

# Foreword

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In a region of increasing levels of inequalities, environmental problems, poverty and gross human rights violations, social rights are a matter of urgency and cannot be overlooked by courts. Bearing in mind this complex scenario, Dr de Paz González draws the Inter-American case law line on the matter and shows the most recent innovative developments.

The book argues that, since its early days deciding on contentious cases, the Inter-American Court has been enforcing human rights as a component of the democratisation process in the ACHR Member States. This process has been accompanied by the constitutionalisation of human rights treaties in the domestic sphere, the emerging trends of justiciability in regional courts, the creation of domestic constitutional courts, and the usage of guidelines provided by the UN Human Rights committees to give scope and content to the relevant decisions on ESR.

The author ranges the landmark decisions on the rights of indigenous people, children, and individuals in situations of vulnerability issued by the Inter-American Court. As a highlight of the analysis on indigenous property rights, the book unveils that the Inter-American interpretation of Article 21 ACHR goes beyond the boundaries of the Eurocentric visions of property to create a genuine communitarian and cultural approach to protect indigenous property.

The core *motif* of the book is the major turn (developed in late 2017) to recognise the direct justiciability of labour and environmental rights envisaged in the Inter-American *corpus iuris* as a part of a proper, modern and autonomous interpretation of Article 26 ACHR. In doing so, the Court did not find some compelling textual reasons for holding otherwise. The book explains the direct interpretation of ESR crystallised in the cases of *Lagos del Campo v. Peru* (2017), *Petroperú workers v. Peru* (2017) and the Advisory Opinion OC-23/17 (issued in January 2018) on environmental rights. The author studies such milestones in a fluent and accurate exposition in which the IACtHR recognised the autonomy and direct interpretation of ESR enshrined in Article 26 ACHR and other significant regional, national and international human rights treaties and soft law.

The background of the book has the following theoretical and normative guidance: (a) the so-called transformative constitutionalism that is fusing

constitutional and international human rights law; (b) the reception of the Inter-American Court's rulings and the adaptation of the ACHR provisions into member States' legislation; and (c) the progressive realisation of the ESR.

The book shows that, due to the increasing judicial approaches developed at national and regional levels, ESR are being emancipated from the indirect interpretation tied to civil and political rights. Hence, the next challenge for the Inter-American Court is to develop a full model of the conventionality control doctrine based on ESR to improve the compliance of human rights law in domestic frameworks with a new conception of social justice. Under this approach, the author develops a case-by-case description to show the Inter-American interpretations on ESR such as indigenous rights (collective property), children's rights, education, health, nationality, labour rights, and access to justice.

The final remarks of the book unveil the most challenging and current task in the Inter-American jurisdiction: poverty and structural discrimination. The study provided by the author exposes the patterns of systemic exclusion of women, children and groups in extreme situations of vulnerability. These conditions corrode democracy and social equality in the region. Therefore, ESR justiciability in the Inter-American scenario remains the constant answer to the question of inequity. The Inter-American Court's duty is to develop accurate guidelines in order to get more scrutiny in favour of all sorts of human rights. In the end and at an ultimate level, every court of human rights in the world must consider human dignity and people's decent living conditions as the justification of their role in protecting democracy and the rule of law.

It is a pleasure to congratulate Dr de Paz González for this book. Since his early doctoral studies I have seen him keeping his attention on social rights and its jurisprudential developments. The book will certainly become a referent for legal practitioners and scholars interested in the Inter-American developments on ESR. Most likely, the book will invigorate the prominent discussions and the Inter-American contributions to ESR adjudication, and at the same time, will stimulate social justice not only in the Americas but all over the world.

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