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CHALLENGES FOR THE JUSTICIABILITY OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

A critical appraisal of Inter-American and European human rights
protection systems

EIUC
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ABSTRACT

The main objective of this study is to analyse the challenges for the justiciability of Economic, Social and Cultural Rights (ESCR) under the European and Inter-American human rights protection systems. The legal frameworks will be analysed as well as the arguments and methods of interpretation promoted by the responsible bodies trying to overcome obstacles to the effective protection of ESCR. The matter of justiciability of ESCR has gained and still is gaining increasing attention since the effective protection of the latter can improve the quality of life of those who need it most and drastically reduce poverty and social inequalities. Therefore, the relevance of this thesis lays in the assessment of the state of the art of the discussion on the justiciability of ESCR as reflected in academia and in the most recent case law of the bodies of the CoE and the OAS. Additionally, the thesis outlines a new way forward for developing a coherent approach to the autonomous justiciability of all ESCR.

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