring 2004 semester. Discussions in the fall will focus on human rights with respect to urban criminal violence, participation and representation in governance, antiretroviral treatment for people living with HIV/AIDS and food security. Two of the four panels in the Spring semester will focus on race. One of these sessions will focus on concepts of race and equality within Brazilian society, while the remaining session will focus on education and affirmative action quotas. The remaining two Spring panels will focus on women's rights and violence to children and child labor.

The series is sponsored by the David Rockefeller Center for Latin American Studies. The chair for the series is James Cavallo, Associate Director at the Human Rights Program and Lecturer on Law at Harvard Law School and member of the Center's Brazil Studies Committee.

The panels will take place at DRCLAS and at Harvard Law School, unless otherwise noted. The seminars will meet once a month. Further information will be found shortly at <http://drclas.fas.harvard.edu/>, or by contacting the DRCLAS Brazil Initiative Coordinator, Kelly Becker, <drcbr@fas.harvard.edu> or (617) 496-0155, or DRCLAS Program Associate, Lorena Barberia, <barberia@fas.harvard.edu> or (617) 496-4780.