



## 人权理事会

### 第十三届会议

#### 议程项目 3

增进和保护所有人权——公民、政治、  
经济、社会和文化权利，包括发展权

## 美洲增进和保护人权的国家人权机构网络代表美洲具有 “A 类”地位的国家人权机构提交的资料

### 秘书处的说明

人权理事会秘书处谨转交美洲增进和保护人权的国家人权机构网络代表美洲具有“A 类”地位的国家人权机构提交的来文，\* 现按照理事会第 5/1 号决议附件载列的议事规则第 7(b)条转载如下。该条规定，国家人权机构的参与要根据人权委员会议定的安排和惯例，包括 2005 年 4 月 20 日第 2005/74 号决议进行。

\* 作为附件，仅以原文印发。

## ANNEX

### Concluding Observations on International Seminary “National Human Rights Institutions and the Protection of Social Rights: Experiences, Perspectives and Challenges”

Caracas, Venezuela

July 13-15, 2009

On July 3-15, 2009, in Caracas, Venezuela, an International Seminary “National Human Rights Institutions y The Protection of Social Rights : Experiences, Perspectives and Challenges” was held. It was organized by the Defensoría del Pueblo of the Bolivarian Republic of Venezuela, as the Network Secretariat of National Human Rights Institution for the Promotion and Protection of Human Rights of the Americas, in order to perform work program for 2008-2010.

Many Ombudsmen attended to this activity such as: Gabriela Ramírez Pérez, Defensora del Pueblo of the Bolivarian Republic of Venezuela and Secretary General of NHRI Network for the Americas; Omar Cabezas Lacayo, Procurador para los Derechos Humanos of Nicaragua and President of Ibero-American Ombudsman Federation; Fernando Gutiérrez Vera, Defensor del Pueblo of Ecuador; Oscar Humberto Luna, Procurador de los Derechos Humanos of El Salvador; Volmar Pérez Ortiz, Defensor del Pueblo of Colombia; Ricardo Vargas, Defensor del Pueblo of Panamá and President of the Central America Ombudsman Council; Manuel Páez Monges, Defensor del Pueblo of Paraguay; y Rielma Mencias, Defensora del Pueblo of Bolivia; as well as some representatives from other NHRIs such as: Charles Theroux, from the Canadian Human Rights Commission; Carolina Nava, from the Mexican Human Rights Commission; Eliana Revollar, from the Defensoría del Pueblo of Perú; Milton Alfredo Herrera, from the Procuraduría de los Derechos Humanos of Guatemala; and José Augusto Aguer, from the Defensoría del Pueblo of Argentina.

Dr. Guillermo Escobar Roca was the academic coordinator of the International Seminary, Professor of Constitutional Law of the Alcalá University in Henares, Spain. He is also Director of the Regional Program Supporting Ibero-American NHRI's (PRADPI). Dr. Escobar gave a talk on Social Rights: content, limits, right-holders, duty-bearers, interventions, guarantees. Other international speakers addressed the audience such as: Gerardo Pisarello, Professor of Constitutional Law of Barcelona University of Spain and Human Rights and Social Rights Specialist, Rocío Barahona,

Dr. in International Law, Perugia University, Rome, Italy, Vice-President of Economic, Social and Cultural Rights Committee of the United Nations; Ricardo García Manrique, Dr. In Law of Alcalá University, Professor of Barcelona University on Human Rights and Social Rights Issues; and Rodrigo Gutiérrez, Universidad Nacional Autónoma de México, Human Rights and Social Rights Specialist.

From Venezuela, some speakers addressed the participants among them are: Elías Eljuri, Social Sciences MSc, Southampton, England, Director of National Statistics Institute of Venezuela; Edgardo Lander, Professor of Universidad Central de Venezuela in the Latin American Studies Department of Sociology School; Antonio González Plessman, Sociologist, Human Rights activist and member of the Assembly of Venezuelan Program of Action-Education on Human Rights, Provea (NGO); Maryluz Guillén, Researcher and Teacher of the Juan Vives Suriá Foundation of the Defensoría del Pueblo of the Bolivarian Republic of Venezuela; and some presentations by community leaders on their experiences working for the realization of these rights in their own communities.

Likewise, there was a space for the Ombudsman of Nicaragua, Venezuela, Ecuador, El Salvador, Colombia y Paraguay to share best practices and experiences on the protection of human rights according to the situation in each of their countries in promoting and defending human rights.

The general and main objective of the International Seminary consisted on aiming at creating a space to interchange experiences on the situation of countries of the American continent with the participation of experts in order to address the subject of the protection of Social Rights; pointing out on the role of National Human Rights Institutions of the American Continent should play according to the challenges that actually are taking place. The following specific objectives were developed in order to get the main objective of the International Seminary:

1. Determine the processes of recognizing, developing and realization of Social Rights in the capitalist system background.
2. Disseminate up-to-date theory and doctrinal developments on Social Rights, pointing out pogrressive focuses.
3. Share experiences and national initiatives regarding to follow up and evaluation on Social Rights public policies with a human rights focus as well as indicators development.
4. Promote Social Rights guarantees on judicial and political rights.
5. Develop alliances between NHRI and international human rights actors, especially with Committee on Economic, Social and Cultural Rights.

6. Become acquainted with the activities and struggling of recognizing and realizing of Social Rights according to community leaders
7. Promote the NHRI role on the protection and promotion of Social Rights as well as applying best practices and share experiences regarding to it.

After speeches and debates of this meeting, there were several concluding statements:

1. Social Rights are not just a bill of rights or programmatic principles to let it realize by governments pleasure according to good or bad economic situations but, indeed, they are obligatory standards according to rule of law at the national and international levels especially United Nations international human rights system.
2. Human rights are indivisible and linked each other, each one comes from human being dignity and look forward to social welfare; and there is equality among all of the human rights, they be civil, economic, social or cultural rights.
3. There is no excuse to avoid to realize social rights, including global economic crisis. Therefore States are bound to keep their responsibilities on this subject, establishing social rights as a priority in their budgets; accepting decreasing budgets only where other social rights are more prominent for people's welfare, this according to International Convention on Economic, Social and Cultural Rights under the supervision of his treaty bodies such as its Committee.
4. Social Rights must be guaranteed to all people without discrimination of any kind; that is why all of the nations of the World should work together to get this goal, taking into account the support developed countries should give to developing countries.
5. Social Rights international standards, in particular, obligations ratified by States parties of International Convention on Economic, Social and Cultural Rights must prevail over international trade treaties and international banking transactions that may prevent to d developing countries directly or indirectly to obtain financial resources or develop social rights policies in their countries.
6. An uncontrolled capitalist system, a limitless economic growth order provokes and continues to provoke serious consequences to the most vulnerable population and make harder the realization of Social Rights in all the World, therefore international financial companies must notice the impact of their transactions to developing countries population welfare and States should take the lead of economic controls, in order to balance market profits, legislating on private property and free enterprise.
7. It is necessary to continue to develop poverty eradication and inequality policies, through taxation amendment on the ground of people making more earnings should

pay more taxes, so wealth can be distributed with equity on a Social Rights perspective, accepting such rights as a reality guaranteed by the rule of law.

8. Meet the needs for the realization of Social Rights requires to recognize our limits as providers of resources y the range of the global environmental crisis of today's world demand a change of paradigm respecting the way we relate to our environment; so it is impending the adoption of a Universal Declaration on Environmental Rights, constituted by four basic principles: ecosystems preservation, biodiversity regeneration, right to live without pollution and right to live in a harmonious way with the nature

9. It is necessary to continue to create spaces to get people involved and the governments pay attention to their own people, especially those vulnerable groups, such as: women, migrants, indigenous people and peasants, etc. when developing and implementing Social Rights policies fostering actively the exercise of rights to information (especially information produced by their governments) right to freedom of speech, right to plural views on information, right to meeting and associating, right to trade unionismo, right to go on strike, right to involvement in any aspect public affairs, including new and diverse media.

10. It is impending that Governments continue to work in order to enhance Social Rights realization and democracy and rule of law, shaping their public policies of Social Rights according to their Constitutions obligations and International Conventions standards on this subject.

11. It is important that National Human Rights Institutions continue to focus their efforts on the realization of Social Rights, placing this as a priority in all of their activities and their range of action, and specially, in resolving the complaints received, processing specific cases by profession and reporting on the cases in order to give recommendations to Governments, keeping in mind that Social Rights are obligatory and judicial processes on serious violations of these rights must take place wherever the case.

12. National Human Rights Institutions must support social movements in their rights claiming processes, noticing that the realization of social rights must be done through consultations with the population, in particular with the most vulnerable groups such as: women, migrants, indigenous people and peasants, etc. Enhancing at the same time the economic, social y political democratization through the involvement of traditionally excluded groups.

13. National Human Rights Institutions play a valuable role developing proposals, opinions and recommendations on law drafts, which allows them to participate in the legislative process en their countries under human rights international standards

looking forward to a wider human rights protection according current people's needs and circumstances

14. National Human Rights Institutions must monitor Social Rights Government policies and budgets to be appropriate and not segregating in any way. They can do this by using existing indicators or developing new ones, basing on FIO (Ibero-American Ombudsman Federation) Social Rights indicators developed in collaboration with Regional Support Program for Ibero-American Defensorías del Pueblo (Ombudsman Institutions), denouncing policies and budgets not according to human rights international standards.

15. National Human Rights Institutions must make efforts under their mandate of promoting human rights, arising awareness campaigns in order to allow people to know these rights clearly, in particular the most vulnerable groups, so all of the victims can ask for the realization and protection of Social Rights. Therefore it is important to train Government officials about these rights so they respect and guarantee them

16. National Human Rights institutions play a significant role at a international level because of their relevant involvement in different human rights protection mechanisms; for example, National Human Rights can submit information on the realization of economic, social and cultural rights in Universal Periodic Revision; as well as submitting information to treaty bodies, in particular, to the Committee on Economic, Social and Cultural Rights.

17. It is important to joint efforts with other NHRI Networks and international human rights bodies and organizations in following up actions or neglect of Governments or transnational companies, among others, involved in international trade, that could avoid the realization of Social Rights from a global perspective, taking on account different factors that prevent their actual realization

18. It is essential to take as a priority to train our human resources in Social Rights issues, founding on a cooperation agreement between NHRI Network of the Americas and Regional Support Program of Ibero-American Defensorías del Pueblo (Ombudsman Institutions), managed by Alcala University, Henares, Spain.

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