

ESTRADA TRANK, Dorothy, *Nuevos horizontes en la protección internacional de los derechos económicos y sociales* (Tirant lo Blanch, Valencia, 2022, 218 pp.)

The book under review, *Nuevos horizontes en la protección internacional de los derechos económicos y sociales*, deals with a classic topic in international human rights law. It adds to the long list of academic works on the international protection of economic, social and cultural rights. It introduces, however, some novel issues, which have so far hardly been subject of interest in the doctrine: the practice of the ESCR Committee and the case of Spain as a prototypical case study.

Before analyzing these issues, it is striking that the title of the book only mentions economic and social rights, when precisely one of its novelties is the specific study of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Its justification is found in some introductory words of the author, when she stresses that her objective is to study a category of discrimination based on socioeconomic status. In her opinion “poverty and socioeconomic inequality, by themselves, are forms of structural vulnerability that place people at a higher risk of experiencing human rights violations” (p.18). The thoughts contained in the book are the result of a rigorous and critical analysis endorsed by Dorothy Estrada’s research.

The work is divided into six supposed chapters which follow a logical structure. Moreover, it contains an extensive bibliographic and documentary list and presents two final annexes, that graphically show the status of ratifications of both the legal instruments, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol.

The first chapter is a general introduction to the topic, its methodology and brings special attention to economic and social rights during the Covid-Pandemic (pp. 15-26). The second chapter analyses the historical and institutional context of international human rights law (pp.72-50). The third chapter focusses in the economics, social and cultural rights as human rights within United Nations Law in comparison with regional systems, that is European, Inter.-American and African law (pp. 51-100).

The fourth chapter is the central theme of the book (pp. 101-171). On the one hand, it studies the negotiation of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and its specific protection of ESC rights. In analyzing the system of individual communications that the Protocol introduces, the author gathers the main lines and interpretative contributions of the Committee on the scope of the rights guaranteed in the Covenant. On the other, the author decided to analyse the case study of Spain because of two reasons: 1) Spain is the State against which the majority of individual communications have been submitted to the Committee in relation to the right to housing and 2) Spain it is the first EU Member State committed to the effectiveness of the Covenant and the system of individual communications (pp. 156-171).

The case study of Spain is based on the idea that certain economic and social rights derive directly from certain fundamental rights recognized in the Spanish Constitution, even though they are not expressly recognized as such in our constitutional norm. Furthermore, Article 10.2 of the Spanish Constitution obliges all national authorities to interpret human rights in accordance with international human rights treaties signed by Spain. This obligation therefore affects all rights guaranteed in the International Covenant on Economic, Social and Cultural Rights.

The key is to be found, however, in certain national jurisprudence, which states that the difficulties in complying with the recommendations of the decisions of the United Nations bodies on the protection of rights, as in the case of the CESCR, and consequently establishes that such recommendations may serve as a basis for filing a claim against the State for negligence or for not having established a national mechanism to give effect to such rights. Undoubtedly, this interpretation appeals to the legislator for the establishment of the national mechanism for the implementation of economic, social and cultural rights, as understood in the International Covenant on Economic, Social and Cultural Rights.

Under the heading of “cross-cutting themes and future challenges” (*Temas transversales y retos prospectivos*), the fifth chapter focuses on gender equality and women’s socio-economic rights. Undoubtedly this chapter reflects once again Professor Estrada’s professional and personal commitment to defending the rights of women and girls against all types of discrimination. After a detailed analysis of the difficult situations of women’s rights in the various latitudes of the planet and how nuances of equal rights have been progressively introduced into the practices and laws of the States, Professor Estrada proposes that currently the question is no longer whether economic, social and cultural rights are justiciable, but rather how to materialize that justiciability (p. 193).

The twelve conclusions of the book are clear and suggestive. All of them are characterized by the idea of a close relationship between human rights, socioeconomic equality and social justice. The author defends that the main challenge of the current historical moment is to move from non-discrimination as a vehicle for the protection of ESCR to the reaffirmation and revitalization of ESCR from the proactive construction of equality and the solidarity policies. In her opinion, equality and solidarity find its foundation in international human rights law. From the analysis of the work of the CESCR, the author highlights that the cited Committee has opened new innovative lines of interpretation in relation to the right of housing and the Committee has adopted as well firm positions in relation to the obligation of States to observe the principle of reasonableness and proportionality in evictions (p. 199).

In order to address the effectiveness of the socioeconomic rights of the most vulnerable, the author recalls a comprehensive approach to these rights. She considers that, at the substantive level, a gender perspective should be included and at the methodological level, the inclusion of women in regulatory procedures and in the construction of public policies affecting poverty eradication, health, education and housing, among others, should be ensured too (p. 201).

The author concludes her book by briefly outlining some of the areas where public policies should be established from the prism of solidarity, economic equality and social

justice in order to protect the rights of the most vulnerable and, at the same time, safeguard the planet for present and future generations.

In short, we are before a remarkable work that demonstrates that it is possible to carry out a relevant analysis on the justiciability of economic and social rights if there is a solid conceptual framework on non-discrimination and due diligence in the protection of the most vulnerable that gives current shape and meaning to the socioeconomics rights of the Covenant.

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