



EMÍLIO ÁLVAREZ ICAZA

Emílio Álvarez Icaza, Mexican, is the Executive Secretary of the Inter-American Commission on Human Rights. Sociologist at the Universidad Nacional Autónoma de México (UNAM); Master's degree in Social Sciences from Facultad Latinoamericana de Ciencias Sociales (FLACSO). He is undertaking doctoral studies in Social Sciences at UNAM. He is the author of three books on human rights issues, and a contributor to more than 80 publications.

ABSTRACT

Human rights are not only an effective way to bring about social change; they are also an indicator of a state's governmental administration and democratic governance, such that they also constitute an indicator of social change. From this perspective, the challenge is to achieve social change wherein the enjoyment and exercise of human rights are in full force. Thus, it is important that the design and implementation of public policies simultaneously address both the new and old agendas that are still outstanding, which requires the involvement of various actors, including the Inter-American Human Rights System.

Original in Spanish. Translated by Nora Ferm.

Received in April 2014.

KEYWORDS

Social change – Public policy – Democratic governance – The Inter-American Commission on Human Rights



This paper is published under the *creativecommons* license.

This paper is available in digital format at <www.surjournal.org>.

ESSAY

HUMAN RIGHTS AS AN EFFECTIVE WAY TO PRODUCE SOCIAL CHANGE

Emílio Álvarez Icaza*

It is not easy to answer the question of whether human rights are still an effective way to bring about social change, because it requires undertaking a more extensive and comprehensive analysis of their role in society. Nevertheless, without lapsing into a reductionist view, we can say that they are, in themselves, an indicator of social change, which will be discussed in more detail throughout this article.

First of all, it is important to remember that human rights, besides being a legal category, must be understood as a social construction that has been developed and demonstrated in many different ways throughout human history – although, it wasn't until the second half of the last century that they were recognized as a paradigm of modern democracy.¹ This explains why it is possible to speak of a democratic society once human rights are regulated and fully in effect. Through this lens, the great challenge of our time is making these rights a reality for everyone.

To respond to this question, we must recall that a comprehensive vision of human rights was first mentioned in 1993, with the Vienna Declaration and Program of Action, which established that they are universal, indivisible, interdependent, and interrelated. It also signaled that the international community should treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis (UNITED NATIONS, 1993).

This means that the violation of any one right impacts the others, leading to the impairment or restriction of people's lives or quality of life.

However, the comprehensive exercise of human rights depends on the needs of each person, and on the context, because the rights are not exercised in the same way, nor at the same time. In other words, the equality of human rights lies in human dignity, which goes beyond the regulatory framework.

Thus, every State must identify the deficits that exist in the enjoyment and exercise of every person's human rights, as well as design and apply differentiated

*The author is grateful to Imelda González Barreras for her collaboration on this article.

public policies, based on the understanding that there are different demands and problems within a society.

From this point of view, human rights are an ethical-political demand for policymakers, as well as a fundamental indicator to help assess the administration and democratic governance of a State.

Today, the public administration of human rights is discussed as part of the political debate, which was impossible just a couple of decades ago. This new reality represents a political and ethnical triumph, as well as a challenge to set aside the authoritarian culture which is still not fully eradicated.

With this vision of human rights, it is possible to simultaneously address both old and new agendas, as well as societal demands. A clear example of this can be found in the rights of people deprived of liberty² and the rights to a private and family life and the formation of a family—*in vitro* fertilization—, respectively (CORTE INTERAMERICANA DE DERECHOS HUMANOS, *Artavia Murillo et al. ("Fertilización in Vitro") vs. Costa Rica, 2012*).

Without a doubt, meaningful attention to human rights agendas is a critical part of social change in the second decade of the twenty-first century. However, just as there are new agendas, there are also new protagonists and actors, including the Inter-American Human Rights System through the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights ("the Court").

In the 55 years since its creation, the IACHR has worked to fulfill its mandate to promote and defend human rights in the region, which has implied constant attention to both new and old agendas to ensure justice and state responsibility for human rights violations.

To do this, the Commission has developed mechanisms, procedures, policies and practices over time in order to confront a series of human rights violations in the Americas. This is done through the systems of petitions and cases, the monitoring of the human rights situation within the member states, and attention to priority topics through its rapporteurs.

Through these actions, the IACHR is and has been a leader that addresses deficits in the exercise of civil, political, economic, social and cultural rights, and therefore it can now be asserted that it contributes to development and social change in the countries in the region.

As an example, we only have to remember that, after its visits to Argentina in 1979 and Peru in 1998, the IACHR issued reports in which it determined that the amnesty laws regarding serious human rights violations were themselves in violation of international human rights law. In doing so, the Commission established that even in the context of transitions to democracy in the Americas, states still have an irrevocable duty to investigate such violations and guarantee justice for the victims.

Thus, in a subsidiary and complementary way, the IACHR helps eliminate exceptions that still prevail and that prevent people from exercising their rights in the ways that sovereign states have agreed in regional human rights instruments.

In this way, by carrying out its mandate, the IACHR seeks to guarantee

processes of democratic consolidation on the American continent, which in turn serves as a clear example of how human rights now constitute an effective means – though not one free of difficulties, obstacles, and sometimes even unfortunate reversals – to produce social change.

Despite these complex dynamics, the most significant moment is when different social actors appropriate human rights as a tool for social, political, and cultural change. It is worth examining advances made by various social movements, as evidence of these transformations in process. Among others, it is worth highlighting the women's movement; the indigenous peoples' movement; that of lesbian, gay, bisexual, transgender, and intersex (LGBTI); and that of children and adolescents. In every one of these cases, progress is being made in the design and implementation of public policies that emphasize human rights.

REFERENCES

Bibliography and Other Sources

UNITED NATIONS. 1993. General Assembly. **Vienna Declaration and Program of Action**, UN Doc. A/CONF.157/23, Jul. 25. Available at: <http://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>. Last accessed in: March 2014.

Jurisprudence

CORTE INTERAMERICANA DE DERECHOS HUMANOS, 2012, **Artavia Murillo et al. (“Fertilización in Vitro”) vs. Costa Rica**. Available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_257_esp.pdf. Last access in: March 2014.

NOTES

1. The approval and proclamation of the Universal Declaration of Human Rights on December 10, 1948, marked a new paradigm by trying to build a global community that would agree on rules to protect people; it also became the basis of international human rights law for the twentieth and twenty-first centuries.

2. Visits to detention centers have been ongoing, with more than 90 site visits carried out by the Inter-American Commission on Human Rights in the past 40 years. See: <http://www.oas.org/en/iACHR/pdf/default.asp>. Last accessed in: March 2014.