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POVERTY AND HUMAN RIGHTS IN THE AMERICAS

Using Progress Indicators for measuring economic, social and cultural rights

by Laura Pautassi



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Key points

- Human Rights Indicators can provide a baseline for the State to evaluate policies.
- The population can be empowered through access to and dissemination of information.
- The figures for poverty and extreme poverty constitute key elements to build and monitor the Rights Indicators.
- The Rights Indicators are a useful tool to measure progress (or lack of progress) in achieving the SDGs.

Introduction

In this brief, I will present the fundamental guidelines of the Inter-American Human Rights System (IHRS) monitoring mechanism in order to provide a degree of comparison with the methodology of setting multiple principles and targets used by the United Nations (UN) Sustainable Development Goals. To be more specific, I am referring to those initiatives by UN bodies that were born out of the new conception of development as a process that is more complex than economic growth or the reduction of monetary poverty. Over the years, both the Millennium Development Goals (year 2000) and the Sustainable Development Goals (year 2015) set the objective of eradicating extreme (monetary) poverty as a step in a more general strategy of human development, which includes dimensions related to health, education, gender equality, environment protection, etc.¹

There is no doubt that these advancements have contributed to a more complex conception of the progress of humanity, and human development goals have gained momentum. Facing this global process, it is important to highlight that at a regional level - within the framework of the IHRS - there is a system of Progress Indicators, which has produced significant results in recent years. It is a mechanism that promotes and protects economic, social and cultural rights (ESCR) in the Americas, and it deserves to be adequately financed and disseminated, which is one the goals of this brief.

The Inter-American Human Rights System

Economic, social and cultural rights (ESCRs) are recognised and protected in international and regional

human rights instruments. States have a legal obligation to respect, protect, fulfil and promote these rights, and are expected to take progressive action towards their fulfilment. On a regional level (the focus of this brief) the Inter-American Human Rights System (IHRS)², which is part of the Organization of American States (OAS)³, plays a key role. The States have adopted a series of instruments forming the basis of the regional system for the promotion and protection of human rights and the States' obligations, as well as the creation of organs to oversee this. The cornerstone of the IHRS is the American Declaration of the Rights and Duties of Man, adopted in 1948 and followed by the American Convention on Human Rights of 1969 that came into force in 1978.

The Additional Protocol to the American Convention on Human Rights in the area of Economic Social and Cultural Rights (commonly known as "Protocol of San Salvador-PSS")⁴ was opened for signature in 1988 and came into effect in 1999. It has been ratified by 16 states⁵ and establishes the obligations of the countries in the Americas in relation to the fulfilment of a number of rights that are directly related to the superation of poverty. These include the right to health, education, social security, work, trade union rights, adequate food, environment, and cultural rights. They also involve guarantees of protection for children and adolescents, elderly and handicapped people; and they provide a gender perspective and recognition of indigenous populations and ethnic groups in a crosscutting manner.

In 2005, a Resolution of the OAS established that the design of the monitoring mechanism of the PSS would be developed from the Progress Indicators identified by a Working Group for the PSS (WGPSS)⁶. This milestone implies the starting point for a process for the design, validation and implementation of a mechanism that combines obligations, accountability and empirical evidence.

Monitoring ESCRs

The work conducted by the WGPSS on monitoring ESCRs through the application of a human rights based methodology of indicators was innovative in the region. The indicators provide information on advances in public policies, recognising the principle of progressiveness and non-regression of ESCRs, thus providing tools on how to account for compliance or eventual regression. Accordingly, Progress Indicators have compelled States to use sources of information that are common characteristics of socioeconomic analysis, such as census data and surveys, as well as to reform their National Statistical Offices in order to provide the mechanism with the required information. This process

of national adaptation is made for every right as it was defined in the Protocol.

This analytical exercise implies the identification of the dimensions of the different human rights, which in turn are translated into categories and variables that can be observed. This process is not without its complications, since the objective of the measurement process is not only to quantify the reach of the adopted actions or laws passed, but more specifically to evaluate the effectiveness of the State's conduct in complying with its obligations, particularly in terms of the quality, quantity, adequacy, availability, diversity and universality of programmes and public policies.

This measurement methodology allows us to concentrate on each right, and other categories need to be incorporated, such as the institutional design adopted to apply the standard, the financial commitments made and the State capacities, such as equality, non-discrimination, social participation and accountability, as well as access to information and to the justice system.

The following are the Progress Indicators that can be calculated:

- **STRUCTURAL:** Structural indicators provide information for evaluating how the State organises its institutional machinery and legal system to meet its obligations.
- **PROCESS:** Process indicators provide information on advances in public policies, recognising the principle of progressiveness and non-regression of ESCRs.
- **OUTCOME:** Outcome indicators capture attainments, individual and collective, that reflect the status of realisation of human rights in a given context.
- **SIGNS OF PROGRESS:** represent qualitative dimensions that reflect the progression in changes toward the ideal, desired, outcome (goal)⁷.

The population can be empowered through access to and dissemination of information and associated compliance with goals, which promotes a new culture of participation. In this regard, the WGPSS insists that civil society organisations and specialised agencies send reports to contribute with their feedback on specific ESCRs violations to the functioning of the control mechanism of the PSS⁸.

It is important to mention that, at present, for the work of the WGPSS, the figures for poverty and extreme poverty constitute key elements to build and monitor the rights indicators developed to follow up

on the Protocol. As an example of this, to measure the right to adequate food, the following is used as a result indicator: “percentage of households below the indigence or extreme poverty line, urban and rural.” For cultural rights the following has been taken as a process indicator: “merit-based competitive funding available for civil society aimed at providing targeted protection of cultural rights, especially for women, children and adolescents, the elderly, LGTBI persons, persons with disabilities, immigrants, indigenous peoples, persons living in poverty and all minorities.”⁹

Institutional Strengthening

The use and dissemination of human rights indicators as mechanisms of enforceability of rights has numerous advantages. When informing the WGPSS through periodic National Reports, this functions as a drive for starting a process of “self-evaluation” within each State¹⁰. The task of writing the National Reports obliges all the institutions of a Member State to provide the required information or highlight the lack of it. Moreover, it serves for the construction of a baseline, which provides means for the States to evaluate their policies according to a human right approach, pointing out the flaws in each area of state action, as well as the public policy deficit. It can also serve as a catalyst to initiate a transformation process of public policies, providing human rights standards for its designs, implementation and evaluation, according to the IHRS guidelines.

In turn, the objective of requesting from the states this quantity of indicators has a specific performative effect. It is essential to design, implement and evaluate the public policies based on empirical information.

This stage of the evaluation process under the WGPSS is carried out simultaneously within a human rights approach that recognises that international legal commitments constitute an essential part of the internal public policy of the countries and gains momentum after the Millennium Declaration of the year 2000, the Millennium Development Goals, and the 2030 Agenda for Sustainable Development. Specific objectives, strategic goals and a focus on rights in the State action encourage a regional scenario, at least on the discursive level, which is clearly different.

The institutional framework provided by a system of indicators and signs of progress, which is being consolidated, constitutes an excellent opportunity for the expansion of relations between the State and civil society. Citizens can also contribute to a renewed invigoration of the public sphere, which will undoubtedly be more participatory, more informed and more democratic.

Conclusions and Opportunities Ahead

It is fundamental to point out that the system of Progress Indicators faces many challenges and opportunities. As of 2018 there are a number of States that have completed the first and second sets of reports, and these National Reports have also been analysed by the WGPSS. The final comments and all information is available online to all citizens, scholars and policy makers¹¹. With regard to the results of this methodology, the States have provided information for more than 600 indicators. When analysed using a human rights approach, these indicators show loud and clear the deficits in public policies and the things that must be done to fight poverty and to promote efforts for a true implementation and advancement of the rights enshrined under the PSS.

The SDGs and 2030 Agenda provide a powerful tool under the “leave no one behind” motto. In that sense, the Indicator System developed under the IHRS can provide useful information as well as tools for the universal system developed by the United Nations Agencies. Regional and universal systems can be powerful allies in terms of broadening the spectrum of human rights for everybody, as well as in the field of poverty reduction. As an end note it is important to mention that next year, in 2019, the Working Group will be ready to measure whether there has been progress or a regression on social rights in the Americas, but in order for future progress to happen the System must be broadly disseminated.

About the Author

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Notes

- 1 See <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>
- 2 For a brief History of the Inter-American Human Rights System see <http://www.oas.org/en/iachr/mandate/Basics/intro.asp>
- 3 The OAS is an international organization created by the States of the Americas to achieve a regional order of peace and justice, among other principles. Within the United Nations, the Organization of American States is a regional agency. See Chapter 1 of the OAS Charter: http://www.oas.org/en/sla/dil/inter_american_treaties_A-41_charter_OAS.asp#Chapter_I
- 4 See the full text of the Treaty: <http://www.oas.org/juridico/english/treaties/a-52.html>
- 5 See the list of Countries: <http://www.oas.org/juridico/english/sigs/a-52.html>
- 6 See STANDARDS FOR THE PREPARATION OF PERIODIC REPORTS PURSUANT TO THE PROTOCOL OF SAN SALVADOR <http://www.oas.org/en/sare/social-inclusion/protocol-ssv/docs/pss-res-2074-en.pdf>
- 7 See Guidelines for preparation of Progress Indicators in the area of Economic, Social and Cultural Rights. Inter-American Commission on Human Rights, July, 2008 (available only in Spanish) <http://www.oas.org/es/sadye/inclusion-social/protocolo-ssv/docs/lineamientos-indicadores-2008.pdf>
- 8 A good example of this can be found on the reports submitted by civil society organizations to the WGPSS They are available online (only in Spanish), see “Informes de la Sociedad Civil” <http://www.oas.org/es/sadye/inclusion-social/protocolo-ssv/default.asp> and a summary of the reports (only in Spanish) “Resumen de documentación remitida por la sociedad civil” See <http://www.oas.org/es/sadye/inclusion-social/protocolo-ssv/docs/documentacion-sociedad-civil-pss.pdf>
- 9 Progress indicators for measuring rights contemplated in the “Protocol of San Salvador” / [Prepared by the Working Group to examine the periodic reports of the States Parties to the Protocol of San Salvador]. (OAS. Official records; OEA/Ser.D) <http://www.oas.org/en/sare/social-inclusion/protocol-ssv/>
- 10 The WGPSS informed that it has 12 State reports that have been sent by the States since June 2014 up to 2018 and they are currently being evaluated. The reports are available at: <http://www.oas.org/es/sadye/inclusion-social/protocolo-ssv/>
- 11 The Reports are available online. It must be noted that currently they are only in Spanish and it is important to improve the resources and extend the financing so they can be available on other official languages for the OAS. For the reports see: “Informes Nacionales Primer Agrupamiento de Derechos” and “Informes Nacionales Segundo Agrupamiento de Derechos” <http://www.oas.org/es/sadye/inclusion-social/protocolo-ssv/default.asp>
- 12 See www.dspp.com.ar

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